

Are great expectations in Bonn and Berlin dashed in North Rhine-Westphalia and Baden-Wuerttemberg? Findings from a content analysis and a QCA of 30 case studies on the implementation of the German federal immission control law

Nicolai Dose, Daniela Strümgmann

Abstract: Guided by an analytical framework consisting of standard explanatory variables and non-standard ones like intensive negotiation processes of give-and-take, we strive to explain implementation failures and successes in the German immission control law field. Based on a thorough content analysis and a Crisp-Set Qualitative Comparative Analysis (csQCA) of 30 cases, we conclude that the failure and success of the implementation are explained by different combinations of explanatory variables. All in all, as one finding, the explanatory power of negotiations is underscored. Moreover, variables like a measure's lack of technical feasibility contribute to explaining implementation deficits. In contrast, implementation success is furthered by a combination of non-discretionary legal provisions, non-redistributive policies, and an integrated structure of public administration. If discretion is given and redistributive policies are to be implemented, highly intensive negotiation processes can help to achieve implementation success. The research contributes to implementation and compliance research and, to a lesser extent, to the street-level bureaucracy literature.

Keywords: Implementation research, Compliance, Negotiations with Public Administration, Street-level Bureaucracy, Qualitative Comparative Analysis (QCA)

Werden die großen Erwartungen in Bonn und Berlin in Nordrhein-Westfalen und Baden-Württemberg zunichte gemacht?

Ergebnisse einer Inhaltsanalyse und einer QCA von 30 Fallstudien zum Vollzug des Bundes-Immissionsschutzgesetzes

Zusammenfassung: Unter Rückgriff auf einen Analyserahmen, der aus Standard-Erklärungsvariablen und weiteren, induktiv gewonnenen Variablen wie intensiven Verhandlungsprozessen des Gebens und Nehmens besteht, werden Implementationsdefizite und -erfolge beim Vollzug des deutschen Bundes-Immissionsschutzrechts erklärt. Auf Grundlage einer gründlichen Inhaltsanalyse und einer Crisp-Set Qualitative Comparative Analysis (csQCA) von 30 Fällen kommen wir zu dem Schluss, dass Misserfolg und Erfolg des Vollzugs durch unterschiedliche Kombinationen von Erklärungsvariablen erklärt werden können. Insgesamt, so ein wichtiges Ergebnis, wird die Bedeutung von Verhandlungsprozessen für den Implementationserfolg unterstrichen. Allerdings tragen auch Variablen, wie eine mangelnde technische Machbarkeit einer behördenseitig verlangten Maßnahme zur Erklärung von Vollzugsdefiziten bei. Umgekehrt wird der Umsetzungserfolg durch eine Kombination aus strikten gesetzlichen Bestimmungen, nicht-redistributiven Maßnahmen und einer integrierten Struktur der öffentlichen Verwaltung gefördert. Wenn Ermessens- und Beurteilungsspielräume

gegeben sind und redistributive Policies vollzogen werden sollen, können hochintensive Verhandlungsprozesse zum Umsetzungserfolg beitragen. Die Studie leistet einen Beitrag zur Implementations- und Compliance-Forschung sowie in einem geringeren Maße zur Street Level Bureaucracy-Literatur.

Schlagwörter: Implementationsforschung, Compliance, Verhandlungen mit der öffentlichen Verwaltung, Street Level Bureaucracy, Qualitative Comparative Analysis (QCA)

1 Introduction

As widely known, implementation research began with realising that a law or a program can only make a difference when appropriately implemented. Too often, the expected effects of a program have been destroyed during the implementation stage. Jeffrey Pressman and Aaron Wildavsky's seminal book *Implementation* is a classic of the implementation literature that demonstrates substantial implementation deficits. Its subtitle – “How great expectations in Washington are dashed in Oakland” (Pressman & Wildavsky, 1973) – is probably the most cited phrase indicating policy failure. Since then, a host of studies have been conducted on the topic. While these were single case studies initially, the aspiration developed to draw more general conclusions about the causes of implementation deficits. Different approaches have been followed to achieve this aim. Renate Mayntz and her collaborators tried to gain generalisable knowledge by structuring the field of research along the lines of different kinds of programs such as regulatory, incentive, or information programs (Mayntz, 1980, pp. 5–7; see the contributions to Mayntz, 1983a). While additional variables affecting a program's outcome have been discussed (Mayntz, 1980, pp. 7–8), they have not yet been integrated into a sound conceptual framework. Due to the overly strong emphasis on the program category, the theoretical yield of the research alliance led by Mayntz was exciting but, at the same time, limited (Mayntz, 1983b, p.9). Second- and third-generation approaches of implementation research strive to more systematically explain implementation deficits, or rather a successful implementation of policies, by referring to a list of explanatory variables (Van Meter & Van Horn, 1975, pp. 462–478; Sabatier & Mazmanian, 1980, pp. 540–553; O'Toole, 1986, pp. 184–189 with a list of variables from more than 100 studies viewed as important; Brynard, 2009, pp. 558–561). Finally, third-generation approaches are characterised by using more rigorous methods and, therefore, by the greatest possible economy in the number of variables used. Thus, implementation theory became parsimonious again. However, Harald Sætren and Peter Hupe (2018, p.553) rightly observed that the advances have been “less than one could hope for”. This sceptical assessment sharply contrasts the necessity to avoid policy failure, which is increasingly recognised by governments (Hudson et al., 2019, p.2). This underlines the practical as well as the scientific relevance of doing more systematic research in the field. However, recently, there have also been studies of environmental policy implementation referring to a theoretical framework for analysis and making use of a qualitative comparative analysis (Guo, 2023; Jiang et al., 2024). Next to this kind of real third-generation studies, we still find studies with a focused or, one might say, limited conceptional perspective relying on a small number of cases that are compared conventionally (Aarnoudse et al., 2019) or those