The Conditions of Effective Implementation: A Guide to Accomplishing Policy Objectives

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Although most studies of policy implementation have been very pessimistic about the ability of important statutes actually to achieve their objectives, there have been a few success stories. The authors first identify five conditions conducive to effective implementation and then suggest a number of strategies available to legislative and other policy formulators for overcoming deficiencies in one or more of these conditions.

The capacity of public policy to alter social behavior is a complex process that should be seen in historical perspective. In any specific policy area, the basic policy orientation often remains fairly constant over time, with change coming in small increments as a result of adjustments made by relevant agencies, interest groups, and legislative committees. In this paper, however, we examine the con-

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1. In such cases, policy implementation is relatively unproblematic, as change is incremental and there is a high degree of consensus among the

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ditions under which a statute or other major policy action (such as an appellate court decision) that seeks to alter significantly the historical evolution of policy can actually achieve its objectives.

The bulk of the literature on policy implementation that has developed over the past decade is generally quite pessimistic about the ability of important policy initiatives actually to effect the desired social changes. Studies of Title I of the Elementary and Secondary Education Act of 1965, efforts to create jobs in Oakland, California, under the Public Works and Economic Development Act of 1965, the 1970 Clean Air Amendments, the New Towns In-Town program, and the Comprehensive Employment and Training Act (CETA) of 1973 have all concluded that these programs have had only very limited success in achieving their stated objectives.\(^2\) In fact, a recent review of federal social programs suggests that such programs must be altered to fit within the constraints of local political systems if they are to be implemented at all.\(^8\)

On the other hand, some federal statutes—most notably the 1966 Voting Rights Act and the 1964 Civil Rights Act—have been effectively implemented.\(^4\) In addition, a recent study indicates that the California legislation creating the Bay Conservation and Development Commission has been quite successful in drastically reducing the historical trend of dredging and filling in San Francisco Bay.\(^5\)


\(^5\) Gerald Swanson, “Coastal Zone Management from an Administrative Perspective: A Case Study of the San Francisco Bay Conservation and Development Commission,” Coastal Zone Management Journal 2 (1975): 81–102. For another example, see Robert Johnston, Seymore Schwartz, and
CONDITIONS OF EFFECTIVE IMPLEMENTATION

Clearly some programs are much more able than others to fulfill their legal mandates. The purpose of this paper is to identify and explain a set of five (sufficient and generally necessary) conditions under which a policy decision that seeks a substantial (non-trivial) departure from the status quo can achieve its policy objectives. Recognizing, however, that all of these conditions are probably seldom met in practice, we also suggest a number of strategies available to legislators and other policy formulators for overcoming specific deficiencies. Our objective throughout the paper is to maximize the congruence among policy objectives, the decisions of the implementing agencies, and the actual impacts of those decisions.

The paper is addressed to two different audiences: scholars interested in developing a general theory or conceptual framework of the implementation process (in which respect our work builds upon the earlier efforts of people like Van Meter and Van Horn, Bardach, Hargrove, Williams, and Berman), and policy formulators (such as legislators) and their staffs who wish to estimate the implementability of various policy alternatives and to understand the manner in which they can structure the implementation process so as to maximize the probability that statutory objectives will be attained. For this purpose, it is important that the proposed framework provide not only a clear understanding of what is crucial but also distinguish those factors under the control of policy formulators from those over which policy formulators have only a very limited influence.

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One final introductory note: We feel that the literature on policy implementation has become unduly fragmented, both between types of policies—with some authors limiting their scope to social (distributive) programs, while others are concerned only with regulatory policies—and between types of policymaking institutions, with very little integration between studies of the implementation of legislative and judicial decisions. While such fragmentation can be partially attributed to scholars' traditional caution concerning the generalizability of their conclusions, it is nevertheless inimical to the heuristic value of comparative studies and to the norm that theories should apply to as wide a range of phenomena as possible. Therefore we shall throw modesty to the wind and argue that our framework applies to all governmental programs that seek to change some target group's behavior, either as an end in itself or as a means to some desired end-state. At the very least our framework applies to traditional regulatory programs governing private behavior, attempts to change the behavior of private actors through the conditional disbursement of funds, and attempts to change the behavior of field-level public officials (such as school boards, teachers, police) through legal directives or the conditional disbursement of funds. Moreover, although our focus throughout is on the implementation of statutes, the framework also applies to appellate court decisions.8

THE CONDITIONS OF EFFECTIVE POLICY IMPLEMENTATION

It is our contention that a statute or other major policy decision seeking a substantial departure from the status quo will achieve its objectives under the following set of conditions:

1. The program is based on a sound theory relating changes in target group behavior to the achievement of the desired end-state (objectives).
2. The statute (or other basic policy decision) contains unambiguous policy directives and structures the implementation process so as to maximize the likelihood that target groups will perform as desired.

3. The leaders of the implementing agencies possess substantial managerial and political skill and are committed to statutory goals.

4. The program is actively supported by organized constituency groups and by a few key legislators (or the chief executive) throughout the implementation process, with the courts being neutral or supportive.

5. The relative priority of statutory objectives is not significantly undermined over time by the emergence of conflicting public policies or by changes in relevant socioeconomic conditions that undermine the statute’s “technical” theory or political support.

The conceptual framework underlying this set of conditions has been presented elsewhere in greater detail and is based upon a (proto) theory of public agencies that views them as bureaucracies with multiple goals that are in constant interaction with interest (constituency) groups, other agencies, and legislative (and executive) sovereigns in their policy subsystem.9

Before elaborating on each of these conditions, we should note that obtaining target group compliance is obviously much more difficult in some situations than in others. The greater the difficulty, the greater the legal and political resources that must be marshalled if compliance is to be achieved. In the terms of our framework, the required “strength” (or degree of bias) of the last four conditions is a function of several factors, including the amount of change required in target group behavior, the orientation of target groups toward the mandated change, and the diversity in proscribed activities of target groups. In other words, the greater the mandated change, the more opposed the target groups, and the more diverse their proscribed activities, the greater must be the degree of statutory structuring, the skill of implementing officials, the support from constituency groups and sovereigns, and the stability in socioeconomic conditions if statutory objectives are to be attained. Within this context, the set of five conditions should always be sufficient to achieve policy objectives. Moreover, each condition is probably

necessary if the change sought is substantial and requires five to ten years of effort; in easier situations, however, it may be possible to omit one of the last three conditions.

Condition 1: The program is based on a sound theory relating changes in target group behavior to the achievement of the desired end-state (objectives).

Most basic policy decisions are based upon an underlying causal theory that can be divided into two components—the first relating achievement of the desired end-state(s) back to changes in target group behavior, the second specifying the means by which target group compliance can be obtained. Both the “technical” and the “compliance” components must be valid for the policy objective(s) to be attained.

At this point, we are concerned only with the former (“technical”) component, as the remaining four conditions in our framework relate primarily to the latter. In particular, we wish to emphasize that target group compliance—and the costs involved in obtaining it—may be wasted if not correctly linked to the desired end-state. For example, the “technical” component of the theory underlying the 1970 Clean Air Amendments relates air quality levels back to emissions from various stationary and mobile sources (the target groups). It assumes that human activities are the major source of air pollutants and that pollutant emissions from various sources within an air basin can be related, via diffusion models, to air quality levels at specific locations. To the extent that nonhuman sources, such as volcanoes, constitute a major emission source or that little is known about pollutant interaction and transport in the atmosphere, target group compliance with legally prescribed emission levels will not achieve air quality objectives (or will do so only very inefficiently). Moreover, the administrative and other costs involved in obtaining

10. For related discussions, see Berman, “Macro- and Micro-Implementation,” p. 163; and Pressman and Wildavsky, Implementation, “Preface.” In principle, a valid technical component should (a) incorporate all major factors directly contributing to the problem within the purview of the program and (b) correctly relate each of these factors to the desired end-state(s). Leonard Goodwin and Phyllis Moen, for example, suggest that one of the major reasons for dissatisfaction with American welfare policy is that, at any point in time, it has addressed only a very limited subset of the factors affecting income disabilities and thus has had little effect on the overall problem (“On the Evolution and Implementation of Welfare Policy,” in Effective Policy Implementation, ed. Mazmanian and Sabatier).
compliance are likely to be resented—with a corresponding decline in political support for the program—to the extent that promised improvements in air quality are not at least approximated. In short, an invalid technical component has both direct and indirect effects on the (non)achievement of policy objectives.

We should note, however, that there are some programs for which target group compliance can be interpreted as the policy objective. In such instances, the absence of any explicit attempt to link target group behavior to some subsequent end-state means that the first of our five conditions would not apply (as the underlying “technical” component deals directly with that linkage). For example, the goal of desegregation policy in the South could be construed as the elimination of dual schools—in which case the compliance of local target groups (school boards) would be tantamount to successful implementation. Insofar, however, as the goal of desegregation was not simply the elimination of dual schools but also the improvement of black children's reading scores, the “technical” assumption that unified schools improve reading scores would have to be valid for the policy objective to be attained.

Condition 2: The statute (or other basic policy decision) contains unambiguous policy directives and structures the implementation process so as to maximize the likelihood that target groups will perform as desired.

This is the condition most under the control of policy formulators (such as legislators). Unfortunately, its importance has often been overlooked by behaviorally oriented social scientists. For these reasons, we will briefly examine its constituent parts.

(a) The policy objectives are precise and clearly ranked, both internally (within the specific statute) and in the overall program of implementing agencies. Statutory objectives that are precise and clearly ranked in importance serve as an indispensable aid in program evaluation, as unambiguous directives to implementing officials, and as a resource available to supporters of those objectives both inside and outside the implementing agencies.\[11\] For example,

11. For general discussions of the importance of unambiguous objectives as requisites of program evaluation and as political resources, respectively, see Leonard Rutman, ed., *Evaluation Research Methods* (Beverly Hills, Calif.: Sage, 1977), ch. 1; and Theodore Lowi, *The End of Liberalism* (New York: W. W. Norton, 1969).

We would like to suggest that the clarity and consistency of statutory ob-
implementing officials confronted with objections to their programs can sympathize with the aggrieved party but nevertheless respond that they are only following the legislature's instructions. Clear objectives can also serve as a resource to actors outside the implementing institutions who perceive discrepancies between agency outputs and those objectives (particularly if the statute also provides them formal access to the implementation process, such as via citizen suit provisions).

While the desirability of unambiguous policy directives within a given statute is normally understood, it is also important that a statute assigned for implementation to an existing agency clearly indicate the relative priority that the new directives are to play in the totality of the agency's programs. If this is not done, the new directives are likely to undergo considerable delay and be accorded low priority as they struggle for incorporation into the agency's operating procedures.\(^{12}\)

\(b\) The financial resources provided to the implementing agencies are sufficient to hire the staff and conduct the technical analyses involved in the development of regulations, the administration of permit/service delivery programs, and the monitoring of target group objectives be conceptualized along the following ordinal scale: (1) Ambiguous objectives. These include both meaningless injunctions to regulate "in the public interest" and mandates to balance potentially conflicting objectives—such as air quality and industrial employment—without establishing priorities among them. (2) Definite "tilt." This involves a relatively clear ranking of potentially conflicting, rather general objectives—such as to improve air quality even if it results in some unemployment. (3) Qualitative objectives. These involve a rather precise qualitative mandate—for example, to protect air quality so as to maintain the public health, including that of susceptible populations. Note that this qualitative objective is considerably more precise than that under a "tilt." (4) Quantitative objectives, such as to reduce automotive emissions from 1970 levels 90 percent by 31 December 1975. Clearly, the last objective constitutes a greater resource to proponents of change than the first.

compliance. Although this condition is fairly obvious, ascertaining what constitutes "sufficient" resources presents enormous difficulties in practice. As a general rule, however, a threshold level of funding is necessary for there to be any possibility of achieving statutory objectives, and the level of funding above this threshold is (up to some saturation point) proportional to the probability of achieving those objectives. Financial resources are perhaps particularly problematic in labor-intensive service delivery programs and in regulatory programs with a high scientific or technological component, where implementing agencies often lack the funds to engage in the research and development necessary to examine critically the information presented by target groups and, in some cases, to develop alternative technologies. 13

(c) Implementation is assigned to agencies supportive of statutory objectives that will give the new program high priority. Any new program requires implementing officials who are not merely neutral but also sufficiently committed and persistent to develop new regulations and standard operating procedures and to enforce them in the face of resistance from target groups and from public officials reluctant to make the mandated changes. 14

Thus it is extremely important that implementation be assigned to agencies whose policy orientation is consistent with the statute and which will accord the new program high priority. This is most likely when a new agency is created with a clear mandate after an extensive political struggle, as the program will necessarily be its highest priority and the creation of new positions opens the door to a vast infusion of statutory supporters. Alternatively, implementation can be assigned to a prestigious existing agency that considers the new mandate compatible with its traditional orientation and is looking for new programs. In addition to selecting generally sup-

13. This has, for example, been a substantial constraint on the acquisition of information concerning off-shore petroleum resources and in the development of low-emission motor vehicles. See U.S., Senate, Committee on Interior, Hearings on the Energy Information Act, 93d Cong., 2d sess., 1974; and Jacoby and Steinbruner, Clearing the Air, ch. 3–4.

portive agencies, a statute can sometimes stipulate that top implementing officials be selected from social sectors that generally support the legislation's objectives. Even if this cannot be done through legislation, legislative supporters can often play a critical role in the appointment of non-civil-service personnel within the implementing agencies.

In practice, however, the choice of implementing agencies and officials is often severely constrained. In many policy areas (such as education) there is little option but to assign implementation to existing agencies that may well be hostile or whose personnel may be so preoccupied with existing programs that any new mandate tends to get lost in the shuffle. In addition, most positions within any governmental agency are occupied by career civil servants who are often resistant to changes in existing procedures and programs and only moderately susceptible to the sanctions and inducements available to political appointees. In fact, the generally limited ability of policy formulators to assign implementation to agency officials committed to its objectives probably lies behind many cases of suboptimal correspondence of policy outputs with statutory objectives.

(d) The statute (or other basic policy decision) provides substantial hierarchical integration within and among implementing agencies by minimizing the number of veto/clearance points and by providing supporters of statutory objectives with inducements and sanctions sufficient to assure acquiescence among those with a potential veto. Surely one of the dominant themes in the implementation literature is the difficulty of obtaining coordinated action within

15. For example, several studies of state and regional land use agencies have shown that local elected officials are generally more likely than appointees of state officials to approve proposed developments—thereby suggesting that a land use statute can significantly affect the probable policy orientation of the implementing agency through the distribution of appointees from these two categories. See Edmond Costantini and Kenneth Hanf, *The Environmental Impulse and Its Competitors* (Davis, Calif.: Institute of Governmental Affairs, 1973), pp. 55–58; and Judy Rosener with Sally Russell and Dennis Brehn, *Environmental vs. Local Control*, mimeographed (Irvine: University of California, 1977).

any given agency and among the numerous semiautonomous agencies involved in most implementation efforts. The problem is particularly acute in federal statutes that rely on state and local agencies for carrying out the details of program delivery and for which some field-level implementors and/or target groups display considerable resistance toward statutory directives. Thus one of the most important attributes of any statute (or other basic policy decision) is the extent to which it hierarchically integrates the implementing agencies. To the extent the system is only loosely integrated, there will be considerable variation in the degree of behavioral compliance among implementing officials and target groups—as each responds to the incentives for modification within its local setting—and thus a distinctly suboptimal attainment of statutory objectives.17

The degree of hierarchical integration among implementing agencies is determined by the number of veto/clearance points involved in the attainment of statutory objectives and the extent to which supporters of statutory objectives are provided with inducements and sanctions sufficient to assure acquiescence among those with a potential veto. Veto/clearance points involve those occasions in which an actor has the capacity (quite apart from the question of legal authority) to impede the achievement of statutory objectives.18 Resistance from specific veto points can be overcome, however, if the statute provides sufficient sanctions and/or inducements to convince role occupants (whether implementing officials or target groups) to alter their behavior. In short, if these sanctions and in-


18. This is a slightly more restrictive notion of veto/clearance point than that used by Pressman and Wildavsky (Implementation, ch. 5). In calculating the total number of such points, one must add those involved in the development of general rules and operating procedures, in the disposition of specific cases, and in the enforcement of those decisions. One must also consider the possibility that implementing agencies are not given adequate legal authority to achieve mandated objectives. Thus any purely cooperative arrangements needed with other agencies must also be included in the number of veto points; in such cases, of course, the implementing agencies are likely to possess very few incentives to induce compliance, and thus the system can be said to be poorly integrated.
ducements are great enough, the number of veto points can delay—but probably never ultimately impede—behavioral compliance by target groups. In practice, however, the compliance incentives are usually sufficiently modest that the number of veto/clearance points becomes extremely important. As a result, the most direct route to a statutory objective—such as a negative income tax to provide a minimum income—is often preferable to complex programs administered by numerous semiautonomous bureaucracies.

(e) The decision rules of implementing agencies are supportive of statutory objectives. In addition to providing unambiguous objectives, generally supportive implementing officials, few veto points, and adequate incentive for compliance, a statute (or other basic policy decision) can further bias the implementation process by stipulating the formal decision rules of the implementing agencies. The decisions of implementing agencies are likely to be consistent with statutory objectives to the extent, for example, that the burden of proof in permit/licensing cases is placed on the applicant and that agency officials are required to make findings fully consistent with statutory objectives. In addition, a statute can assign authority to make final decisions within implementing institutions to those subunits most likely to support statutory objectives. Finally, when multimembered commissions are involved, the statute can stipulate the majority required for specific actions. In the case of regulatory agencies that operate primarily through the granting of permits or licenses, decision rules that make the granting of a permit contingent upon substantial consensus, such as a two-thirds majority, are obviously conducive to stringent regulation.

(f) The statute (or other basic policy decision) provides ample opportunity for constituency (interest) groups and sovereigns supportive of statutory objectives to intervene in the implementation process through, for example, liberal rules of standing to agency and judicial proceedings and requirements for periodic evaluation of the performance of implementing agencies and target groups. While a

19. For an example of the ability of sanctions to bring about behavioral compliance over the strong resistance of target groups (in this case, southern school officials), see Rodgers and Bullock, Coercion to Compliance, pp. 36–45.

statute can take steps to assure that implementing officials are generally supportive of statutory objectives and that the decision process involving implementing agencies and target groups contains few veto points, adequate incentives for compliance, and supportive formal rules, we nevertheless contend that implementing officials cannot necessarily be trusted to act in a manner consistent with statutory objectives. What is also required is constant oversight and intervention from supportive constituency groups and legislative (and executive) sovereigns.

A statute (or other basic policy decision) can take a number of steps to maximize the probability of such intervention. First, it can require opportunities for public input at numerous stages in the decision process of implementing agencies and even require that the agencies take positive steps to assure the participation of unorganized potential beneficiaries. Second, it can provide for liberal rules of standing to appeal agency decisions to the courts. For example, the citizen suit provisions of the 1970 Clean Air Amendments have been used on several occasions to compel the U.S. Environmental Protection Agency to carry out statutorily mandated provisions that it had failed, for one reason or another, to do. 21 Third, requirements for periodic reporting of agency performance to legislative and executive sovereigns and for evaluation studies by prestigious independent organizations (such as the National Academy of Sciences) are conducive to external oversight of the implementing agencies and probably to the achievement of statutory objectives. 22


22. While these mechanisms can increase the probability of favorable oversight, they are certainly not cure-alls. Evaluation studies by prestigious external sources are likely to aid implementation effectiveness because of the difficulties of agencies to evaluate critically their own programs (see Rodgers and Bullock, Coercion to Compliance, ch. 6, and Murphy, “Title I of ESEA,” pp. 42–44). Nevertheless, there are a wide variety of reasons why both agencies and legislatures conduct evaluation studies—only some of them relating to improving program performance (see Martin Rein and Sheldon White, “Policy Research: Belief and Doubt,” Policy Analysis 3 [Spring 1977]: 239–71).
In sum, a carefully formulated statute (or other basic policy decision) should be seen as a means by which legislators and other policy formulators can structure the entire implementation process and maximize the probability that the policy outputs of the implementing agencies and the behavior of target groups (whether outside or inside those agencies) will be consistent with statutory objectives. This requires, first, that they develop unambiguous policy objectives and incorporate a valid technical theory linking target group compliance with the desired impacts. In order to maximize the probability of such compliance, they should then assign implementation to supportive agencies, provide implementing officials with adequate financial resources, hierarchically integrate the implementation process through minimizing veto points and providing sufficient incentives to overcome resistance, bias the formal decision rules of implementing agencies, and provide opportunities for outsiders to participate in the implementation process and to evaluate accurately agency (and target group) performance.

But a statute, no matter how well it structures implementation, is not a sufficient condition for assuring target group compliance with its objectives. Assuring sufficient compliance to actually achieve those objectives normally takes at least three to five, and often ten to twenty, years. During this period, there are constant pressures for even supportive agency officials to lose their commitment, for supportive constituency groups and sovereigns to fail to maintain active political support, and for the entire process to be gradually undermined by changing socioeconomic forces. In short, while a statute can go a long way toward assuring successful implementation, there are additional conditions that must be fulfilled if its objectives are to be attained.

**Condition 3: The leaders of the implementing agencies possess substantial managerial and political skill and are committed to statutory objectives.**

As already indicated, legislators and other policy formulators can take a number of important steps—both in the drafting of a statute and in the subsequent appointment of non-civil-service personnel—to increase substantially the probability that the leaders of implementing agencies will be supportive of statutory objectives. In practice, however, statutory levers are often somewhat limited (except where creation of a new agency is feasible), and the process of appointing political executives is heavily dependent upon the wishes
of the chief executive and important legislators—several of whom may well not be committed to implementation of the basic policy decision. In short, the support of top implementing officials is sufficiently important and problematic to warrant being highlighted as a separate condition for successful implementation.

Moreover, policy support is essentially useless if not accompanied by political and managerial skill in utilizing available resources. Political skill involves the ability to develop good working relationships with sovereigns in the agency’s subsystem, to convince opponents and target groups that they are being treated fairly, to mobilize support among latent supportive constituencies, to present the agency’s case adroitly through the mass media, and so forth. Managerial skill involves developing adequate controls so that the program is not subject to charges of fiscal mismanagement, maintaining high morale among agency personnel, and managing internal dissent in such a way that dissidents are convinced they have received a fair hearing. 23

Finally, there is some evidence that maintaining high morale, commitment, and perhaps even skill becomes increasingly difficult over time. Innovative policy initiatives often attract committed and skillful executives to implementing institutions, particularly in the case of new agencies. But such people generally become burned out and disillusioned with bureaucratic routine after a few years, to be replaced by officials much more interested in personal security and organizational maintenance than in taking risks to attain policy goals. 24

Condition 4: The program is actively supported by organized


constituency groups and by a few key legislators (or the chief executive) throughout the implementation process, with the courts being neutral or supportive.

It is absolutely crucial to maintain active political support for the achievement of statutory objectives over the long course of implementation. If the first three conditions have been met, this essentially requires that sufficient support be maintained among legislative and executive sovereigns to provide the implementing agencies with the requisite financial resources annually, as well as assuring that the basic statute is not seriously undermined but instead modified to overcome implementation difficulties.

This seemingly rather simple requirement is, however, exceedingly difficult to accomplish, for a variety of reasons. First, the rather episodic issue-attention span of the general public and the mass media tends to undermine diffuse political support for any particular program among both the public and legislators. Second, there is a general tendency for organized constituency support for a wide variety of programs—including environmental and consumer protection, as well as efforts to aid the poor—to decline over time, while opposition from target groups to the costs imposed on them remains constant or actually increases. This shift in the balance of constituency support for such programs gradually becomes reflected in a shift in support among members of the legislature as a whole and the committees in the relevant subsystem(s). Third, most legislators lack the staff resources and/or the incentives to monitor program implementation actively. The exception is constituent

casework, which tends to be heavily skewed towards complaints. Without active political support from a few key legislators, implementing officials supportive of the program find it difficult to overcome the constant drumbeat of constituent complaints, as well as the delay and resistance inherent in implementing any program requiring substantial behavioral change (except in those instances where target groups support such change).

Despite these difficulties, the necessary infusion of political support can be maintained if two factors are present. The first is the presence of a “fixer” (or fixers)—that is, an important legislator or executive official who controls resources important to other actors and who has the desire and the staff resources to closely monitor the implementation process, to intervene with agency officials on an almost continuous basis, and to protect the budget and the legal authority of the implementing agencies.28 Except in very unusual circumstances, however, any particular “fixer” is unlikely to occupy a crucial position and/or to maintain an interest throughout the long process of implementation. This brings us to the second, and ultimately the most important requirement, namely, the presence of an organized supportive constituency (interest) group that has the resources to monitor closely program implementation, to intervene actively in agency proceedings, to appeal adverse agency decisions to the courts and to the legislature, and to convince key legislators that the program merits their active support.29 For the paramount advantage of any organization over an individual is continuity. If the supportive constituency is present, “fixers” can generally be found and/or nurtured.

28. Bardach, Implementation Game, pp. 268–283. For example, Bardach describes a case in which this function was ably performed with respect to an important 1967 mental health law in California by a legislator who was the ranking Republican on the California Assembly Ways and Means Committee, who was widely acknowledged as the legislature’s expert in this area, and who, moreover, viewed this legislation as the crowning achievement of his career. One might also cite the efforts of Senator Edmund Muskie with respect to federal pollution control legislation (see Bernard Asbel, The Senate Nobody Knows [Garden City, N.Y.: Doubleday, 1978]).

Programs involving intergovernmental relations, however, pose additional difficulties to the maintenance of political support. On the one hand, programs of intergovernmental “subordinates” (such as localities vis-à-vis states and the federal government) are often subject to revision and/or emasculation by superordinate units of government. Unless a program’s representatives occupy important positions at the superordinate level, there is little that can be done to maintain its legal (and sometimes financial) integrity. Conversely, superordinate levels are usually confronted with substantial local variation in political support for program objectives and, consequently, in the compliance of local implementing officials with program directives. While such variation can, in principal, be overcome if the superordinate statute provides very substantial incentives for compliance and sufficient financial resources to enable superordinate officials essentially to replace local implementors, in practice the system is seldom structured to that degree, and thus superordinate officials are forced to bargain with recalcitrant local implementors. The result is greater sensitivity to local demands and generally a suboptimal achievement of statutory objectives.

The discussion thus far has focused on the need for political support among the legislative and executive sovereigns of implementing agencies. But one must not neglect the courts. In most cases, the contemporary deference of most federal and state courts to agency decision making means that they play a rather minor role in the implementation process except on procedural issues and to assure con-

30. Probably the most extreme case is federal preemption of nuclear safety issues in power plant siting. For examples of the sometimes deleterious effects of new federal pollution control statutes on state programs, see Jones, Clean Air, ch. 8; and Harvey Lieber, Federalism and Clean Waters (Lexington, Mass.: D.C. Heath, 1974), ch. 7.

formity with explicit statutory directives. But courts strongly opposed to a given statute have the authority to emasculate implementation through delay in enforcement proceedings, through repeatedly unfavorable statutory interpretations, and, in extreme cases, by declaring the statute unconstitutional. On the other hand, there have been some instances where courts have substantially strengthened programs through favorable rulings. Given the enormous potential role of the courts, we argue that successful implementation of statutory objectives requires that they be either neutral or supportive.

Condition 5: The relative priority of statutory objectives is not significantly undermined over time by the emergence of conflicting public policies or by changes in relevant socioeconomic conditions that undermine the statute's "technical" theory or political support.

Change is omnipresent in most contemporary societies, in part because most countries are immersed in an international system over which they have only modest control, in part because policy issues tend to be highly interrelated. Pollution control, for example, is linked to energy, to inflation and national monetary policy, to transportation, to public lands, and to numerous other issues. As a result of this continuous change, any particular policy decision is susceptible to an erosion of political support as other issues become relatively more important over time. Obvious examples would be the effect of the Vietnam War and inflation on many Great Society programs and the effect of the energy crisis and inflation on pollution control programs. Change can also be so extensive as essentially


33. The locus and scope of judicial review can, however, be regulated by statute. For example, judicial review of the decisions of the Illinois Pollution Control Board is limited to the appellate courts and to rather narrowly defined procedural issues. See Elizabeth Haskell and Victoria Price, *State Environmental Management* (New York: Praeger, 1973), pp. 17–20.

34. One of the best examples is the effect of *U.S. v. Georgia* (1969) in accelerating southern school desegregation (see Rodgers and Bullock, *Coercion to Compliance*, ch. 2–3).

to undermine the technical assumptions upon which a policy is based, as when the migration of poor people from the South and Puerto Rico to northern industrial cities brought into serious question the ability of state and local governments to provide matching funds for welfare programs.

It is in responding to such changes that support for a particular program from key legislators, organized constituency groups, and implementing officials becomes crucial. If they are sensitive to the effects that changes in seemingly tangential policies and in technical assumptions have on "their" program, they can take steps to see that these repercussions are addressed in any new legislation.  

This concludes our discussion of the conditions of effective policy implementation. To recapitulate: A statute or other basic policy decision will achieve its objectives if (1) it incorporates a valid "technical" theory linking target group behavior to those objectives; (2) it contains unambiguous policy directives and structures the implementation process so as to maximize the probability of target group compliance; (3) the leaders of implementing agencies are supportive of those objectives and skillful in utilizing available resources; (4) the program is supported by active constituency groups and a few key legislators throughout the implementation process, with the courts being neutral or supportive; and (5) the program is not undermined by changing socioeconomic conditions. If all of these conditions are met, then any statute—no matter how ambitious—will be effectively implemented. In most cases, each of the conditions will have to be met if effective implementation is to take place; the exception would involve policies that seek only modest changes in target group behavior and/or in which target groups are amenable to mandated changes.

Throughout this discussion, however, we have been somewhat

36. An excellent example was the effort of Senator Muskie in resisting the efforts of the auto companies and utilities to use the energy crisis to emasculate the 1970 Clean Air Amendments.

37. In the case of special education reform in Massachusetts, for example, the ultimate target groups (teachers and other local school officials) were apparently generally supportive of the mandated changes in their behavior. This essentially eliminated the need for a very hierarchically integrated decision process, and the program was rather successfully implemented despite a decided lack of skill on the part of state implementing officials. Nevertheless, uncertainty concerning the adequacy of financial resources and the relative priority of special education in the total educational program created significant obstacles to effective implementation. See Weatherly and Lipsky, "Implementing Special Education Reform," pp. 171–97.
vague about the actual process of policy feedback and evaluation. Moreover, while the set of conditions should (at the very least) serve as a useful checklist to policy formulators and to scholars, it provides little guidance about what can be done when one or all of the conditions cannot in practice be met. If this paper is to serve as a useful guide to implementation analysis and assessment, it must at least briefly address these two topics.

POLICY FEEDBACK AND EVALUATION

Thus far our attention has been focused on the extent to which implementing agencies and target groups act in a manner consistent with statutory objectives and ultimately on the extent to which those objectives are actually attained. In this respect we have mirrored the focus on formal goals of much of the literature on implementation assessment and program evaluation.88

But if one is interested in the evolution of policy and particularly with the political feedback process, a much wider range of impacts (or outcomes) needs to be considered. Of particular importance are unintended impacts that affect political support for the program’s objectives. For example, any assessment of the implementation of school desegregation policy should be concerned not only with the amount of desegregation achieved but also with the effect of desegregation on “white flight” and ultimately on the amount of political and financial support for the public schools. Moreover, there is some evidence that political feedback is based primarily upon perceived, rather than actual, impacts and that policy elites evaluate a program not in terms of the extent to which it achieves its legal mandate but rather in terms of its perceived conformity with their policy preferences.89

The actual process of policy evaluation and feedback occurs con-
steadily on an informal basis as the implementing agencies interact with concerned constituency groups, legislative (and executive) sovereigns, and the courts. At periodic intervals, however, the process normally becomes more formal and politically salient as attempts are made to revise substantially the basic statute. For example, major efforts to amend federal air pollution control law seem to occur every three to four years. Some of these revisions can be attributed to continued resistance from affected target groups, while others can be traced to significant changes in relevant social and economic conditions. Whatever the source of proposed changes, it is important that supporters of the original objectives provide for independent evaluation studies to accurately assess the actual impacts of the program. Such systematic evaluation serves both to correct imperfections in program design and performance and to counteract the tendency for complaints to dominate the informal feedback process.

IMPLEMENTATION UNDER SUBOPTIMAL CONDITIONS

A frequently voiced criticism against both legislators and scholars is that they have been far more concerned with the passage of legislation than with its effective implementation. Over the past decade, however, a burgeoning interest in policy implementation and evaluation has occurred in the academic community. This has matched a corresponding shift of emphasis among legislators from the passage of major new policy initiatives to more effective implementation and oversight of existing programs. One of the principal purposes of this paper is to provide both communities an understanding of the conditions under which statutes (and other basic policy decisions) that seek to change the status quo can be effectively implemented—that is, can achieve their policy objectives.

Our discussion has shown that legislators and other policy formulators can go a long way toward assuring effective policy implementation if they see that a statute incorporates a sound technical theory, provides precise and clearly ranked objectives, and structures the implementation process in a wide number of ways so as to maximize the probability of target group compliance. In addition, they can take positive steps to appoint skillful and supportive implementing officials, to provide adequate appropriations and to monitor carefully the behavior of implementing agencies throughout the long
implementation process, and to be aware of the effects of changing socioeconomic conditions and of new legislation (even in supposedly unrelated areas) on the original statute.

In practice, of course, even those legislators and other policy formulators concerned with effective implementation operate under substantial constraints that make it extremely difficult for them to perform all these tasks. Valid technical theories may not be available. Imperfect information, goal conflict, and multiple vetoes in legislative bodies make it very difficult to pass legislation that incorporates unambiguous objectives and coherently structures the implementation process. Implementation must often be assigned to agencies that are not supportive of the policy objectives. Supportive interest groups and legislators with the resources to serve as "fixers" may not be available or may go on to other things over the long course of implementation.

Nevertheless, even under such suboptimal conditions, several steps can be taken at least to increase the probability of effective implementation.

1. If a valid "technical" theory linking target group behavior to policy objectives is not available or is clearly problematic, then the authors of the statute should make a conscious effort to incorporate in it a learning process through experimental projects, extensive research and development, evaluation studies, and an open decision process involving as many different inputs as possible.

2. If the legislature insists on passing legislation with only the most ambiguous policy directives, then supporters of different points of view can initiate litigation in the hopes of finding a court that will invalidate the law as an unconstitutional delegation of (legislative) authority. While not very promising, this strategy has been employed successfully at least once in a California case, with subsequent legislation providing much clearer guidance to the agency.41


41. In 1971 a California appellate court held the Forest Practices Act of 1945 unconstitutional on the grounds that it improperly delegated its law-making authority without adequate standards (Bayside Timber v. San Mateo
3. If implementation cannot be assigned to strongly supportive agencies, then it is absolutely crucial to provide for intervention by outsiders through citizen suit provisions, periodic reporting to sovereigns, evaluation studies by prestigious and relatively independent outsiders, and perhaps special legislative oversight committees.

4. If there are no active supportive interest groups with the necessary resources to monitor implementation carefully, then identification and mobilization of such a group must be a major priority of supportive legislators and implementing officials—as any program is doomed in the long run without one. While it is occasionally possible to create new organizations from scratch, a more feasible strategy is to convince an existing organization with the requisite resources to expand its program to make program monitoring a major responsibility.42

5. If a “fixer” is not readily available, then program supporters must make a major effort to find or develop one. This may involve convincing a competent new legislator to specialize in this area or convincing an existing legislator that constituents strongly support the program and thus require it being given higher priority. If legislators in the relevant committees having jurisdiction over the implementing agencies are apathetic (or, worse, hostile) toward the new program, then efforts should be made to reorganize committee jurisdictions or perhaps to create a special oversight committee with a program supporter as chairperson. Whatever the means, however, finding a “fixer” is of paramount importance for effective implementation.

In short, even if the conditions for effective implementation are not met at the time of the basic policy decision, policy formulators and other program supporters can still take a number of steps to approximate the ideal over time.

42. For an example, see Sabatier, “Social Movements and Regulatory Agencies,” pp. 310–17.