Reconciling policy dissonance: patterns of governmental response to policy noncompliance

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Abstract   Noncompliance is most often understood in the public policy literature as a problem of implementation and enforcement. Yet, this perhaps normative focus misses the role of noncompliance as a source of policy change. To demonstrate this unexplored role, this study conceptualizes noncompliance and subsequent governmental responses as an *interactive, ongoing process*, in which noncompliance may gain social acceptance and governmental reaction changes over time. Manifestations of noncompliance in health (immunization refusal, needle exchange programs), education (homeschooling), policing (community police), drug use (decriminalization of marijuana) and urban services (community gardening) suggest that governmental reaction is a dynamic, developing process, constituting a series of responses influenced by social acceptance of noncompliance and by the latter's implications. Each response may take on one of four patterns of legitimization: embracement (legitimization), adaptation (reluctant legitimization), acceptance (implicit legitimization) and stricter enforcement (delegitimization). A more nuanced portrayal of the interaction between noncompliance and governmental reaction emphasizes a reciprocal relationship between policy makers and policy targets.

Keywords   Policy noncompliance · Policy change · Citizens–government relationship

> *For every action, there is an equal and opposite reaction*
> *The third law of motion, A. Newton*

Introduction

Although successful implementation of a policy aimed at changing individual behaviors requires compliance from those whose behaviors are targeted (Ayres and Braithwaite 1992;

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Bardach and Kagan 1982; May 2004, 2005a, b; Schneider and Ingram 1993; Weimer 2006), noncompliance has been rather ambiguously conceptualized (Weaver 2013). Targets of policy may be officials (Bardach and Kagan 1982), street-level bureaucrats (May and Wood 2003), private firms or public organizations (e.g., DeHart-Davis and Bozeman 2001; Edelman and Talesh 2011; Steurer 2010), states or countries (e.g., Haeder and Weimer 2013; Keiser and Meier 1996; Moynihan 2005), and individual citizens (e.g., Edwards 2006; Winter and May 2001). The latter are the focus of this study. Scholars often portray noncompliance as behavior inconsistent with or contravening a given policy's objectives, viewing targets' noncompliance with policy as an unwelcome response to the implementation of policy change. Often approached as an idiosyncratic behavior, noncompliance with policy is conventionally considered a "negative" response to policy implementation that public administrators are expected to address and correct (e.g., Baggott 1986; Bartfeld and Meyer 1994; Dickson et al. 2009; Hasenfeld, Ghose and Larson 2004; Hibbs and Piculescu 2010; Lawson and Xu 2007; May 2004, 2005a, b; Weimer 2006)——particularly when even rare instances of noncompliance can pose unacceptable public risks (Edwards 2006; La Porte and Thomas 1995). Scholars have devoted considerable attention to the implications of noncompliance (Bartfeld and Meyer 1994; Dickson et al. 2009; Hasenfeld, Ghose and Larson 2004), to targets' motivations to comply (e.g., May 2004; Tyler 2006; Winter and May 2001), and to mechanisms of compliance enforcement (Ayres and Braithwaite 1992; Grabosky 1995; Hasenfeld and Weaver 1996; May 2004; Porter and Ronit 2006; Weaver 2013; Weimer 1993).

How does government respond to noncompliance? By and large, governmental response varies (Raymond 2002) and involves *enforcement efforts* aimed at increasing targets' compliance, i.e., attempting to influence policy targets' behavior to bring it into line with current policy arrangements. In general, enforcement efforts comprise part of a "compliance regime," the formal instruments that the government employs in an attempt to increase compliance, or an "enforcement regime," the means by which the "compliance regime" is monitored and enforced (Weaver 2013). Socio-legal studies specifically suggest that government may ignore noncompliance if it is considered acceptable (e.g., Edwards 2006) and may react by over enforcement or under enforcement (Natapoff 2006). Various studies provide evidence indicating that incentives and information are often central to enforcement efforts (e.g., Calef and Goble 2007; Grabosky 1995; Hasenfeld and Weaver 1996; May 2004; Porter and Ronit 2006; Weaver 2013; Weimer 1993). To emphasize the importance of combining deterrence with cooperation, Ayres and Braithwaite (1992) suggested the well-known "responsive regulation," model based on implementation of a gradual sanctioning regime called the "enforcement pyramid." Likewise, Bardach and Kagan (1982) emphasize adaptation, responsiveness and co-production as parts of enforcement efforts.

Existing research therefore considers noncompliance and governmental response as an action–reaction model, and studies mainly focus on suggesting mechanisms to increase compliance. Governmental response to noncompliance practiced by individual citizens is rarely explored as a dependent variable (see as exceptional Natapoff 2006 and Raymond 2002). Rather, it is generally portrayed as the state exercising its power of enforcement, ignoring additional potential responses. To fill this gap in the context of individual citizens as policy targets, I seek to demonstrate that governmental response starts by attempting to change targets' behavior but then may evolve and change the government's own behavior either informally or formally, so that the hitherto noncompliant behavior may become officially legitimized. This argument accords with Raymond's (2002) "penumbral crimes," which suggests that "[w]idespread violation of some criminal laws leads to emphatic calls

for increased enforcement, while violation of other laws leads to vehement insistence that those laws should be modified to reflect how people actually behave" (Raymond 2002: 1395).

My argument has three elements. First, I conceptualize individual citizens' noncompliance with policy and the following governmental response as an ongoing interactive process (rather than a collection of isolated events of action–reaction), termed here *policy dissonance*. The conceptualization of noncompliance as an ongoing process echoes the recently proposed endogenous model, which suggests a bottom-up approach to compliance in the context of private firms as policy targets and considers it to be "a processual model in which organizations construct the meaning of both compliance and law" (Edelman and Talesh 2011:103; see also Edelman 2008). Referring to noncompliance as an ongoing process identifies collective aspects of noncompliance, as well as the significant role of social acceptance and social norms.

Second, individual citizens' noncompliance may reflect a shift in values, rather than a response to a specific policy. Hence, noncompliance may undermine the status quo at different points in time, and not just following the implementation of a new policy.

Third, enforcement is only one of four possible types of governmental response. Specifically, governmental response may reflect (a) *Embracement*, whereby formal policy is changed to encourage and incentivize the hitherto noncompliant behavior and therefore denotes legitimization. Embracement is discussed drawing on two well-known practices of community self-organizing, namely community policing and community gardening; (b) *Adaptation,* whereby formal policy is changed to legitimize and regulate such behavior. Although the new policy of this sort legitimizes the hitherto noncompliant behavior, it reflects an unfavorable attitude to this behavior; hence, it denotes reluctant legitimization. Adaptation is exemplified drawing on two well-known practices, namely homeschooling and recent marijuana legalization; (c) *Acceptance,* in which current policy is modified in an attempt to reduce harms of noncompliance, which denotes implicit legitimization. Acceptance is demonstrated drawing on two controversial practices, namely immunization refusal and needle exchange programs; and (d) *Enforcement,* which is well documented, as discussed previously, and denotes governmental attempts to delegitimize and dis-incentivize targets' noncompliance with policy. Importantly, the governmental response itself is not static, but may change over time.

I proceed as follows: In the first section, I review the literature on noncompliance, emphasizing the relatively ambiguous conceptualization of noncompliance, as well as the convention that governmental response aims at changing targets' behavior through enforcement. This review suggests that the literature overlooks the possibility that noncompliance may trigger a policy change. I next present *policy dissonance* as the interactive process of noncompliance and governmental response, cognizant of the conditions under which each pattern takes place. To demonstrate policy dissonance in practice, I analyze six case studies featuring noncompliance. I conclude with implications of this perspective for understanding policy change.

Policy noncompliance and governmental response

By definition, most public policies aim at altering targets' behaviors, by either forcing or enabling them to do things "they otherwise would not have done" (Schneider and Ingram 1993: 513). Accordingly, rarely do scholars explicitly distinguish between different types of noncompliance (Weaver 2013), and a tendency exists in the scholarship to view policy

noncompliance as a homogeneous phenomenon. In fact, it is often heterogeneous. It may be *direct*: behavior that involves breaking the law (e.g., not paying taxes); or *indirect,* in the form of a choice not to follow recommendations (e.g., not abiding by the recommended vaccination protocol). Noncompliance may be *active*, namely doing something different than what is expected by policy (e.g., driving faster than the speed limit), and may be *passive*, namely refusing a universal service (e.g., choosing to home school). By and large, policy noncompliance refers to behaviors in which targets are *aware* that they act in opposition to policy expectations (Cialdini and Goldstein 2004; Gofen 2012; May 2005a, b). Nevertheless, noncompliance may also indicate a more passive and *unaware* behavior, such as a refusal of social benefits or a waiving of rights, which also reflects an inconsistency between citizens' behavior and policy objectives.

The factors influencing policy noncompliance and targets' motivations to comply with policy have been well documented. Winter and May (2001) distinguish between three types of motivations and influences on compliance, namely (a) economic calculative motivations, which respond to deterrence and involve fear of sanctions; (b) social motivations, consensus and norms (see also Jones 2010; Lubell and Fulton 2008; Meier and Morgan 1982; Winter and May 2001); and (c) normative motivations, referring to the perceived effectiveness and trustworthiness of the government (Im et al. 2012; Levi and Sacks 2009), governmental and policy legitimacy (May 2004; Tyler 2006), and sense of identity with the regulator and the regulation itself (Braithwaite 1995). Additional sources of influence include awareness and capacity to comply within the context of individual citizens as targets (Winter and May 2001) and the influence of significant others (Culpepper 2005; Jones 2010).

Targets' noncompliance poses a significant challenge to policy implementers and designers. Much of the existing research on governmental response to noncompliance in the context of individual targets draws on evidence regarding targets' motivation to comply with policy, and accordingly suggests what government *should* or *could* do to diminish noncompliance. Traditionally, "enforcement has been based on a deterrent philosophy that assumes that increasing enforcement will increase compliance" (Winter and May 2001: 675). With the accumulation of evidence regarding the influence of social and normative motivations, as well as the limitations of sanctions and deterrence (e.g., Meier and Smith 1994), enforcement mechanisms have significantly changed. The seminal work of Ayres and Braithwaite (1992) on "responsive regulation" suggested a dynamic and gradual sanctioning regime. Applying a normative approach that builds on empirical studies, mainly in the context of organizations as policy targets, responsive regulation addresses noncompliance through an "enforcement pyramid," whose first stages involve significant attempts to encourage cooperative relationships between policy targets and regulators. Thus, responsive regulation, which has been widely implemented worldwide in different policy sectors, advocates the combination of deterrence and collaboration (Nielsen 2009) and " 'transcend[s]' both public interest-oriented calls for effective regulation of business and business-oriented calls for the dismantling of state-based regulation" (Parker 2013: 2). Responsiveness as a key component of enforcement is evidenced in several additional models of responsive regulation, such as "flexible enforcement," "tit for tat" regulatory enforcement and "creative" enforcement strategies (see Nielsen and Parker 2009 for a full discussion).

Scholars also suggest a more preventive approach to compliance enforcement, which shifts the focus from responding to noncompliance to attempting to prevent noncompliance during the preimplementation stage and during policy design (e.g., Fischlein and Smith 2013; Norberg-Bohm 1999). Specifically, they posit that policy should be designed so that

targets have the capacity to comply (e.g., Deery 2000; Winter and May 2001); that the architecture of policy choice would "nudge" policy targets toward specific choices (Thaler and Sunstein 2008); or referring to policy targets as co-producers, i.e., engaged in the provision of public services (Alford 2009; Alford and Speed 2006; see also Woods 2013). Considering targets to be co-producers shifts the focus from a top-down to a bottom-up approach to compliance, which is also reflected in the recent modeling of compliance among organizations as policy targets. For example, Gilad (2014) suggests that compliance is co-constructed by regulatory governmental administrative agencies and target organizations. Focusing on policy ambiguity, this approach suggests a more complex and dynamic conceptualization of compliance (Edelman 2005, 2008; Edelman and Talesh 2011). Rather than a dichotomy of compliance versus noncompliance, Edelman's "endogeneity" model considers compliance as a process whereby target organizations construct, institutionalize, interpret and influence the meaning of compliance and of the law. Moreover, Edelman and Talesh (2011) aptly argue for a more complex conceptualization of policy compliance and noncompliance, positing that "ambiguous… legislation led [policy targets] to create a variety of symbolic forms of compliance that … were incorporated into judicial opinions" (Edelman and Talesh 2011: 103). Hence, the way that policy targets interpret ambiguous policy influences the way policy is implemented and practiced. This understanding implies a reciprocal relationship between policy targets' interpretation of the law and the formal practice of the law. Importantly, these scholars consider noncompliance as a phenomenon occurring mainly in the context of organizational policy targets that operate within common institutionalized beliefs and norms. As mentioned, I focus on noncompliance among individual policy targets that operate within common social beliefs and norms. Such individual noncompliance may trigger an ongoing interactive process between individual targets and the administration through which new social norms are established and policy is changed.

Policy dissonance: an interactive process of individual targets' noncompliance and governmental response

As presented above, the existing literature tends to view noncompliance as either a reaction by policy targets followed by governmental enforcement efforts or as a process in which organizational policy targets are involved in constructing the meaning of compliance. Existing scholarship overlooks the possibility that noncompliance may contribute to policy change. Furthermore, individual targets' noncompliance with policy has mainly been explored as a sporadic collection of individual behaviors rather than as an interactive ongoing process involving collective action.

To allow for a more nuanced understanding of targets' noncompliance and its contribution to policy change, I consider noncompliance to be an ongoing, evolving process that I call "policy dissonance." Policy dissonance has been previously referred to as "instituting within the public sector a counterweight to its own existing policies and programmes in order to challenge and change them" (Bekele and Myers 1995: 48). I extend the concept of policy dissonance to capture conflict, incongruity and discrepancy not only between policies but also between existing policy and policy targets' behavior. As in cognitive dissonance theory, in which individuals strive for internal consistency and are therefore motivated to reduce dissonance and achieve consonance (Festinger 1962), policy dissonance motivates government to act in response and achieve less discrepancy between policy and targets' behavior. Accordingly, policy dissonance is triggered by targets'

noncompliance and comprises interactions among targets' behavior, social change and policy change.

Up to a certain level, noncompliance is often considered "acceptable deviance" (Edwards 2006). Nevertheless, noncompliance becomes meaningful when it gains social acceptance. While the current policy officially rejects particular noncompliant behavior, society and social norms might consider such behavior to be legitimate rather than deviant (see, for example, Raymond 2002). Policy dissonance therefore begins with individual targets not complying. Existing literature often considers this individual noncompliance to follow the implementation of a policy. At times, however, noncompliance may be practiced within a status quo of existing policy arrangements. For example, individuals may begin to utilize public land for community gardening without applying for permission or to homeschool despite a compulsory education law. Social acceptance of noncompliance is evidenced as additional targets practice the noncompliant behavior, while collectively struggling for formal legitimization of their noncompliant behavior. At first, increasing noncompliance might elicit initial enforcement and attempts to delegitimize the noncompliant behavior, as demonstrated in information campaigns spurred in reaction to the growing number of parents who refuse to immunize their children. Nevertheless, continued noncompliance increases the cost of compliance enforcement, especially when noncompliance transforms from a sporadic collection of individual behaviors into organized and "collective" noncompliance. For example, individual vigilantes are likely to receive very different responses than would organized neighborhood patrol watch members. Similarly, individual squatters are likely to receive different reactions than organized groups of squatters (see, for example, a discussion of governmental acceptance of organized common property regimes in Ostrom 1990). To enforce compliance on collective and organized noncompliance is rather costly—both financially and politically. In contrast, the organizational structure of collective noncompliance may potentially provide a mechanism for the authorities to regulate the noncompliant behavior. Hence, continued noncompliance accompanied with a relentless struggle for legitimization may elicit three additional governmental responses beyond enforcement. Each governmental response reflects a certain level of formal legitimization and a pattern of policy outcome: *embracement*, which reflects legitimization, *adaptation*, which reflects reluctant legitimization, and *acceptance,* which reflects implicit legitimization. Viewing noncompliance as an ongoing process and allowing a long-term perspective makes it apparent that noncompliance may trigger different governmental responses that involve policy change, as illustrated in Fig. 2. The following section discusses each dissonance pattern and the conditions under which each governmental response takes place.

Reconciling policy dissonance: patterns of governmental response to noncompliance

To demonstrate how the theoretical argument about the role of targets' noncompliance in policy change is applied in practice, my analysis draws upon six manifestations of policy noncompliance, on the basis of theoretical sampling (Eisenhardt 1989), whereby particular instances of noncompliance are examined to refine ideas, develop emergent themes, assess their adequacy and relevance, identify conceptual boundaries and elaborate on the various manifestations (Charmaz 2006). Over the course of the past few years, I have been maintaining a database of all cases of noncompliance that I encounter in the professional literature and in daily newspaper reviews. From this list, I have eliminated cases to which the government responded with enforcement (e.g., noncompliance with child support

payments). Then, among the remaining cases—those that were followed by a governmental response other than enforcement—I selected the particular cases to be studied and discussed here according to a few considerations: First, each of the cases reflects a behavior on the part of policy targets that began as noncompliance, gained social acceptance and triggered governmental response other than enforcement. Second, to provide a rich and nuanced portrayal of noncompliance as an ongoing process, I have selected cases that have gained at least some degree of social acceptance. Third, I chose cases from a broad range of policy domains to demonstrate that noncompliance may contribute to policy change in various fields. Lastly, to suggest that policy dissonance is a wide phenomenon, each manifestation of noncompliance took place in several countries. My discussion of these cases attempts to present the interactive, ongoing processes of noncompliance, social acceptance and collective voice in the struggle for legitimization, alongside the governmental responses to each. To discuss the evolution of policy dissonance and the pattern of its reconciliation, each case is presented to demonstrate three aspects: (A) noncompliance
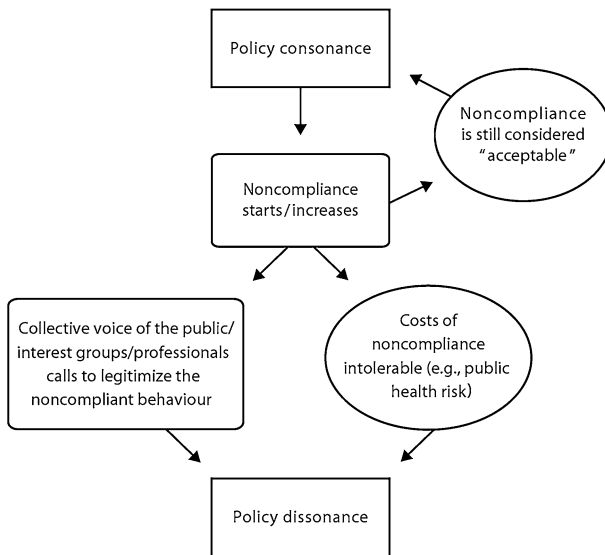

Fig. 1 From policy consonance to policy dissonance

Table 1 Reconciling policy dissonance: patterns of governmental response to noncompliance

| Attitude Formal legitimization	Acceptance	Discouragement
Yes	*Embracement* Full legitimization	*Adaptation* Reluctant legitimization
	Community police; Community gardening	Decriminalization of Marijuana; Homeschooling
No	*Acceptance* Implicit legitimization	*Enforcement* Delegitimization
	Immunization refusal; Needle exchange programs	Tax evasion; Traffic laws
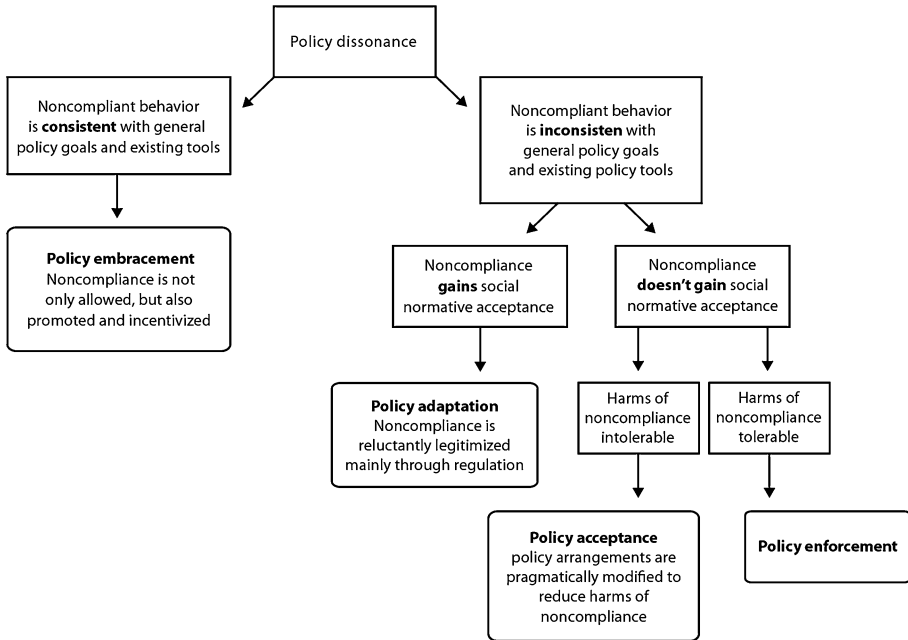
Fig. 2 Patterns of policy dissonance reconciliation

with existing policy which increases among policy targets; (B) policy dissonance in which either social acceptance significantly conflicts with formal policy or costs of noncompliance are intolerable (see Fig. 1, which suggests indicative examples of policies); and (C) government changes policy to reduce dissonance (see Table 1; Fig. 2).

Policy embracement

Policy embracement takes place when the noncompliant behavior is consistent with general policy goals and existing policy tools. If government sees value in the noncompliant behavior, it might not only allow it, but also change policy to promote and incentivize this behavior. To some extent, embracement is the inverse response to enforcement, whereby the government promotes the approach suggested by the noncompliant behavior. Manifestations of policy embracement are difficult to track, as often they are not preceded by a conflict or a struggle. Policy embracement is demonstrated by drawing on the cases of self-defense initiatives (whereby citizens band together to patrol and prevent street crimes) and community gardening (whereby residents utilize public land for community purposes, without applying for formal approval).

Urban community gardens

Urban community gardens are born of the initiatives of local residents, who band together to cultivate a garden on public land, either collectively or in neighboring individual plots (Dow 2006; Teig et al. 2009).

A. *Noncompliance emerges* Introducing an alternative form of utilizing public spaces (Hamilton 1997), when first reemerging in the 1990s, community gardening reflected

targets' noncompliance with contemporaneous policy in at least two ways. First, community gardens often involve residents taking over public spaces, and more generally demonstrate a continuous battle over public space and public space use (Hess 2009; Emmett 2011). Second, community gardening initiatives challenge the status quo of the municipality as having sole responsibility for local planning and for public gardening provision.

B. Social acceptance and policy dissonance Evidences indicate that local community garden initiatives flourished in recent decades worldwide, as documented in the United States (Kurtz 2001), Canada (Hamilton 1997), Australia (Kingsley et al. 2009), and the United Kingdom (Holland 2004). Moreover, as community gardening has gained social acceptance, it served as a driving force by both providing substantive sources of information and supporting new groups (Lawson 2005). In fact, community gardening turned into one of the most prevalent forms of urban agriculture, for example, in the United States and Canada (Armstrong 2000; Corrigan 2011; Hamilton 1997; Wakefield et al. 2007). Evidence exists for the social acceptance of community gardening, whose local contributions include helping to foster a sense of community security (Waliczek and Zajicek 1996) and self-efficacy (Travaline and Hunold 2010), advancing green urban areas, localizing food production, and increasing food security (Hall 1996; Kurtz 2001), health and nutrition (Alaimo et al. 2008; Armstrong 2000; Heim, Stang and Ireland 2009). Social acceptance is also evidenced in the adaption of community gardening by environmental, economic and social justice movements as a means of promoting sustainability, particularly in poorer inner-city neighborhoods (Dow 2006; Heiger-Bernays et al. 2009).

C. Reconciling policy dissonance through policy change Local governments' formal embracement of community gardening practices is apparent in their responses to local initiatives. Often, community garden initiatives turn to local government for formal recognition and assistance, in an attempt to grow and remain stable (Hamilton 1997; Hayden-Smith 2007). Although challenged by the noncompliant initiatives, in the United States, a vast majority of gardens have gained the support of local authorities, and numerous organizations have been established to assist in the formation and operation of community gardens (Lawson 2005). Furthermore, although the relationship between community gardens and local governments is complex, and although these gardens reflect intense political struggles over urban lands (Hess 2009), local and federal support has been essential in establishing this practice. In fact, governing authorities have supported intermediary organizations, provided municipal representation (Chisholm 2008; Wekerle 2004; Schukoske 1999), and even initiated community garden programs—such as the federal Urban Gardening Program in the United States (1975) and numerous other programs worldwide (Armstrong 2000; Crane et al. 2013; Schukoske 1999). Hence, a practice that began, in essence, as noncompliant land use has led to policies involving active governmental participation and even promotion of the general idea reflected in urban community gardens.

Community policing

Community policing groups are local initiatives of citizens who mobilize to take an active role in keeping public safety.

A. Noncompliance starts Following their dissatisfaction with increasing incidence of crimes and with police failure to keep order or security for the citizens (Farrell et al. 2002; Marx and Archer 1971), self-defense groups started to mobilize in an attempt to take an

active role in law enforcement: "[c]ommunity crime prevention has emerged as a major *alternative* and supplement to the criminal justice system" (Rosenbaum 1988, p. 323, emphasis added). Specific examples include The Maccabees, which was organized by ultraorthodox Jews in Jewish areas in New York in 1964 following increasing incidence of crimes, especially toward women and children (Johnson 2011), and The Self Defense Guard, which was mobilized in North Carolina in 1956 to protect community members from the violence of the Ku Klux Klan (Farrell et al. 2002). In many ways, self-defense initiatives manifest vigilantism; therefore, they reflect noncompliance with fundamental principles of public safety and law enforcement in Democracy.

B. Social acceptance   It is evidenced by the significant increase in the number of self-defense groups. For example, groups similar to the Self Defense Guard have been mobilized throughout the United States "affirming citizen commitment to offer protection and security in neighborhoods when the police refused to perform their duties" (Farrell et al. 2002, p. 367). An additional example refers to patrol groups who were motivated to co-produce with local police, which in the 1960s emerged in many urban neighborhoods to fight street crime (Johnson 2011). From this fast and spreading increase in mobilization of self-defense groups (Farrell et al. 2002; Rosenbaum 1988), *policy dissonance* emerged, especially due to continuous concerns over vigilantism (Johnson 2011).

C. Policy change to reconcile policy dissonance   At first, the proliferation of community policing partnerships during the 1980s (Farrell et al. 2002) followed local initiatives of citizens rather than a formal policy change. Gradually, citizens' initiatives for community-oriented crime prevention planted the seeds for the community policing movement, and citizen neighborhood patrols have turned into community policing programs, such as Neighborhood Watch (Garofalo and McLeod 1988). Thousands of such programs have served as the "backbone of the Nation's community crime prevention effort" (Garofalo and McLeod 1988, p. 1), shifting to a perspective of co-production in public safety provision (e.g., Bayley 2002).

Both community gardening and community policing began as practices inconsistent with existing policy instruments, but neither violates the general norms that guide the selection of current policy tools. These initial manifestations of noncompliance empowered individuals to act as co-producers of service providers (Osborne 2009). Specifically, community policing introduced collaboration with the police (Skogan 1975; Johnson 2011), in which citizens replaced specific functions of public safety provision while the professional authority of government is not undermined. Similarly, by regulating and supporting community garden initiatives, local governments retain their planning authority, while allowing residents to decide upon the kinds of crops and garden design. Analysis of these two cases suggests that under conditions of social acceptance, correspondence of the practice with current policy instrument norms, and reflecting a participative approach, policy behaviors that are noncompliant are likely to be embraced.

Policy adaptation

Another form of policy change is *adaptation*, which often takes place if target's behavior, although noncompliant with policy, does not violate social norms. Adaptation denotes that the government officially legitimizes the noncompliance, mainly through regulation. The adaptation route usually follows a lengthy process whereby policy targets, while practicing noncompliance, relentlessly advocate the legitimacy of their noncompliant behavior, both

individually and collectively. The government, on the other hand, struggles to delegitimize the noncompliant behavior. Analysis suggests that such a struggle will probably take place when noncompliance involves risks to the public and undermines professionalism. Nevertheless, if noncompliance gains social acceptance and accords with social norms, the government is "defeated" and legitimizes the hitherto noncompliant behavior. Because the formerly noncompliant behavior remains dissonant with broad policy goals, although it is officially legitimized, this legitimization is reluctant. Reluctant legitimization is optional when the noncompliant behavior remains relatively unorthodox and marginalized.

Homeschooling

Homeschooling refers to education of children within the home setting independent of formal schooling.

A. Noncompliance re-emerges   Homeschooling virtually disappeared with the adoption and enforcement of compulsory education laws in the United States by the early twentieth century (Ross 2010). This practice was considered deviant to public education, especially when it first emerged as a publically known phenomenon in the 1980s. For example, homeschooling parents in 1983 were reported as "taking the law into their own hands" in the United States (Stevens 2003, 3). Even homeschooling parents themselves refer to their choice as "a socially unorthodox route to child rearing" (Divoky 1983: 397). Homeschooling reflects noncompliance with public education, as it violates the fundamental compulsory education law.

B. Social acceptance and policy dissonance   Homeschooling has gained social acceptance, as demonstrated by the significant increase of homeschooled children in many Western democracies. In the United States, Canada, the United Kingdom and Australia, homeschooling has grown exponentially as an educational option (Meighan 1995). Yet given its challenge to the fundamental basis of public education, homeschooling remained largely illegal for many years, and parents who opted for it were exposed to legal liability. The Homeschooling Movement in the United States was founded in the late 1970s and rapidly grew into a mass movement that leveraged its collective voice (McDowell and Ray 2000) in an attempt to have homeschooling recognized as a legitimate alternative to formal education.

C. Policy dissonance reconciliation   This collective noncompliance, accompanied by an intense collective voice to legitimize homeschooling, resulted in court decisions, which prompted statutory reforms and later precipitated a judicial revolution, so that by 2000, homeschooling had become legal in many of the states in the United States, and many state laws were changed to require school districts to provide some services for homeschooled children, including specialized courses (Cooper and Sureau 2007). Importantly, although officially legitimized, homeschooling is still considered to undermine the basis of traditional public education by rejecting governmental involvement in education (Lubienski 2003; Gaither 2009). Hence, although policy was changed to allow and regulate homeschooling, the general attitude toward homeschooling remains one of alienation.

Decriminalization of marijuana

A. Noncompliance increases   Until recently, apart from a few exceptional countries (e.g., the Netherlands and Australia), possession and personal use of marijuana has been considered a criminal offense which involves arrest (Pacula et al. 2002; Reuter 2010). In the

United States for example, the federal marijuana policy begun in 1973 (Marijuana Tax Act) became more and more restrictive through the years by escalating both the penalties and fines for both the possession and sale of narcotics in general, marijuana included (Khatapoush and Hallfors 2004).

Marijuana policies had been widely enforced, as evidenced by the large number of arrests, even for simple possession of marijuana, for example, in Switzerland, Austria and the United States (see Reuter 2010 for a full discussion). Hence, marijuana possession has been reflecting a direct violation of the law, manifesting a clear cut example of policy noncompliance. Importantly, although marijuana use has been "institutionalized in American culture" (Kaplan et al. 1986: 44), it is often considered a deviant behavior (Akers 2009; Kaplan et al. 1986). The removal of cannabis from standard pharmaceutical reference texts in the United States and the explicit legal prohibition of medical use of marijuana in 1970 (Pacula et al. 2002) further demonstrate marijuana use as deviant behavior.

B. Social acceptance and policy dissonance   During the 1960s and 1970s, recreational use of marijuana had been expanding among middle-class and upper-class Americans (Pacula et al. 2002). Worldwide, and especially during adolescence, recreational use of marijuana has been considered common practice (Jacobus et al. 2009; Kaplan et al. 1986). Recent evidence further demonstrates the significant increase of social acceptance of marijuana use, with the emergence of "cannabis social clubs" (for example in Belgium, Germany and Spain). These clubs reflect collective efforts to grow and distribute recreational marijuana through cooperative arrangements (Reuter 2010).

Numerous studies that explore trends, characteristics and outcomes of marijuana use, as well as recent policy changes, further demonstrate the heated debate about recreational marijuana use, politically (e.g., Cohen 2009), socially (e.g., Dingelstad et al. 1996) and professionally (e.g., Caulkins et al. 2012; Earleywine 2002). Extensive efforts have been invested in attempts to legitimize marijuana use. One prominent example in the United States is the petition that was submitted, in 1972, to classify marijuana as legitimate for medical use. Only after more than two decades of court battles, the United States court of appeals rejected this petition (Pacula et al. 2002).

C. Policy dissonance reconciliation   Policy adaptation of personal use of marijuana is evidenced in the widespread recent tendency to implement "changes in law that significantly reduce the extent of criminalization of marijuana use" (Reuter 2010: 1). Varied mechanisms decriminalize marijuana possession for personal use. For example, in a few states in the United States (such as California, Colorado, Oregon and Washington) policy adaptation started through the legalization of marijuana for medicinal purposes, which de facto legalized marijuana for recreational purposes (Pacula et al. 2002). Specifically, "[T]he Compassionate Use Act affords growers and distributers some protection against prosecution and allows patients to buy marijuana without fear of being arrested or fined" (Anderson and Rees 2014: 222). Other countries, such as Italy, Spain and Portugal, legalized a small amount of possession (Reuter 2010), and others, such as the United Kingdom, changed marijuana classification so that its possession is no longer an arrestable offense (see Reuter 2010 for a full description). Recently, both Washington (Washington Initiative 502) and Colorado (Colorado Amendment 64) legalized the sale of small amounts of marijuana as well.

Although policy changes have been implemented to formally legitimize recreational marijuana use, these changes clearly reflect reluctant legitimization, i.e., legitimization which explicitly signals that this practice is undesirable, to say the least. Reluctance is reflected in the fact that all countries (except for The Netherlands) did not remove all penalties. For example, in specific states of the United States which decriminalized marijuana for recreational use, the criminal status of marijuana possession remains in effect (Pacula, Chriqui and King 2003; Pacula et al. 2005). Moreover, concurrent policy changes escalate the sanctions for selling and dealing marijuana (Reuter 2010). Reluctance is also evidenced in the inconsistency between federal law and local laws, for example, in the United States and Germany (Reuter 2010). In fact, both Colorado and Washington have legalized the production and commercial distribution of marijuana for recreational purposes despite the fact that it is still prohibited under federal law. Hence, although policy has changed to allow limited marijuana possession and use in some places, the general attitude toward it remains one of alienation.

Both homeschooling and marijuana use violate fundamental governmental norms and contradict the underlying goals of public education and drugs policy, respectively. Furthermore, both noncompliant practices undermine professional—educational and medical—authority. Consequently, the government had initially invested enforcement efforts against these practices, through both information campaigns and punitive sanctions. Nevertheless, as policy targets relentlessly struggled for legitimization, and as noncompliance in these realms gained social acceptance, policy changes have been introduced to regulate these practices. Importantly, however, even once permitted and regulated, current policy continues to alienate such practices, and continued governmental efforts are made to delegitimize them through information campaigns, such as governmental publications regarding the risks inherent in marijuana use.

Policy acceptance

If policy targets are not amenable to enforcement efforts and noncompliance continues to spread, government may respond pragmatically by modifying policy arrangements to reduce harms of noncompliance, termed as *acceptance*. While the noncompliant behavior is not formally legitimized, de facto, this response reflects acknowledgment as regards the widespread occurrence of the noncompliant behavior as well as an implicit legitimization of this noncompliant behavior. Acceptance often manifests through changes which accompany enforcement efforts, such as needle exchange programs and personalization of immunization protocol.

Toddlers' immunization refusal

A. Noncompliance increases   To achieve protective immunity from disease, which is considered a common public good, routine and universal childhood vaccination programs have long been implemented as a key element of public health policies worldwide. After a few decades in which a vast majority of parents followed immunization protocol, in recent decades, a significant increase in the rate of non-vaccination of toddlers has emerged, for example in the United States (Diekema 2009; Gust et al. 2008), Canada (Rodal and Wilson 2010), the United Kingdom (Samad et al. 2006; Tickner, Leman and Woodcock 2010) and Israel (Weisblay 2008). As Rodal and Wilson (2010, 43) aptly summarize, "[t]he anti-vaccination movement has recently come into the mainstream."

B. Social acceptance and policy dissonance Only rarely is vaccination compulsory, as is the case in the United States. In many Western democracies, immunization policy is designed and implemented as a recommendation, from which parents can opt out. Nevertheless, waiving toddlers' immunizations reflects noncompliance with significant implications for public health, and the decline in uptake rates of some vaccinations has led to concerns about the resurgence of disease (Smailbegovic, Laing and Bedford 2003). Prominent evidence of the social acceptance of non-vaccinations is reflected in the opposition to vaccinations by health professionals (Leask and McIntyre 2003). Policy dissonance is also reflected in the controversy as regards how to address this phenomenon: "[p]ublic health officials and experts are no longer united in their understanding of anti-vaccination sentiment, or in their sense of how it should best be dealt with" (Blume 2006, p. 640).

C. Policy dissonance reconciliation To increase compliance and protect public immunity, governments have undertaken numerous enforcement efforts, mainly through information tools, to convince parents to vaccinate their offspring. If information fails to increase compliance, how do governments reconcile policy dissonance that results from public health concerns? A recent study indicates that the Israeli government, for example, responded to non-vaccination by informally changing the current implementation rather than enforcing it (Gofen and Needham 2014). Specifically, in an attempt to minimize the resultant public health implications of non-immunization, the strictly standardized protocol of toddlers' immunization has been informally personalized, mainly through the introduction of flexibility in vaccination timing and the option of splitting up common bundles of shots. This response can be characterized as a pragmatic one that is implemented despite the lack of any change in the formal policy, which continues to require a standardized unified program. Similar findings which suggest that the very standardized protocol of toddlers' vaccinations should be personalized in an attempt to increase compliance is also evident in the United Kingdom and Sweden.

Needle exchange programs

Needle exchange programs refer to facilities where intravenous drug users can return used injecting equipment and receive sterile needles and syringes.

A. Noncompliance increases Recent decades have shown a significant increase in the spread of AIDS among intravenous drug users throughout the world (Bluthenthal 1998). In the United States, for example, in the late 1980s, injecting drug users comprised nearly one third of AIDS patients (Vlahov and Junge 1998). Despite accumulating evidence that syringe exchange programs may reduce the harm associated with drug use, these programs have been denied federal funding by law in the United States (Bluthenthal 1998), mainly on moral grounds (e.g., Centers for Disease Control and Prevention 2007; Kirp and Bayer 1993). Specifically, opponents suggest that such programs legitimize drug use and undermine authority and the 'War on Drugs' (Dempsey 1997; Lane et al. 2000). Furthermore, prescription laws in the United States "restrict the possession, distribution, or sale of injecting equipment" (Lurie et al. 1993, p. 3). Hence, not only drug use but also needle exchange programs reflect direct policy noncompliance. In 1986, the first needle exchange program was publicly initiated by Jon Parker, who was arrested several times for violating prescription laws (Lurie et al. 1993). Despite these strict regulations, gradually, new needle exchange programs were initiated, and it was estimated that in 1997 more than

100 needle exchange programs were active throughout North America, of which half were illegal (Vlahov and Junge 1998).

B. Social acceptance and policy dissonance   Some evidence reflects the social acceptance of needle exchange programs. First, as mentioned, illegal programs were initiated, while their members were subject to prosecution under paraphernalia or prescription laws (e.g., Burris et al. 1996). Second, scholars have made intense attempts to overturn the ban on syringe exchange (Lurie et al. 1993), presenting research findings that emphasize the benefits of needle exchange programs and that they do not encourage drug use (Heimer et al. 1993; Hurley, Jolley and Kaldor 1997; Vlahov and Junge 1998). Such efforts to legalize exchange programs have been referred to as a social movement (Bluthenthal 1998). These scholars relentlessly argued that the main difficulty in preventing AIDS among intravenous drug users lies in "convincing governments that intervention is necessary, can be successful, and is cost effective" (Stimson 1996: 1098). Lastly, the persistent civil disobedience approach to needle exchange programs has succeeded in making it a prominent public issue (Lurie et al. 1993).

C. Policy dissonance reconciliation   Acceptance of needle exchange programs started with two strategies that bend the federal laws, namely "syringe exchanges have been directly or indirectly authorized by amendments to or judicial interpretations of drug laws, have been exempted from those laws by state administrative action… under claims of legality based on local interpretations of state public health and/or drug law that have not been reviewed by a court" (Burris et al. 1996, p. 1162). Additional evidence of formal acceptance is the retrospective legalization and funding from local government of programs that were initially illegal and underground (Lurie et al. 1993). Additionally, in the 1993 Department of Labor, Health, and Human Services, and Education, and Related Agencies Appropriation Act (1993), which, while prohibiting funding for distributing sterile needles for any illegal drug use, suggested considering scientific evidence regarding the effectiveness of these programs (see Bluthenthal 1998 for a full review). Currently, there are over one hundred legal needle exchange programs operating throughout the United States (Gent 2000), and at the end of 2002, exchange programs were implemented in approximately 36 states (Centers for Disease Control and Prevention 2007).

Despite this abundance of needle exchange programs, the use of intravenous drugs remains strictly illegal. Therefore, needle exchange policies reflect a pragmatic response to the increasing harms (particularly HIV infection) caused by drug injections. Beyond merely enforcing criminal sanctions against those involved in drug use, these policies attempt to decrease the damage caused by noncompliance.

Both non-immunization and the spread of AIDS among intravenous drug usage significantly affect public health. In an attempt to minimize negative consequences of noncompliance, policy tools are modified in response to these persistent phenomena. Such changes in services, even if informal and focused on a small target group, reflect modification of policy tools that challenges the logic of the current policy but nevertheless supports all policy aims.

Conclusions

Three contributions emerge from this analysis. The first is that policy noncompliance and governmental reaction should be conceived of as an interactive, ongoing process rather

than as a collection of individual behaviors followed by enforcement efforts. Shifting away from the static action–reaction approach allows a more nuanced understanding of how policy targets' noncompliance may evolve from a collection of individual behaviors into collective action that aims at legitimizing their noncompliance, and how government's reaction may start with enforcement efforts but may ultimately change to acknowledge or legitimize the hitherto noncompliant behavior.

Second, and relatedly, governmental response to noncompliance does not always involve enforcement, i.e., exercising power to change targets' behavior so as to align with current policy arrangements. Specifically, governments may legitimize the hitherto non-compliance behavior. I have identified three levels of legitimization: complete legitimization (encouraging the formerly noncompliant behavior), reluctant legitimization (allowing the behavior but defining it away) and implicit legitimization (seeking to minimize the negative consequences of noncompliance through means that involve occasionally turning a blind eye to the noncompliant behavior). Importantly, suggesting that noncompliance may trigger a policy change echoes Streeck and Thelen (2005) and Streeck (2009) who emphasize the role of rule takers in institutional change and demonstrate that this change may be triggered by rule bending or creative compliance.

Third, theories of policy change often portray the role of policy targets in policy change either as rather passive, or manifested through voice mechanisms. Specifically, individual citizens as policy targets may voice their policy preferences and articulate their ideas for policy solutions through agenda setting (Kingdon 1995), through participation in decision-making processes (Moore 1995), through building or participating in coalitions of supporters (Sabatier and Jenkins-Smith 1999), through providing information and shifting attention (Jones and Baumgartner 2005) and through co-production (Alford 2002). Individual policy targets may also influence policy indirectly: through practicing exit, i.e., replacing the service provider following their dissatisfaction (Hirschman 1970). However, the possibility that policy targets may trigger policy change through *practicing* noncompliance generally has been overlooked (see also Gofen 2012, 2013). This study suggests that noncompliance with policy occasionally fosters responses from policy implementers that reshape how policy is implemented. Moreover, policy noncompliance that develops into dissonance may trigger a process of policy change, contrary to the implicit convention that noncompliance is a response to policy change. Reconceptualization of noncompliance and governmental response as policy dissonance that may be reconciled through four patterns of policy change has helped to uncover an additional role of noncompliance in the process of policy change, and shifts the focus from policy targets as *reactive* to policy change implementation to policy targets who occasionally *force* policy change. Policy noncompliance is often portrayed as behavior that is *inconsistent* with a specific existing policy. Nevertheless, as this analysis has shown, policy noncompliance may manifest a new solution to a public problem, namely *innovation*. This outcome is especially feasible if noncompliance gains social acceptance and evolves into policy dissonance. Cases discussed in this study demonstrate, for example, that noncompliance may manifest an innovative co-production approach, in which citizens are engaged in public service provision, such as community policing and community gardens. Suggesting that noncompliance may manifest innovative policy ideas undermines the authority of government. Nevertheless, it offers a new source for policy solutions, given the many similarities that noncompliance shares with *entrepreneurship*. Both entrepreneurship and noncompliance denote innovation, risk taking, a creation of new opportunities and questioning of the status quo. Like entrepreneurship, policy dissonance involves refusal to take "no" for an answer while struggling for legitimization. Importantly, entrepreneurship may be practiced

collectively as a self-help mechanism (de Soto 1990). Thus, policy noncompliance should not be considered merely as a problem to be solved, but rather as a potential contribution to the development of new ideas and new opportunities that will advance the public good.

To further understand the phenomenon of policy dissonance, future research is required in order to determine whether other patterns exist; which patterns prevail under various circumstances and why; and what might be the consequences of policy dissonance for the development of policy instruments, for citizen–government relations and for policy dynamics.

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