A Theory to Predict the Implementation of Reform Legislation

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INTRODUCTION

This paper presents a theory for predicting the implementation of legislation that alters the functioning of government bureaucracies. Such reform measures may include, for example, changing their target population, changing the disposition alternatives available to their practitioners, or shifting the locus of power and responsibility from one segment of the system to another. Examples of government bureaucracies are the criminal justice system, the welfare system and the mental health system. The theory was developed largely from a three-year assessment of a major juvenile justice reform bill in California, where it was used, with considerable success, to predict implementation and resistance to the law. Certain of its elements have also been successful in predicting efforts to introduce and pass corrective legislation in the years following enactment. Many (although not all) of the illustrations of the theory's concepts, therefore, will be drawn from this California experience.

Predictive frameworks proposed in the past (Van Horn and Van Meter, 1977; Berman, 1978; Baum, 1976) do not deal directly with reform legislation as defined here. Much of the literature on implementation is concerned with special projects, usually federally funded (Berman, 1978; McLaughlin, 1976; Pressman, 1978; Williams and Elmore, 1976; Friedman, 1976). Other writings are concerned with court decisions and their impact, focussing particularly on the United States Supreme Court (Dolbeare and Hammond, 1971; Baum, 1976; Johnson, 1979; Grossman & Grossman, 1971). Many of the principles that are the basis of

these studies, especially those that attempt to explain or predict implementation, are applicable to reform legislation as well. However, some are not, and features must be added that apply to reform legislation but do not apply to the other types of edicts, such as court decisions.

One major work that does address reform legislation (Miller, et al., 1977) analyzes the political process, the center of which is the state legislature. The political process discussed by Miller and associates is relevant to the implementation process, but is not centrally concerned with what happens at the practitioner's level. In addition, the Miller group's theory was primarily based on one of the most dramatic reforms ever undertaken within the criminal justice system in this country. Consequently, it was far more politicized than most reforms undertaken by legislatures. The current theory deals specifically with practitioner implementation of less dramatic reform legislation. While the theory would still apply in dramatic situations, political factors might well dominate the factors described here.

Three clarifications of emphasis should be made before describing the theory. First, it attempts to predict implementation at a general level: it is not concerned with the details of how each policy or provision is carried out on a day-to-day basis but with establishing policies and practices that respond, in a general way, to the prescriptions of the legislation. The level of generality referred to here will be illustrated shortly.

Second, this theory focuses almost entirely on practitioners' motivations to implement legislation that affects them. Certain features of legislation are identified that activate practitioner motivations on whether or not to comply. Except under extreme conditions, motivational factors are taken here to be the overriding factor in the implementation of legislation. Van Horn and Van Meter (1977) have identified a large number of factors, but even their very inclusive

model indicates that practitioner motivations (or dispositions, as they name them) are the single most central factor in implementation. Indeed, political conditions and organizational factors are shown acting through practitioner "dispositions" in addition to direct effects that both have on implementation. Baum (1976) further supports this idea by taking motivations of lower court judges as the prime mover in the implementation of Supreme Court decisions.

Third, adequate communication of the relevant legislation is assumed in this theory. Most analyses of implementation discuss clarity of communication at some length (Bardach, 1972; Van Meter and Van Horn, 1975; McLaughlin, 1976; Bunker, 1972; Baum, 1976; Dolbeare and Hammond, 1971; Pressman and Wildavsky, 1973; Williams and Elmore, 1976), and it is certainly important (Johnson, 1979) since no change is likely to occur in the absence of such communication. However, once information has been transferred, a new complex of factors comes into play that can be treated separately. This theory takes up at this point.

THE THEORY

The central tenet of this theory is that change is dependent upon the interests of practitioners. The practitioner must be motivated to make the change. This theory identifies three dimensions of legislation that relate to three areas of practitioner motivation: (1) Philosophical resonance/dissonance, (2) Mandate/non-mandate, (3) Incentives/disincentives. The first taps that area of motivation related to professional norms and values, and considers the degree to which legislation is consonant with them. The second, mandate/non-mandate, taps practitioners' fears of sanctions as a source of motivation. Where legislation is mandated, practitioners fears of reprisal come into play; where legislation is not mandated, there is less threat of reprisal. The third, incentives/disincentives, relates to the motivation of self-interest. Legislation can include provisions that use the motivation of self-interest to induce certain forms of implementation.

Baum (1976) arrived at three areas of practitioner motivation that are similar to those indicated here. He developed them in the process of applying organizational theory to the implementation of appellate court decisions by lower courts. While he dealt with dimensions other than motivation, the three dimensions relevant to this theory are (1) interests, (2) policy preferences, and (3) authority. Baum's "interests" are very similar to the dimension of "incentives/disincentives" in the current theory, but more types of incentives will be presented here than were useful to Baum. "Policy preferences" is similar to "philosophical resonance/dissonance" in the current theory. However, the focus of this dimension in this paper is on the professional philosophies or ideologies of the practitioners in question; Baum's "policy preferences" are less clearly defined and more idiosyncratic. Finally, Baum's "authority" is similar to "mandate" here, but it differs in that "authority" refers to practitioners' feelings of obligation to comply where "mandate" focuses on practitioners' fears of reprisal for not complying. However, Baum does take up the matter of the higher courts' influence on lower courts (including forms of sanctions) in a separate section.

While there are similarities between Baum's work and what is presented in this paper, the two efforts are not redundant for four reasons. First the dependent variables of this theory are different because there are more forms of implementation and evasion available to bureaucracies than to courts. Second, appellate courts have fewer (and different) methods of influencing subordinates' behavior than does a legislature. Third, this theory goes beyond Baum in the level of specificity of descriptions and predictions. Fourth, interaction effects among the independent variables are proposed here where only additive effects were hypothesized by Baum and others (Van Horn and Van Meter, 1977; Teilmann and Klein, 1980).

The theory posits additive effects of each of the three dimensions as well as multiplicative effects for all combinations. The columns and rows of Figure I are defined by these three dimensions of legislation. The cells of the figure contain abbreviated predictions of the level of implementation that can be expected under the conditions indicated by the column and row headings associated with the cells. Each of the three dimensions of legislation will be described separately and then their joint effects will be discussed.

PHILOSOPHICAL RESONANCE

Practitioners have opinions (philosophies) about how the clients of their organizations ought to be handled. These opinions constitute an important source of motivation for practitioners--particularly for professionals, who are described by Etzioni (1971) as moved by philosophical questions far more readily than those workers or others who participate only for concrete benefits.* Legislation can also be said to embody "philosophies". The crux of this dimension of the theory is the matter of to what degree legislative philosophies resonate with or are dissonant with the philosophies of practitioners who must implement the legislation. The hypothesis of this aspect of the theory is that to the extent that legislative philosophy is resonant with practitioner philosophies, implementation will be more likely to occur. It is also true that a single piece of legislation cannot necessarily be described by one philosophy. Rather, each provision of the legislation must be considered individually. This point will be illustrated below by the description of several ideologically conflicting provisions of California's 1976 juvenile court reform law.

*The importance of the distinction between professionals and other types of workers is part of what separates this analysis from analysis of factors contributing to policy implementation in settings involving the general public, private businesses, or bureaucracies that do not rely heavily on professional staff.

Three matters concerning philosophical resonance require clarification and elaboration. First, in my usage of the term, legislative philosophy refers to the manifest purpose of the legislation at a relatively abstract level. There is likely to be a finite list of philosophies of this kind for each substantive area of reform legislation. In the criminal justice area a list of legislative philosophies that would cover a large portion of legislation would be (1) increases or decreases in sanction severity, (2) increases or decreases in degree of control over clients, (3) more or less treatment or rehabilitation for clients, (4) due process, and (5) justice. A few illustrations of legislative philosophy would make the point more clearly than further discussion. Laws have been enacted that prohibit incarceration of status offenders (juveniles who have committed offenses not punishable for adults, such as running away or disobeying parents). The philosophy of this type of legislation can be described as an effort to diminish the control that the criminal justice system can exert over a group of clients (number 2 above). California's AB3121, a juvenile court reform law enacted in 1976, included such a provision. It also mandated the presence of the district attorney in all juvenile criminal cases, and that the D.A. decide what cases would go to juvenile court and which would not. In both matters the D.A. replaced the probation officer's former functions, and both can be interpreted as based on a legislative philosophy of more severe treatment for juvenile criminal offenders (number 1 above). Finally, as a treatment or rehabilitation philosophy in the same legislation (number 3) a series of its provisions encourages the probation officer to establish dispositions and services for clients that would serve as alternatives to traditional law enforcement and probation department actions.

The above examples of legislative philosophies indicate that target populations must be specified when using the concept of legislative philosophy. Rarely does reform legislation contain provisions that pertain to all population groups under

all circumstances. Further, legislation may apply to one segment of a target population but not another--a fact that might pass unnoticed if the target population had not been specified in expressing the legislative philosophy. Another common case is a situation where the legislation was implemented for the target population but was also "over-implemented" to another population not specified or implied by the legislation.

A second clarification concerns specification of the relevant practitioners in determining philosophical resonance. The degree of philosophical resonance can be determined for any group of practitioners, but it is more important to do so with some than with others since some are more central to implementation than others. Within this theory the practitioners most critical to implementation are those with the most pertinent power and responsibility. If the probation department is responsible for the implementation of a provision, it is the degree of philosophical resonance with probation officers' philosophy that is most critical. If it is the D.A.'s office that is responsible, then that group of professionals is of paramount importance in determining philosophical resonance. If implementation is dependent on more than one group of practitioners and there is philosophical disagreement between the two groups, overall philosophical resonance will be lower and implementation impeded. Where more than one practitioner group is responsible for implementation and they are in philosophical opposition to each other, other factors will come into play in determining the level of implementation. For instance, the relative power and/or discretion of the group may play an important role.

The third clarification follows from the preceding: how is the philosophy of a group of practitioners defined? Although one can almost always recognize variation within any group, there is usually an identifiable core of philosophy

associated with one group of practitioners or one profession that differentiates it from other groups in the same field. For instance, police are notable for their orientation toward punishment and deterrence compared to probation officers, who are more likely to express concern with treatment or rehabilitation. An attorney working for the district attorney is more likely to agree with a police officer at this level than with a probation officer. Police and prosecutors are often at odds but not usually at this philosophical level--practical issues are usually at the base of their disagreements. For purposes of this theory, practitioners and legislators can be characterized by philosophies in a similar manner using the same level of abstraction.

When there are splits in philosophical stances within a practitioner group, the subgroup most directly involved in the implementation of legislation is assumed to be the more critical for predicting implementation. Some splits in philosophy within practitioner groups can be traced to geographical location; for example, clients vary in type and number across jurisdictions; if they have no apparent need for severe treatment in some jurisdictions, the result is a differential relevance of certain aspects of traditional professional philosophy. In densely populated areas serious crime may be such a problem that probation officers there emphasize more punishment than treatment compared to their rural counterparts. The definition of the target(s) implied by a piece of legislation is, in this case, particularly important when classifying legislative philosophy. These concepts are likely to be useful in guiding decisions on where responsibility for implementation should be placed.

A particularly good example of the "appropriate" location of primary responsibility for implementation is the case of the replacement of the probation officer with the district attorney in juvenile court decision-making and case presentation. The philosophy behind this legislation was to increase the severity of the juvenile justice treatment of juvenile criminal offenders. The primary responsibility for carrying out this philosophy was with the district attorney, the practitioner (or organization) whose philosophy most "resonates" with the legislative philosophy.

A good example of non-resonance or dissonance is also found in AB3121. The provision to deinstitutionalize status offenders was prompted by a philosophy of decreasing system control over this type of offender. The practitioners charged with the responsibility for carrying out the legislation were probation officers, police officers and judges since all were involved in the decision to detain or incarcerate. Each of these professional groups can be said to have philosophical stances opposed to this action. Police usually feel that justice system control is needed as a deterrent to further offenses. Probation officers and judges are likely to feel the need for control (incarceration) for the purpose of treatment. In fact, this group of offenders is often thought to be most in need of additional control since their behavior is evidence of the failure of parental control.

Control, then, is at the heart of most practitioner philosophies on the treatment of status offenders, and authority to control was completely removed from the practitioners involved. The philosophical basis for dealing with status offenders was therefore removed, and, to a large extent, practitioners ceased to handle status offenders at all. This cessation might not have been a problem except that the legislation also made provision to extend voluntary treatment programs to status offenders (and others). Not surprisingly, such programs were not developed or used.

MANDATE

The "mandate" dimension refers to the degree to which legislation requires practitioners to make changes. Stated directly, the expected relationship between mandate and implementation is positive. The stronger the mandate the more likely that implementation of the provision will occur. Figure I shows this dimension as a dichotomy. Dichotomization is something of an oversimplification, although there is a clear and powerful distinction between an absolute mandate and anything

less. Legislation can vary in the degree to which it mandates the new or prohibits the old. This dimension ranges from mere authorization to encouragement to mandates with room for interpretation, to unequivocal mandates. Identifying the degree of mandate associated with a piece of legislation, however, involves more than the language of the law.

Visibility of an agency's conformity to the law is also important in defining the extent of real or perceived mandate. A legislative mandate is enhanced by high visibility, and there are several ways in which agency behavior can be visible. The most obvious is media attention, but few pieces of legislation get such attention, especially some time after enactment. One contributor to visibility is the official recording of agency behavior. Where actions and decisions must be reported and recorded fully a mandate must be taken more seriously by practitioners. For instance, accurate and complete records must be kept on all juveniles who are incarcerated in the juvenile justice system. The basis for their incarceration (charges) in the juvenile justice system are especially likely to be recorded. This fact increases the seriousness of any mandate to deinstitutionalize status offenders (or any other group of offenders).

Another component of visibility would be the number of cases applicable to the law. If there are only a few, visibility is likely to be low. If, however, a very large number are affected, visibility will be higher. An interesting example of this situation is found in Califonia mental health law. A court decision was recently made requiring court hearings on all involuntary commitments where such hearings previously had been at the discretion of the patient. This implies over 12,000 hearings, compared to under 900 hearings before the decision. Failure to comply with this order would be highly visible, a visibility that contributes to the seriousness of the mandate by increasing the probability of sanctions for failure to comply. Additionally, intra- and interorganizational communications

letters and memos) may also increase visibility and, therefore, the seriousness of a mandate.

The power of the mandate dimension posited in the theory as shown in Figure I is that implementation predictions are stronger with philosophical resonance (cells a through f) compared to philosophical neutrality (cells g through l) and philosophical dissonance (cells m through r), but within each category of philosophy a mandate strengthens implementation.

INCENTIVES

While philosophical resonance and mandate are important predictors, practitioner self-interest factors can powerfully influence the final outcome of implementation. Sufficient incentives can virtually guarantee some type of implementation (see cells a, d, g, j, m, p, in Figure I) although there may be some unwanted side effects where certain philosophical stances and degrees of mandate are present. This set of dimensions provides an important rationale for separating reform legislation implementation from such other policy sources as court decisions or innovations in other arenas. Courts are unable to provide some of the relevant incentives, or at least are unlikely to provide them. Since incentives are powerful forces for change, their inclusion makes this theory much different from those to predict implementation in arenas where incentives are not applicable. The incentive of money is a good example.

Money

Legislation can vary in how much funding (if any) is allocated to carrying out its provisions. Money can be an incentive to implementation, and its absence a disincentive. Since government agencies are characteristically under-budgeted (by their perceptions, at least), reforms are often viewed as unwelcome additional drains on the budget. Additional money associated with new policies, therefore, increases the probabilities of implementation, while the failure to provide funding

for new functions and duties impedes their adoption. Thus the California juvenile court reform law verbally encouraged the establishment of alternative services to clients, but since no funding was provided for the services, they were not increased. Yet the idea of additional services was quite resonant with the philosophy of probation officers, the practitioner group primarily responsible.

Discretion

Some legislation increases practitioner discretion over the lives of clients, other legislation decreases it. Sometimes discretion is taken from one group of practitioners and given to another. It is in the professional self-interest of practitioners (especially professionals) to have as much discretion available in decision-making as possible. It follows that, to the extent that discretion is decreased among a practitioner group, resistance from the group can be expected. If this group is completely removed from the process and no one must depend on it for any aspect of the handling of the target group of clients, then its resistance may be inconsequential. However, if the disempowered practitioners are still part of the processing of the target group, their resistance can be a problem.

An example of an increase in discretion is found in a legislative provision expanding the possible bases for waiving juveniles to adult court. It became possible to initiate a waiver hearing for juvenile offenders, based on the charged offense alone, in addition to pre-existing bases. The district attorney was empowered to make the decision of whether or not to have a hearing, and of course, could determine the charge as well. The district attorneys of several counties were disposed to use the new discretion liberally, thus fulfilling the legislative philosophy of meting out harsher treatment to serious juvenile offenders. The deinstitutionalization provision discussed above provides an excellent example of a decrease (removal) of discretion from the responsible practitioners.

Intra-Organizational Power

Some legislation provides opportunities for certain practitioners to increase their sphere of influence within their organizations (i.e., build empires). When implementation implies, demands, or allows such an activity, it is likely to be stronger than when such possibilities are not present. The juvenile court reform law, the major source of examples here, provides one. The provision to mandate the presence of the district attorney (or his deputies) in criminal hearings for juveniles facilitated the establishment of a juvenile division within the D.A.'s office. Upwardly mobile deputies proved eager to head such divisions and run them effectively. If there was a juvenile division within the D.A.'s office before the legislation, it very likely became significantly larger after the passage of the law.

Inter-Organizational Power

Legislation can provide both opportunities for empire building within an agency and inter-organizational power opportunities. Within systems certain agencies often have power over other agencies. Thus, in the criminal justice system, the district attorney's office has power over law enforcement because only cases acceptable for court filing by D.A. standards will go to court. Legislation can precipitate major shifts in such inter-organizational power arrangements or create new powers, and acquisition of new power can be a significant incentive for implementation. Thus, the juvenile court reform law not only created opportunities within the D.A.'s office, but caused a major shift of power from the probation department to the D.A. Before the law took effect, juvenile court filing decisions were made by the probation officer; such decisions are now made by the D.A., giving this office new powers over the probation department. Since the provision was intended to "crack down" on juvenile criminals (certainly resonant with the D.A.'s philosophy), the probabilities of effective implementation were increased by giving the D.A. this new power.

Procedure Complexity

This aspect of the incentive dimension might well have been named "paperwork." Anyone even vaguely familiar with organizations, especially government bureaucracies, is aware of both proliferation and resistance to paperwork, and to complex processing procedures. Increases of processing time or paperwork can evoke major resistance to new policies in any sphere, even in otherwise appealing reform legislation. Where such legislation implies much more time and paperwork it will likely be perceived as a drain on already thin resources.

COMBINATIONS

As stated early in the paper, philosophical resonance and mandate are the two fundamental dimensions of the theory on which the effect of incentives depends greatly. Figure I groups incentive conditions into three categories: "net incentives" refers to the situation where either there are one or more incentives and no disincentives or the incentives are stronger than the disincentives; "net disincentives" refers to the opposite; the third category is the situation where neither incentives nor disincentives are present apart from the influences of philosophical resonance or mandate.

Where legislation is philosophically resonant and is mandated, net incentives (cell a) are likely to result in over-implementation, especially in the form of target expansion; that is, the philosophy of the law will prevail but will be applied to populations not specified or implied by the law. An example of such a situation can be seen in a program with substantial funding to deinstitutionalize juvenile status offenders (not California's legislation) and to provide services for them. Not only were services provided to status offenders, but some enthusiastic practitioners were found canvassing neighborhoods for clients, bringing in many juveniles who had never had any contact with the juvenile justice system.

Under conditions that are similar except that there are disincentives to implementation (cell b), some implementation can be expected but evasions are also likely. An example of a situation likely to produce this result is another juvenile court reform law that mandated an initial diversion referral program for specific types of juveniles, with other types mandated into other dispositions. This was philosophically resonant with the practitioners of the system, but created a major reduction in their discretion, a disincentive. In such circumstances it is quite likely that practitioners will not always adopt the criteria specified in the law for judging what the disposition is to be, and will therefore take matters into their own hands on some occasions. Depending on the nature of the practitioners' disagreement, the juvenile might receive a more or a less serious charge than he/she would have if the law had not been so specific, or had left some discretion open to the practitioners.

Cell c represents the situation where practitioners are in philosophical agreement with the legislation, it is mandated, and there are not additional incentives or disincentives. Here implementation can be expected.

Cells d, e and f are all defined by philosophical resonance and a non-mandated condition. Under these circumstances, incentives (cell d) are likely to produce strong implementation, even over-implementation, as in cell a. Where there are disincentives (cell c), a status quo is likely to prevail, the disincentives cancelling the effect of the philosophical positive. Where there are neither (cell f), a status quo is also probable. This cell, however, is more sensitive than others to the situation that preceded the new law. If the prescribed new policy is philosophically resonant, chances are it has already been implemented in the past, thus predicting a (de facto) status quo, unless money was required to accomplish it. Thus, money (an incentive) would produce change (cell d), but under conditions of no incentives, no change will occur. The exception to this would be

if the practice or policy had been prohibited in the past but is now allowed, and does not cost a great deal of money (there are no incentives in this cell), in which case change or implementation would be expected. This is the only cell in the table so subject to this condition.

The next six cells to be discussed are characterized by philosophical neutrality; that is, practitioners have no strong opinions either way about the matter. Where the law is mandated and there are incentives (cell g) to implementation, implementation is highly probable. Where there are disincentives (cell h), minimal implementation is likely. Minimal implementation often takes the form of a reduced form of the prescribed practice, but compliance on paper. Johnson (1979) describes such a situation when a Supreme Court decision mandated full parole board hearings for all parole violators, technical and convicted. Previously, only one board member was necessary. Minimal implementation of this decision was accomplished by 1) establishing a policy that parolees could waive their rights to full-board hearings and 2) by interpreting "full board" to mean at least a majority of the board. When "full-board" hearings were requested by parole violators, a majority of the board conducted the hearing.

Where there are no incentives or disincentives under conditions of philosophical neutrality and mandated provision, implementation is probable.

Cells j, k and l all fall under the category of philosophical neutrality and non-mandate. Where there are incentives, implementation can be expected. Where there are disincentives, a status quo is presumable. Even where there are no disincentives or incentives (cell l), little change is probable.

The final series of six cells presents the situation of philosophical dissonance. Where the policy is not mandated but there are incentives to implement the policy, it is predictable that the resources that constitute the incentives will be used for purposes not intended by the law. Some jurisdictions will simply ignore the proposed

policy while others will take advantage of any additional resources available to implement policies more in line with their philosophies. Where there are no additional incentives or where there are neither incentives nor disincentives (cells n and o) the status quo will remain since there is no mandate.

Legislation that mandates practices philosophically dissonant to the relevant practitioners can be expected to produce problems under any circumstances. Where there are incentives (cell p), there will be minimal implementation and some target slippage; that is, the mandated practices will be applied to a population the practitioners consider more appropriate, while appearing to comply with the law. Where there are additional disincentives, minimal implementation will occur and there will be attempts to circumvent the law. An example of such circumvention is seen in the juvenile court reform law referred to several times in this proposal. The total deinstitutionalization of status offenders was philosophically dissonant with virtually all relevant practitioners, but it was mandated. There were also powerful disincentives in the form of the reduction in discretion and the loss of some organizational power. It was subsequently found that, in many jurisdictions, juveniles who would have been treated as status offenders in the past were relabeled as criminal offenders under the new law or were treated as dependent/neglected juveniles so that they could be incarcerated under other sections of the code. There is also some evidence that runaways were sometimes diverted to inpatient psychiatric hospitals for incarceration there. Where there are no incentives or disincentives, minimal implementation is probable.

An overview of the Figure reveals some general patterns. First, where law is mandated, some form of change or implementation is likely to occur, although sometimes with unwelcome by-products. Second, where philosophical resonance is present, stronger implementation is likely. Third, where there are incentives,

implementation is strengthened (sometimes too much). Fourth, where legislation is philosophically dissonant, trouble is probable. In summary, incentives can make the difference between status quo and implementation when the provision is philosophically neutral; where the change is philosophically resonant incentives can bring misuse of resources. Finally, mandate can mean the difference between implementation and non-implementation under conditions of philosophical resonance or neutrality, but under conditions of philosophical dissonance, it can bring evasions and circumventions.

SUMMARY

This discussion has made several points. First, while there is a growing literature on policy implementation and its prediction, some distinctions among types of policy and their sources need to be made. Factors that predict implementation of innovation or new processes in private organizations will not coincide entirely with factors that predict implementation of new federally-funded programs, and are not completely redundant with factors predicting changes of practice within an ongoing government agency. Similarly, factors predicting implementation of changes precipitated by a legislature, although they have many common features, do not completely coincide with the factors specified in court decision implementation literature; courts lack some of the potential incentives and disincentives available to legislatures and, as we have seen, incentives can be a powerful force in implementation.

Indeed, a central tenet of this theory is that motivation of the practitioners who are directed by reform legislation are of paramount importance in predicting implementation. Characteristics of legislation that tap these motives can be usefully divided into three categories: 1) philosophical resonance, 2) mandate, and 3) incentives. These three dimensions are similar, but not redundant with three dimensions used by Baum (1976) in his analysis of supreme court decision implementation by lower courts.

While each dimension of legislation is posited to have an individual, or additive, effect on the quality of implementation, dimensions are also likely to have unique effects in various combinations (multiplicative effects). Incentives can lead to over-implementation under conditions of philosophical dissonance. Mandates can mean the difference between implementation and status quo when there is philosophical resonance or neutrality, but can mean serious attempts at evasion and circumvention when the policy is philosophically dissonant to relevant practitioners. For maximum prediction, then, all three legislative dimensions must be considered individually and in combination.

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FIGURE I

THE QUALITIES OF IMPLEMENTATION THAT ARE PREDICTED BY COMBINATIONS OF PRACTITIONER INTERESTS

	Philosophical Resonance					
	Resonant		Neutral		Dissonant	
	Mandated	Not Mandated	Mandated	Not Mandated	Not Mandated	Mandated
Net Incentives*	[a] Overimplementation Target Expansion	[d] Strong Implementation, Some Target Expansion	[g] Implementation	[j] Implementation	[m] Misuse of Resources	[p] Minimal Implementation Target Slippage
Net Disincentives*	[b] Implementation with a Few Evasions	[e] Status Quo	[h] Minimal Implementation	[k] Status Quo	[n] Status Quo	[q] Minimal Implementation/ Circumvention
Neither Incentives* nor Disincentives*	[c] Implementation	[f] Status Quo unless Previously Prohibited and No $ is Required	[i] Implementation	[l] Status Quo	[o] Status Quo	[r] Minimal Implementation

*Dimensions of incentives/disincentives are: Money, Discretion Increase, Intra-Organizational Power, Inter-Organizational Power, and Procedural Complexity.

END