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Territory, Politics, Governance

ISSN: (Print) (Online) Journal homepage: https://www.tandfonline.com/loi/rtep20

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To cite this article: Eli Auslender (2023): A new direction or the same old road? Assessing refugee housing and integration policy governance in Berlin post-2016, Territory, Politics, Governance, DOI: 10.1080/21622671.2023.2222133

To link to this article: https://doi.org/10.1080/21622671.2023.2222133

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Published online: 03 Jul 2023.

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TERRITORY, POLITICS, GOVERNANCE
https://doi.org/10.1080/21622671.2023.2222133

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ABSTRACT

Does failure lead to change in governance structure? Market-based and decentred new public management (NPM) structures came into being off the back of perceived failures of direct state provision, and this paper explores whether the 2016 failure in refugee policy by the Berlin municipality under NPM-like structures led to the introduction of governance change. While existing scholarship tends to highlight innovation and flexibility within NPM networks, this paper shows that institutional inertia served to impede the introduction of governance change. Despite the initial ambitions from political actors to regain direct control over policy delivery, a combination of path dependence, electoral policy mediation and institutional socialisation contributed to the retention of the market-based and regulatory approach to delivery. While some policy change and institutional movement was achieved after the crisis, governance process remained characterised by NPM features.

KEYWORDS

refugee integration policy; public policy; policy learning; policy change; new public management; governance

HISTORY Received 11 March 2022; in revised form 4 April 2023

1. INTRODUCTION

In 2015, during the 'Great Summer of Migration', Chancellor Angela Merkel's decision to suspend the rule of the Dublin Regulation[1] caught German cities off-guard. Berlin's asylum governance experienced unprecedented failure of registrations, housing and distribution of legally entitled social benefits for refugees (Muschter, 2018). Berlin's municipal government gained focus because its understaffed administration left refugees sleeping on the street outside the *Landesamt für Gesundheit und Soziales* (Lageso) and in other improvised accommodations, at which point Berlin's government hired management consulting firm McKinsey to oversee its policy and governance reformulation (Vogelpohl & Klemp, 2018). A governance collapse of this scale had never before occurred in Germany (Bhagat & Soederberg, 2019; Edlefsen & Staemmler, 2018; Pichl, 2020).

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The 2016 municipal election brought in a left-coalition government between the Social Democratic Party (SPD) and *Die Linke* (The Left), the latter of which is a democratic socialist party and has actively advocated for more inclusive policies for refugees enacted through government (*Die Linke*, 2013; Katina Schubert[2] interview, 2018).

Much like other German cities, Berlin's policy governance uses new public management (NPM), which prefers market-oriented policy solutions rather than centralised administration. For example, in the immediate aftermath of the governance failure, the government was defrauded by several housing operations contractors (Haak, 2017; Memarnia, 2017). In response, it established *some* regulations on operator history, yet still maintained a market-oriented outlook for housing operation rather than shift to government operation or cooperation (Land Berlin, 2019; Soederberg, 2018). With this, the question arises: To what extent did asylum housing governance maintain the same institutional practices as before 2016 despite the election of a governing coalition that sought to address policy failures?

First, we must differentiate between the terms 'governance' and 'policy'. 'Governance' has become a messy term given how often it is used in policy discussions and how interchangeably it is used with 'government' (see Ansell & Torfing, 2022, for a discussion on the evolving definition of 'governance'). For our purposes, we can derive a simplified definition of governance as being the means through which a policy is enacted, that is, the government practice of maintaining societal operations via bureaucracy and administration, which may involve non-government actors. 'Policy' becomes that which is enacted upon society by governance in practice.

Much of the public policy development literature treats recovery from policy failure as a straightforward process of policy learning (Sanderson, 2009), policy transfer (Cairney, 2012), or analysis and development, that is, entrepreneurship (Deyle, 1994). These processes and how they are implemented are all dependent on the local style of governance, given the potential for some styles of governance, such as NPM, to tend to ignore negative social externalities not explicitly associated with the governance structure because it tends to focus on benchmarked accomplishments (Le Galès, 2016). While studying governance structures, it is essential to understand if policy change operates within the same governance as a previous policy, or shifts the governance structure in such a way that policy implementation methods change. There are numerous examples within public policy literature that detail whether change is wholesale or entails piecemeal policy adoption (see Petit et al., 2018, for the example of 'Housing First'). But the literature on policy failure is scant on how governments in developed states rebuild policy infrastructure after governance failure outside of economic policy spheres. How do we best understand Berlin's policy shift post-election? Did it alter fundamental policy practices, or did it continue to use the same operational assumptions as before the failure? Why did this change (or lack thereof) occur, and what does it tell us about Berlin's governance outlook?

This paper builds on work concerning refugee policies in Berlin conducted by Engler (2018), Kreichauf (2018), Hamann and El-Kayed (2018), Vey (2018), and others. It also presents an interesting case study into governance failure in a developed country, and thus fills a gap in the policy failure and change literatures by analysing the policy change and governance dynamic around which refugee housing policy was implemented in Berlin through its two Masterplans for Integration, and explores the interplay between policy/governance failure and political parties whose ideologies/policy proposals would precipitate policy change. It also contributes to the greater literature on whether policy governance infrastructure is too intractable to change after failure regardless of political change, or what is necessary to provoke a policy/governance change.

The next section addresses current public policy literature gaps that do not adequately explain Berlin's post-election approach to refugee housing and integration policy change, along with separate discussions around governance and policy implementation relevant to how Berlin organises its refugee integration policy implementation output.

Methods for data gathering will then be covered before detailing and analysing the data collected. The paper will conclude with a discussion and reflection on the changes in Berlin, its impact on theory and potential, as well as what Berlin's government and policy change can mean for the city going forward.

2. GOVERNANCE FAILURE, POLICY CHANGE AND ENTREPRENEURSHIP

'Governance' and 'failure' are not often associated in the same sentence except where 'policy' is also included. Policy failure may entail a review of why a policy failed, and thus a restructuring of a *specific* policy's governance to change its implementation stream (McConnell, 2015). 'Governance failure' would, generally, denote a wholesale failure of bureaucratic structures to act over a broad policy area. Broad governance failure is unusual in developed democracies and those states with strong bureaucratic histories (Peters, 2015). In Berlin, Lageso did not only falter at housing asylum seekers, as is the focus of this paper, but also asylum claims, asylum benefit dispersal, and other tangential policy areas.

'Governance' itself, as alluded to above, is a broad term that has encapsulated many meanings (Ansell & Torfing, 2022) but one that has generally referred to the de-centring of government from policy implementation to include numerous other actors, such as for-profit and non-profit organisations (Frederickson, 1996). There has been much written about governance and its changing face over the past few decades, and there is no singular 'theory' of governance, but rather a collection of debates and discussions on the assemblage of what could be theories around concepts within governance (Ansell & Torfing, 2022). Thus, this section will pick apart the backgrounds to the governance ideologies and practices relevant to Berlin's case, that is, applied NPM, as well as how policies do or do not change despite potential institutional promises.

2.1. Governance through the private sector: NPM

Public management theory addresses the modern shift from public administration to management (colloquially referred to as government 'steering instead of rowing'), hearkening back to Frederickson's (1996) and Hood's (1995) general arguments that public administration through government was a stifling factor in innovation, bureaucrats were ultimately self-serving and unable to adapt to vexing policy issues compared with the private sector, and costs could be kept down through market solutions. Much of this argumentation was evidenced through enabling public choice in competitive markets (Frederickson, 1996, p. 215) and shifting accountability from bureaucracy to process results (Hood, 1995, p. 94), which ultimately led to the emergence of NPM. Yet, the arguments behind NPM's development and implementation in public services assumed fiscal benefits instead of human ones, with the measurement of outcomes relying on budgetary constraints and arbitrary benchmark goals instead of quality of public services delivered, which hindered service delivery quality (Dalingwater, 2014).

Since the 1980s, NPM (referred to as the 'New Steering Model' in Germany) has been a common model of local governance administration in Germany due to the relative legal independence of the local level (Kramer, 2005; Reichard, 2003). The shift to a market-oriented administrative structure was precipitated by fiscal crunches caused by German reunification in the 1990s. The change was facilitated by agreement in the major political parties that social services would be maintained and not privatised (for the centre-left), and neoliberal efficiency reforms would be implemented (for the centre-right), leading to systemic governance consistency (Reichard, 2003).

Municipalities were encouraged to 'corporatise', that is, contract and subcontract functions of the local government to municipal companies, leading to members of the civil service orienting more towards cost savings as they were incentivised to 'undershoot' budget goals so the next

budgeting round would be leaner, which did not necessarily relieve local government budget issues (Kuhlmann, 2009, p. 233; Kuhlmann et al., 2008, pp. 856–857). These issues continued throughout subsequent elections as it was found 'parties do not matter' for potential reform of NPM in German bureaucracy, though this focused primarily on the centre-left and centre-right (p. 856). This raises the question of whether this outcome would be different for a 'less traditional' party seeking to change governance problems.

Additionally, in public administrative affairs, Germany was known as 'the slow turtle' when it came to upgrading and changing practices due to how entrenched local administrative services became, though sudden shocks have demonstrated the country's ability to adjust its more intractable practices. The COVID-19 pandemic, for example, forced both the federal and local levels to better streamline policy implementation from the top-down and centrally focus both the service delivery and citizen access elements of policy responses for public health (Wegrich, 2021). Governance over the policy area, however, retained many of the same features as before the pandemic, advancing a utilisation of corporate municipal actors and private stakeholders.

Some argue NPM practices extend government's capacity to cover more policy ground and reinforce the state's ability to deliver goods and services (Cohen & Eimicke, 2011), while critics point to the dissociation of responsibility and transparency, allowing government to shield itself from perceived policy failings (Haque, 2011; Weimer & Vining, 2010). Others have argued that marketisation of public services, as well as central devolution of powers to the local level, has led to uneven regional outcomes in policy output, further exacerbating long-existing local problems (Saito, 2011). There is, however, a middle ground: municipal control over local policy issues has been shown to be more beneficial to the local level for various policy areas (Hackett, 2017), but not all towns/cities within a given country have the same resources/experts on hand for policy governance, leaving some local governments atomised.

Implicitly, NPM advocates for the 'specialist expert' offering governments access to subject area experts who can optimise policy processes and cut budgets, expanding policy governance into the private sector (Vogelpohl & Klemp, 2018). Third-sector organisations grew as a delivery service of social services, especially at the local level, with those services relegated closer to 'products' than public goods (Kjær, 2004, pp. 36–40), and thus the organisations that would implement those services pushed the argument that private sector innovation can direct positive policy change and entrepreneurship outside the core of direct government implementation while saving on government expenditure (Cohen & Eimicke, 2011).

Thus, NPM theory seeks to address the gap between public administration and public management by arguing that insights from the private sector help to facilitate outcomes for governments through marketisation of services and control of budgets, separation of provision and production, and competition, which builds off public choice theory (Gruening, 2001). As one would expect, criticism of NPM theory regards its perceived governance operationalisation as a factory expected to have peak output while managed at the smallest possible staffing, or regarding public service with a priority towards that which needs to be paid for rather than provided to constituents (Radnor et al., 2016). However, focusing solely on the discretionary budgeting/implementation aspects of NPM and NPM theory forgets a core issue in political change and governance studies: how do governance institutions change after failure, if they do at all? What stops them from implementing structural overhauls?

From these questions, we can take a mixed institutionalist approach towards policy change. Institutionalism denotes a focus on institutional structure and sociology, typically through understanding internal logics and path dependencies of governance institutions and how institutional ideologies become socialised and normalised within (Peters, 2016). In that tug-of-war dichotomy, policy change then countenances a nuanced form where it concerns perceived governance failure. McConnell (2015, p. 222) argues that failure is 'bound up with issues of politics and power', with the implication being that any policy changes post-failure will be subject to the

vicissitudes of ideology, institutional entrenchment, and how the government in power will attempt to rectify the failure.

Institutional approaches encompass several variations of frameworks (normative, historical, rational choice, etc.). While each frame has different foci and elicits different understandings of institutional output, it is more important, for this study, to engage with a holistic view of institutionalism given the confounding factors of Berlin's predicament (Peters, 2016a). The previously mentioned approaches seek to understand whether institutional practices can be predictable, even when there is a punctuated equilibrium event; when assessing governance failure, however, aspects of institutional socialisation, rational choice and historical precedent must all be taken into account without falling into the 'single explanation' trap based on the vagueness of ideas like path dependency or institutionalising norms (Olsson, 2020). There are obvious limitations to this broader approach, such as losing the intricacies of interpersonal institutional dynamics and intensive norm study; however, institutional governance failure encompasses numerous facets of institutions themselves, and much like the complexities of policy failure, should not be limited to a single frame.

The next section will cover examples of institutional governance failure from Korea and Germany, though the former is more extreme than the latter, and will demonstrate the many inputs that contribute to institutional governance failure.

2.2. Policy change after institutional governance failure

Because policy failure is often wrapped up in political and media dialogue, with perceptions of failure shaped by bombastic coverage of alleged failures (opposite near-non-existent coverage for the average policy success) (McConnell, 2015), an institutionalist approach towards how policies can change after failure would, at least conceptually, seek to avoid the pressures of 'bad press' and pressure from opposition parties that elevate issues into the limelight as extreme failures (Bovens et al., 2001). With institutionalism focusing on the internal sociology and path dependencies of governance institutions, there would be, for instance, a greater acknowledgement of the internal bureaucratic characteristics that contributed to policy failure.

For example, Park (2021) took a multi-pronged view towards the failure of the Korean Coast Guard (KCG) to respond to the sinking of the MV *Sewol* in 2014 in which 306 people died, including 250 high-school students, which caused the entire KCG to be liquidated and merged into a lower level organisation. Her findings on the KCG's active capacity focused on two aspects: its internal implementation capacity with bureaucratic capabilities and motivation, and the external political factors. Internally, the KCG suffered from inefficiencies around bureaucracy and red tape, lack of resources, low budget and staff levels, and confusing jurisdiction; externally, the KCG was used as a funding cudgel depending on which party was in power (Bovens et al., 2001, p. 4). There had clearly been issues with KCG before the MW *Sewol* sunk, but the issue's public salience brought the obvious problems to the fore and exacerbated the government's response.

Framed through an institutionalist viewpoint, the KCG's failure can be explained as lacking the operational capacity to fulfil its duties, and instead a culture of risk aversion was inculcated among its employees to the point of institutionalised groupthink obduracy becoming the norm (Peters, 2016). Institutions, as a rule of thumb, are subject to bounded rationality, where they seek 'good enough' solutions to problems that exist within their institution's problem-solving framework (Cairney, 2012, pp. 97–99). However, institutionalist frames should not be separated from external political influences, especially covering policy areas that can be contentious, because, as the KCG case demonstrates, political party inputs can and will shape institutional outlooks and operations.

Within the scope of policy actions this can manifest in numerous ways, but, as alluded to with the KCG, those actions are almost always limited to the institution's history of action (or lack

thereof) and organisational structure, and how that structure translated into cognitive biases towards institutional preferences (Egeberg et al., 2016, p. 33). Change within a governance institution without a punctuating incident is difficult, if not glacial. Voorberg et al. (2017) found that in Germany governance levels were rigid in their school curricula implementation strategies and would not adjust to local conditions since the policy was formulated centrally, even if local subject area experts offered input. To paraphrase Wegrich (2021), the slow turtle is more stubborn than a slowly changing tide.

Within perceived policy failures, however, institutions that are 'changed' or 'upgraded' to new avenues of policy governance may find their remits more familiar than otherwise. Germany's healthcare governance faced a strong reform in 1993 after the 1989 reform was regarded as a failure due to numerous converging factors, such as cost overruns, reunification of East and West Germany, etc. However, the 1989 reform was, initially, regarded as a success because of its consistency with previous reforms, which allowed for incrementally increasing institutional capacity instead of a wholesale reformulation of German healthcare (Burau, 2001, p. 215). Even the 1993 reform was seen as only an incremental improvement over the 1989 one, which is indicative of a core tenet of institutions: their internal operations are typically 'sluggish', or difficult to change rapidly, even under pressing extenuating circumstances, and they do not wish to radically change while there is continuity in leadership operations. This can be due to internal dynamics, such as an entrenched work culture buttressed by years of practice, or due to external dynamics, such as political party fear of upending government institutions and laying the seeds of an even greater failure than before, or simply political party acclimation to 'standard practices' of governance.

An example of political party acclimation comes from *Die Linke*'s history. In the early 2000s, Chancellor Gerhard Schröder's (SPD) social neoliberalisation reforms experienced heavy protest from leftist groups.[3] The Party of Democratic Socialism (PDS), the primary leftist party at the time, benefited with a boost in electoral support and entered the Berlin government in a coalition in 2001. However, they became 'normalised' by coalition governance and supported public housing privatisation, which subsequently culled its support by half (Dostal, 2019, p. 19). Eventually, a group of leftists disappointed with Schröder's government split from the SPD and formed Labour and Social Justice (WASG), which then joined with PDS in 2007 to form the modern *Die Linke*.

What these examples tell us about institutional change amid policy crises is threefold: first, institutions themselves are subject to rigid organisational mindsets that limit their scope of options for change. In the context of a governance network characterised by NPM-like features, this specifically means that we should expect organisational inertia that retains more market-based modes of policy delivery. This much is obvious: any organisation will have a mission goal and limitations on its actions, which then forms the basis for reactive bias in policy prescriptions (Egeberg et al., 2016). Second, punctuating actions that highlight policy failure may elicit political backlash and rapid response from the party in government, but that does not necessarily mean the institutions delivering policy will change their outlooks. Change is likely to be mediated by the wider policy delivery environment. Third, political party actors are similarly subject to institutional resistance to change, and may mediate policy promises once in power.

Through these three qualities, we can derive four governance variables that interact to deliver policy: political influence, contracted operators and the civil service, civil society organisations, and institutional practices. These four variables will be the frame through which Berlin's policies will be analysed.

Overall, overarching scholarship on governance, policy delivery and NPM provides us with reasons for expecting the scope for governance change to be limited, even following a significant period of crisis. In the sections following the methods, the extent to which Berlin's post-2016 governance of refugee housing policies reflect these patterns will be explored.

3. METHODS

A total of 13 semi-structured interviews were carried out in Berlin in November and December 2018, consisting of eight non-profit/non-governmental organisation (NGO)/social workers and five with current and former civil service workers and policymakers. Interviews were conducted in English and German, and were translated by the author and transcribed in NVivo for coding. The University of York's ethics and compliance committee granted ethics approval for interviews. Written informed consent was obtained from all study participants, including those who agreed to be identified. Participants were given the opportunity to read the finalised version of the manuscript. Those who requested anonymity are marked as such, while those who did not are identified. A total of 13 interviews were conducted due to reaching a saturation point with the civil service/policymakers, as those in government often answered questions similarly.

Questions for the civil service workers and policymakers were framed around the development of the city's policies since 2015, what the immediate and long-term actions were, what influenced those decisions, etc. Questions for those in the refugee-facing non-profits and social workers sought to understand how those workers perceived their interactions with the government since its policies changed and how they perceived the Berlin government's treatment of refugees had changed.

Political and institutional biases of the interview partners are taken into account through considerations and awareness of rich language, that is, language used specifically within a professional field that can create an institutional boundary between the impact of a problem and its initial development, or centre the interview partner within the problem itself (Gist-Mackey & Kingsford, 2020). Both positions lend different and valuable perspectives to the problems at hand, but each one presents the interviewer potentially becoming 'part of the language', that is, adopting the interview partner's viewpoint rather than maintaining a relatively objective position.

Interviews helped provide a more nuanced understanding of how the policies within Berlin's two Masterplans were enacted, and why, and what issues there were at the time of interviewing.

Documentary analysis of the two Masterplans was also conducted. With this in mind, textual and interview statements on the implementation of the two Masterplans were also used to determine how they were received, at both the political level and the level of those who work regularly with refugees. This is important for two reasons: first, there can be 'political blinders' for those in the civil service/government that the implementation of a certain policy is better than it actually is; and second, with the structure of the second Masterplan now gradually integrating regular discussions with NGOs/charitable non-profits, their input can have an effect on the adjustment or reorientation of current policy, which would then be ascribed as policy learning in the future.

4. BERLIN'S MASTERPLANS: ORGANISING FROM CHAOS

Berlin's refugee housing and integration policy governance developments will be detailed in the following sections, starting with the first Masterplan for Integration and the inception and implementation of the second, up to the time data were collected. This section will be followed with an analysis of Berlin's policies and whether it adjusted its policy governance or continued old practices.

4.1. The first Masterplan: development and implementation

In 2015, Lageso was short-staffed and unable to acclimate to the numbers of refugees arriving in Berlin. Up to 5000 applications for asylum were mishandled by the office, leaving them unregistered for months (Muehlebach, 2016). Civil society organisations (CSOs) and grassroots

movements took over the areas where the government could not implement its policies (Christiane Beckmann[4] interview, 2018; Andreas Tölke[5] interview, 2018). The mayor at the time, Michael Müller, forced out Lageso's head and replaced him with Sebastian Muschter, then a senior consultant with McKinsey, for one year (Soederberg, 2018). It can be argued the government's inability to handle the influx was a natural consequence of lowered funding for the asylum office due to fewer asylum seekers between 2005 and 2014, which severely handicapped the city's operational capacity (Muschter, 2018). In essence, it was a self-fulfilling prophecy.

With Muschter, Berlin implemented the first Masterplan in 2016, which established the *Landesamt für Flüchtlingsangelegenheiten* (*Landesamt*) to rebrand Lageso and move the administration to a new building. It also created seven organising principles for the city's asylum infrastructure: arrival, registration and benefits; accommodation and places to live; ensuring education; ensuring access to the job market; security for both refugees and the city; an inclusive and open society; and refugee participation in social life (Land Berlin, 2016, p. 7).

Quick-build modular container housing (*modular notunterkunfte*) was promoted to ensure refugees would be housed while the city continued developing a new urban planning agenda, though the accommodations were built wherever land was available (Land Berlin, 2016, pp. 24, 28). This meant that refugees were sometimes housed in remote areas with few options for public transport (Vey, 2018). The 'villages' were contract-operated by different companies: EJF, Deutsche Rote Kreuz (DRK) Müggelspree GmbH, Tamaja, Hero Norge, Milaa GmbH, etc., for a time-limited contract (Land Berlin, 2019). This constituted a continuation of Berlin's original refugee housing policy, but this also presented issues for Berlin's *Bezirke* (district) employees:

> [W]e … cannot decide who will work there, this is also a problem, because every two years a new company is coming and we have to start everything new. We have to start every cooperation new, everything, because it takes a long time to build networking around a house, and you need to have of the people who work there, that this always change you always start from zero. (Tempelhof Bezirksamt employee interview, 2018)

The first Masterplan converted the decommissioned Tempelhof Airport, then a museum, into a reception centre for asylum claims processing due to its centrality and capacity (Sebastian Muschter interview, 2018). The *Landesamt* contracted private company Tamaja to operate it. Many refugee-facing non-profits and NGOs within Berlin objected, claiming Tamaja had neglected care for refugees to cut expenses, including a lack of medicines, access for doctors and social aid benefits that refugees are guaranteed under Germany's Asylum Seekers Benefits Act (E.T. interview, 2018; Flüchtlingsrat Berlin, 2018).

Flüchtlingsrat Berlin, in conjunction with nine legal, medical and refugee advocacy organisations, called for Tempelhof's closure in 2018 due to hazardous health conditions experienced by refugees, instead of the facility gradually winding down, as the refugees would be moved to another facility rather than a stabler form of housing (Flüchtlingsrat Berlin, 2018).

The *Landesamt* defended Tamaja, as the *Landesamt* had 'dissatisfaction with renowned NGOs [initially chosen to care for residents at Tempelhof] that seemed to be cutting costs to residents' and Tamaja demonstrated it cared about the refugee residents (*Landesamt* employee interview, 2018). E.T., a translator for Tamaja, spoke of how Tamaja's operations put cost-savings over social welfare and Berlin's refugee accommodation governance system in general:

> [T]amaja social work represents the shittiest, and this is because they, the observation over them, oversight over them is very weak. … It's not that I'm criticising Tamaja exactly by itself, but I'm criticising the situation because I think that whatever company comes in this setting, the same shit would happen. … If you are trying to minimise your costs in the situation where nobody is going to observe what you're doing then you completely or definitely will go and cut the spending. So the major concern at the end, in

> this way, to keep people as much as possible and no matter how they are staying, how they are there, because this how we generate income or profit. (E.T. interview, 2018)

No permanent alterations could be made to Tempelhof due to its historical status, which made converting a former airplane hangar into a liveable space tedious and expensive (Parsloe, 2017; Sebastian Muschter interview, 2018). Even when the hangar was converted, refugees were packed tightly: 12 people lived in a square sized 5 m by 5 m space without privacy (Soederberg, 2018). The registration process was supposed to take several days, with refugees then moved to better accommodations; instead, many lived in the hangar for weeks or months due to the *Landesamt*'s continuing lack of employees, reflecting a continuation of budget-oriented biases within the *Landesamt* (Keilani, 2018).

To help refugees find private accommodation, the city established a partnership with non-profit *Evangelische Jugend- und Fürsorgewerk* (EJF) in which the EJF and Berlin worked hand in hand to secure private apartments for refugees in a programme appropriately called *Wohnungen für Flüchtlingen* (Apartments for Refugees). Between 2014 and 2017, it secured over 4700 apartments for refugees from both private and corporate landlords (EJF, 2018).

The partnership ended January 2017 and competence shifted to the *Landesamt*, with the EJF given an advisory role. Cooperation continued until 2018, at which time the city allowed the contract to expire. Full competence shifted to the government to save on expense reimbursement, which the EJF argued the government was not fulfilling (Julie von Stülpnagel[6] interview, 2018). The EJF provided multilingual services free to refugees, an essential service when navigating the German housing market (Foroutan et al., 2017, pp. 25–26), and it is unclear whether Berlin will continue with similar aid (Julie von Stülpnagel interview, 2018).

4.2. The second Masterplan

Priorities changed with the election of the new left coalition in 2016, with Elke Breitenbach, a member of *Die Linke*, at the helm of the *Senatsverwaltung*. *Die Linke*'s policy outlook for the election recognised the 'institutional failure' of the Berlin Senate in managing the refugee influx and Lageso's low staffing numbers in contributing to the failure (*Die Linke*, 2016, p. 47).

The post-2016 government sought to create a new Masterplan given the previous Masterplan had 'a lot of ideas, but without enough specifics in it to make it a workable entity' (Sebastian Muschter interview, 2018). Some aspects of the first Masterplan, such as the objective of integrating housing needs of refugees into broader housing needs of Berlin (Land Berlin, 2016, pp. 24, 30) and promotion of temporary modular accommodation (p. 28) remained, though the new Masterplan recognised the integrative efficacy of moving refugees from mass accommodations into private accommodations.

First, in October 2017, the *Senatsverwaltung* established the *Koordinierungsstelle Flüchtlingsmanagement* (Coordination Office for Refugee Management) to 'accompany and support LAF communication with actors working with refugees in Berlin' and to aid moving refugees to private housing (Land Berlin, 2018, p. 56; Senatsverwaltung für Integration, Arbeit, und Soziales, 2018). The office holds monthly meetings with relevant stakeholders in the NGO, volunteer and non-profit sectors.

Their reception was mixed. Though some working directly with refugees praised the increased conversations with the government, other organisations criticised that they do not directly engage with refugees, and still operate on a business-oriented cost-saving model (Andreas Tölke interview, 2018; Christiane Beckmann interview, 2018).

Another aspect of the new Masterplan was new modular accommodation construction in each district regardless of objections from neighbourhoods or district administration (Land Berlin, 2018). Districts are required to indicate two construction locations for refugee-specific accommodations to the Berlin Senate. Consultations between neighbourhoods, districts and

the senate administration occur before finalising construction plans, which include the *Staatssekretär für Integration* (City Secretary for Integration), the Senator for Integration, district council political representatives, a *Landesamt* representative, media and building planners. However, there is no explicit representative from the refugee community or a refugee advocacy organisation speaking on their behalf. 'While the participation of refugees is not, I don't remember one, they're there, they're in the audience sometimes, but I think it could be more' (Berlin Senate representative interview, 2018).

Accommodation operators are still chosen by contract, continuing the policy from the previous government and maintaining the basic governance structure while shifting the goalposts of policy implementation. Contracts are sometimes not renewed between the city and individual operators, creating governance partner turnover. This can be confounding for the government's civil service and administrative personnel working with and monitoring the operators by changing oversight interaction and removing working relationships established over the previous operators' contracted time (Tempelhof Bezirksamt representative interview, 2018).

Districts have shifted some of their integration programme focus onto the modular accommodations in an attempt to avert 'ghettoisation' of refugees. They receive approximately €30,000 per year from the Berlin government to focus on local projects through *Berlin Entwickelt Neue Nachbarschaften* (Berlin Develops New Neighbourhoods – BENN), which works with neighbourhood-specific organisations for community interaction to avoid social exclusion of refugees (*Bezirke* coordinator interview, 2018).

While the new government stated its intent to move refugees quickly out of the *ankunftszentrum* (first arrival centre), refugees, at the time of research, still spent prolonged periods in overcrowded first arrival accommodations without the ability to lodge an asylum application due to low staffing numbers while still experiencing difficulties entering the formal housing market without any explicit government support to ensure non-discrimination, all of which were issue points in *Die Linke*'s policy statement (*Die Linke*, 2016; Kreichauf, 2021, p. 8).

> People have to wait so much time, stay so much time now in this *ankunftszentrum* and hangar. They should just stay there until three to five days, no longer. They said this in the beginning when they opened, that they won't stay more than four days, and now they're waiting there for one month or more time because it's again the same situation, that … they [*Landesamt*] have a huge problem with employees. There are huge free places, like in Lageso, and it cannot find people who want to work there. … Nothing has changed. (Tempelhof Bezirksamt employee interview, 2018)

Table 1 highlights the key differences in the two Masterplans.

5. ANALYSIS: HOW HAS BERLIN CHANGED?

The two Masterplans represented strong policy interjections as a means of counteracting Lageso's institutional failure; however, the question remains if the structure of Berlin's governance over refugee integration policy has remained the same or adjusted away from the failures it experienced in 2015. Within the above description, we can pull forward our four facets of policy governance from Berlin's experience and analyse them from respective institutional viewpoints: political influence, contracted operators and the civil service, civil society organisations, and institutional practice, and analyse how they have impacted service delivery and efficacy.

5.1. Political influence

In the midst of Berlin's crisis in 2015, the government was composed of a coalition between the two largest parties, the SPD and the CDU, with the SPD as the leading party. The SPD's Michael Müller specifically requested consultation with McKinsey for initial solutions to

Table 1. Summary of the differences between the refugee housing stipulations in the two Masterplans.

First Masterplan (2016)	• Created *Landesamt für Flüchtlingsangelegenheiten* as the central refugee agency for Berlin • Centralised registration and distribution efforts at Tempelhof • Attempted streamlining asylum decisions • Establishment of EJF partnership • Created ad-hoc shelter and accommodation system • Encouraged partnerships with non-governmental organisations (NGOs) • Social and medical care access
Second Masterplan (2018)	• Development of refugee accommodations (modular) within neighbourhood areas; consultations with neighbourhoods • Increased communication with non-profit/NGOs for monthly consultations and communications access points • Facilitate refugees moving from mass accommodations to private accommodations • Berlin Develops New Neighbourhoods (BENN) • Access to psycho-social care in accommodations

managing Lageso's failure, indicating a governmental preference for public–private partnerships and management consulting logic in governance (i.e., budget management as a means of directing government services) (Soederberg, 2018).

The political change from the 2016 election that crafted the second Masterplan for Integration was one that sought greater inclusion for refugees through *Die Linke*'s membership in a governing coalition with the SPD, as *Die Linke* ran specifically on greater allowances and inclusive policies for refugees (Katina Schubert interview, 2018; *Die Linke*, 2016). This came with recognition of the failures of the previous government.

The year 2016 also saw the rise of the far-right *Alternativ für Deutschland* party, an overtly xenophobic anti-refugee party, which became the fourth-largest party in Berlin, just two seats behind both the Greens and *Die Linke* (Benedikter & Karolewski, 2016).

Greater control over housing policy within the second Masterplan was evidenced by the Berlin Senate creating mandatory guidelines for refugee housing construction in each district as opposed to allowing districts to defer construction, as well as holding community-wide planning meetings for transparency. At the same time, however, refugee-representative groups are not included in consultations for the accommodations, indicating an outlook that maintains a relative separation between governance partners and refugees. Additionally, staffing levels remain relatively low compared with before the 2016 government. These two areas *can* be adjusted through new policy guidance, though at the time of research, there were no indications this would happen.

This incremental adjustment is reflective of entrenched governance practice, but also an inherent tension between an immediate government adjustment after failure (with Muschter's reforms focused on redesigning how Berlin constructs and contracts refugee housing rather than altering the means through which the government administrates refugee housing and related policies) and an elected government that desired more centralised operations. It is also reminiscent of *Die Linke*'s progenitor, which entered government on progressive promises only to pull them back once in power (Dostal, 2019). The civil servants interviewed for this research indicated that they wished for a higher degree of control over policy

implementation, reflective of the results Wollmann et al. (2010). From an institutionalist perspective, one can argue that the entrenched path-dependent policy practices of the Berlin government, that is, time-limited contracts, low staffing numbers in line with tight budget allowances, etc., predominate over a newly elected government's desire to upend policy practice.

This continuation, however, follows institutional political logic. Political parties are not immune to maintenance of the path-dependent status quo. As referenced above, the SPD had yielded policy ground to the centre-right both nationally and locally. It can be reasoned that the SPD's policy preferences had been set through its previous large coalitions and because its core leadership had not changed, its governance preferences would similarly remain the same despite *Die Linke*'s inclusion in the governing coalition. Political power thus remains a strong indicator for governance maintenance, even with new coalition partners that push for policy differences.

5.2. Contracted operators and civil service

With contracted operators, there are three points of interaction with Berlin's government: the Berlin Senate, the *Landesamt* and the local district council (*bezirksamt*). From *bezirksamt* employee interviews, time-limited contracts make it difficult to work with and coordinate with the housing operators because of the constant turnover (Tempelhof Bezirksamt employee interview, 2018). Relationships and work practices that are established over the duration of the contract end without a transition period and must be built again with entirely new operators who may have different work practices.

Institutional practices continued from the pre-2016 government, and despite revised qualifications for contracted housing operators, contractors operating under the new qualifications have still been found to prioritise contract profits over the well-being of the residents (Bölinger, 2016).[7]

At the time of field research, housing operations were still contracted out to private organisations that did not have on-site government oversight, and employees within organisations such as Tamaja and the civil service officers tasked with managing refugee housing stated that this caused issues with service delivery. While this may not be unique to Berlin, there are several examples within Germany where government jointly operates refugee housing with a select few organisations and are able to adequately exercise oversight control (Auslender, 2022; Deutscher Bundestag, 2014). This indicates a type of governance obduracy on Berlin's part, eliciting the 'slow turtle' metaphor and the clash between the desires and priorities of the civil service and policymakers, that is, a stubborn continuity of governance.

Part of this may be the familiarity of the governance structure, but it may also reflect the influence of contracted operators with policymakers. While the research conducted for this paper did not obtain interviews directly with contracted housing operators, an interview with a prominent representative from the *Landesamt* indicated that the preferences of civil service workers was secondary to the quality assurance standards already established within Berlin's contracting operations (*Landesamt* employee interview, 2018).

5.3. Civil society organisations

Within broad conceptualisations of governance, CSOs have a supplementary role to 'fill the gaps' where government and its partners fall short. In Berlin's case, CSOs had to occupy the government's responsibilities for providing housing and assistance. While the EJF was notable in its direct contracted assistance under the first Masterplan (which eventually ended due to reported cost-saving), organisations such as *Moabit Hilft*, Be An Angel and Places4Refugees experienced a far more contentious relationship with the government. Sentiments towards the government at the time of data gathering were mixed.

> [W]e had to go to the social court to force the authorities to hand over whatever the people's needs are, and that was 800 people that we had been with at the social court. … After the registration, our expectation has been that the government would take over or that the authorities, so the volunteers could lean back. Unfortunately that did not happen, so what we did afterwards, we were confronted with different tasks in terms of asylum laws, in terms of educational programs, language skills, learning the language, providing homes, and during from September 2015, to March 2016 we rented, as an NGO, seventeen apartments in Berlin which we handed over even to people who were not registered. (Andreas Tölke interview, 2018)

> Breitenbach, who is the senator and the secretary of state, we speak, and it's still a fight to get it on same eye level, but we do speak, and she listens. … I would say it's better than before, and I honestly think that she is trying … In the first hundred days we've been not very satisfied. (Christiane Beckmann interview, 2018)

> We had the situation as a little group of civil society were invited from time to time to talk with the Lageso leader, we had some appointments with Muschter and with his 'best man' Mr [] but we had meetings with him and [] also, and in some meetings she never said anything, just sitting there drinking her coffee, and in her last appointment it was the first time that she talked about anything. And so we didn't know what she was thinking and doing, and still the Lageso won't move so much. Also nowadays it's still dysfunctional. They make so many mistakes and they still have not enough staff, that's one reason, if you are bad-tongue you can say it has a system that allows all these mistakes, but for me it's true to say that Lageso wants to be dysfunctional. (Dr Karin Windt[8] interview, 2018)

Current perceptions of the government and its policy governance were coloured by its poor initial response to the refugee influx, as well as subsequent issues around allowing refugees to access the housing market, such as the government telling social workers to not inform refugees they had the right to privately rent (Hamann & El-Kayed, 2018). However, indications of governance movement are evident through the development of the Coordination Office for Refugee Management and the willingness to engage with the non-profit sector, though whether this can evolve into more inclusive policy governance with the non-profits as partners or only as a tokenistic advisory role remains to be seen.

5.4. Institutional practices

It is evident that policy implementation dramatically changed pre-2016 with the introduction of Templehof as the central processing and first-arrival centre in the city and the utilisation of modular accommodation across the city, and changed again with the second Masterplan mandating housing be located within communities.

However, as has been previously stated, the government maintained its preference for decentralised operations of refugee accommodations and market-oriented means of service delivery. With the example of Tamaja as the private operator of Tempelhof, it has been well documented that oversight over the company by the Berlin Senate was weak and cost-cutting measures implemented by the company (such as subcontracting food service and security) ran contrary to the benefit of the refugee residents (Campbell & Fábos, 2017). This also extended to private case files:

> Some colleagues I remember that they didn't fill in anything about these people in the protocol, some of them do it out of laziness, some of them will do it out of, I don't know exactly why. Some people would say, no, this person has a sensitive case and I already know, some worker was not working anymore now, and she used to keep files to herself, and if she want to make something, yeah it's in my file if somebody wants to know more about this person, this specific case, you should come to me. (E.T. interview, 2018)

This, in addition to the policy service withholding-by-omission discovered by Hamann and El-Kayed (2018) speaks to the conflicting logics present within the new policy infrastructure: the post-2016 Berlin government wants refugees to be housed, but does not want to directly oversee the housing or hire more staff. It wants refugees to integrate quickly into society, but does not (or did not) exert more direct oversight over private operators once contracts had been awarded. This exemplifies typification of German bureaucracy as slow-moving but 'adaptable', though the adaptation has to contend with entrenched political viewpoints and bureaucratic practices that favour budget management over service delivery despite the new governing coalition.

5.5. Impact on theory

All these pieces together unveil the dual-track entrenched institutional practices that determine whether refugee housing policy governance can structurally change. The first institutional track is that of the elected government, which determines how policy is shaped through budget and resource allocation. The second is that of the civil service and the actors that implement policy.

From the elected government's side, an institutional perspective demonstrates the path-dependent entrenchment of NPM into the fabric of policymaking following previous decades of decentralisation by the major parties in Germany, the SPD and the CDU. What this suggests is budgetary constraints and service marketisation preached by NPM have become embedded into the psychology of governance regardless of which major party is in power in a coalition, formulating itself into a norm of practice. Further, this embedding of NPM into governance power restricts new coalition members in their policy goals, paring back that which would be perceived as 'radical' to that which falls into the norms of NPM.

Ironically, this abides by a fundamental assumption of public management theory: that governments 'designing' instead of 'administrating/implementing' (in German, *gestalten statt verwalten*) will ensure the government's coffers are kept 'in check' (Cohen & Eimike, 2011), and because this is still the basic presumption behind Berlin's policymaking, the practice of policymaking is solely centred on NPM methods because of its path-dependent normalisation within the long-standing governing parties. The first track, policymakers, maintain their policy design approach that focuses on budgets, while the second track, the civil service and the administration, are frustrated with the core components of NPM *because* of the insistence upon marketisation and budget savings.

NPM and public management theory do not tend to focus on the internal dynamics of policy implementation and governance, and this highlights an inherent weakness of both: they are process-oriented instead of structurally focused. The focus on process instead of administrative implementation structure makes them blind to the problems that can arise with public welfare policies that are dependent on budget limitations and restricts administrative adaptability: shortfalls in coverage that come with punctuated equilibrium and rapid onset political issues are not, under the umbrella of NPM, dealt with outside of ingrained institutional biases towards established practice. In essence, resistance to structural change becomes 'cultural'.

The governance crisis and institutional responses underlie how the failure unfolded: government offices were poorly staffed because of declining asylum applications in the previous years, and budgets/staffing numbers were according prior years' expense levels, while the solutions sought were low-cost instead of reflective towards the institutions' intransigence towards change.

This does not mean that all German municipalities are resistant to change; there are examples of cities centralising formerly market-dependent refugee-oriented policies (Auslender, 2022). But for Berlin, the scars of budget shortfalls and fiscal crises post-Cold War cultivated a structural value system that pushed back against large-scale fundamental change that might have centralised policy implementation instead of contracting it out. Thus, we can best understand Berlin's policy shift post-2016 as one of mediated change within the scope of historical institutionalism, and that the 'feedback loop' of institutional practices enforces norms on outside actors

who seek to alter the institution (Peters, 2013). New coalition partners promising an agenda of change are acculturated into the predominant policy norms, and have their goals tempered by governing necessity (Dostal, 2019).

However, as Berlin has shown, institutions that are heavily dependent on historical practice and reinforced norms can be pushed to change gradually with mediated policy movement, but institutional inertia, the continuous movement of norms and practices regardless of governing change, predominates governance outcomes. Coalition government gives way to the potential for policy and governance alteration, but only within an acceptable boundary provided by the relevant power veto players in government. Thus, political perceptions of governance failure become largely superficial and focus on budget allocation instead of reforming underlying bureaucratic practices and contracting services.

Somewhat ironically, the failings of policy implementation under an NPM system and the deadlock experienced within governance from this can lead to reactive entrepreneurship from civil society. As Berlin showed, civil society organisations developed a 'sub-level governance' to take up what the Berlin government could not during the height of its governance crisis. Despite the new government's attempts to 'bridge the gap' between governance and civil society, there still exists between them a fundamental difference of conceptualisation in how social policies for refugees should be delivered, which underscores the effect of historical institutionalism: stubbornness is the practice, not a by-product.

6. CONCLUSIONS

This study sought to uncover whether the Berlin government's refugee housing policy re-orientation after its 2015 collapse indicated a change in its NPM-centred policy governance, or if the city's bureaucratic practices remained in place despite the election of a new governing coalition. Berlin used a variety of means of upgrading and restructuring its refugee housing policy governance through its two Masterplans for Integration, but even though the city elected a left-coalition government in 2016 that favoured more government intervention in refugee integration policies, the overall policy governance (at the time of research) remained as it had been before the election, with NPM logics dominating the government's policy outlook.

The crux of this paper is the question of what change truly means for governance and policy in an institutional setting. Positive remedies for policy failures cannot occur if institutional inertia prevents basic governance reform. As seen in this paper, even the promises of a new governing coalition that proposed a measure of reform became mediated by socialisation within a governance coalition and the preferred practices of the major party within it. Institutions and institutional psychology/practices thus fall back on historical precedent, relying on, in this case, market practices that prioritise budget savings over effective policy implementation, leading to similar or the same problems that caused the initial failure. This may imply that institutional inertia can be more powerful than reform movements, which is an idea worth further study.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author.

FUNDING

The University of York provided partial financial support for the study conducted within this paper.

NOTES

1. The EU's Dublin Regulation requires asylum seekers to declare asylum at their first port of entry into the EU. Suspension of the Dublin Regulation meant that asylum seekers who arrived in any EU country first could still declare asylum in Germany.
2. Katina Schubert is the chairwoman of Berlin's *Die Linke* party.
3. The 'anti-Hartz 4 reform' movement included raising general sales tax, cutting taxes for employers and the wealthy, and curtailment of unemployment benefits (Dostal, 2019, pp. 17–18).
4. Christiane Beckmann is the director of the non-profit organisation Moabit Hilft.
5. Andreas Tölke is the director of the non-profit organisation Be An Angel.
6. Julie von Stülpnagel is head of the Migration and Refugee Aid department of EJF.
7. Employees of refugee housing operator PeWoBe, including the director, were found to be discussing by e-mail how they would use donations to create 'child guillotines'. The issues with PoWeBe were not discovered until emails were leaked to the public, despite non-profits continuously reporting the conditions at their housing were deteriorating (Bölinger, 2016).
8. Dr Karin Windt is a co-founder of non-profit Places4Refugees.

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