

Hellmut Wollmann

**Comparing Local Government Reforms
in England, Sweden, France and Germany:**

Between continuity and change, divergence and convergence

edited by

Wüstenrot Stiftung

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internet publication www.wuestenrot-stiftung.de/download/local-government

for quotation: Wollmann, H. 2008, Comparing Local Government Reforms in England, Sweden, France and Germany, in: www.wuestenrot-stiftung.de/download/local-government

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Hellmut Wollmann

Comparing Local Government Reforms

in England, Sweden, France and Germany:

Between continuity and change, divergence and convergence

Chapter 1

Introduction*

internet publication www.wuestenrot-stiftung.de/download/local-government

for quotation: Wollmann, H. 2008, Comparing Local Government Reforms in England, Sweden, France and Germany, in: www.wuestenrot-stiftung.de/download/local-government

* The bibliographical references for chapter 1 are contained in the consolidated bibliography (chapter 7 below pages 482 following)

1. Introduction

1.1 Aim of the study

This text is based on a research project commissioned by the *Wüstenrot Stiftung* (*Wuestenrot Foundation*), Ludwigsburg from the *IfS Institut für Stadtforschung und Strukturpolitik* (*Institute of Urban Research and Structural Policy*) and carried out by the author.

The project examined the comparative development of local government systems and recent reforms in Great Britain/*England*, *France*, *Sweden* and *Germany*.

1.2 Institutional focus and coverage

In dealing with the local government systems, the study takes an institutionalist approach. In other words, within the definitional and conceptual triad of polity, politics and policy, the investigation focuses primarily on the polity as the institutional setting in which politics, conflicts between actors about, in *Lasswell's* famous words, "who gets what, when and how" (Lasswell 1936) and in which policies are formulated and implemented.

This institutionalist focus adopts a broad understanding of institutions which, in line with what has been called "old institutionalism", comprises formal (organisational, personnel, financial etc.) structures, the assignment of functions, and the corresponding legal regulations. In line with the "new institutionalism" debate and particularly its *sociological* variant (see Peters 1995, Schmidt 2006), the normative and cultural premises in which formal structures are embedded should be included in a wider understanding of institutions.

The ambit of institutions can also be extended by drawing on the distinction that has recently been introduced into the social science discussion between government and *governance*. Government comprises formal political and administrative institutions; on the local level, the traditional elected local authorities. *Governance*, by contrast, refers to the actor networks that have been developing outside formal government structures, and which constitute an increasingly important set of organisations and actors in the local arena (see Rhodes 1997). The emergence and salience of "quangos", as they have been termed in Great Britain/*England* (see Skelcher 1998), are good examples of such *governance* structures. The scope and coverage of the institutionalist analysis pursued in this study is bound to include these institutions and actors beyond the traditional realm of government.

1.3 Adding a policy-area orientation to the institutionalist analysis

This study endeavours to give to the institutional analysis additional depth and penetration by covering not only the institutional structure of local authorities in general and at large, but also a number of policy areas, in order to capture the institutionalisation patterns of local government responsibilities in greater breadth and depth. Indeed, this combination of the general and policy area-related institutional analysis may be seen as an innovative step which takes this study beyond research projects that restrict themselves to one of the two dimensions.

The selection of local policy areas was guided by the consideration that they should be of significant relevance for the profile of local government in all four countries under investigation.

Two major policy fields in local government met these criteria.

First, *social policy* responsibility was identified as one of traditional, key tasks of local authorities, particularly social assistance payments and social services, with the focus on elderly care. As an instructive litmus test of local government social outreach, local authority engagement in initiatives and measures to combat unemployment was also investigated.

Second, *urban planning* was selected as an exemplary local government responsibility, including the related task of deciding on building permits on the basis of legal regulations and local plans.

No doubt, these two policy areas are far from exhausting the range of local government responsibilities; important fields like public utilities, for instance, are not treated. But, apart from the practical constraints of time and resources to such a study, the two policy areas chosen can be considered "good enough" (in Herbert Simon's formulation) to provide valuable insights and information.

2. Analytic frame

The study examines institution building, institutional change and institutional choice as dependent variables. As we have seen, it is based on a wide understanding of institution that encompasses organisational, personnel, and financial structures, practices, and underlying value and cultural givens.

While the study seeks to empirically identify and analyse patterns of development and change or persistence in the institutional setting as dependent variables, it also addresses the crucial question of what shapes institutions, investigating the factors that, as *independent* variables, determine institutional change and choice.

The analytic frame draws significantly drawn on the recent debate on "new institutionalism" and its interpretation of the formation and constituents of institutions.

In essence, four variants of new institutionalism have been put forward (for an overview see Peters 1997, Schmidt 2006):

- *actor-centred* institutionalism (see Scharpf 1997, 2000) or (with a similar core concept) *rational choice* institutionalism,
- *historical* institutionalism (see Thoenig 2003),
- *sociological* institutionalism and
- *discursive* institutionalism (more recently introduced by V. Schmidt).

While all deal with the formation of institutions, each variant focuses on different factors and specific underlying logics in analysing and explaining how institutions come about (for a detailed discussion see Schmidt 2006):

- *Actor-centred* institutionalism (and similarly *rational choice* institutionalism) highlight (rational) actors that pursue their interests and preferences in a *logic of interest*. In analysing and explaining the occurrence or non-occurrence of institutional change, this variant of institutionalism primarily considers the constellation of political, economic, and other actors; their interests, policy goals, *will and skill* that drive their decisions on institution building/formation/change at hand. It can be hypothesised that the actor constellation and its *will* has the strongest impact if and when there is a shift in the political party majority governing the country.
- *Historical* institutionalism concentrates, instead, on the history of institutions and on the importance which historically grown institutional givens (tradition, "legacies") have on further institutional development in either fostering or restricting change. In their historical origins, these institutions, in turn, are the possibly unintended outcome of choices made in the past by political actors, thus linking historical institutionalism back to actor-centred institutionalism. Historically grown institutions and legacies stake out and weigh on the further course of institutional development in what has been called *path-*

dependence (see Pierson 2000 with references). "Once actors have ventured far down a particular path, they are likely to find it difficult to reverse course. The 'path not taken'... may become irretrievably lost" (Pierson/Skocpol 2002: 285).

- *Sociological* institutionalism sees institutions as socially constituted and culturally framed, which may induce actors, when considering institutional change, to pursue goals acceptable to a *logic of appropriateness* (on the concept of *appropriateness* see March/Olson 1989). Insofar as such values have often grown in the course of time and become entrenched, sociological institutionalism overlaps with historical institutionalism.
- Finally, *discursive* institutionalism, which has recently been put forward by Vivien Schmidt (see Schmidt 2002), emphasises the importance of ideas, of discourses and the discursive processes and interactions that may mentally and conceptually break the ground for and legitimise institutional change. For example, discursive institutionalism may serve as a vehicle for transporting dominant international debates, such as that on *New Public Management*, marketisation and the like into national discourse arenas (see Wollmann 2002c).

Hence, decision-making on institutional change and institutional choice can be conceptualised as being shaped by the interests, political goals and *will and skill* of the relevant actors guided by a *logic of interest*, determining voluntarist and contingent conditions for institution building, as suggested by actor-centred/rational choice institutionalism. On the other hand, structural conditions that weigh on the process of institution building can be identified in historically-grown and path-dependent structures, in the underlying cultural norms, and in the discourse networks as stressed by the rational choice, sociological and discursive variants of new institutionalism.

The socio-economic and budgetary contexts and problems that affect the process of institutional change and reform should be added to this list of hypothetically explanatory structural factors.

Drawing on this conceptual background, it is hypothesized that the following factors play a particularly important role in shaping institutional change and reform:

- political, economic, and other actors, their interests, political preferences and *will and skill*,
- the historically grown, *path-dependent* institutional setting,
- the underlying values and norms,

- the international discourse,
- the socio-economic and budgetary contextual conditions.

Which of these or other factors prevail in explaining the institutional change under investigation is an empirical question, one that cannot reasonably be answered on the basis of only one of the *institutionalisms* but rather by drawing on an admittedly somewhat "eclectic", Katzenstein/Sil 2005) conceptual mix (see Schmidt 2006: 14 f., for the application of a similarly conceived analytic frame for an international comparative study of public sector reforms see Wollmann 2003c: 231).

3. Comparative approach and design

3.1 Country selection

The selection of Great Britain/*England*¹, *France*, *Sweden* and *Germany* was guided by the following considerations.

Besides *Germany* which was a natural and seeded candidate for the study, the U. K./*England*, *France* and *Sweden* were attractive because they can be considered European prototypes of different local government patterns and trajectories with regard to their historical starting conditions and recent reforms. For methodological reasons, too, their similarities and dissimilarities hence made them particularly inviting subjects of comparative research (see below).

- During the 19th century and well into the 20th century, *England* was the European mother country of classical, multi-functional local government, and, since the late 1970s, has seen the political and functional status of its local government structures severely reduced.
- Historically, and until well into the 1970s, *France* was an example of a unitary, centralist country in which local government played only a marginal role. Since the 1980s, however, the country has embarked on decentralisation, devolving major functions to local government.

¹ Our study deals *primarily* with *England* and only *in passing* with *Great Britain* as a whole (which consists of England, Scotland and Wales) or with the United Kingdom (which also included Northern Ireland). The main reason for this focus and restriction is that, although Great Britain (and the U. K.) was until recently a unitary country, legislation on important matters, particularly relating to local government, has differed greatly in England, Scotland and Wales. These differences have been further accentuated since 1998 when Scotland and Wales legally became "regions" with their own elected assemblies/parliaments.

- *Sweden* is a unitary country with traditionally decentralised and strong local government structures, which, since the 1990s, has further decentralised political and administrative structures.
- *Germany*, finally is a federal country with traditionally decentralised and strong local government. While political and administrative functions have been further strengthened, elements of local administration have continued to be "integrated" into federal and state government administration.

3.2 Dimensions of comparison

Three main dimensions for comparison can be distinguished

Territory: The comparison may be between countries, but also between territorial sub-units of a country, such as *régions*, *Länder*, and municipalities. Certain institutions – be it with regard to sectoral structures or policy areas – may thus be considered from an international or intra-national perspective.

Sector/policy. Furthermore the comparison may address several sectors or policy areas in a cross sector/cross policy analysis – be it within an individual country or in a cross country dimension.

Time Finally, comparison may be between certain developments within a country or between countries over time.

Since, in keeping with historical institutionalism, the development of institutions over time is writ large in our study, the longitudinal analysis of certain sectors/policies is combined with a comparison between countries and, to some extent, between territorial entities within countries. A comparison between sectors and policies both within a country and between countries allows cross-sector and cross-policy developments to be identified.

3.3 Methods, intentions and range of comparative analysis

Three intentions of comparative analysis may be distinguished:

- descriptive comparison,
- explanatory comparison,
- evaluative comparison.

3.3.1 Descriptive comparison

The descriptive comparison of institutional development, combining the longitudinal and cross-country dimensions, seeks to identify the rate, direction, etc. of institutional change. This descriptive orientation lends itself to two analytical tasks.

First, it can address the question raised in the social science debate whether institutional development has converged or diverged.

Second, it could contribute to formulating typologies (groups or “families”) of local government systems and to classifying the countries under investigation accordingly.

In the available literature, a much quoted typology elaborated by *J. J. Hesse* and *L. Sharpe* (see Hesse/Sharpe 1991) focuses on the political and functional strength and/or weakness of European local government systems, proposing three types or groups of European local government system, an *Anglo*, a *Franco* and a *Scandinavian Middle European* group. By contrast, a recent typology proposed by *O. Borraz* and *P. John* highlights the institutional design of local leadership (*individualised* versus *collective/collegial*), identifying a “Southern/Northern European divide” (see Borraz/John 2004). The differences between typologies (for an overview in Heinelt/Hlepas 2006) depend largely on the focus and intention of the respective study. This study proposes a typology is submitted whose typology-building focusing on the model of local government functions (*uniform* versus *dual*) and the model of local government competence (*monistic* versus *dualistic*), appointing to a distinction between the *British/Scandinavian-* family of local government (*uniform/monistic*) and the *Continental European* (German, French) family (*dual/dualistic*) one (for details see below subchapter 2: 14 ff., see also Wollmann 2008a: 259 ff., 2008b: 280 ff.).

3.3.2 Explanatory comparison

While descriptive comparisons are conceptually and methodologically restricted to identifying change, explanatory comparisons are expected to establish causal links between the observed institutional change (dependent variable) and (independent variables) factors causally related to this change.

In methodologically terms, there are three main comparative research strategies:

- a quantitative strategy,

- comparative research designs explicitly or implicitly pursuing a *quasi-experimental* research logic,
- qualitative case study approaches.

Quantitative analyses

If a quantitative research strategy is to be meaningful and fruitful, it should address many cases and few variables; many units of analysis (the dependent variables) should be available and the number of hypothetically relevant, explanatory variables should be limited. Our study, however, examines few cases and many variables, dealing with only four countries and with a considerable number of explanatory variables. A quantitative approach was therefore ruled out from the outset.

Comparative (quasi-experimental) approaches

A methodologically rigorous strategy of comparative research obeys a quasi-experimental research logic in that it aims to isolate the operative, both dependent and independent variables under investigation by "controlling" all other contextual variables by rendering them "homogeneous", *ceteris paribus*. While comparative research methods (see particularly Przeworski/Teune 1975 on their *most similar* respectively *most dissimilar system approach* and Lijphart 1971, 1975 on a *comparative cases approach*, for an overview see Nohlen 2004: 1046 ff.) differ in their methodological architecture and terminology, they share the methodological intent to *control* either the dependent, independent or contextual variables by applying the quasi-experimental logic (and its homogeneity/*ceteris paribus* postulate) one way or the other.

In view of the key approach of this study to single out certain institutional changes (for example in local leadership or the delivery of social services) in a combination of longitudinal and cross county analysis, the variance with regard to contextual and hypothetically relevant explanatory variables seems, at first sight, so high that a methodologically rigorous application of any quasi-experimental design (with its *ceteris paribus* requirement) seems out of the question.

However, in a methodologically softened version, the comparative logic holds promise, since, with respect to independent variables, the selection of countries permit a *most dissimilar* or *most similar* approach or a mix of both and cautious causal assumptions. For instance, the territorial format of local government shows great variance (*most dissimilar*)

ranging from large-scale ("oversize") in *England* to mini-scale ("undersize") in *France* (and some German *Länder*) with *Sweden* is in the (territorially "viable") middle; in comparative interpretation the small territorial scale of local government would plausibly explain the emergence of a multitude of intermunicipal bodies (*intercommunalité*) and the ensuing subregional "over-institutionalisation" in *France* and some German *Länder*, as well as their absence in *Sweden* and *England*. In another example, pairing *England* and *Sweden*, both with a path-dependent collective/collegial leadership tradition and, *Germany* and *France*, both with a path-dependent monocratic tradition of local leadership, would help explain why the paired countries have not essentially deviated from these traditions in their recent reforms.

While a methodologically "soft" application of the most dissimilar and/or most similar approach may point to causal relations and generate hypotheses, it needs to be complemented by a comparative case study approach that allows a more penetrating analysis (see Huckle/Wollmann 1980, Hellstern/Wollmann 1977).

Case study approach

In a qualitative case study approach, the institutional change and reform under investigation is conceived as a case or event/non-event in the formation process which needs to be empirically reconstructed using the typical methods of the case study approach (document analysis, interviews etc.). In what has been called a "configurative analysis" (Verba 1967), the case study approach envisaged in this study contains exploratory elements, as it seeks to identify the details and profile of institutional change and potentially influential factors. Ranging in conceptual stringency from "heuristic" to "hypothesis-generating" and "hypothesis-testing" (Eckstein 1975), the case-study approach we have adopted is "hypothesis-led" without being "hypothesis-testing", by drawing on the analytic scheme and on new institutionalism and its variants. In keeping with the analytic scheme, strong explanatory power is hypothetically assigned to historical institutionalism and its emphasis on path-dependence as shaping the further course of institution building. In explaining changes and ruptures when institutional choice and change depart and deviate radically from the path-dependent institutional track, the concept of "critical juncture" (see Doyle/Hogan 2006 with – critical – references) is useful in identifying the constellation of actors, highlighted by actor-oriented institutionalism (such as a political government and regime change) in conjunction with critical socio-economic circumstances that may drive rupture. Finally, the shaping influence of the international discourse and reform movement, as emphasised by discursive institutionalism, may be borne and translated by policy learning and lesson drawing (Rose 1993), as well as by imitation and *isomorphism* in its different variants (see DiMaggio/Powel 1983, Thoenig 2003: 130).

Notwithstanding conceptual sophistication and empirical depth, the single case study can hardly avoid the theoretical weakness of arriving at an *ad hoc* explanation which, while it may attain a high degree of internal validity in explaining the single case at hand is liable to lack external validity, that is generalisation (leaving aside Eckstein's extreme of a "hypothesis-testing" = "crucial case" variant). However, this theoretical shortcoming endemic to the single case study approach can, to a certain degree, be overcome by broadening and complementing it by a comparative multi-case study strategy – with the cases selected and placed in a cross-country comparison. Such a research strategy can be expected to generate empirical generalisations which go beyond *ad hoc* explanations and may approach theory-building potential.

In sum, the methodological approach pursued in this study combines a methodologically softened *most similar*, respectively *most dissimilar* systems approach with a cross-country, multi-case approach.

3.4 Evaluative comparison: rating and ranking

Evaluative comparison seeks to assess (*rate*) key profiles of local government systems by examining the territorial, political, functional, organisational/personnel and financial dimensions. On the basis of admittedly somewhat crude rating criteria, a *ranking* of the four countries under consideration is proposed.

4. Words of thanks

Grateful mention should be made of

- two research assistants in *France* and *Sweden*² who helped in drawing on the relevant literature,
- many colleagues, particularly in the research institutes³ who offered their generous hospitality, as well as local practitioners,
- the participants of three expert workshops⁴ who provided valuable information and comments.

Thanks are owed to the *IfS Institut für Stadtforschung und Strukturpolitik GmbH* where this study was conducted for providing the organisational framework and support. Throughout the study, *Wolfgang Jaedicke* was crucial in giving valuable advice as a extraordinarily knowledgeable researcher and good friend.

Thanks to *Wüstenrot Stiftung* which commissioned this study from the *IfS Institut für Stadtforschung und Strukturpolitik* and supported its progress with great patience and helped comments particularly Dr. *Stefan Krämer*.

The English version of the research report was written by the author and text edited by *Rhodes Barrett*

It goes without saying that weaknesses and errors of this text fall to the sole responsibility of the author.

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France: Prof. Olivier Borraz, Dr. Emmanuel Moulin, Dr. Olivier Giraud
England: Prof. Chris Game, Prof. Michael Hill, Dr. Andrew Coulson

5. Structure of this internet publication
(www.wuestenrot-stiftung.de/download/local-government)

Chapter 1	Introduction
Chapter 2	Summary
Chapter 2a	Separate bibliography to chapter 2
Chapter 3	Country report <i>England</i>
Chapter 4	Country report <i>Sweden</i>
Chapter 5	Country report <i>France</i>
Chapter 6	Country report <i>Germany</i> (in preparation)
Chapter 7	Consolidated bibliography (covering all chapters)

Each of the country reports falls into three subchapters (that is, on:

- local government (general overview),
- local social policy (with sections focusing on social assistance, social services and local anti-unemployment measures), and
- urban planning (with sections focusing on urban planning and issuance of building permits).

6. References/quotations

References/quotations will be made by identifying the respective *country report* and by adding the *pertinent page(s)* of this internet publication

Furthermore, references will be made also to the (*German language*) publication on the research project: *Hellmut Wollmann, Reformen in Kommunalpolitik und -verwaltung in England, Schweden, Frankreich und Deutschland im Vergleich*, Hrsg. Wüstenrot-Stiftung, 2008 Wiesbaden: VS Verlag, quoted as *Wollmann 2008a*

Hellmut Wollmann

Comparing Local Government Reforms

in England, Sweden, France and Germany:

Between continuity and change, divergence and convergence

Chapter 2

Comparative Summary and Ranking*

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internet publication www.wuestenrot-stiftung.de/download/local-government
for quotation: Wollmann, H. 2008, Comparing Local Government Reforms in England, Sweden, France and Germany, in: www.wuestenrot-stiftung.de/download/local-government

* The bibliographical references for chapter 2 are provided in chapter 2a (below pages 107 following) and are also contained in the consolidated bibliography (chapter 7 below pages 482 following)

This chapter summarises the findings and conclusions of the comparative study.

The general purpose of this study, its analytical frame, comparative and "ranking" approach and methods are sketched above in chapter 1 (pages 3 following).

1. Territorial and functional profile of local government in *England, Sweden, France and Germany*

1.1 Conceptual framework

1.1.1 Territoriality and functionality

A heuristically and analytically promising approach to analysing and comparing the inter-governmental and interorganisational setting of local government draws on territory/territoriality and function/functionality as underlying organisational principles and premises (see Wegener 1981, Benz 2002, Wollmann 2004a, for the following particularly see Wollmann/Bouckaert 2006: 11, 2008).

1.1.2 Territoriality and multi-functionality

In the constitutional and institutional design of the intergovernmental setting and architecture of a country, the concept of territoriality focuses on the establishment of territorially defined (horizontal) arenas in the intergovernmental space to which a plurality of functions may be assigned. Inasmuch as these arenas are autonomous political and administrative entities, the actors may be put in charge of these functions. In this sense, territoriality goes hand in hand with multi-functionality. Within the multi-level system typical of the modern constitutional state decentralisation aims at devolving public functions from upper to lower levels in obedience to an essentially political logic under which the lower levels operate with political independence legitimacy, and accountability. Democratically elected and politically accountable local government is exemplary of exercising decentralised public tasks on a territorially defined and multi-functional basis.

(Single-) Functionality

By contrast, the concept of functionality focuses on single and specific tasks which are carried out in the intergovernmental setting by a single actor/institution or through a single-purpose project. There are two dimensions.

- In the vertical dimension, single/specific functions may be conferred on single/specific actors *top down*. This can take place either in a vertical chain of single-purpose administrative actors within (sectoral) State administration (*field offices*) in what may also be termed (administrative) deconcentration. Local field offices of sectoral State administration, e.g., *services extérieurs* in *France*, are cases in point.
- Or specific public functions may be passed down to local level single purpose (typically non-public or quasi-public) actors or projects such as so-called "quangos" (*quasi-autonomous non-governmental organisations*), central government induced "partnerships" or "target areas".

In the horizontal dimension specific public tasks may be taken over and carried out by typically non-public/private, semi-public, "mixed" (public/private) or quasi-public single purpose actors/institutions formally and factually operating outside and beyond elected local government where local government has seen cause to *outsource*, *hive off* or "materially" *privatise* previously public/municipal tasks to such actors. They range from entirely "non-public" (non-profit or for-profit/commercial) actors to semi-public/"mixed" organisations (*public-private-partnerships*, *PPP*) and organisationally and economically autonomous, but still entirely publicly/municipality-owned corporations. In the wake of neo-liberal policy and *New Public Management* drives meant to reduce the predominance of public sector operations and promote the *outsourcing* and *marketisation* of previously public activities, the single purpose actor world outside local government proper has expanded and multiplied. In as much as these moves aim at dismantling the "public sector-centredness" of public responsibilities and activities this could be described as a variant of "horizontal de-centralisation".

1.2 Government versus governance

In recent rampant debate the distinction between *government* and *governance* has gained extended currency. The term *government* has been applied to the formally established, democratically elected and politically accountable political and administrative institutions premised on multi-functional territoriality, of which elected local government is exemplary. By contrast, the term *governance* has been used to describe the emergence and exis-

tence of the multifarious non-public, semi-public and quasi-public actors, institutions and projects that operate outside the immediate realm and domain of government. For one, they typically operate on a single-purpose formula (see Rhodes 1997, 2000; Wollmann/Bouckaert 2006: 34; for the German debate see Benz 2004, Klenk/Nullmeier 2005: 165 ff., Wegrich 2006: 36 ff. with references). Second, their operational base is characteristically defined by their specific function and purpose and, not being geared to the territorial boundaries of existing governmental units and levels, they have been described as "de-territorialised" or "footloose" (see Rhodes 1997, Wollmann/Bouckaert 2006: 34, 2008: 119). In this understanding, the functionally defined action space of *governance* may typically be inner-city "target areas" (*actions territorialisées*) (see Duran/Thoenig 1996) or projects, and may focus on action frames that cross local, regional and even national boundaries (for instance multi-national corporations operating locally but far-reaching activities in international markets and distant headquarters).

In the inflationary and often still nebulous discussion, a meaningful distinction can be made between *governance* in the descriptive/analytical sense which is meant *heuristically* and *analytically* to capture and identify the multifarious actor and institutional networks operating outside government proper and *governance* in a *prescriptive/normative* sense denoting the intention and capacity to steer and co-ordinate the increasingly complex actor networks typical of *governance* (in the descriptive sense).

1.2.1 Local government models

In discussing the institutionalisation of local government in the intergovernmental setting, it is heuristically and analytically useful to introduce two other distinctions (see Wollmann 2008a: 259 ff., 2008b: 280 ff.).

1.3 Uniform versus dual task model

In the *uniform* task model of local government, all tasks, once transferred to the local authorities, become *full* or *genuine* local government responsibilities in the sense that decision-making lies in principle with the elected local council. The *uniform* task model typically goes hand in hand with the understanding that, in relations between local government and the State, the latter exercises supervision over local government activities only with respect to reviewing their *legality*. Historically, the *uniform* task model has operated in *England* and *Sweden*.

By contrast, under the *dual task* model, local government discharges two types of responsibilities. First are the *genuine* local government responsibilities decided by the elected council and subject merely to legality review by the State. Second are "delegated" functions transferred by the State to local authorities by way of *delegation*. They differ from *genuine* local government tasks firstly in being performed solely by the local administration (that is, first of all, by the chief executive) without the influence and control of the elected council, and secondly in that State authorities exercise more comprehensive (*merits, appropriateness*) control over their implementation. The *dual task* model has historically been characteristic of *Germany* and *France*.

Separationist versus integrationist model

In *England* and in *Sweden*, the *uniform* local task model has historically been in keeping with relations between central and local government that, because of central government's restraint in exercising supervision, have been labelled "*separationist*" (Leemans 1970, Wollmann 2000b: 125 f.) – alluding to a degree of institutional detachment between the two levels. Because of more intense State oversight over *delegated* tasks, the *dual task* model has, by contrast tended, to integrate local administration into State structures to a certain extent, thus being *integrationist* in type (Leemans 1970). *Germany* is a case in point.

1.4 Evolution and reform of the territorial and functional structure of local government

Territoriality and functionality have been basic, driving organisational principles in the build-up of modern local government.

1.4.1 *England* (see above page 2, footnote 1)

Following the historic *Municipal Corporation Act of 1835*, English local government, was characterised through most of the 19th century by "a plethora of single purpose agencies managed by boards that were appointed or elected in various ways" (Skelcher 2003: 10). Towards the end of the 19th century, central government embarked upon unprecedented local territorial reforms, which laid the basis for the development of modern local government. In 1888, the medieval regime of *justices of the peace* was abolished on the shire/county level and 62 elected county councils were introduced; at the same time county borough councils were created in larger towns and cities. In an even bolder move

in 1894, a completely new local government level was created with 1.200 urban and rural districts/boroughs becoming the functionally relevant lower level of local government and the many historical villages and parishes (some 10,000) losing practically all functional significance. With the two-tiers of local government, county and district councils in rural areas, and single-tier county borough councils (the institutional forerunners of today's unitary authorities) in urban areas, the secular reforms of 1888 and 1894 created the platform for England's modern, territory-based, multi-functional local government system, which persisted unto the 1970s.⁵

Local councils exercised political and administrative functions through "government by committee" with a broad remit, and financed almost entirely by a local property tax (rate). In the intergovernmental division of functions, central government was largely engaged in "high politics" (foreign policy, "running the Empire", setting the legislative frame), whereas "low politics" was largely left to local authorities. Hence, although the *ultra vires* doctrine allowed local authorities to exercise only those powers that were explicitly assigned to them by parliamentary legislation, in fact were entrusted with very broad responsibilities. Their autonomy was apparent in what has been called "dual polity" (Bulpitt 1983) and can be classified as a *separationist* model (Leemans 1970). Thus, until well into the early 20th century, Victorian England experienced "golden ages of local self-government" (Norton 1994: 352) with a type of territorially based, multi-functional local government unparalleled and much admired elsewhere in contemporary Europe.

Since the 1920s, the Victorian model of local self-government has undergone continuous changes as, with the emergence of the *welfare state*, central government proceeded to *nationalise* and expand its infrastructure and social policy concerns, which until then had largely been left to the (still multi-functional) local authorities, increasingly making the latter instruments of national welfare state policy.

In the course of the 1940s, particularly after 1945 under the incoming Labour government, English local government experienced a sequence of dramatic shifts in the range and composition of its responsibilities. A broad array of time-honoured tasks was taken away from the local authorities (gas and electricity were transferred to nationalised bodies in the 1940s, health care was taken over by the *National Health Service* after 1945 as the social assistance scheme was transferred to a state agency). This significantly curbed the historical multi-functional model of local government. At the same time, the mandate of local government to deliver other social services (including social housing) and education was significantly expanded (see Leach and Percy-Smith 2002: 55 ff.), thus further accentuating

⁵ For details and references see below pages 118 following and Wollmann 2008a: 29 ff., see also Wollmann 2000: 108 f., 2004a: 243 ff. with references).

the social service delivery function which has been pivotal in English local government ever since.

Territorial reforms

In the early 1970s, central government undertook a round of territorial reforms fundamentally changing the territorial structure of the local authorities in place since the late 19th century. Conceptually and strategically, the reform drive aimed at significantly reducing the number of the county and district councils, increasing the size of their territory and population through amalgamation and, thus accentuating multi-functional territoriality as the basic organisational principle of local government structure. In reducing the number of counties from 58 to 47 (averaging 730,000 inhabitants) and that of districts from 1,250 to 333 (averaging 130,000) *England* was the most radical of the "North European" countries to undertake territorial reforms during that period: *Sweden* was second, creating municipalities with an average population of 34.000 (see Norton 1994: 93 ff for comparative figures). In another conspicuous move, the 1974 reform extended the two-tier structure to all local authorities throughout *England*, thus abolishing the time-honoured single-tier ("not within county") status of county borough councils and turning them, including big cities, into boroughs "within county". The rationale behind this reform component was probably the functional streamlining of the entire local government system.

In sum, the 1974 reform somewhat epitomises multifunctional territoriality as the basic organisational formula for local government by pushing territorial population sizes to extremes. The underlying strategy has been criticised for "sizeism" (Stewart 2000: 66) which overly accentuates the assets of administrative and economic efficiency (economics of scale) while ignoring historically rooted local boundaries and emotional local identities—some have described "sizeism" as one of the main reasons for the noticeably low voter-turnout in English local elections compared with other countries.

After the mid-1980s, central governments inaugurated a sequence of further territorial reforms in two directions.

Firstly, the abolition of the single-tier local authorities by the 1974 reform was reversed step by step, restoring single-tier *unitary authority* councils, which again merge county and district functions. To begin with, (under the Conservative PM *Margaret Thatcher*) 36 metropolitan boroughs (most of them large cities) were restored to single-tier status in 1986. Then, in the early 1990s (under the Conservative PM *John Major*) another 45 local authorities gained or re-gained single-tier status. Finally, under *New Labour* PM *Tony Blair*, still more local authorities have more recently become *unitary*. As most new unitary au-

thorities have been formed by amalgamating existing counties and districts, the average population of local councils has further increased to 160,000 and more. Single-tier unitary authority councils are now in place in most urban and even semi-urban areas, particularly in large and middle-sized towns, while two-tier local government structures (counties plus districts "within counties") continue to exist only in rural areas (for the territorial format of *England's* local government see table 1).

Table 1: Structure data on local government systems in *England, Sweden, France* and *Germany*

country	subnational/ local levels	year(s) of territorial reform	number	population average Ø	functional weight	territorial profile
<i>England</i>	counties	1888, 1974	34	Ø 720.000	moderate	oversize
	districts	1894, 1974	282	Ø 120.000	small	oversize
	(single tier) unitary authorities/ county boroughs	1888, 1986, 1990 ff.	82	Ø 130.000	large	
<i>Sweden</i>	landstings- kommuner	1634, 1862	22 + 2	Ø 360.000	moderate ¹	
	kommuner	1862, 1952, 1974	286	Ø 30.300	very large	"viable"
<i>France</i>	régions	1982	21 + Corse	Ø 2,3 Mio.	small	
	départements	1790	96 (100)	Ø 550.000	moderate	oversize
	communes	1790	35.000	Ø 1.560 (davon 93% mit weniger als 3.500 EW)	small ²	undersize
	intercommunal bodies (inter- communalité)	1890, 1956, 1999	12.000 SIVU 2.000 SIVOM, 14 communautés urbaines, 2.033 communautés de communes, 155 communautés d'agglomération		small ³	institutional overcrowding
<i>Germany</i>	counties	1960/1970, 1990	323	Ø 170.000	large	
	municipalities within counties (kreisangehörige Gemeinden)	1960/1970, 2003 f.	13.299	Ø 6.100 Nordrhein- Westfalen: Ø 40.000/ Rheinland- Pfalz: Ø 1.700	large	"viable" in some Länder, undersize in most Länder
	single-tier ("county free") cities (kreis- freie Städte)	1960/1970, 1990	117		very large	
	intercommunal bodies (Verwal- tungsgemein- schaften, Ämter)	1960/1970, 1990	total 1.708 (e.g. in Land Rheinland-Pfalz 95 per cent of all mu- nicipalities are at- tached to an inter- communal body)		small	institutional overcrowding

¹ mostly health services

² with the exception of big and larger cities: moderate

³ with the exception of communautés urbaines: moderate

(adapted and translated) from: Wollmann 2008a: 54

Loss of the (multi-)functional relevance of local government

While the extension of unitary local government might be interpreted as a further advance in the organisational principle of multifunctional territoriality in English local government, it should be stressed that, since the 1970s, central government policy and intervention have severely reduced the traditional multi-functional profile of local government. Without going into details (see Wollmann 2004a: 644 f. for references⁶) it should suffice to note the Thatcher government's strategy after 1979 to strip local authorities of functions and to sideline and bypass them in a kind of vertical deconcentration of functions by transferring public tasks to single-purpose actors and organisations (quasi-non-governmental organisations, quangos, see Skelcher 1997) with boards appointed by central government and financially largely dependent on it. The *quangoisation* of single purpose bodies, operating outside politically accountable local authorities and largely depending on central government, has since become a prevailing feature of local level activities, evidencing a functional erosion and weakening of local government. *New Labour* governments have continued to operate through local quangos and partnerships largely outside local government and to the functional detriment of the latter.

In a parallel development, the scope of local government responsibilities has been curbed since the 1980s by central government legislation and intervention. This was particularly evident in the dismantling of local government controlled *council housing* and in PM Thatcher's *Compulsory Competitive Tendering (CCT)* legislation, which resulted in most services traditionally delivered by local government itself were *outsourced* to outside providers (see below section 1.2).

Under the shibboleth of "new localism", the *New Labour* government has recently moved to enlarge the remit of local government by empowering the local authorities under the *Local Government Act 2000* to "promote the economic, social, and economic well-being of their area" (see Wilson/Game 2006: 158 f.), thus mitigating the traditional restrictive ultra vires doctrine and moving towards a general competence clause. Whether this innovation has ushered in a reversal of functional erosion remains to be seen.

Finally it should be remembered that, notwithstanding the functional attrition local government has suffered since the 1980s, its operations continue to be sizeable. In fact, English local government was said to be "still very big business" (Wilson/Game 2006: 119). Local government still employs about half of the entire public sector workforce (see table 2).

⁶ See also below pages 133 following.

Table 2: Percentage of public employment by levels of government in U. K., Sweden, France and Germany (and some selected OECD countries)

country	level	central government level		intermediate (federal State, regional)		local government level	
		1994	2000	1994	2000	1994	2000
United Kingdom		47.7	47.6			52.3	52.4
Sweden		17.3				82.7 ¹	
France		48.7	51.6	(18.0) ²		30.7 ³	25.3 ³
Germany		11.9	11.5	51.0	52.2	37.1	36.3
Australia		14.6	12.1	73.3	77.1	12.1	10.8
Belgium		39.9	34.3	14.1	14.8	46.0	50.8
Canada		17.1	13.2	44.1	51.9	38.9	35.0
Italy		63.0	57.9	23.0	26.8	14.0	15.3
Netherlands			74.2		4.7		21.1
New Zealand		89.7	90.9			10.3	9.1
USA		15.2	13.5	22.6	23.1	61.1	63.4

¹ composed of 58.1 per cent for municipalities (*kommuner*) and 24.6 per cent for counties (*landsting kommuner*)

² in France, another (around) 18 per cent of the public sector personnel are employed by (public) hospitals (see Kuhlmann 2006: 404)

³ comprises all three levels of *collectivités locales/territoriales* (*régions, départements, communes*)

from Wollmann/Bouckaert 2006: 17 (adapted from Pollitt/Bouckaert 2004: 44)

Central/local government relations

The progressive, if not rampant erosion of traditional multi-functionality of local government has been accompanied by significant centralisation in relations between central and local government relations. The historical "dual polity" (Bulpitt 1983) and *separationist* model have given way to a relationship in which local authorities have become financially dependent on central government and subject to stringent oversight and intervention. The introduction, under *New Labour*, of the *Best Value* regime as a central government-controlled top-down performance management system (see Wilson/Game 2006: 360 ff.) is typical. Another striking case in point in the field of urban planning is, the growing flood of central government "guidance notes" and direct interventions by the Secretary of State in the day-to-day operations of local authorities.⁷ Thus, in the words of one author, England has been transformed from a "unitary highly decentralised" into a "unitary highly centralised country" (Jones 1991: 208).

⁷ For details and references see below pages 234 following and Wollmann 2008a: 174 ff.

Regionalisation

While the centralist grip has tightened at the central/local government interface, Great Britain has, somewhat paradoxically, fostered decentralisation at the regional level. Historically, the country has shown a distinct "anti-territorial bias" (Sharpe 2000: 70). Notwithstanding the ethnic, cultural, and even legal differences between the "celtic nations" Scotland and Wales (Sharpe 2000: 67) and England, Great Britain remained a unitary state that renounced multi-functional territoriality at the regional/meso level. Finally in 1998, under a *New Labour* government, regional parliaments/assemblies were created following regional referendums in Scotland and Wales, in what was seen as putting the country on the "road towards quasi-federalism" (Wilson/Game 2006: 82). In *England* herself, comparable regionalisation was stalled since one of the eight prospective English regions rejected the establishment of a regional assembly by a stunning majority in a regional referendum in November 2004.

1.4.2 Sweden

By tradition *Sweden* is a unitary but strongly decentralised country.⁸

At the national level, level central government and its ministries essentially make policy without exercising significant executive responsibilities, so that central government has few staff⁹ and no local field offices (see Pierre 1995: 142). Furthermore, on the (quasi-) central level, there is a set of agencies (*myndigheter, ämbetsverk*) which, partly dating back to the 17th century, have sectoral, single-purpose responsibilities for certain public tasks. Operating with great independence of central government (see Petersson 1994: 100), most have no regional or local field offices, except for the National Labour Agency (*arbetsmarknadsstyrelsen, AMS*) which has (21) regional and (320) local branches. On the regional level, the 24 counties (*län*) both central government field offices (*lansstyrelse* with an only limited scope of tasks) and county self-government (*landsting kommuner*) operate.

The modern system of local self government (*självstyrelse*) in Sweden was introduced in 1862. It has two tiers, counties (*landsting kommuner*) and municipalities (*kommuner*). Endowed from the beginning with a potentially broad scope of responsibilities, the local government system is exemplarily premised on multi-functional territoriality. Its financial

⁸ For details and references see below pages 264 following and Wollmann 2008a: 34 ff.

⁹ In 1991 the number of central government employees amounted to 1.800, see Pierre 1995: 142.

autonomy is based primarily the traditional power to levy local taxes and the concomitant obligation to finance most tasks from the proceeds (see Häggroth et al. 1993: 74).

In the post-1945 development of Sweden's welfare state, multi-functional local government has come to play a key "local welfare State" (*den lokala staten*, Pierre 1994) role, with the counties being responsible for the public health system in particular and the municipalities bearing the lion's share of public tasks.

Territorial reform of the municipal level (*kommuner*)

After 1945, Sweden was the first European country to tackle the territorial reform of its 2.200 small municipalities (*kommuner*) (see Häggroth et al. 1993: 12 f., Baldersheim/Ståhlberg 1994). In a first wave (1952) the number was reduced from 2.200 to 816 and in second wave in 1974 to 288. The resulting average population was 34.000. Inspired by the international *planning zeitgeist* the reform drive sought to provide a territorially viable and optimal basis for the further development of multi-functional local government. The good performance of Sweden's local government reflected in the public satisfaction recorded by surveys and also in the exceptionally high voter-turnout for local elections points to the *viability* of the territorial format established.

(For Sweden's territorial local government format see above table 1 on page 21).

Further expansion of the multi-functional model

In line with the reform logic that inspired territorial reform of municipalities of the 1970s, the already broad gamut of municipal responsibilities was broadened still further. After the pace-setting "free *communes* experiments" in the early 1980s embracing the rationalist *zeitgeist*, new approaches were tested (see Baldersheim/Stahlberg 1994, Marcou 2004: 49 ff.), municipalities were given still greater autonomy and greater responsibilities were devolved to them from the State (primary and secondary education) and the counties (elderly care) (see Premfors 1998). Sweden's municipalities (*kommuner*) can consequently be considered the most advanced embodiments of the principle of multi-functional territoriality.

During the 1980s, the three largest cities (*Stockholm*, *Göteborg* and *Malmö*) were turned into *single-tier* cities, their municipal tasks being merged with county responsibilities (particularly health services) in an obvious attempt to improve co-ordination within one territory. Hence, multifunctional territoriality was accentuated.

Reflecting the functional profile and task distribution of Swedish local government, over 80 per cent of the country's entire public sector personnel are employed by local authorities; almost 60 per cent by municipalities (*kommuner*) and another 25 per cent by counties, while merely 17 per cent are employed by the State (central government and the central government agencies) (see table 2 above).

Challenges to the multi-functional model

It should be added, however, that in Sweden, too, the multi-functional profile of the municipalities has recently been challenged and to some degree curbed for a number of reasons.¹⁰

Under the impact of neo-liberal policy demands to cut back welfare state policies and public sector responsibilities, there have been such moves in *Sweden*, too.

Furthermore, *New Public Management* concepts (such as *marketising* and *outsourcing* social services provision) have made their way onto the municipal agenda, and have led to the spread and extension of non-public (non-profit as well as for profit/commercial) single-purpose actors and organisations. However, the rate of *outsourcing* has ultimately remained remarkably limited (see below pages 321 following).

Finally, as the production and provision of public utilities has traditionally been a key responsibility of local authorities in Sweden, the international drive towards *corporatisation* and wholesale *privatisation* have taken their toll in *Sweden*, too.

Counties (*landsting kommuner*), regions

In contrast to municipalities (*kommuner*) the territorial reforms of the 1970s and 1980s did not affect the 24 counties (*landsting kommuner* -), whose territorial format (averaging some 400.000 inhabitants) was obviously deemed adequate for the exercise of their functions (mainly in public health). Only in the late 1990s was the redrawing of time-honoured county boundaries put on the political agenda in view of the new role of regions in the European Union and its funding programmes. The first step was to create two new regions, *Västra Götaland* and *Skåne*, merging *Göteborg* and *Malmö* with their adjacent counties.

¹⁰ For details see below page 272 and pages 329 following.

In the meantime far-reaching territorial reforms of existing counties have recently been proposed by a high level advisory commission, the so-called "responsibility commission" (*anvarskommittén*), established in 2002. After protracted, intensive and controversial debate it issued its final report in February 2002, recommending, among other things the dissolution of existing counties and their replacement by six to nine regions with elected regional parliaments, to be entrusted not only with the public health service functions of existing counties but also with crucial planning responsibilities (see SOU 2007a, 2007b). These concepts, too, aim to enhance multi-functional territoriality at the county/regional level.

Central/local government relations

In Sweden, relations between central and local government have traditionally been marked by a high degree of local autonomy (with strong local financial autonomy) and by restraint on the part of central government in exercising oversight over local authorities. The relationship can thus be classified as *separationist* (Leemans 1970). Throughout recent developments the *separationist* pattern has been maintained. To a certain degree it has been further accentuated, for instance, by restricting the legal regulation to *framework legislation* (*ramlag*). Exemplary is the field of urban planning in which the control by the State has been further thinned out.¹¹

In keeping with the underlying *separationist* model (and reflected in the small share of State (central government) employees in the total number of public sector employees), State administrative resources are limited to state offices in the 22 counties (*län*) and are thus remarkably small by international standards.

1.4.3 France

During the founding period of France's modern state organisation, under the short-lived post-revolutionary legislation of 1789, the new *départements* and *communes* were designed, on the premises of multifunctional territoriality, to serve as subnational levels of local self government (see Wollmann 1999e: 318 ff., 2004a: 655 ff).¹² After the centralised Napoleonic regime had reduced the *départements* and *communes* to mere administrative units, their status as units of territoriality-based local self-government was gradually re-

¹¹ For details and references see below pages 349 following, see also Wollmann 2008a: 179 ff., 204 ff.

¹² For details and reference also see below pages 372 following and Wollmann 2008a: 41 ff. See also Kuhlmann 2006: 400 ff., 2008.

stored with the reinstatement of elected municipal and departmental councils (1831, 1833). The terminology) refers respectively to their territorial basis (*collectivités territoriales*) or subnational/local status (*collectivités locales*).

Well into the 1970s, the functions assigned to *départements* and *communes* remained meagre. Moreover, in exercising these narrow responsibilities they were subject to stringent and comprehensive control (*tutelle*) by the *préfet*. Lacking administrative resources of their own they left the administration of these tasks largely to the State (see Norton 1994: 121 ff.) – with the exception of larger cities which, as early as the end of the 19th century and particularly after 1945, began to build up administrative structures and personnel of their own (see Borraz 1998: 141 ff.).

Abortive municipal territorial reform

In 1971, in response to the international debate about the need for local territorial reform, the French government, too, began to redraw the boundaries of the some 37.000 municipalities (*communes*), boundaries dating back to the Great Revolution of 1789 and earlier encompassing an average population of about 1.700. The reforms, which relied on the principle of voluntariness (*voluntariat*), made amalgamation contingent on the consent of the local population. This being the case and in the face of widespread opposition from mayors (*maires*), the reform initiative failed almost entirely (see Marcou 2000: 4). No new moves for municipal territorial reform have since been undertaken, probably in anticipation of massive resistance from mayors well entrenched through their *cumul de mandats* in the *Assemblée Nationale* and in *Sénat*. The lack of territorial reform in France's municipal world is a factor in the intergovernmental system whose impact and consequences can hardly be overestimated: the path dependence of the failure has precluded effective application of multifunctional territoriality as a principle at the crucial *commune* level of local government.

(For *France's* subnational/local territorial format see above table 1 on page 21).

Intercommunalité

As early as 1890, in response to the great number of small municipalities administratively incapable of handling local self-government matters themselves, national legislation offered municipalities institutional forms of intercommunal co-operation (*Etablissements publics de coopération intercommunale, EPCI*), be it on a single-purpose or multi-purpose basis (*syndicats à vocation unique, SIVU* or *syndicats à vocation multiple, SIVOM*). Mu-

municipalities have made wide use of such co-operative forms, particularly to deliver public services and for utilities (water supply, waste treatment etc.) (see Thoenig 2006: 42). Currently (as of January 1, 2008), *syndicats (Etablissements publics de coopération intercommunale, EPCI's)* number 1.389, most of the SIVU type. *Intercommunalité* as institutionalised form of intermunicipal co-operation has become a (*path-dependent*) component characteristic of France's institutional architecture in the subregional/local space (see Marcou 2000).

In 1966 legislation on *communautés urbaines* was introduced as a new form and frame for more integrated intercommunal co-operation. In a striking innovative move, *communautés* were given the power to levy their own taxes (*à fiscalité propre*) on top of the local taxes of "normal" *communes* (see Marcou 2000). The new strategy was directed at four metropolitan cities and surrounding municipalities in and around *Bordeaux, Lille, Lyon and Strasbourg* (see Dantonel-Cor 2003: 82), turning them into *communautés urbaines* per legislative fiat. (This is the only case yet of central government deviating from the traditional principle of voluntariness, *voluntariat*, and imposing a reorganisation of municipalities by binding national legislation). Subsequently, municipalities in another 10 metropolitan areas followed suit on a voluntary basis, thus bringing the total number of *communautés urbaines* to 14. The decision-making body of a *communauté* is a board (*conseil*) elected by the local councils (*conseils municipaux*) of member *communes* and chaired by a *président* elected by the board who, as a rule, is the mayor of the main city (for a – critical - case study on the *Communauté Urbaine de Bordeaux* see Hoffmann-Martinot 2003: 177 ff.).

In 1999, in view of the continuing and growing complexity and opacity of *intercommunalité*, a centre-left government passed the *Loi Chevènement*, hailed by some as inaugurating an "intercommunal revolution" (Borraz/LeGalès 2005). The new legislation is destined, as it explicitly claims in its title, to "simplify" (*simplification*) the existing intercommunal maze by defining three types of *communauté* depending on settlement conditions (see Rangeon 2000: 9 ff.) and also endowed with local tax power (*à fiscalité propre*).

The *Loi Chevènement* has indeed triggered a profound regrouping of municipalities. Especially the *communautés d'agglomération* scheme targeted at urbanised areas outside the existing 14 has been increasingly applied with the number of *communautés d'agglomération* jumping from 50 in 2000 to 143 in 2003 (see Dantonel-Cor 2003: 97, for further data see Thoenig 2006: 42). By January 1, 2008) a total of 2.583 *communautés* had been formed, comprising 33.636 or 91.7 per cent of all *communes*.

On the one hand, the expansion and consolidation of the *Loi Chevènement* type of *communautés (à fiscalité propre)* arguably points to the emergence of a new, functionally viable local government level. If pursued further, the new *communautés* could gradually eclipse

and, in the long term, functionally replace their member *communes*, thus achieving municipal territorial reform "through the backdoor" after all.

On the other hand, implementation of the *Loi Chevènement* reform and *intercommunalité* at large have recently been sharply criticised, *inter alia*, for its inflationary effect on local taxation (see Commission d' Enquête 2005) and for the continuing overlap (*enchevêtrement*) of functions (see Beaudouin/Pemezec 2005). In line with an earlier critical analysis *Commission Mauroy 2000* the existence of a "chaotic system of partnerships" was identified "in which everybody seeks to seize the entirety of functions" (Beaudouin/Pernezec 2005).

Furthermore, a crucial deficit of the existing form of *intercommunalité* lies in its lack of direct democratic legitimacy and control, since the directing boards (*conseils*) of the intercommunal bodies, including the new type *communautés*, continue to be indirectly elected by the councils of the "member" *communes* and not by local citizens at large. (see Wollmann 2004b: 656 ff.).

Decentralisation

The epoch-making decentralisation of the French State came in two stages, Acte I in 1982 and Acte II in 2003, the latter backed by a constitutional provision that French Republic's "organisation is decentralised"¹³ By transferring public functions from central government administration to the three subnational levels of self-government (*collectivités territoriales/locales*, namely, the *régions*, *départements* and *communes*, see table 1), multifunctional territoriality has finally arrived as a fundamental organisational principle in France's intergovernmental system, thus catching up with other already decentralised countries.

The 22 *régions* averaging some 3 million inhabitants were recognised as a third level of local government level only in 1982. While they have in the meantime been assigned a number of responsibilities, particularly in economic and infrastructural planning and implementation – not least in connection with EU funding– they have so far been relatively limited. It is almost unanimously agreed that the position and function of the *régions* in France's intergovernmental architecture should not be elevated to a status analogous to the German states (*Länder*) (see Wollmann/Bouckaert 2006: 27 f.).

¹³ "... son organisation est décentralisée" (Loi constitutionnelle no. 203-266 du 28 mars 2003 relative à l'organison décentralisée de la République).

So far, the 96 *départements* (averaging some 450.000 inhabitants) have profited most from decentralisation. Particularly in social policy, major responsibilities, such as the provision of social services (*aide sociale légale*) have been devolved from State to the *départements*, including the transfer of the related personnel. In follow-up reforms, further social policy functions have been passed on to them, especially in connection with the reform of *Révenu Minimum Insertion* (RMI).¹⁴

By contrast, the transfer of functions to the (some 35,000) municipalities (*communes*) (averaging about 1,700 inhabitants) has so far been quite limited except for the important field of *urbanisme* (see Jacquot/Priet 2004: 40 ff.).¹⁵ By and large, the municipalities (*communes*) have so far been "forgotten areas" ("*territoires oubliés*", Borraz 2004) in national decentralisation policy. The reason for this is probably that the administrative and operational capacity of the great majority of small *communes* is simply not sufficient to warrant any substantive further functional transfers to them (pointedly they have been called "administrative wasteland", *friche administrative*, Jegouzo 1993).

Thus, decentralisation has so far exhibited a conspicuous asymmetry between levels, as the lion's share of decentralised responsibilities and powers has gone to the 100 *départements*, averaging some 450.000 inhabitants, as the "meso" level in France's three-tier local government system, while the *communes* as the bottom, indeed "grass-roots" level" have been largely left aside. This asymmetry can be criticised as causing a probably crucial functional imbalance and dilemma in the three-tier local government system: while the *départements* with most of local government powers are comparatively large in terms of territory and population and accordingly less accessible to the local citizen, the *communes* are close to the local citizen but have neither the relevant functions nor adequate resources.

Central/local government relations

A crucial outcome of the 1982 decentralisation drive was to reduce the hierarchical dominance of the departmental *préfet*, appointed by central government, in the subnational space to a largely co-ordinating role. The *préfet's* previous comprehensive *a priori* control (*tutelle*) over local authorities has been replaced by *a posteriori* legality review, the administrative court having the final say.

¹⁴ For details and references see below pages 424 following and Wollmann 2008a: 157 ff.

¹⁵ For details and references see below pages 381 following and Wollmann 2008a: 185 ff.

However, central government can still bring significant influence to bear on the local level, since, notwithstanding decentralisation, *France's* intergovernmental system, with remarkable *path-dependent* continuity remains functionally and institutionally 'dualistic': "the French State preserves an administrative net which allows it to carry out its policies directly on the local level" (Marcou 2004: 239).

It should therefore come as no surprise that, in the aftermath of decentralisation in 1982, the total number of State employees has even increased (from 2.2 million in 1980 to 2.5 million in 2001, see Wollmann/Bouckaert 2006: 18; 2008: 119). About half of of public sector employees work for central government (the State) and 95 per cent of them "work outside Paris" (Thoenig 2006: 43), that is, in departmental and local field offices. Less than 30 per cent of public sector personnel are local government employees (see above table 2).

1.4.4 **Germany**

Germany's federal organisation and vertical intergovernmental fabric are essentially premised on multi-functional territoriality, with functions being devolved to the *Länder* as well as, within the *Länder*, to local authorities (see Wollmann 2004a: 650 ff., Wollmann/Bouckaert 2006: 21 ff.).¹⁶ Historically, the basic organisational formula of multi-functional territoriality goes back to the late absolutist "territorial states" (*Territorialstaaten*) of the 17th and 18th centuries. Against this historical background, the states/*Länder* and local government units are conceived as "*territorial* corporations" (*Gebietskörperschaften*) in modern legal doctrine and terminology.

In the constitutional and intergovernmental setting of the Federal Republic (after 1949) the federal level has been assigned comprehensive legislative and policy-making powers, while it is constitutionally not allowed to exercise administrative functions of its own. There are hence no federal administrative offices at the regional and local levels. By contrast, the 16) *Länder* (11 prior to 1990), with an averaging population of some 5 million, are responsible for administration, including the implementation of federal policies and legislation, over and above their own law and policy-making powers. However, the practice has been for the *Länder* perform only part of their administrative functions through their own local agencies, preferring (with the exception of education and police) to delegate many of them to local government.

¹⁶ For details and references see Wollmann 2008a: 46 ff.

The two-tier structure of local government currently comprises 343 counties (Kreise, averaging about 200.000 inhabitants) and 3,400 municipalities (*Gemeinden, Städte*, averaging some 8,000 inhabitants). There are also 117 single-tier, "county free" or "outside county" cities (*kreisfreie Städte*), which combine county and municipal functions; they are mainly big cities and middle-sized towns.

"Dual task" model of local government

While, in constitutional law terms, local government is not a self-standing, thirdlayer in the federal system but for a constituent part of the respective *Land*, it traditionally plays a real and significant political and multi-functional role in the intergovernmental setting. According to the "dual function model" peculiar to the German-Austrian constitutional and local government tradition (see Marcou and Verebelyi 1993: 371; Wollmann 2000: 118), local government has two types of function. The first is *genuine* local government responsibilities either under the traditional *general competence clause* or assigned by legislation. The exercise of *genuine* local government tasks falls to the elected local council and is subject merely to legality review (*Rechtsaufsicht*) by State authorities. Second, there are tasks which are assigned to the local authorities by the State as *delegated* matters. In discharging these tasks, local authorities act under significantly tighter and more comprehensive control (*Fachaufsicht*) by State authorities than in their "genuine" local government tasks. Because of this tight control, the execution of "delegated" functions might be classified as an *integrationist* model (Leemans 1970) with reference to the top-down transfer of functions reminiscent of administrative deconcentration rather than political decentralisation (see Katz 2006).

In sum, the multifunctional scope of local government responsibilities in *Germany's* intergovernmental setting is comparatively broad. For instance, about 80 per cent of all implementation-related legislation (federal, *Land* and EU) is applied and carried out by local authorities. About three quarters of all public capital investment (except on defence) is handled by local authorities.

The allocation of functions in the intergovernmental setting is well illustrated by the distribution of personnel by government level (see table 2 above on page 23). Less than 10 per cent of the total number of public sector personnel are federal, while some 50 per cent are employed by the *Länder* and another 40 per cent by local authorities. The conspicuously small share of federal personnel reflects the lack of federal administrative functions and field offices on the regional and local levels. The relatively high per centage of *Länder* personnel particularly mirrors their responsibilities in education and police. The equally

quite high percentage of local government personnel evidences the multi-functional breadth of local government tasks.¹⁷

The distribution of local government personnel by local government type shows that 37.2 per cent are employed by the some 13,400 "ordinary" municipalities ("within counties"), 32.8 per cent by the 117 single-tier, "county-free" cities, 25.6 per cent by the 323 counties and 4,7 per cent by intermunicipal bodies (*Verwaltungsgemeinschaften* etc.) (see Lorenz/Wollmann 1999: 503).¹⁸ These figures highlight the functional salience of single-tier "county-free" cities, which combine county and municipal responsibilities, in the intergovernmental setting. While they make up less than 1 per cent of all municipalities, they employ almost one third of the entire local government work force.

Territorial reforms

In *Germany* the local level territorial reforms came in two waves, the first in the late 1960s and early 1970s in the *Länder* of the "old" (West German) Federal Republic and in the early 1990s in the "new" (East German) *Länder* (see Wollmann 2004b for details¹⁹). Both reform waves pertained to counties as well as municipalities.

Conceptually, the territorial reforms, particularly in the 1960s and 1970s, were in line with the prevailing "planning philosophy", which sought to put local government on a territorially more "viable" basis while, at the same time, to ensure local democracy.

As to the counties, the two reform waves in West and East German *Länder* reduced their number by about half from 614 to 324, resulting in an average population of between 150.000 and 200.000 inhabitants.

Regarding municipalities, the *Länder*, solely responsible in the German federal system for local government legislation including territorial boundaries, pursued two distinctly different strategies.

¹⁷ In interpreting these data one should be mindful that, unlike the UK and Sweden, where social services, at least until recently, were delivered almost entirely by public/municipal personnel, in Germany most social services have been rendered, under the traditional "principle of subsidiarity", by non-public non-for-profit (NGO-type) organisations (*Wohlfahrtsverbände*) (see Bönker and Wollmann 2000, 2006, see also Wollmann 2008a: 110 ff.).

¹⁸ data for 1994

¹⁹ For details and references see also Wollmann 2008a: 58 ff.

Most *Länder*, intent on preserving local democracy, made only constrained use of enforced amalgamation, thus maintaining comparatively small-scale size formats. Instead, administrative efficiency in local government government was enhance by introducing a new layer of intercommunal bodies (such as *Verwaltungsgemeinschaften etc.*) to lend administrative support to member municipalities. The councils of member municipalities elect the boards and directors of these administrative associations. They show some similarity to to the units of *France's intercommunalité*.

Some *Länder* like *North Rhine-Westphalia* and *Hessen* chose to amalgamate municipality to create units large enough to obviate the need for an additional layer of intercommunal bodies. North Rhine-Westphalia was most drastic in the multifunctional territoriality strategy, establishing municipalities with an average population of 45,000 inhabitants – still much smaller than English districts (170,000) but larger than *Sweden's kommuner* (34,000) and thus mid-range of the "North European" reform pattern (see Norton 1994: 40 ff.).

(For data on the territorial format see above table 1 on page 21).

In sum, by 2003 the two reform waves in West and East German *Länder* had reduced the number of some municipalities, from 31,000 with an average population of some 2.600, to 12,629 averaging some 8.000 inhabitants, but with huge differences between *Länder* (such as 45,000 in North Rhine-Westphalia and 2,600 in Rhineland-Palatinate). Some 23 per cent of municipalities are self-standing (so-called unified municipalities, *Einheitsgemeinden*), not associated with a supportive intercommunal unit, while 77 per cent are members of such intercommunal bodies (*Verwaltungsgemeinschaft, Amt etc.*) (see above table 1).

In recent years, new reforms have been tackled in two main directions.²⁰

First, a new wave of territorial reforms on both the municipal and county levels is gaining momentum to redraw and extend boundaries and modify the underlying multifunctional territoriality. A case in point is the Brandenburg in East Germany in which on October 16, 2003 a territorial reform was adopted. In "reforming the reform" of the early 1990s, many intercommunal bodies (*Ämter*) were dissolved to be replaced by "unified municipalities" (*Einheitsgemeinden*) that were supposedly large enough to do without supportive inter-

²⁰ See also Wollmann 2008a: 258 ff.

communal units. Elsewhere, in East German Mecklenburg-West Pomerania, the *Land* government undertook to reform²¹ the size and remit of the counties.

Second, as from January 1st, 2005, the government of *Baden-Württemberg* in southern Germany abolished most sectoral (single-purpose) subregional and local field offices of *Land* administration and transferred their functions by way of *delegation* to counties and single-tier "country free" cities (*kreisfreie Städte*), thus further reducing the organisational and personnel presence of state administration in the local space and extending the multi-functional profile of the local authorities concerned (see Banner 2006, Bogumil/Ebinger 2006). It should, however, be remembered that, as the transfer of functions takes place by delegating tasks which remain subject to tight and comprehensive control by *Land* authorities, the delegated functions will remain "integrated" into *Land* administration, giving the transfer the appearance of administrative de-concentration of *Land* administration rather than as an act of political decentralisation (see Katz 2006: 885, Wollmann 2007a).

Challenges to the multifunctional model

While recent territorial and functional reforms, particularly in some some *Länder*, suggest that the multifunctional territoriality-based local government model has been extended, the multifunctional scope and domain of local government appears, on the other hand, to have been eroding and shrinking.

- Firstly, recent policy reforms introduced by the federal and *Länder* governments have deprived local authorities of some key traditional responsibilities, particularly in social assistance, long term care and labour market policy (for details see Wollmann 2008a: 111 ff., 140 ff., 160 ff.).
- Secondly, the recent budgetary crisis has obliged local authorities, at least in part, to withdrawn from non-mandatory tasks, those not explicitly required by legislation, for instance in cultural matters. These developments have raised fears that the multifunctional model of traditional German local government may be on the way out (see Wollmann 2002b, 2003d).
- Thirdly, under the impact of NPM-type "marketisation" and (EU-promoted) "deregulation", the provision of social services as well as the production and supply of public utili-

²¹ In a conspicuous decision handed down by the *Land* Constitutional Court, the pertinent legislation was declared to violate the constitutional guarantee of "local self government" (*kommunale Selbstverwaltung*), see Wollmann 2008a: 60 footnote 28 with reference.

ties (*Daseinsvorsorge*) have been undergoing further *outsourcing*, "corporatisation" and *privatisation* with the expansion of (single-purpose) actor networks of the *governance* sort – outside and beyond traditional local government.

State/local government relations

The position of local government in *Germany's* intergovernmental system appears somewhat ambivalent and even paradoxical (see Wollmann/Bouckaert 2006: 23; 2008: 116 f.).

On the one hand, *German* with its federal system appears to be more decentralised than *France* and certainly than Great Britain, also when considering the comparatively, salient political and functional role of multifunctional local authorities. On the other hand, the German intergovernmental setting is strongly shaped by the prominent role which historically, traditionally, politically and functionally the *Länder* have occupied as a multifunctional, territoriality-based meso/regional level which, by virtue of its constitutionally recognised status in the federal structure of the country and its historical claim to some sort of "semi- (or quasi-) sovereignty" (*Eigenstaatlichkeit*), has no equivalent in the other European countries (except Switzerland). In this constitutional and traditional context, the *Länder* adopt and defend a strongly de-centralist stance vis-a-vis the federal level. They tend to position themselves as staunch centralists in relations with "their" local authorities which, it should be kept in mind, "belong" to the *Länder* by letter of constitutional law.

The control of local authorities by *Land* authorities may operate institutionally through the traditional *dual task* model and the transfer of delegated tasks to local authorities subject to a comparative stringent oversight (*Fachaufsicht*) by state authorities, which even result in their "integration" into state administration, hence, as it were, "statelising" them (see Wollmann 2008a: 258ff., Wollmann/Bouckaert 2006: 22 ff., 2008: 116). It should be added, though, that in practical state/local government relations, potentially hierarchical control over delegated tasks has long since frequently muted into what has been called "negotiated oversight" (*Verhandlungsaufsicht*) and even "trust-based oversight" (*Vertrauensaufsicht*) (see Wollmann 2008a: 261 with references), thus having lost some of its "hierarchical teeth".

Finally it should be recalled that in *Germany's* intergovernmental setting the upper levels of government are quite sparsely represented by sectoral (single-purpose) offices (*Sonderbehörden*) on the local level. This applies certainly to the federal level which is constitutionally barred from having local offices of its own, except for the Federal Labour Agency (*Bundesagentur für Arbeit*), and its field offices. Moreover, *Länder* governments have traditionally shown restraint in establishing their own *Sonderbehörden* at the local level.

What is more, *Baden-Württemberg* has recently taken the lead in dismantling a good part of its local field offices by transferring their tasks to local authorities (see Wollmann/Bouckaert 2006: 30, 2008: 118).²²

1.4.5 Strengthening (traditional) local government through advances in multifunctional territoriality as well as through buttressing local leadership

In sum, there has been a general recent convergence in extending multifunctional territoriality can be identified in the intergovernmental setting of the four countries under study – with still considerable variance.

For one, multifunctional territoriality has been progressing on the regional level. In *France*, the acts of decentralisation of 1982 and 2003 have significantly extended multifunctional territoriality on the quasi-regional level of the *départements* and introduced it in the new *régions*. However, any idea of lending them quasi-federal status on the lines of the German *Länder* has so far been almost unanimously rejected (see Wollmann/Bouckaert 2006: 27, 2008: 118, Kuhlmann 2008). By contrast, *Great Britain* embarked on an epoch-making move in 1998 in overcoming the "anti-territorial bias" (Sharpe 2000: 70) which had in the past precluded operative institutions on the regional/meso level: regional councils and regional authorities have been established in Scotland and Wales on the "road to quasi-federalism" (Wilson/Game 2006: 82). In *Sweden* which has historically had no regions (as a self-standing level between central and local government), a debate has gained momentum on the territorial redefinition of existing counties with the aim of amalgamating them into *regions* with enlarged functions.

On both the municipal county levels in some German *Länder*, a new round of territorial reform has begun to amalgamate local authorities, especially small one, preparing the ground for the transfer of further public functions to the local level. Recently, *Baden-Württemberg* has taken the lead in abolishing local offices of sectoral *Land* administration, passing on their functions counties and out of county cities. In *France*, the 1999 *Loi Chevènement* can also be interpreted as an attempt to instil the logic of multifunctional territoriality in the maze of intercommunal bodies in indirect and pragmatic pursuit of territorial reform of the local level.

Finally the single-tier (*county-free*) form of local government has contributed to extending multifunctional territoriality by combining and merging the upper and lower level functions of local government. In *Germany*, this concerns *county-free* cities (*kreisfreie Städte*) cov-

²² See also Wollmann 2008a: 258 ff.

ering urban and metropolitan areas, and, in *England*, *unitary authorities* now in place in most urban and metropolitan areas). The formation of two metropolitan regions in *Sweden* (with *Göteborg* and *Malmö* as their core cities) as well as *communautés urbaines* in *France* (in 14 metropolitan areas) are premised on multi-functional territoriality in the territorial and functional integration of local government units.

It should not be forgotten that another recent consequential reform track has been the institution of a strengthening of local political and administrative leadership (in *England*, *Sweden* and *Germany*) to ensure and enhance the operational capacity of local government (see below section 2.2, for a recent comparative overview see Wollmann 2008b).

In sum, the further expansion of multifunctional territoriality and the buttressing of local leadership can plausibly be interpreted and assessed as two strands of institutional reform which, particularly in combination and in complement, may well support and strengthen traditional elected local *government*.

1.5 Expansion of *governance* actors and organisations on the local level and in the subregional/local space

While it could be plausibly shown that local government in the accepted understanding of democratically elected and politically accountable, essentially multifunctional territoriality-based local *government* has been consolidated, if not strengthened through recent local territorial, functional and leadership reforms, the local level and the subnational/local space have, on the other hand, seen the emergence and expansion of actors and actor networks that operate basically outside the immediate domain of *government* proper and which have come to be called *governance* in the current social science debate, (see Rhodes 1997, 2000, Benz 2004, Wollmann/Bouckaert 2006: 33 ff., 2008: 119 f.).

It should be recalled that, while the virtually inflationary use of the term *governance* has produced definitional and conceptual uncertainties, it seems useful to draw a definitional and conceptual line between a *descriptive-analytical* and a *prescriptive-normative* understanding of *governance*. The former heuristically and analytically identifies the multifarious world of actors that has evolved and grown outside and beyond local government proper. Prescriptive-normative governance can be understood as denoting the capacity to steer these newly emerged actor networks (that is, *governance* in the descriptive sense) in their relations with and in the context of traditional government. The following section will deal with the descriptive/analytical dimension of *governance*; the prescriptive/normative ("steering") perspective will be taken up below (pages 52 following).

In order to grasp *governance* in its descriptive/analytical meaning, three dimensions are to be considered: organisational, functional and spatial.

Organisationally, *governance* networks are typically made up of non-public actors, either non-profit (NGO-type) or private/for-profit commercial organisations, for example non-public (non-profit or for-profit) providers of social/public services. Business enterprises resulting from the full ("material", "asset") privatisation of previously public/municipal tasks (for instance in the production and supply of public utilities) would typically fall under this category.

Second, a broad spectrum of semi-public/semi-municipal actors and organisations can put down as *governance*. Besides carrying out their tasks through administrative units and staff that are part of "core" administration ("in house") or closely integrated into it, local authorities have long since (to use current NPM terminology) been *outsourcing* or "hiving off" functions to organisationally self-standing but still publicly/municipally owned and financed units or to "mixed economy" (*économie mixte*) organisations that combine public/municipal and private capital and ownership. While such "semi-public/municipal" or "para-public/municipal" organisations are by no means new in local government history, they have recently significantly, if not dramatically expanded. In sum, traditional local government structures tend to organisationally "fray out" and "fringe out" into ever denser actor networks making up the local *governance* world.

In *functional* terms *governance* actors are typically committed to pursuing a specific, often single function, purpose and interest by contrast to (local) government which is premised on multifunctionality. In the pursuit of a single purpose and single function orientation the *governance* actors are inherently motivated and driven to maximise the achievement of their specific (sectoral) goals and benefits while seeking to externalise costs and losses and to possibly counteract other actor's goals and interests. At the same time, this single-purpose and "private-regarding" operational logic of *governance* actors brings them structurally into conflict with democratically elected (local) government which, ideally and normatively, has the political mandate to define, promote and ensure the *common interest* and the ("public-regarding") *community perspective*.

The operational *space* of *governance* actors is characteristically defined by their specific function, in contrast to (local) government which fulfils its multifunctional mandate within politically and administratively drawn and fixed territorial boundaries. Such functionally defined operational spaces may either lie within the "official" territory of municipalities, regional and other politico-administrative units or may cut across and go beyond municipal, regional or even national boundaries and, as in the case of locally operating international corporations, establish their essential operational frame and horizon in national and

international markets. In as much as *governance* actors are not bound and limited to the formal territorial structure of the government system they may be called "de-territorialised" or, figuratively "footloose" (see Rhodes 1997, 2000). Their (single) function-defined operational space may be, in a sense, termed "neo-territorial" by contrast with "old" territoriality of the existing government system and its boundaries (see Wollmann/Bouckaert 2006: 33 ff.).

The coming section attempts to "map" and elaborate a "morphology" of the *governance* world that has emerged in the ongoing, so to speak, "*governancisation*" of the subnational/local space. A number of types of actors and institutions will be considered country by country.

1.5.1 Local projects, "action areas", partnerships

First, local projects, action areas and partnerships, varying greatly from country to country, will be described and discussed.

England

In *England* the emergence, development and operation of such local *governance*-type actors has been strongly influenced since the 1980s by central government policy and intervention.

Since taking office in 1979 Conservative governments have pursued a strategy of initiating and establishing local single purpose agencies destined to serve as a local foothold and agent of central government to carry out public tasks funded, guided, and controlled by central government, while relieving and bypassing local authorities. The establishment and use of *urban development corporations* in the early 1980s was exemplary in that central government intervened directly in inner-city development projects. Subsequently, Conservative governments made regular use of this policy approach. The single- and special-purpose bodies created have become known as (local) *quangos* (*quasi-autonomous non-governmental organisations*) (see Skelcher 1998). They are particularly numerous in social housing (in the guise of housing trusts and "registered social landlords") and education (with the expansion of grant-maintained schools) (see Wilson/Game 2006: 143 ff.). In the mid-1990s there were some 5.000 such quangos in the U. K. (see House of Commons Select Committee 2001, Table 6).²³ While varying greatly in or-

²³ Including particularly 2,421 registered social landlords, 1,388 grant-maintained etc. schools, 989 NHS trusts, primary care trusts etc. (see Wilson/Game 2006: exhibit 8.2).

organisational format (new associations, councils, companies, corporations, boards and trusts), they have in common that their boards are appointed directly or indirectly by central government and they are largely dependent on central government financing. Hence, local *quangos* "are run by well over 60.000 mainly government/minister-appointed or self-appointed 'quangocrats', making almost three quangocrats for every councillor" (Wilson/Game 2006: 144-145, see also Skelcher 2003: 11). "The local quango state is now extensive and has taken over or usurped the role of local authorities in providing many services" (with the (Weir/Beetham 1999: 151). Although, after 1997, the incoming New Labour Government, recognising the serious drawbacks of "quangoisation", announced a "quango cull", but no significant "weeding out" of *quangos* has materialised (see Wilson/Game 2006:145).

The *New Labour* government subsequently inaugurated the concept of *partnerships* as a "new paradigm" (Lowndes/Sullivan 2004: 52, Wilson/Game 2006: 147). The idea was to involve as many relevant local actors, including the local authorities, as possible in carrying out certain public tasks as defined, financed and directed by central government. "They vary in every conceivable way – by size, function and service are: they include the statutory and voluntary, executive and non-executive, strategic and operational, limited companies and charitable trusts" (Wilson/Game 2006: 148). There are now some 2,500 partnerships (see House of Common Select Committee 2001, table 7).²⁴ Their functionally defined operational space is often labelled "action zone" (see James 2001: 18, e.g., employment zones, health action zones).

Whereas *quangos* almost systematically sidelined local authorities in obviouskeeping with the Tory government's profound hostility to the largely Labour-dominated local authorities, *New Labour* has programmatically linked the partnership with the goal, as laid down in the local government reform of 2000, of revitalising "local leadership", not least through such partnerships. However, in intergovernmental practice, central government guidance and control of partnerships and zones still prevail. "Zones are owned by the centre and local agendas are recognised in as far as they facilitate the central agenda", Rhodes 2000: 360).

²⁴ The most numerous are 900 Single Regeneration Budget Partnerships, 376 Crime and Disorder Reduction Partnerships, Local Agenda 21 Partnerships, 153 Community Legal Service Partnerships, 150 Early Years Development and Child Care Partnerships (see Wilson/Game: 148 f. Exhibit 8.3.).

France

France's subnational and local actor and institution world is marked by institutional "overcrowding" (*surinstitutionnalisation*) with some 35,000 *communes* (average population 1,700), 15,000 intercommunal bodies (*intercommunalité* comprising *syndicats* and *communautés* of different types), local and departmental field offices of State administration, semi-public (*économie mixte* – type), and private actors. This intergovernmental and interorganisational setting has been pointedly described as "a loosely coupled network" (Thoenig 2006: 43). Insofar as a majority of actors operate outside the immediate influence and realm of local *government* (in terms of the traditional *collectivités locales*), they can be interpreted as constituting the specific French variant of an intergovernmental *governance* structure.

In order to cope with territorial and institutional fragmentation and "overcrowding" in the subnational/local space, central government has, in conducting national policy, adopted a strategy of *territorially targeted* public policy measures (*actions politiques territorialisées*, see Duran/Thoenig 1996). It hinges on the concept of initiating actor networks ('partnerships', *partenariats*), within programme-defined local target areas, which are meant to involve as many relevant actors and resources as possible (see Duran/Thoenig 1996, Gaudin 2004). Exemplary of this policy approach has been a national urban policy programme (*politique de ville*), which focuses on inner-city "problem areas" (*quartiers sensibles*).

In an obvious attempt to cope with the territorial fragmentation of small units and their consequent lack of administrative capacity (drastically characterised as "*friche administrative*", "administrative wasteland", Jegouzo 1993), the *communes* have sought various forms of co-operation, be it through intercommunal bodies (*Etablissements Publics de Coopération Intercommunale, EPCI*) or co-operation with other actors, which has become familiar under the term *partenariat*. Cases in point are local level employment initiatives under which numerous local actor networks have emerged to pool local activities and resources, including those of the *communes*. A typical example is the PLIE network (*Plans Locaux pour l'Insertion et Emploi*) which in 2003 counted 188 local (communal and intercommunal) agencies comprising 4,000 *communes* as well as, the local offices of the National Labour Agency (*Agence Nationale pour l'Emploi*), some 7,000 private enterprises, etc. More than half of the funding stems from the EU European Social Fund (ESF), evidencing growing EU influence on the expansion of such local level co-operation and "partnerships" (see Wollmann 2008a: 160 with references).

Germany

The federal and *Länder* governments have pursued a "target area" strategy somewhat similar to the *zone* concept in the U. K. and the *actions territorialisée* in *France*, specifying inner-city "target areas" as the programmatic operational space for combining and pooling local (public and non-public) actors and resources. Through federal enabling legislation and matching-grant funding first inaugurated in the early 1970s, the federal and *Länder* governments induced local councils to define inner-city "problem areas" (*Sanierungsgebiete*) (see Wollmann 1974). While the policy initiative was taken by the federal and *Länder* governments and massive matching-grant funding has been a pivotal driver for the programme, the crucial planning and implementation decisions on individual urban renewal measures are made by local authorities.

In the early 1990s, the federal government launched a "Socially Integrative City" (*Soziale Stadt*) programme. It was designed to go beyond the physical ("bricks and mortar") approach to urban renewal, explicitly addressing social, economic and environmental problems in urban areas and inner-city neighbourhoods in a holistic approach (see Walther 2004: 322 ff., Häußermann 2004: 1031 f.). Premised also on a target area concept ("districts with special development needs", *Stadtteile mit besonderem Entwicklungsbedarf*) the programme aims to involve a broad spectrum of local, including social and economic actors. By 2004 "socially integrative city" measures were under way in almost 400 target areas in 267 municipalities.

Local authorities have long engaged in strategies in many fields (such as social policy, and increasingly in local employment policy), to initiate and maintain local actor networks bringing together (in what has been called "local neo-corporatism", see Heinze/Voelkow 1999: 227 ff.) public actors including those with responsibilities in social and economic policy. However, the term "partnership" has so far been hardly used in this context. In local employment policy "mayoral conferences" and "mayoral roundtables" have been examples of such networks. Interestingly, they are mostly bottom-up formations and not the outcome of federal or *Land* initiative or intervention.

More recently, local projects instigated and co-funded by the European Union, particularly through the European Social Fund have emerged and progressed in Germany, too. This has introduced the concept and terminology of "partnerships" for co-ordinating and pooling local actors and resources into German parlance.

1.5.2 Social service provision

Until well into the 1980s, social services were mainly provided in both *England* and in *Sweden*, directly by local government personnel proper, while non-public/non-municipal providers played only a minor role. In both countries, this quasi-monopoly of the municipal sector in the delivery of social services has been challenged, since the 1980s and 1990s, by the *New Public Management*-inspired call for *marketisation* and *outsourcing*.

In *England* after 1980, the Conservative government passed legislation obliging local authorities to expose the delivery of municipal services to "market-testing" through competition (*Compulsory Competitive Tendering, CCT*), and thus paving the way for ultimate privatisation. In fact, *outsourcing* has led to social services now being predominantly delivered by non-municipal, particularly private/commercial providers.²⁵

In response to the internationally dominant *New Public Management* discourse and movement, *Sweden's* municipalities (*kommuner*), also began from the 1990s to outsource the delivery of social services to external (non-profit and for-profit) providers. So far, however, the rate of outsourcing has been remarkably limited, as 80 to 90 per cent of social services continue to be delivered by local government personnel proper (see SKF/SCB 2004: 116).²⁶

In *France* where, until the decentralisation of 1982, the delivery of social services was largely in the hands of state personnel it was transferred to the *départements* as *collectivités locales*, which have increasingly *outsourced* social services to external providers, particularly of the non-profit type (*à but non-lucratif*). Half of residential care is now provided by non-profit organisations (*associations*) (see Archambault 1996: 196), while domiciliary care is delivered almost entirely by external non-profit and for profit providers.²⁷

In *Germany*, unlike in Great Britain, *Sweden* and *France*, the provision of social services, such as youth care and long term care, has traditionally been outsourced. Under the *subsidiarity principle*, they were primarily provided by non-public, non-profit NGO ("welfare") organisations. More recently, following 1994 legislation, the provision of long-term care has been opened to full market competition with a rising share of private/commercial providers (see Bönker/Wollmann 2000, 2006).

²⁵ For details and references see below pages 194 following and Wollmann 2008a: 125 ff.

²⁶ For details and references see below pages 324 following, see also Wollmann 2008a: 133 ff.

²⁷ For details and references see below pages 431 following and Wollmann 2008a: 139 ff.

1.5.3 Public utilities

In both *Germany* and *Sweden* the public utility services (water, sewage, waste removal and treatment, energy, public transport etc.) have traditionally been produced and delivered by local authorities. In *England*, by contrast, local authorities lost most public utilities tasks after 1945 to new state agencies.

Germany

In German municipalities services of public utilities were historically produced and provided either by units within local administration ("in house", *Regie*) or in an organisational form closely tied into administration (*Eigenbetriebe*). The so called "city works" (*Stadtwerke*) produced and supplied various public services (water, energy, public transport etc.) in an "integrated", "bundled" and in part "cross-subsidized" manner (see Wollmann 2002b: 28 ff., 2007b: 163 ff. with references). In recent years, responding to the European Union's deregulation policy, to the NPM-inspired modernisation drive and to the budgetary squeeze, municipalities have significantly reorganised the public utilities sector, particularly by hiving off operational units to become organisationally and financially autonomous corporations. Being organised as private-law companies (*Eigengesellschaften*) most are still entirely in municipal ownership (see Edeling et al. 2004, Wollmann 2008a: 234 f. with references). Increasingly, however, they are turned into "mixed" corporations with private investors and enterprises becoming shareholders of municipal corporations (for the "mixed economy", *gemischt-wirtschaftlich*, tradition in German local government see Püttner 1999).

In the meantime the process of hiving-off and "corporatisation" has gone beyond the public utilities sector and has been extended to an ever wider range of local government functions and activities, including cultural and recreational facilities, but also internal administrative operations, such as planning, accounting, data-processing etc. (for an overview see Bogumil/Holtkamp 2006: 95 ff., Reichard 2006, Grossi et al. 2008). These hived-off functions institutionalised in organisationally and financially autonomous "holdings" (*Beteiligungen*) have become quite numerous.²⁸ By now about half of all local government personnel are employed in such "corporatised" structures outside the core municipal administration (see Richter et al. 2006).

²⁸ According to a recent study of 36 big cities, each municipality had on the average 90 (!) of such "holdings", *Beteiligungen* (see Bogumil/Holtkamp 2006: 96 with reference).

The emergence and multiplication of single-function units grouped like satellites around the core structure of local government have given rise to a perception of the traditional public sector-type local government model being transformed into a business sector-type "group" (*Konzern*) directed by a COE-type executive board (see Kuhlmann/Fedele 2008).

Finally It should be added that, in reaction to EU deregulation, increasing market competition and their budgetary predicament, many local authorities decided to privatise their assets and "cash in" their municipal corporations by selling them to national or international corporations. Thus, powerful, single-purpose private-sector players have entered the local arena over which the local authorities have little if any influence.

Sweden

In *Sweden*, too, public utilities (energy, water, sewage, waste treatment etc.) have traditionally been the responsibility of municipalities (*kommuner*) and services were provided either by local administrative units or by an organisation closely linked with administration, operating, within the government by committee system under the supervision of the respective committee.

In recent years, the public utilities sector has undergone significant organisational changes. These have been prompted by the local government reform of 1991 which authorised local councils to transfer and hive-off all local government tasks (with a narrow set of exceptions) to a broad spectrum of local institutions and actors ranging from municipally owned, private corporations, non-profit organisations to "private individuals" (sic!).²⁹ Second, the organisational movement was plausibly also bolstered by EU deregulation policy, which *Sweden* adopted in 1995. Third, NPM-inspired modernisation concepts have also weighed.

First, local authorities made ample use of authorisation to corporatise and hive off not only public utilities-related units but also other local government services (such as municipal libraries and recreational facilities (see Montin/Amna 2000:8, Strömberg/Engen 1994: 267).

Second, some municipalities, especially those with right-of-centre council majorities have embarked upon the privatisation of their assets.

²⁹ See Local Government Act 1991, chapter 3, section 16: "*aktienbolag, handelsbolag, ekonomisk förening, ideell förening ... eller ensild individ.*"

France

In *France*, as in other countries, the *communes* have historically been responsible for public utilities (water, sewage, energy etc.). However, in a practice dating back to the late 19th century unknown in *Sweden* and *Germany*, they have outsourced most public utilities under contract (*concession*) to external private and public providers, a system known as "delegated management," *gestion déléguée* (see Lorrain 1995). The reason for this early and long-standing practice of local authorities is plausibly the small size of most municipalities and consequent limited capacities. Subsequently, huge private and public companies have emerged, for instance, *Lyonnaise des Eaux* and *Générale des Eaux* in the field of water supply and sewage. While the municipalities still have the formal right to periodically re-negotiate concessions (see Lachaume 1997: 68), they are confronted by the superior market power of these big companies.

In some fields, such as public transport, but also other services, *communes* have also made use of the *syndicat* as form of intercommunal co-operation, which operates these services either by way of "mixed companies" (*Sociétés d' Economie Mixte*, SEM) or through contracting out (*concessions*).

1.5.4 Public Private Partnerships, PPP

Cooperation between the public and private sector, particularly between local authorities and private investors, under informal or formalised (contractual) agreements has long been part and parcel of interaction between local authorities and private investors, particularly in the fields of urban development and infrastructure. Especially since the 1970s, local authorities have increasingly engaged in "negotiated planning" in the urban planning field to counter the growing budgetary plight.³⁰ The strategic idea is that local authorities "trade" their power to grant planning rights to private builders/investors in exchange for the latter's readiness and commitment to contribute financially to public investment (social housing, social infrastructure etc.) over and beyond the private investor's project itself.

Since the 1980s, this basic idea and practice of public-private cooperation has been laid down in contractual arrangements and organisational forms which, originating in Anglo-Saxon parlance, has come to be labelled "public private partnerships" (PPP). In a still

³⁰ In England "negotiated planning", "planning obligations", see Healey et al. 1995: 233, Rydin 1998: 233, see also Wollmann 2008a: 203, in Sweden "förhandlingsplanering", see Elander/Strömberg 2001: 10, "planning agreements", "exploateringsavtal", see Kalbro/Mattson 1995: 77 ff., Wollmann 2008a: 206, in Germany "verhandelte Planung", "Städtebauliche Verträge" see Greiving 2005, Heinz 1999: 561, in Frankreich see Booth 1989: 413.

somewhat diffuse understanding "partnership" in this context denotes a contract-based institutionalised form of cooperation between public sector and private sector actors in which both sides agree on a common purpose and which spell out the financial conditions (distribution of costs, benefits, risks etc). Inasmuch as such PPP's operate in at the interface between local government and the "municipal sector" proper and the private sector, they can be categorised as *governance*-type organisations.

An early ground-breaking, large-scale project of this sort between the public and private sectors in urban renewal was the *Allegheny Conference on Community Development* in Pittsburgh, USA, which subsequently attracted a great deal of international attention. Established in 1944 as a coalition between key officials of the City of Pittsburgh and major segments of the Pittsburgh business sector to combat industrial and inner-city decay,³¹ the Pittsburgh project was associated with the term "public private partnership" and became its standard bearer world-wide.

In Europe the concept and term gained salience in the U. K. when, in the early 1990s, the Conservative Government inaugurated the *Private Finance Initiative (PFI)*, which typically invited private investors not only to finance the construction of capital-intensive projects (buildings, roads etc.), but to also provide some or all of the services associated with the project turning return, the public sector would pay for the use of the asset and its associated services over a period of time (see Wilson/Game 2006: 154). A good number of sometimes large projects followed involving local authorities and private investors (social housing, libraries, waste management facilities (see Wilson/Game 2006: 155 for examples and further references).

In *Sweden*, the strategy of "negotiated planning" (*förhandlingsplanering*) was carried to a new stage in a first, spectacular example in Stockholm in the early 1990s: Stockholm central bus station was redeveloped and rebuilt on the basis of contracts with private investors, with neither the Stockholm municipality nor the railway company contributing any money (see Elander/Strömberg 2001: 11).

In *Germany* PPP-type projects made their appearance in the course of the 1980s. The Media Park project in Cologne was an early example, redeveloping derelict inner-city railway land (see Heinz 1999: 563).³² Probably mirroring local government financial straits, a

³¹ See Conference history, www.alleghenyconference.org/conferencehistory.asp.

³² The Medea Park Köln project was realised in 1988 by a "mixed company" in which the the Cologne municipality and North Rhine-Westphalia initially held a joint interest of 50.1 per cent, the rest being in private hands.

large number of PPPs have been put been initiated for various (mostly infrastructure development) purposes³³ (for an overview see Bogumil/Holtkamp 2006: 96 f.).

As far as *France* is concerned, it has been plausibly argued (see Marcoui 2002b: 34) that, although the Anglo Saxon term PPP came to be used in *France* only in the late 1980s,³⁴ the basic concept of public private partnership has, in substance, long been practiced in French municipalities under the heading of *gestion déléguée* with its contractual arrangements (*concessions*) for municipal/public and private cooperation.³⁵

1.5.5 Cross-country development of (local) *governance* networks – convergence and divergence

The preceding cross-country mapping and morphology of different groups of *governance*-type actors and projects have revealed a *convergent* current in the expansion of actor networks and, hence, of "*governancisation*" in the subnational/local space and local arena. On the other hand, the cross-country morphology has brought out significant country-specific *divergence* and variance.

England has from the outset led the field in the growth of (single purpose) actors, largely non-governmental quangos and partnerships as well as local providers of outsourced social services. "The consequence is a transition from a unitary to a multiple system for governing local communities – from local government to local *governance*" (Skelcher 2003: 9). In view of the scale and dynamics of such single-purpose actors in the subnational/local space one might speak of "British exceptionalism" (for criticism of this interpretation see John 2002). This being the case it is hardly surprising from a *sociology of knowledge* perspective that the *governance* concept and debate originated and gathered momentum in Great Britain (see Rhodes 1997, 2000).

In *France*, the subnational and local *governance* world is dominated by a myriad of intercommunal bodies (*intercommunalité*) and local ("territorialised" and "contract-based) projects and partnerships, constituting a dense fabric of semi-public, quasi-public and "mixed" actors. *France* has been said to look like "a loosely coupled network" (Thoenig 2006: 43). In view of this situation, one might speak of "French exceptionalism". Again, from a *soci-*

³³ According to a survey of 235 major cities, about half were engaged in PPP projects (see Sack 2005).

³⁴ See Marcou 2002b: 16 footnote 1.

³⁵ See Chatric/Uhaldeborde 1995 10: "la tradition du partenariat public-privé est profondément ancrée dans l'histoire".

ology of knowledge point of view, it is small wonder that the *governance* debate found early followers in *France*, too (see LeGalès 2001).

Germany's local space and arena has also seen a significant expansion of *governance*-type actors with local (target-area) projects, "mixed" (PPP) partnerships and an increasingly broad array of semi-public/municipal, "mixed" (public/private) actors in public utilities. In addition, in *Länder* where municipalities have remained small, intercommunal bodies have evoked institutional "overcrowding". On balance, however, *governance* networks have so far expanded noticeably less than in *England* and *France*.

At the subnational and local level in *Sweden*, networks of *governance* actors have evolved particularly through outsourcing and hiving off in the fields of social services and public utilities. However, as the limited extent of outsourcing in the social services shows, "*governancisation*" has remained comparatively limited.

1.6 Co-ordination in *governance*-type actor networks

Borne by the dynamics of "*governancisation*", the subnational/local space has, with differences from country to country, become increasingly populated, if not crowded by non-public, semi-public, non-profit and private for-profit, mostly single-purpose actors essentially driven by the logic of a single-purpose and specific function in the pursuit of individual goal attainment and interest satisfaction maximisation and the externaliation of costs and losses without regard to the goals and interests of other actors. Moreover, in the conflict of interests, socio-economically more powerful actors tend to prevail.

Moreover, tension and conflict as regards interests and goals are likely between the single-purpose *governance* actor world and democratically elected and politically accountable local government, which has the political mandate to define, represent, advocate and ensure the "common good", "common interest" and "community perspective" (Stewart/Stoker 1995: 201).

Hence, co-ordination of the increasing number of single-purpose actors in the horizontally and vertically fragmented subnational/local *governance* space has become a crucial political issue and major challenge for local government. Not surprisingly, the call for "joining up" (see Pollitt 2003), that is, for the co-ordination of multiple actors, was first voiced and propagated in Great Britain, which has gone furthest since the 1980s in the "*governancisation*" of the subnational/local space.

In the general social science debate on the co-ordination of actors and policies in inter-governmental and interorganisational settings, a triad of concepts and mechanisms has been identified for co-ordinating activities among a plurality of actors and institutions (see Kaufmann et al. 1986, Wollmann 2003a):

- hierarchy, which refers to a 'hierarchical' arrangement of actors (be it an interorganisational or an intra-organisational setting) in which the co-ordination of actors (with possibly divergent interests) can be effected, in the last resort, by 'hierarchical' direction and instruction,
- interaction/negotiation relates to a setting of actors and institutions in which none is formally subordinated to another and in which action is co-ordinated by persuasion, bargaining etc.
- market/competition refers to the market model in which co-ordination between actors and divergent interests is brought about by a 'hidden hand' mechanism.

In applying this scheme to co-ordination in the the subnational/local space, it is useful to distinguish between top-down and bottom-up co-ordination.

A top-down perspective considers the co-ordinating role of central level/upper level actors.

From a bottom-up angle, co-ordination among actors of the *governance* networks themselves come into view.

Secondly, the role of elected, local, multifunctional, territoriality- based government can be taken into consideration in two different dimensions.

Local government can be discussed with regard to co-ordinating the plurality of sectoral goals and interests composing its multi-functional profile and which it is politically mandated to co-ordinate. The scope and potential of this internal co-ordination mandate of local authorities grows with the number of functions they perform. Such internal co-ordination is a political process likely to be conducted primarily by way of interaction, negotiation and compromise-seeking among local actors and party groups; if and when negotiation and compromise fail, the elected council may resort to a majority decision, or the local political leader/s may exercise their powers as an inherently hierarchical mode of conflict resolution and co-ordination.

Secondly, local government can become externally involved in co-ordinating single-purpose actors and projects outside its formal influence and reach, as is typical of *govern-*

ance structures. In coordinating these *governance* actors and projects with local government and its "community perspective", local authorities can, in principle, rely only on interaction, persuasion, etc. Their actual influence on the external co-ordination process probably depends largely on their political and functional weight in the local arena and intergovernmental setting. This may, in turn, depend significantly on the scope of their multifunctional, territoriality-based profile and on the strength of local political leadership (see Wollmann 2003a: 601 ff., 2004a: 661).

1.6.1 *England*

The emergence of quangos has added greatly to the complexity of sub-central *governance* networks. On the one hand, it has increased the influence of their "parent" departments at the local level (Wilson/Game 2006: 144) and tends to replicate vertically the very sectoralisation characteristic of central government ministries in their horizontal relations. Local authorities, which are largely excluded from quango networks, are thus practically precluded from horizontal co-ordination.

Partnerships have been propagated and promoted by central government as a key strategy "to overcome the problems of 'joining up' government both horizontally at the different levels of policy-making and provision and vertically between policy-makers and those responsible for implementation" (James 2001: 18). Similarly the creation of zones is intended to commit different relevant (public and private) actors (and their resources) to "joint" projects particularly in defined, as a rule inner city "target areas".

While the partnership and zone approach may well be capable of attaining such co-ordination goals, observers note certain serious shortcomings.

As partnerships and zones, like quangos, are essentially dominated ("owned", Rhodes 2000) by central government, that is, by their "parent" or "sponsor" departments (and their secretary of state) they, too, tend to replicate the sectoralised policy orientation which characterises the department (see Rhodes 2000: 360). Thus, they are prone to increase rather than reduce inter-organisational co-ordination problems.

The recent moves by the *New Labour* government to "revitalise" local government ("new localism") do indeed promise to enhance the say of local authorities in the operation of partnerships and zones. For one, the introduction of "well being power" in the local government legislation of 2000 might strengthen the "multi-functional" base and legitimacy of local authorities for making themselves heard in *governance* networks and promoting the "community perspective" (see Wilson/Game 2006: 175 f.). Secondly, the new "cabinet"-

type" leadership forms might also enhance the capacity of local authorities to influence the co-ordination process. Thirdly, the mandate to assume leadership in local strategic partnerships may point to such local government "empowerment" (see Wilson/Game 2006: 308 ff.).

However, in real terms, the odds still appear set against local government gaining influence.

First, local authorities continue to be functionally weak and constrained as a result of the functional losses they have suffered since the 1980s, which can hardly be offset by vague "well being" power.

Second, due to the continued guidance and control which central government exercises over the subnational world of quangos, partnerships and zones, local authorities remain structurally sidelined (Skelcher 2004: 25).

Third, insofar as representatives of local authorities sit on the administrative boards of partnerships and zones, they are in the minority and, confronted by specific and sectoral interests represented by the leaderships of the other constituent bodies, they tend to be marginalised (see Wilson/Game 2006: 151).

Finally, a general structural problem in the operation of partnership arrangements and networks appears to lie in the high transactions costs they cause. "The costs can outweigh the benefits", as the *Audit Commission* has warned (Audit Commission 2005: 25).

As to public private partner projects in which local authorities became engaged in the aftermath of the government's *Private Finance Initiative* (see Wilson/Game 153 ff. for examples), it has been critically argued that, although they served to solve short-term local financial liquidity problems, they entailed a loss in transparency and public accountability and, in the long run, are liable to turn out more costly for the public purse (see Pollock/Price 2004, Wilson/Game 2006: 155).

1.6.2 *France*

Following the decentralisation of 1982, the multiplicity and vertical and horizontal fragmentation of actors and actor networks in the subnational and local space has increased. A veritable maze of state, local, intermunicipal and private actors, the institutionally "overcrowded" subnational and local world can be interpreted as a specifically French variant of *governance*-typical structures. "The absence of a minimum definition of power sharing

between local authorities (*communes*, départements, régions, intermunicipal governments) is reflected daily in a myriad of competing and non-co-ordinated activities within the same territory and by the unlimited use of co-financing operations" (Hoffmann-Martinot 2003: 158). Hence, *France's* intergovernmental and interorganisational system has been described as a "loosely coupled network" (Thoenig 2006: 43).

Vis-à-vis the institutionally fragmented and "loosely coupled" subnational and local institutional world, central government has pursued a policy, for instance in urban policy (*politique de villes*), focused on projects in local target areas defined by the specific policy and programme (*action politique territorialisée*, Duran/Thoenig 1996), for example in "inner city problem areas". Such projects aim at establishing local 'partnerships' (*parténariats*) to bring together as many of the as relevant actors as possible for concerted action, including central government agencies, *départements*, *communes*, intercommunalité bodies, as well as private sector actors. In order to co-ordinate and to commit the multitude of actors, this policy strategy revolves around contracts (*contractualisation*) laying down the course of action, operation, resources, etc. of each actor (Gaudin 1996). Hence contractualisation is at the very heart of intergovernmental co-ordination efforts.

Reflecting the complexity of *France's* intergovernmental system, a great many different actors from all levels are involved in the contractualisation process.

While, following the decentralisation of 1982, central government has lost its previous hierarchical grip on *France's* subnational space, it has retained a noticeable role in the intergovernmental world, generally proposing partnerships and public policy contracts (Gaudin).

Although, by the same token, the *département préfets* no longer exercise "hierarchical" influence and control (*tutelle*) over the subdepartmental world, they (like, more recently, the *préfets de région*) still have considerable negotiating power, not least because of their continued positional prestige and financial resources.

The *régions*, *départements* and *communes* (as local government units, *collectivités locales/territoriales*) are equally engaged in contractualisation networks, particularly through the *présidents* of the regional and departmental councils and local mayors (*maires*).

Last not least, an array of private actors and investors is called upon to participate.

However, the pursuit of this strategy of "target area" and "contract"-based projects and partnerships has so far exhibited serious flaws.

First, as the projects and partnerships are geared to specific policies, areas and actors, they are more likely to reinforce the sectoralisation of the specific vertical policy network than to remedy it (see Borraz/LeGalès 2005: 15).

Moreover, the transaction costs of continuous negotiation, co-ordination and monitoring have proved quite high, while political transparency and accountability are low. "These overlapping policy networks and resulting 'cross financing patterns' (*financement croisé*) have proved to be major obstacles to efficiency and accountability" (Borraz/Le Galès 2005: 15).

Furthermore, a system of interorganisationally hardly co-ordinated partnerships has emerged "in which everybody does everything" (Commission Mauroy 2000: 24).³⁶

Finally, the multitude of actors that participate in such target area projects and partnerships (ranging from central government representatives to local representatives and private sector actors) have, in the past, often retarded and blocked rather than fostered co-ordinated and concerted activities.

To redress this lack of leadership in intergovernmental networks, the position of a "chief co-ordinator" (*chef de files*), selected from among the relevant actors, was introduced in 2005 (see Gaudin, Kuhlmann 2008).

Because of the narrow territorial and functional scope which characterises the overwhelming majority of *France's* municipalities (*communes*) their internal co-ordination capacity is limited. However, in the major cities and *communautés urbaines* with wider territorial and functional scope, the internal co-ordination potential has apparently grown.

Regarding the external co-ordination capacity of the *communes*, the difference between the very many small and the few large local government units equally applies. While the former play a minor role in interorganisational and intergovernmental networks, the latter, notably the 14 *communautés urbaines* encompassing the country's metropolitan cities are likely to exert some influence and impose external co-ordination in "partnerships" and contractual projects in which they participate owing to their territorial, political and functional strength. Such external influence can be wielded particularly by local mayors (*maires*) and by the *présidents* of departmental councils, *conseils généraux* who, still entrenched in the

³⁶ The Commission was set up by the socialist prime minister Lionel Jospin in October 1999 and named after its chairman Pierre Mauroy, a former prime minister. It published its report 'Refonder l' action publique locale' in November 2000 (see Commission Mauroy 2000).

traditional *cumul de mandats* system (see Hoffmann-Martinot 2005: 163 ff.), can bring considerable clout to bear in vertical power relations (see Thoenig 2006: 50 f.).

As to the *outsourcing* of public utilities which, as we have seen, has a long tradition (*gestion déléguée*) in French local government, the outside private and public suppliers, which have often become economically powerful national, if not international players have gained a strong position vis-à-vis municipalities, particularly the very small ones, for instance, when it comes to re-negotiating contracts (*concessions*). On the other hand, under French public law and the jurisdiction of administrative courts, municipalities are given significant control rights in the implementation and renewal of contracts (see Lachaume 1999: 121).

1.6.3 Sweden

In Sweden, the central government has so far been hardly involved in co-ordinating policies or single-purpose actors in the subregional/local space. For one, central government ministries largely restrict themselves to policy making and are hardly engaged in policy implementation, let alone on the local level. Second, the sectorally responsible central agencies (*myndigheter*) hardly deal with local level co-ordination issues. On the contrary, they have tended towards vertical sectoralisation (figuratively and illustratively called *stüprör*, "drainpipe" effect),³⁷ each within its specific sectoral policy responsibility, thus creating interorganisational and intergovernmental co-ordination problems rather settling them. Nor have the counties (*landsting kommuner*) so far taken on co-ordination tasks in the local space.³⁸

Thus, it is mostly up to municipalities (*kommuner*), exemplarily premised on multifunctional territoriality with an average population of 34,000, to cope with the co-ordination within the multi-functional task profile of local government proper and beyond in the expanding local realm of *governance*-type actor networks.

The potential of *kommuner* for handling internal co-ordination has recently been extended, with primary and secondary education and elderly care being added to the spectrum of local government tasks. While in the country's consensual political culture, even conflict-

³⁷ See Wollmann 2008a: 40.

³⁸ A high level advisory commission, *ansvars kommittén*, has recently analysed these co-ordination deficits and proposed reforms. The recommendations focus on improving co-ordination among sectoral State agencies and transforming the 22 counties (*landsting kommuner*) into six to nine regions to strengthen planning and co-ordination capacity (see SOU 2007a, 2007b).

ing interests are likely to be co-ordinated through political interaction and negotiation, local political leadership has been strengthened by the "quasi-parliamentarisation" of the sectoral and main committees (*kommunstyrelsen*); co-ordination may thus, in the last resort, be achieved by party political majority decision as an implicitly hierarchical imposition of political will.

Based on their political and multi-functional strength and enhanced political leadership, municipalities apparently similarly manage to play a key role in influencing and externally co-ordinating the *governance* networks of single-purpose organisations and projects that have emerged outside local government proper as a result of *outsourcing*, "hiving off" and asset privatisation in the field of social services and public utilities.

1.6.4 *Germany*

Under *Germany's* federal system, federal government has hardly any direct influence on policy co-ordination in the regional and local space owing to the absence of federal field offices on the regional and local levels and with policy implementation, almost entirely in the hands of the *Länder* and local authorities.

By contrast, somewhat paradoxically and surprisingly in view of the decentralist image of *Germany's* federal system, the *Länder* as constitutionally, politically and functionally well entrenched regional/meso level entities exercise considerable hierarchical influence on policy co-ordination on the subregional and local levels. For one, in most larger *Länder* subregional administrative districts (*Regierungsbezirke*) are in place which, borrowing from *France's* prefectural département administration, have the main task of co-ordinating (bundling) sectoral policies. Second, under the traditional *dual task* model according to which local authorities are in charge both of their own local government matters and tasks delegated to them by the State, local authorities are subject to stringent supervision by State authorities in their handling of delegated functions. It should be noted, however, that on both scores top down interference by the State has been diminishing. First, the *Länder* have started to dismantle the subregional administrative districts or converted their function of one of serving rather than supervising local authorities and, second, supervision of local authorities has been turned into negotiation or trust-based review.³⁹

Thus, the co-ordination of policies and tasks in the local arena is largely the responsibility of local authorities.

³⁹ For details and references see Wollmann 2008a: 261.

Germany's elected local government is still premised on the traditional multifunctional territoriality-based scheme. This provides a robust territorial, functional and political base for local authorities to tackle their political mandate internally co-ordinating local government sectoral policy and specific tasks normatively and ideally oriented on the "common good" and the "community perspective". This applies particularly to single-tier (*county-free*) cities, that is to the larger and middle-sized cities, which combine municipal and county functions. While local authorities have recently lost or abandoned some functions, for instance in the fields of social assistance, unemployment policy or cultural matters, recent reforms aim to strengthen the territorial and functional model by way of territorial amalgamation and the further devolution of functions, thus enlarging the potential for internal coordination.

Furthermore, the recent strengthening of local political and administrative leadership by the introduction of directly elected mayors as well as directly elected heads of counties, (*Landräte*) (see below pages 68 following, Wollmann 2008b: 288 ff.)⁴⁰ is likely to enhance internal co-ordination capacity, including functions delegated by the State to local authorities and over which the elected councils have no formal influence.

The capacity of local government to cope with external coordination in the world of local *governance* actors has been conspicuously challenged in the traditional public utilities (*Daseinsvorsorge*). Here a rampant process of hiving off and corporatisation has produced an increasing number of self-standing corporations in which the municipalities have an interest (*Beteiligungen*), but which are increasingly driven by specific interests, quasi-entrepreneurial logic and centrifugal drift. Hence, controlling and retaining a coordinating influence over their subsidiaries, which, like satellites orbit the core local authority, have become crucial issues for elected local government in promoting and safeguarding the "common" good". To compensate this loss of control (see Strünck/Heinze 2006, Bogumil/Holtkamp 2006: 95 ff.), local authorities have sought to develop holdings management tools, particularly by establishing autonomous municipal agencies (yet another type of municipal company) or intra-administrative staff units (see Bogumil/Holtkamp 2006: 100 with examples and references).

The "group" structure which some municipalities, in analogy to business sector corporate architecture, have put in place as a CEO controlled umbrella organisation for holdings has exhibited similar centrifugal tendencies, with each subsidiary disposed to pursue its specific, profit centre logic, while the potentially countervailing influence and control by the CEO-type board (let alone the council) has steadily diminished (see Wolf 2005: 4).

⁴⁰ For details and references see Wollmann 2008a: 86 ff.

The advances made by PPPs have also proved ambivalent. Since the private sector partners are innately inclined to maximise *private-regarding* interests while the public partners are mandated to pursue *public-regarding* goals, PPPs offer prime examples of the conflicts inherent in *governance* actor networks. While they have helped local authorities to overcome short-term financial liquidity bottlenecks, there is evidence of serious shortcomings in transparency and public accountability (Heinz 1999: 566 ff., Bogumil/Holtkamp 2006: 97

However, notwithstanding the growing importance of *governance* actor networks and the *centrifugal* and "fringing out" trends apparent in the traditional local government model, local governments still has a robust territorial, political and multi-functional position in the intergovernmental setting giving it significant potential for external co-ordination in *governance* networks. This has recently been enhanced by the introduction of the directly elected executive mayor in all *Länder* (see Wollmann 2008a: 86 ff., 2008b: 288 ff.), which strengthened political local leadership and the mayor's capacity to act as "key networker" (*reticulist*, Friend 1977) in local horizontal and vertical *governance* networks.

1.6.5 Government or/and governance?

In sum, the institutional world in the subnational/local space has recently developed on two fronts, local *governance* and local government.

There has been cross-country convergence in the expansion and multiplication of *governance* actors and institutions, as the preceding "morphology" of actor groups should, however cursorily, have made clear. At the same time, there are conspicuous differences in the national profiles of these *governance* actor networks. In *England* the subnational/local space is dominated by quangos and partnerships, both largely initiated and influenced by central government, and in *France* it is marked by intercommunal bodies and intergovernmental "contractualised" projects. In *Sweden* and *Germany* local *governance* actors have largely formed from the hiving off and outsourcing of functions, including PPP-type "mixed" entities. Although differing in origin and tasks, these *governance* actors have in common that they essentially pursue specific, single goals and act in a functionally defined, as it were, "neo-territorial", operational space and logic.

On the other hand, revealing a strikingly different face of developments, ("old") local government on the basis of multi-functional territoriality (as it were "old"-territoriality-based) has progressed in all countries, albeit with significant differences. In *England* the further extension of unitary authorities has enlarged the territorial as well as functional base of the local government units concerned, but they remained functionally curtailed and subject to

far-reaching central government control. In *France*, the accentuation of multi-functionally territoriality through decentralisation has been largely restricted to the *départements*, that is the regional/meso level, while the *communes*, the local level proper, has been sidelined. In some German *Länder*, by contrast, the comparatively strong multi-functional ("old") territorial profile of local government has been further strengthened by territorial and functional reforms. In *Sweden* the multifunctional profile of municipalities (*kommuner*) was further extended during the 1990s.

Taking these both convergent and divergent institutional developments into account, it is apparent on the *governance* side that the emergence and multiplication of actors governed by a single-purpose and "neo-territorial" logic has attracted and mobilised a significant potential of flexibility, economic efficiency and, not least, additional financial and other resources at the local level. However, the increasing involvement of such actors, which, in the pursuit of their specific interests and "private-regarding" goals, tend to be at cross purposes with other actors, the "common good" and the "public interest", which democratically elected and politically accountable local government is mandated to safeguard.

The institutional development of the intergovernmental and local space can hence be interpreted both analytically and normatively in the sense that government and *governance* are neither mutually exclusive nor alternative but complementary (see Wollmann/Bouckaert 2006: 33 ff, 2008) – with the latter offering greater flexibility and efficiency in the pursuit of single purposes and the latter bringing the "common good" and "community perspective" to bear. Empirical evidence and practice suggests that an intergovernmental institutional setting in which multi-functional, territoriality-based local government and strong local leadership are in place can provide the institutional, political and functional conditions for a "workable" mix of government and *governance* structures. Consequently, it promises *governance* also in the prescriptive/normative sense of a capacity to steer and coordinate the complexity of actor networks, including local government actors and even local field offices of State administration towards joint, common good goals. Under these auspices, *Sweden* and *Germany* local government systems appear to be better equipped intergovernmentally, territorially, politically and functionally than their English and French counterparts to cope with the challenges, assets, and liabilities of the "*governancisation*" of the subnational/local world.

2. Political profile

In examining the political profile of local government, two dimensions deserve particular attention. The first question is whether and to what degree direct democratic rights have

been introduced to complement traditional representative democracy, epitomised in the right to elect the local council. The second question is whether and to which extent political decision-making structures have changed, particularly as regards relations between the elected local council and the political and administrative leadership.

The extension of direct democratic rights as well as the strengthening of political and administrative leadership in local politics will be treated as indicators of the political profile of local government.

2.1 Direct democratic rights

In all four countries under discussion, there have been moves over the past 20 to 30 years to enlarge the political rights of local citizens. But there have been considerable differences in effecting such changes.

In *England*⁴¹ a distinct tradition of representative democracy has prevailed, probably entrenched in the principle of parliamentary sovereignty, which leaves no room for an alternative or competing regime. Representative democracy is also the principle underlying the elected local council.

In line with this path-dependent reign of representative democracy, binding referendums have played almost no role over the past twenty years. The few exceptions have concerned ad hoc issues of institutional arrangements. The most important examples were the two referendums under the *New Labour* government in 1998 on the creation of regional assemblies ("parliaments") in Scotland and Wales, which were accepted by narrow margins and placed the U. K. on the "road to quasi-federalism" (Wilson/Game 2006: 82). On the local government level, direct election of the mayor of Greater London was put to a local referendum and adopted in 1998. Finally, the introduction of direct mayoral elections from among the local government options contained in the Local Government Act 2000 is subject to a local referendum (which was adopted only in a handful of cases, see Rao 2004). Except for these (certainly not irrelevant) exceptions, Britain has remained true to the principles of representative democracy.

*Sweden*⁴² is the only country in our sample that has a tradition of direct local democracy, reaching back to the assembly (*ting*) of free farmers in the early Middle Ages and which, in

⁴¹ For details and references see Wollmann 2008a: 69 ff.

⁴² For details and references see below pages 284 following and Wollmann 2008a: 70 f.

the form of *kommunalstämmor*, was in practice in Sweden's predominantly rural municipalities (*kommuner*) until well into the 1950s. It was only on the basis of the massive territorial reforms of 1952 and 1974, which increased the average size of *kommuner* to 35,000 inhabitants that the direct democratic assemblies (*kommunalstämmor*) were abolished and the elected councils (*fullmäktige*) became obligatory throughout the country. Thus a time-honoured local direct democratic tradition (probably the oldest in Europe besides Switzerland) came to end.

Subsequently, a number of attempts were made to (re-)introduce citizen rights complementarily to the election of councils. But the principles of local representative democracy remained in place. Their degree of acceptance by local citizens is reflected in the voter turnout of up to 90 per cent or more, very high in comparison with other countries.

A remarkable novelty made its entry into Swedish local government legislation when, in 1991, "user councils" were introduced. Drawing on Danish conceptual and institutional forerunners (see Bogason 1998: 339 f.), user councils are meant to provide popular representation and influence in a broad gamut of local services. User councils have now been established in about 90 per cent of Swedish municipalities in one or more fields, particularly elementary schools, child day-care centres, homes for the elderly, and facilities for handicapped persons.

In *France*⁴³ the legal regulation of local democracy was, until recently, strictly committed to the principle of representative democracy, which, historically and conceptually, is probably rooted in the Jacobinist doctrine that the sovereignty of the nation, as embodied in the national parliament, does not tolerate any rival source of decision-making. Furthermore, in practical and local power terms, mayors, politically well entrenched in the *cumul de mandats*, were wary of local referendums as possibly challenging their local powers. In 1992 and 1995 local referendums, although merely consultative in nature, were allowed by national legislation. It was only in 2003 that binding referendums (*référendums décisionnels*) were finally adopted in national legislation, however with the proviso that the initiative for a local referendum lies solely with the local council (see LeLidec 2004).

While *France* exhibited path-dependent reluctance to accept direct democratic rights in local decision-making, there has been considerable openness and innovativeness when it came to providing local citizens with opportunities to participate in local affairs below the threshold of legal empowerment. The *conseils de quartier* as advisory neighbourhood

⁴³ For details and references see Wollmann 2008a: 72 f., Kuhlmann 2008.

councils are a case in point.⁴⁴ Such procedures were invented bottom up by municipalities and subsequently recognised and "legalised" by national legislation.

In (West) *Germany*,⁴⁵ after 1945, the local government legislation adopted by the newly formed *Länder* was committed to the principles of representative democracy, with the exception of *Baden-Württemberg*, which introduced binding local referendums, albeit with high procedural hurdles. The reason for the reservations about direct democracy lay in the historical experience of the early 1930s, when referendums had been exploited by demagogues from the extreme right and left. Since the 1990s, in a conspicuous sequence of *Land* legislation, binding local referendums were introduced in all *Länder*. A strong impulse came from East Germany, where, in recognition of the local and basic democratic background to the toppling of the Communist regime, binding local referendums were written into the first post-Communist local government statute in March 1990 (see also Wollmann 2003b: 92 with references). In the meantime, depending on the specific procedural hurdles to initiating and voting, local referendums have come to be increasingly employed by local citizens in both minor and major local policy matters.⁴⁶ Although local referendums are still far from having the practical salience and cultural roots they have in Switzerland, their introduction has, no doubt, profoundly effected the local *power triad* of local citizenry, local council and mayor, whose direct election was also introduced almost simultaneously.

2.2 Political and administrative leadership structure

While the reforms of the political and administrative institutions of local government that have been initiated over the past 20 or so years have agreed on the general purpose of strengthening local leadership, the strategies adopted differed significantly, depending on whether the country belonged to the British/Scandinavian or Continental European "country family" (for the following see Wollmann 2008b: 280 ff.).

The local government systems in *England* and *Sweden* are historically premised on the *monistic* principle, according to which the elected local council possesses comprehensive powers that comprise deliberative decision-making as well as the executive direction and control over the administration and implementation of local government tasks. This has

⁴⁴ See Wollmann 2008a: 73 f., Kuhlmann 2008.

⁴⁵ For details and references see Wollmann 2008a: 74 f.

⁴⁶ In a striking recent case, the citizens of Dresden approved the construction of a bridge across the river Elbe in a decision which attracted a great deal of international controversy, since UNESCO had placed Dresden on its Cultural World Heritage list and threatened to take it off if the bridge were built., for details see Wollmann 2008a: 77.

given rise to the traditional *government by committees* concept assigning comprehensive, *monistic*, to wit, both deliberative and executive competence to each sectoral committee. In both countries, there has been increasing criticism that the basic concept of government by committees fosters sectoralisation and a lack of transparency and accountability in the conduct of local government. Hence reform of local leadership has focused on the *government by committees* concept.

By contrast, continental European local government systems have been rooted in the *dualistic* principle under which deliberative decision-making power falls to the elected local council, while, in a kind of local division of powers, a local executive (mayor, magistrat) both carries out council decisions and exercises certain executive functions not derived from the council. This power arrangement can be seen as a form of local quasi-parliamentary system. The reform debate has consequently revolved around the position of the local executive and its relationship with the local council.

The characteristic features of recent local government reform addressing local leadership coincide quite neatly with the divide between the two country groups.

Reforms in *England* and *Sweden* have concentrated on the government by committee system, the main weakness of which has been seen as stemming from the time-honoured collective and "egalitarian" decision-making by councillors acting in sectoral commissions. The remedy was seen, first, in shifting the still *monistic* powers to "de-collectivised" (Larsen 2002) forms of commission or even to "individualised" actors; second, in politically streamlining council decision-making and proceedings by replacing the traditional non-partisan, consensual, and proportionate *modus operandi* by a majoritarian system based on political parties; and, third, in replacing the traditional lay councillors, at least to some degree, by full-time, salaried, professional councillors (see Montin 2005).

England

In *England*⁴⁷ the Local Government Act 2000 took a drastic step in abolishing the sectoral standing committees altogether and in transferring their functions to an executive committee (*cabinet*) as the sole decision-making/executive body – with the leader, who is elected and can also be removed by a majority vote in the council, coming somewhat resembling a local "prime minister" (see Rao 2005: 45 f.). The cabinet of executive councillors, a largely independent governing body within local government, can be seen as moving towards a *dualistic* form.

⁴⁷ For details and references see below pages 150 following and Wollmann 2008a: 80 f.

The directly elected mayor and cabinet variant proposed as one of the institutional options by the 2000 Act goes even further in endowing the mayor, who cannot be removed by the council, with wide individualised powers suggestive of a local "presidential system". The fact that, to the disappointment of the *New Labour* government, which had strongly favoured this option, only a handful of local authorities have so far opted for the elected mayor⁴⁸ and cabinet variant probably reflects the widely shared view that this kind of "monocratic" position, for some raising the spectre of local authoritarian rule, is alien and hardly acceptable to British/English local political culture.

The new forms of local government have, on the one hand, undoubtedly strengthened local political and administrative leadership by introducing a "strong and individualised form of leadership" (Lowndes/Leach 2004: 557). On the other hand, the full council and the "ordinary" councillors (non-executive or, as they often are revealingly called, "back-bench" councillors) have further lost influence in that they have largely been reduced to a scrutiny role which has, moreover, been eroded by the council majority's reluctance to make effective use of scrutiny powers against the majority cabinet. Thus, the new form of local government seems to have aggravated the power imbalance.

Sweden

In *Sweden*⁴⁹ the local government reform gradually pursued since the 1980s, while leaving the traditional government by committees system with sectorally responsible executive committees largely untouched, has focused, first, on politically streamlining council decision-making structures by electing the chairmen of the standing committees and particularly the leader of the main committee (*kommunstyrelse*) by council majority vote, thus ushering in what has been labelled a "kind of parliamentarism" (see Strömberg/Westerstahl 1984: 39) or "semi-parliamentarism" (Bäck 2002). Second, leading councillors on the standing and main committees now have full-time, salaried positions. While the process of "de-collectivisation" and even *individualisation* of council decision-making in Swedish local government has made progress, more far-reaching "hierarchisation" or even "monocraticisation" of political and administrative leadership are still disregarded, if not abhorred as incompatible with the prevailing compromise-oriented political culture. Hence, *Sweden's* local government system continues to be a world "with many actors and few leaders" (Montin 2005).

⁴⁸ So far the directly elected mayor has been adopted only in 11 local councils (which is just 4 percent of a local authorities, see Wilson/Game 2006: 100 ff.

⁴⁹ For details and references see below pages 298 following and Wollmann 2008a: 82 f.

France

By glaring contrast, the council-elected mayor (*maire*) in *France's système local* (Mabileau 1994)⁵⁰ has gained overwhelming political and administrative power by combining the political role of ex-officio chairman of the local council with that of local chief executive (CEO) in a *dual task* model vesting the mayor with a number of powers outside the influence and control of the elected council. These responsibilities include the mayor's autonomous functions as an "agent of the State", which are conducive to integrating local administration into central government. He gains influence and prestige from the *cumul de mandats* (see Hoffmann-Martinot 2003: 166 ff.) which links him politically with higher tiers of power. Under this predominance of mayor's political and administrative position and the command he has over the council, the role of the elected council has been virtually marginalised in the *système local* (see Kerrouche 2005: 159 f.), thus throwing the "bi-polarism" between council and mayor seriously out of balance.

Germany

Historically *Germany's*⁵¹ local government systems followed the *dualistic* competence and *dual task* models (see Wollmann 2003b: 83 ff., 2005, 2008b). After being introduced, a notable innovation, in Baden-Württemberg and Bavaria in the 1950s, the directly elected executive (CEO) mayor has been adopted by all *Länder* since the early 1990s. Providing for strong local political and administrative/executive leadership, particularly by combining the ex-officio chair of the local council with the chief executive (CEO) function, the directly elected executive mayor with direct democratic legitimacy constitutes something of a "local presidential system". The fact that, within the *dual task* model, the mayor carries out delegated tasks outside council control, significantly enhances his position vis-à-vis the council. At the same time, the tight control by State authorities to which the mayor is subject when discharging delegated functions matters suggests they are somewhat integrated into State administration. Thus, through the accumulation of political and executive functions and his direct democratic legitimacy, the mayor attains an exceptionally strong position of individualised political and administrative leadership. However, a local system of checks and balances is still in place. First, local councils and the political party groups within them continue to be active political players, keeping the mayor in check on a bipolar basis. Second, the new direct democratic procedures provide tripolar checks on the mayor, be it through the direct election mode itself, establishing a new, direct accountabil-

⁵⁰ For details and references see below pages 390 following and Wollmann 2008a: 84 f.

⁵¹ For details and references see also Wollmann 2008a: 86 ff.

ity, be it through the recall procedure by local referendum, which can be invoked by the council and by the local electorate itself (see Wollmann 2008b).

The following general trends can be highlighted.

- A movement towards de-collectivisation and individualisation in local government decision-making by concentrating on single local government institutions and actors, with a shift from collective and "equal among equals" decisions-making powers and patterns. Britain/*England* has gone furthest in this regard, introducing the cabinet with leader or, in an explicitly individualised if not monocratic option, the directly elected mayor. *Sweden's* moves in this direction have been more piecemeal and cautious.
- A move towards direct election of the mayor with its intrinsic dialectic and logic of both strengthening the office-holder through direct-democratic legitimacy and making him directly accountable to the electorate, the latter dimension being stressed by direct democratic recall procedures. This shift has occurred wholesale in the German *Länder*. In *England*, however, the directly elected mayor has so far been adopted by only a handful of local authorities, which probably shows that unadorned monocratic leadership is still largely alien to this country's political culture.

3. Administrative (personnel and organisational) profile

3.1 Personnel structure

Share of public personnel

In assessing the role that local government and personnel play in the intergovernmental setting it comparative data on personnel structures are useful.

For one, comparative information is to be provided on the percentage of public sector employees, including local government personnel, in relation to total employment in a country. The percentage of public sector employees allows overall assessment of how the public sector of a country is positioned in terms of personnel (between "expansive" and "lean"). Longitudinal data (1970 to 1999) provide some insight into the dynamics at work.

Among the four countries under study, *Sweden* clearly tops the list. Rising from 20 per cent (in 1970) to 30 per cent (in 1980) and remaining at this high level, *Sweden* exemplifies the type of advanced (and expansive) welfare state also in place in the other Scandinavian countries.

Table 3: General public employment in percentages of total employment in U. K., Sweden, France and Germany (and some other OECD countries)

Country/year	1970	1980	1990	1999
U. K.	18.1	21.2	19.5	12.6
Sweden	20.9	30.7	32.0	31.2
France		20.5	20.4	21.3
Germany	11.2	14.6	15.1	12.3
Australia	13.3	18.7	19.5	18.4
Denmark	17.0	28.0	29.6	30.0
Finland	12.1	17.3	20.5	25.2
Japan	7.7	8.8	8.1	8.3
Netherlands	11.5	13.8	13.2	12.2
Norway	17.7	24.1	28.6	30.8
USA	16.0	16.4	15.4	14.6

from Wollmann/Bouckaert 2006: 17, adapted from Naschold/Bogumil 2000: 29; updating for 1999 based on OECD Public Management Service 2001

France comes second with a public personnel share of some 20 per cent, which has remained stable in recent years. This hints at the importance the public sector (including state owned corporations) traditionally has in *France*. It should be added that, from 1980 to 2001, the total number of public sector employees increased significantly (by 23.1 per cent). While, reflecting the country's decentralisation since 1982, the number of local government employees (not surprisingly) rose by 37.5 per cent, the total number of State personnel (in view of decentralisation somewhat counter-intuitively and surprisingly) also climbed by 14.6 per cent (figures from Kuhlmann 2006: 404).

The U. K. offers an opposing case. While, in the course of the post-1945 expansion of the welfare state, the public personnel share stood at some 20 per cent and remained at that mark (also, surprisingly, during the Thatcher era), it had dramatically fallen to some 12 per cent by 1999.

Germany has experienced considerable ups and downs ... Until the 1970s a public personnel share of some 12 per cent signalled a lean government profile.⁵² By the 1980s and in 1990 it rose to about 15 per cent, reflecting further expansion of welfare state policies and, in 1990, the repercussions of German unification. During the past 15 years, public sector personnel has been significantly reduced, namely by some 26 per cent in the entire public sector, 35 per cent in local government as a whole and by more than 50 per cent in East German local authorities (see Kuhlmann 2006: 407).

⁵² In the interpretation of this relatively low figure, it should be borne in mind that, in the German subsidiarity tradition, social services are delivered by non-public (non profit) organisations whereas in most other countries, such as U. K. and Sweden, they are delivered by public sector personnel.

Public personnel by government level

For a discussion of organisational and personnel reforms in local government it is useful to recall the information provided in section 1.1. on the distribution of public personnel by level of government. Reference is made to table 2 (above on page 23).

Sweden leads the list by far with over 80 per cent of all public sector personnel employed by local authorities compared to less than 20 per cent by central government. And almost 60 of local government personnel per cent are in municipalities, some 25 per cent in counties. The former take the lion's share of public tasks and the latter focus on health services, both constituting what has been called "the local (welfare) state" (*den lokala staten*, Pierre 1994).

In Great Britain about 50 per cent of public personnel are employed by local authorities, the other half by central government. Although, since 1980s, local authorities have been stripped of significant functions by central government, they still perform labour-intensive functions (are "still big business", Wilson/Game 2006: 119, particularly due to their responsibility for primary and secondary education and consequently for teaching staff).

In *France*, notwithstanding the epoch-making decentralisation embarked upon after 1982, little fewer than 25 per cent (in 2000) are employed by local government (*régions, départements* and *communes*) – with the percentage even dropping from 30 per cent in 1994 to 25 per cent in 2000 –, whereas 50 per cent of public personnel are still State employed, including teachers (see Thoenig 2006: 43).

Germany's distribution of public sector personnel mirrors the peculiarities of the country's federal and decentralised system and tradition. In the absence of federal field offices on the regional and local levels, federal personnel (most of them in ministries and federal agencies) amount to less than 10 per cent of the total. The *Länder* employ some 50 per cent of public sector personnel (including teachers, police etc.) with only a limited number of *Land* administration field offices. Furthermore, some 40 per cent of public sector personnel are in municipal and county administration which carry out a large part of public tasks. Among local government personnel, about 25 per cent are employed by counties, 37 per cent by two tier "municipalities in counties" (*kreisangehörige Gemeinden*) and another 32 per cent by the single tier "county free" cities (*kreisfreie Städte*) (see Lorenz/Wollmann 1999: 503). Hence the 323 counties and 116 "county free" cities employ almost 60 per cent of all local government staff, indicating the functional weight they have in local operations.

3.2 Organisational and personnel development and reforms in local government

England

In *England*, where capitalist industrialisation and urbanisation set in much earlier than in other European countries, the responsibilities and activities of local authorities to deal with the ensuing social, infrastructural etc. problems dates back to the early 19th century and beyond. Hence, the formation of local administrative units and personnel has a long history in *England*.⁵³

In the further build-up of the country's welfare state, which climaxed after 1945, local authorities were entrusted with providing social services (besides education) as their prime responsibility.

While for the civil service in central government "Oxbridge generalists" were preferred, local government personnel was explicitly premised on professionalism with a broad spectrum of professional backgrounds and skills being recruited (see Ridley 2000). The large-scale territorial and organisational local government reshuffle of 1974 essentially aimed at providing the (territorial, *economies of scale* etc.) conditions for enhanced professional specialisation of local government personnel.

The professionalisation of post-war local administration surfaced, for one, in the principle of "self-sufficiency" (see Stewart 2000: 51 f.) reflecting professional self-confidence and the conviction that public services were best delivered by public/municipal professional personnel themselves. This, not least, served as the ideological rationale for the quasi-monopoly of local authorities in social service provision. Second, the professional specialisation of local administrative departments and staffs and close co-operation with the relevant committees (under *England's* traditional *government by committee* system) tended to generate "sectoralisation" and "departmentalism" (see Stewart 2000: 50 f.) in local government. The resulting political and administrative fabric of local government was critically called "municipal empires" (Norton 1994: 378).

The administrative reforms undertaken by the Thatcher Government after 1979, driven by neo-liberal critique of the expanded welfare state, aimed, firstly to reduce local government to its *core* functions. Secondly, during the 1980s the Thatcher government adopted *compulsory competitive tendering (CCT)* legislation, obliging local authorities to put local services out to competitive tender, clearly challenging and undermining the local authori-

⁵³ For details and references see below pages 127 following and Wollmann 2008a: 223 f.

ties' quasi-monopoly. The key operational concept of a *purchaser/provider split* was directed, on the one hand, at establishing specific units and staffs in local administration to handle the "purchasing" (by way of tendering etc.) of the respective services and, on the other, at installing a competitive tendering process to award contracts to either outside (for profit or non-profit) providers or by a to in house municipal units. The impact of the CCT legislation on local government was considerable, both internally with regard to the reorganisation of municipal administration along the *purchaser/provider split*⁵⁴ and externally concerning the amount of services that have since been "outsourced" to outside, mostly private commercial providers.⁵⁵

While, after 1997, the *New Labour* government revoked the previous Conservative government's CCT legislation and distanced itself from the latter's fixation on privatising service delivery, it remained committed to and even further accentuated its predecessor's NPM beliefs by imposing a centrally determined and controlled indicator-based performance management system regime on local authorities, (see Wilson/Game 2006: 361 ff., Stewart 2003: 141 ff.).⁵⁶ Called *Best Value*, the new regime required councils to make arrangements – in the form of annual best value performance plans and regular service-specific and cross-cutting reviews – to secure continuous improvement in the performance of key services. All functions of a local authority are subject to inspection at least once every five years by a special inspectorate or by the Audit Commission. The secretary of state has wide-ranging powers to intervene where a local authority is judged not be delivering a *best value* service. It was said by critical observers that, "while Government would rid local authorities of the deeply unpopular and wholly cost-focused CCT regime, (...) Best Value would prove every bit as centrally prescriptive and potentially even more interventionist" (Wilson/Game 2006: 364). In an obvious response to widespread criticism which BV encountered particularly from the local authorities the Blair government came up with "comprehensive performance assessments" (CPAs), which are meant to provide a more coherent and integrated system of performance measurement.

Although centrally guided performance management control over local authorities has in the meantime been somewhat mitigated, it continues to exemplify the grip which British central government exercises over local government and which without precedent in other European countries.

⁵⁴ For details and references see below pages 214 following and Wollmann 2008a: 127 ff.

⁵⁵ For details and references see Wollmann 2008a: 128, 225 f.

⁵⁶ For details and references see below pages 134 following and Wollmann 2008a: 225.

Sweden

As Sweden was historically a predominantly rural country with over 2,000 towns and villages (*kommuner*), in most places local decisions were taken until well into the 20th century by direct democratic community meetings, and local affairs were handled by laymen (see Strömberg/Engen 1996: 267). This direct democratic and lay tradition came to an end after 1945, when Sweden began building the post-war welfare state and introduced the two levels in local government, with municipalities (*kommuner*) being local corner stone (*der lokala staten*, Pierre 1994) of the country's advancing welfare system.⁵⁷ The territorial reforms of 1952 and 1974, which increased municipality populations to an average 35,000, broke the ground for the far-reaching re-organisation of local administration and for its transformation from a quasi-medieval and rural lay tradition into a modern, professional administration. The rapid expansion of local administration was accompanied by the large-scale recruitment of young professionals (social workers, planners etc.) emerging from recently established professional schools. They were typically imbued with the *planning zeitgeist* and the managerialist ideas of the 1960s. Hence, Sweden's local government staffs made for a generationally and conceptually remarkably young and "modern" administration in which "steering by result" (*målstyrelse*, see Brömström/Rombach 2004) was a guiding concept – many years before *New Public Management* "invented" like ideas.⁵⁸

During the 1990s, a new round of organisational and personnel reforms was opened, which was inspired from different sources.

In an effort to compensate for the political costs of the massive territorial reform of 1974, so called *free commune* experiments were initiated among municipalities to explore the possibilities greater autonomy, particularly in organisational matters (see Baldersheim/Ståhlberg 1994). Subsequently the Local Government Act was adopted in 1991 giving municipal councils a largely free hand in deciding on their own council and administrative structures. Furthermore, councils were given the power internally to delegate (*delegering*) decisions on certain tasks to single committee members and municipal employees as well as to outsource local tasks and activities "to autonomous municipal corporations, for-profit and non-profit organisations and private persons".⁵⁹ So the door was opened to unprece-

⁵⁷ For details and references see below pages 293 following and Wollmann 2008a:36 ff.

⁵⁸ See Wollmann 2008a: 227.

⁵⁹ Local Government Act 1991, chapter 3, section 16: "aktiebolag, handelsbolag, ekonomisk förening, ideell förening ... eller enskild individ", see also below page 301 and Wollmann 2008a: 227.

dented organisational flexibility and variability among municipalities (see Montin/Amnå 2000: 9, Häggroth et al. 1993: 66).

Second, in the early 1990s the *New Public Management* debate with its neo-liberal policy and marketisation demands finally arrived in *Sweden*, too, as the country entered a severe economic crisis (the first since 1945!) and a centre-right government temporarily replacing the ruling social democrats, proclaimed "system change" in *Sweden's* welfare state. Since, as in England, social services were traditionally delivered by local government personnel in a quasi-monopoly, the introduction of marketisation and of the purchaser-provider split in the future handling of social service provision was a main demand from the *New Public Management* repertoire.⁶⁰ Thus, some municipal councils proceeded to reorganise their committees as well as the related sectoral administrative units according to the *purchaser provider split*, creating purchaser and provider committees and administrative units (*uppdratsnämnder* respectively *produktionsnämnder*).

Similarly, vouchers were introduced to compensate parents wishing to send their children to independent, that is, non-municipal, schools. Market-oriented *outsourcing*, etc. was particularly applied in municipalities ruled by centre-right majorities (especially in the affluent Stockholm region). But, by and large, outsourcing of local government activities and services has been remarkably limited (10 per cent on average, see SKF/SCB 2004).

Mention should be made of the data collection compiled since the late 1980s by *Sweden's* local government association (along with Statistical State Office) on an annual basis.⁶¹ The data file available in the Internet and an annual print publication allows benchmark monitoring and ranking of the spending of all 290 Swedish municipalities on a broad scale of local activities and services. It constitutes a remarkable "soft" version of indicator-based performance management rooted in a local government bottom-up initiative in sharp contrast to the centralist top-down approach to performance management in Great Britain).

⁶⁰ For details and references see below pages 298 following and Wollmann 2008a: 132 ff.

⁶¹ See Wollmann 2008a: 228.

France⁶²

France was late to establish organisational and personnel structures at the local government (*collectivités locales/territoriales* consisting of *régions*, *départements* and *communes*). Until the epoch-making decentralisation of 1982, most public functions were carried out by the central State and its regional and local offices. With the exception of larger cities, which increasingly had their own administrative units and staffs (see Lorrain 1995b, Borraz 1998: 141 ff.), even the scarce self-government responsibilities which, prior to 1982, were assigned to *collectivités locales* were administratively carried out by State administration on the departmental level under the direction of the *préfet*.⁶³

It was only after 1982 that local government turned established and staffed its own administration. This was particularly the case with *départements* which, in order to cope with the new tasks entrusted to them, especially in the field of social policy, *action sociale légale*, had to create the organisational and personnel base from scratch, whereby some personnel was transferred from State administration (see Lachaume 1997: 199).

The administrative build-up in the municipalities was typically contradictory: while in large and middle-sized cities municipal administration was put in place, in the overwhelming majority of the some 35,000 small and very small *communes*, municipal administration remained "administrative wasteland" (*friche administrative*", Jegouzo 1993) for lack of the necessary resources, with local government tasks still being carried out by State administration. In total, local government personnel increased from 1980 to 2001 by some 40 per cent (see Kuhlmann 2006: 404).

The expansion of administration in local authorities was influenced by the increasingly dominant international *New Public Management* debate. This particularly applied to a number of large cities where, in the aftermath of the municipal elections of 1983, a cohort of mayors took office who subscribed to the NPM-inspired idea of running their municipalities as enterprises (*ville entrepreneuriale*, *ville stratège*) (see Mauray 1997). Subsequently, managerialist concepts focusing on indicator-based performance management have been promoted. An important innovation has been the "one stop" local agencies (*maisons de service public*) to provide citizens/clients with an "one stop" access to the services (*polyvalence d'accueil*) of different departmental, communal, private etc. providers (see Kuhlmann 2006: 411 with further references).

⁶² See Wollmann 2008a: 229 ff.

⁶³ For details and references see below pages 375 following and Wollmann 2008a: 228 ff.

In a development that dates back to the late 19th century, French municipalities, small and lacking operational capacities, have regularly outsourced public utility service (water, sewage, energy, public transport) to external private or public providers (*gestion déléguée*) limited by mostly long-term contracts (*concessions*) (see Lorrain 1995).⁶⁴ The time-honoured *gestion déléguée* system has been called an early French variant of public private partnerships (see Marcou 2002: 21). *Outsourcing* has similarly gained momentum, often leading to fully fledged asset privatisation.

Germany

In a context of rampant industrialisation and urbanisation in the later part of the 19th century and of a rapidly growing number of big cities with an ever broader, multi-functional scope of tasks, municipal administration with (increasingly) professionalised staffs have a long history and tradition in Germany (see von Saldern 1999, Wollmann 2000: 117 f.).

Besides and in the wake of massive territorial reforms, two-tier local government system underwent significant organisational and personnel reforms during the 1960s and 1970s, (see Wollmann 2000d, 2003b). In line with the then dominant planning debate, managerialist concepts found their way into public administration, traditionally shaped by the Weberian model of externally legally regulated and internally hierarchical bureaucracy. In keeping with the *subsidiarity principle*, social services, unlike in *England* and in *Sweden*, were traditionally provided by non-public, non-for-profit organisations (see Bönker/Wollmann 2000, 2006).

Well into the 1980s, *Germany* remained remarkably aloof from the then internationally dominant NPM-driven reform debate – perhaps because some key "modernisation ideas", such as decentralisation, subsidiarity, had long been long practised. In the early 1990s, however, in face of skyrocketing budgetary problems largely provoked by unification, many local authorities turned to *New Public Management* ("translated" in *Germany* into the *New Steering Model*", *Neues Steuerungsmodell*, see pace-setting Banner 1991) in an effort to cut costs and improve administrative efficiency.

In its internal dimension the *New Steering Model* seeks primarily to rectify the traditional Weberian model with its legal rule-bound and hierarchical rigidity by introducing managerialist principles such as indicator-based performance management, cost-accounting, monitoring to enhance the flexibility and the cost-efficiency of administrative operations. At

⁶⁴ See Wollmann 2008a: 231.

the same time, the modernisation drive triggered by this debate revived reform concepts from the 1970s had fallen dormant.

While the impact of *NPM/NSM* modernisation on local administration has fallen short of early, high-flying expectations, its effects have doubtless been significant (for details see Bogumil et al. 2006, 2008a, 2008b⁶⁵). Improvements are particularly noticeable and positive in certain policy fields where traditional reform concepts from the 1970s and 1980s and *NPM/NSM* notions have been merged ("amalgamated") (see Jaedicke et al. 2000: 24). In international comparative studies, the German approach to administrative reform has been described as retaining and preserving givens (and, in normative terms, assets) of the traditional rule of law-bound ("Weberian") model while applying equally positive *NPM*-elements (see Pollitt/Bouckaert 2004). In a comparative assessment the "amalgam" characteristic of *Germany's* modernisation track has been called a "neo-Weberian" model (see Bouckaert 2006, Bogumil et al. 2008a: 315 ff., 2008b).

In the external dimension, an increasing set of local government operations and functions has been institutionally differentiated and outsourced, extending into actor networks which in another context are often identified as pertaining to local governance. The driving factors have been manifold, including the international *NPM*-discourse, EU deregulation, and the budgetary squeeze on local government.

Pluralisation in social service delivery has proceeded with the social service market being opened in 1994 to private/commercial providers.

In public utility services (water, sewage, energy, public transport, "*Daseinsvorsorge*") there has been a growing tendency to establish corporations organisationally and financially autonomous, but still fully owned by the municipality (*Eigengesellschaften*)⁶⁶ or mixed (PPP-type) companies with private capital shareholders (see Trapp/Bolday 2003, Edeling et al. 2004). In the meantime, about one half of all local government personnel are employed in such "corporatised" structures outside the classical core administration (see Richter et al. 2006, Bogumil/Holtkamp 2006: 92 ff with details and references).

Furthermore, under budgetary pressure municipalities have "cashed in" their local assets, selling them to external private investors.

⁶⁵ The quoted publications by Bogumil et al. are based on a comprehensive evaluation study conducted by the authors on the implementation of the *NSM*-guided reforms in local administration.

⁶⁶ Institutionalised as (private law) companies limited or stock companies.

In as much as the municipalities have to hive off, corporatise and outsource activities and functions formerly carried out by “core” local government units and staffs, they became surrounded by “satellite” organisations in which they have a majority or minority interest (*Beteiligung*). According to a recent study of the holdings of 36 major German cities, each city was found to have an average of 90 holdings (see Trapp/Boley 2003: 42, Bogumil/Holtkamp 2006: 96). This new institutional configuration of the formerly monolithic fabric of local government has been described as a “corporate group” (*Konzern*) in obvious analogy to the private sector.

It should be noted, however, that, in a growing number of municipalities, the early, almost euphoric expectations of NPM-inspired reforms have given way to sober second thoughts and reappraisal. Traditional organisational principles such as “unity of administration” (see Wolf 2005: 6) rectifying the overdone “corporate group” (*Konzern*) model and re-centralisation and re-hierarchisation reversing overblown managerialism have been revived in recent local government modernisation (see Bogumil et al. 2007: 318), thus accentuating the traditional profile of local government

4. Financial profile of local government

In comparing the financial profiles of local government in the four countries, this chapter focuses on the revenue side, considering three types of local revenue,

- the share in local taxes, distinguishing between *direct* local taxes that local authorities/councils can directly influence, especially by setting local tax rates, and *indirect* local taxes to which the local authorities have indirect access, for instance, through a *revenue-sharing* scheme,
- the share in national/state taxes, distinguishing between grants for current spending and capital investment grants,
- the share in fees and charges.

Table 4: Revenues of local authorities by source of revenue in per cent

Country	taxes			grants			Charges, fees
	Total	Indirect local tax revenues	Direct local taxes	Total	Grants for current spending	Investment grants	
<i>England</i>			14 a)	64	40 b)	24	18
<i>Sweden</i>	70		70	13	9	4	7
<i>France</i>	65	15 c)	50 d)	25	16	8	3
<i>Germany</i>	33	18 e)	15 f)	33	27	6	11

explanations

a) council tax

b) including business tax

c) fiscalité indirecte

d) fiscalité directe

e) Local share in income tax and VAT

f) business tax (Gewerbsteuer)/real estate tax

Source: for references see Wollmann 2008a, p. 237 table 13.1. The data refer years between 1997 to 2004

On the basis of these criteria, *Sweden*⁶⁷ excels as the country where 70 per cent of municipal revenue comes from direct local taxes, that is, from local income tax levied by each municipality at a rate it essentially sets on its own. Only 13 per cent of local government revenue comes from State grants. It should be recalled that Swedish municipalities are operationally and financially responsible for a multi-functional range of public tasks, including social assistance, social services and education, and that the lion's share of expenditures is traditionally covered by local taxes. Swedish local government thus enjoys an unparalleled degree of budgetary autonomy (see Montin 1993).

In *France*,⁶⁸ too, the share of revenues that local authorities (*communes, départements, régions*) draws from direct taxes levied at their own rate (*taxe professionnelle, taxe d'habitation, foncier bâti, foncier non bâti*) is remarkably high, about 50 per cent. Indirect local taxes (fiscalité indirecte) add another 15 per cent to these direct taxes. State grants contribute some 25 per cent. Somewhat surprisingly, the fiscal autonomy of French local authorities is hence "one of the most extended in Europe" (Hertzog 2002: 623). However, the system of local finance has generated such complexities and inconsistencies that national fiscal policy has had to react with an ever more differentiated array of grants and subsidies, foreboding a re-centralisation of the public finance system (see Hertzog 2002: 626).

⁶⁷ For details and references see below pages 280 following and Wollmann 2008a: 239 ff.

⁶⁸ For details and references see below pages 394 following and Wollmann 2008a: 242 ff.

In *Germany*,⁶⁹ about 30 per cent of local government revenues come from local taxes, at first sight a high proportion. However, only half of local tax revenues are yielded by local taxes in the narrow sense, taxes like local business tax (*Gewerbesteuer*) and real estate tax directly influenced by local authorities, which set the rates (*Hebesatz*). The other half of local tax revenues flows from the revenue-sharing mechanism involving federal income tax and VAT (see Karrenberg/Münstermann 1999, 2003). While the entitlement of municipalities to a share in revenues is, in general terms, laid down by the constitution, the details have been fixed in federal legislation adopted by the Federal Parliament (*Bundestag*) and the Federal Council (*Bundesrat*), which represents the interests of state governments. Municipalities are not directly represented. About one third of local government revenues is allocated as grants by the federal and state governments. Thus, a significant proportion of local government revenues is determined by "external" actors by way of revenue-sharing or government grants, which puts considerable restraints on local budgetary autonomy (see Bogumil/Holtkamp 2006: 53 ff.).

Until well into the 20th century, English local government,⁷⁰ like its Swedish counterpart, enjoyed a high degree of budgetary autonomy, most of local spending being covered by local taxes that were levied by local authorities themselves through the famous local "rates". Government grants were the exception. Starting in the early 1980s under the Conservative Thatcher government, local budgetary autonomy has been drastically reduced, with local taxes (council tax) yielding only 14 per cent of local revenues whereas about two thirds come from central government in the form of grants or re-allocated business tax. Thus, in an almost paradoxical reversal of the historical development, English local government now enjoys comparatively little budgetary autonomy (see Wilson/Game 2006: 215).

5. Urban planning

5.1 *England*⁷¹

In 1947, the distinction between structure plan and local plan was introduced in urban planning and both were assigned to the counties. In the wake of the massive territorial and organisational local government reform of 1974, responsibility for the two phases was institutionally separated, with the structure plan being left to the counties (with an average

⁶⁹ For details and references see Wollmann 2008a: 237 f.

⁷⁰ For details and references see below pages 147 following and Wollmann 2008a: 254 ff.

⁷¹ For details and references see below pages 229 following and Wollmann 2008a: 174 ff.

population of 730,000) and the local plan being entrusted to the districts/boroughs (with an average population of 140,000). This institutional cleavage in planning responsibilities proved a hindrance because of the built-in conflicts between the two tiers of local government (see Rydin 1998: 41). In the recent far-reaching reform of the planning system, the structure plan and the planning responsibility of the counties were abolished, while regional planning bodies were established in the eight regions, averaging some 6 million inhabitants, to work out and adopt regional development plans in lieu of the county-wide structure plans, with central government exerting a strong influence on the regional planning process.

While districts/boroughs and unitary authorities, in principle, have significant discretion in deciding local planning documents, their autonomy has been considerably restricted by central government interference through a growing flow of not legally binding but factually compelling "guidance notes", and because of the increasing powers of central government in the person of the relevant secretary of state to intervene directly in any stage of the planning process (see Coulson 2003).

5.2 Sweden⁷²

When in 1947 urban planning was set up as a two phase procedure with the *översiktsplan* and *detaljplan*, responsibility for both stages became a key element in the planning power (*planmonopol*) of the municipalities (*kommuner*) which, as a result of the territorial reform of 1974, had an average population of about 34,000.

Whereas immediately after the war and during the establishment of Sweden's post-war welfare state, planning was a top-down regulatory system, the legal system, including the Planning and Building Act (*plan- och bygglag*) of 1987, increasingly adopted the notion of framework legislation (*ramlag*) with "thinned out" legal provisions (see Newman/Thornley 1996: 35). The deregulation of planning and building has continued and accelerated since the early 1990s.

The regulation of urban planning thus being comparatively lean, there being no regional planning with binding constraints on urban planning, and as the power of the State to supervise and intervene in urban planning is quite limited, Sweden's municipalities, that is, municipal councils have remarkably broad scope in local planning.

⁷² For details and references see below pages 348 following and Wollmann 2008a: 179 ff.

5.3 **France**⁷³

In *France*, with 35,000 municipalities (*communes* with an average population of 1,700), the development of urban planning has been crucially affected by territorial fragmentation. When in 1967 urban planning (*urbanisme*) was settled as a two phase process, at a time when urban planning was still considered a responsibility of the centralist State, the local plan (*plan d'occupation des sols*, POS, later: *plan local d'urbanisme*, PLU) addressed individual *communes* while the more comprehensive development plan (*schéma directeur*, SD, later: *schéma de co-ordination territoriale*, SCOT) was from the outset designed to cover a plurality of adjacent municipalities (see Jacquot/Priet 2004, Gniewitz 2005).

Following the decentralisation of 1982 which transferred urban planning (*urbanisme*) to the municipalities, the *communes* faced serious difficulties with both types and stages of urban planning.

In implementing the intermunicipal SCOTs, municipalities had to cooperate on an essentially voluntary basis in defining the boundaries (*périmètres*) of intermunicipal plans, in establishing intermunicipal planning bodies, and in settling the content of the plans. Because of the built-in conflicts, relatively few SCOTs have been adopted over the years. The *Loi Chevènement* of 1999 aims not least to enable and encourage the new types of *communauté* to adopt SCOTs. Whether it succeeds remains to be seen.

The adoption of local plans by the *communes* has also encountered considerable difficulties caused by the small size of most municipalities and their consequent lack of organisational and administrative resources for urban planning. So far, only about half the 35,000 *communes* have adopted local plans. In the meantime, however, an increasing number of small municipalities have made use of the *carte communale*, a new "light version" of the local plan (see Moulin 2004: 187).

5.4 **Germany**⁷⁴

In *Germany* urban planning, also a two-phase process of comprehensive planning (preparatory land-use plan: *Flächennutzungsplan*) and specific building planning (binding land-use plan: *Bebauungsplan*) is a core responsibility of local self-government. As in *Sweden*, both planning phases are thus in one hand, that of the individual municipality

⁷³ For details and references see below pages 449 following and Wollmann 2008a: 185 ff.

⁷⁴ For details and references see Wollmann 2008a: 190 ff.

(*Gemeinde*). This differs from the French system, where comprehensive planning is an intermunicipal matter, requiring the co-operative grouping of municipalities, and even more from the system in *England*, where, since the 2004 reform, comprehensive planning has been entrusted to regional planning bodies. The reason why comprehensive planning in *Sweden* and in *Germany* has been entrusted to the municipality on a practically country-wide scale is likely to be the one-stop competence of municipalities in handling the planning process.

However, since the some 12,500 German municipalities (*Gemeinden*) have an average population of 8,000 and are much smaller in most of *Länder* (averaging, for instance, 1,700 in Rhineland-Palatinate), many are likely to be simply too small for reasonably extensive comprehensive planning (*Flächennutzungsplan*). Federal legislation (Section 204 (1) of the Federal Building Code) accordingly requires small municipalities to adopt joint preparatory land-use plans (*gemeinsame Flächennutzungspläne*) with adjacent *Gemeinden*. There is empirical evidence, however, that very few municipalities have done so to date.

In accordance with *Germany's* codification and rule-of-law (*Rechtsstaat*) tradition, the legislative regulation of urban planning is extremely dense. Furthermore administrative court rulings have a quasi-regulatory and binding effect on municipal planning practice (see Scharmer 1993: 21). Hence *Germany's* world of urban planning can be described as a highly regulated system – in stark contrast to the "lean" regulation of the Swedish system.

Although German planning and building legislation, particularly the *Land* building codes (*Bauordnungsrecht*), has also been pruned to some extent, regulatory density is still high, all the more as judicial quasi-regulation continues unabated. No doubt, *Sweden's* "lean" regulatory profile can and should serve as a model.

For some time, however, municipalities have begun to flexibilise planning law by adjusting and tailoring binding land-use plans (*Bebauungspläne*) to specific building projects. Furthermore, municipalities have engaged in "negotiated planning", in which local authority and investor hammer out the details of plans together.

These forms of building project-related and negotiated planning that developed in local practice were finally been recognised by federal building legislation in 1998, firstly in the project and infrastructure plan (*Vorhaben- und Erschließungsplan*, Section 12 of the Federal Building Code) and in the urban development contracts (*Städtebauliche Verträge*, Section 11 of the Federal Building Code).

6. Building permit (planning permission) procedure

6.1 *England*⁷⁵

In terms of the ideal-typical distinction between *discretionary* and *regulatory* planning systems (see European Commission 1997: 45 ff., Schmidt-Thomé/Bengs 1999), decision-making on building permits (planning permission) in English local government was originally close to the discretionary type for three reasons. First, regulation by national legislation was restricted to procedural questions of local decision making. Second, within the traditional *uniform* task model, decision-making on planning permission is regarded as a genuine local government function incumbent on the local council. Third, local decision-making on planning permission was traditionally guided by the concept of material considerations and policies, that is, by substantive criteria at the discretion of the local council, which bore ultimate political responsibility (vgl. Coulson 2003).

However, in recent decades, local authority scope for discretionary decision-making on planning permission has been significantly curbed. First, there has been a mounting flow of central government instructions and "recommendations" (guidance notes, circulars) which, while lacking legal force, are binding in effect accompanied by extended powers of central government to intervene at any stage in the planning and planning permission procedure. Second, 1991 legislation transformed planning permission procedure into a "planned" system, as local planning documents adopted by the local council have been given binding effect on planning permission. Planning permission procedure has hence veered towards a regulatory type of planning.

6.2 *Sweden*⁷⁶

In *Sweden* the decision-making procedure on building permission also comes close to a discretionary type for a number of reasons. First, under the framework law concept (*ramlag*), the legal regulation of urban planning has been further thinned out. Local building plans are likewise usually not very detailed. Second, in accordance with the country's *uniform* task model, deciding on building permits is a genuine local government function to be exercised ("*monistically*") by the local council. Third, the decision-making power of the local council rests in its political legitimacy, and a "law-guided" (*lagstyrd*) operational logic disputes the competence to decide on building permission with a "people/politics-guided"

⁷⁵ For details and references see below download pages 245 following and Wollmann 2008a: 199 ff.

⁷⁶ For details and references see below pages 365 following and Wollmann 2008a: 204 ff.

(*folkstyre*) logic, with the latter gaining considerable ground (see Petersson/Söderlind 1992, Montin 1993).

6.3 *France*⁷⁷

Until 1982 decision-making on building permits (*permis de construire*) was in the competence of the State and was conducted by the departmental State administration. As an important component of *France's* decentralisation of 1982, decision-making on building permission was delegated to local authorities (within the *dual task* model) to be implemented by the mayor (*maire* – within the *dualistic* competence model). The procedure is comparatively densely regulated by national legislation (*droit d'urbanisme*) in accordance with the country's codification tradition, and by the regulatory (*réglementaire*) elements of the local building plan (*plan local d'urbanisme*, PLU). Hence, the system under which building permits are decided can be classified as "regulatory" (or in Swedish *lagstyre*) owing to the regulatory force of legislation and local plans. However, because local plans, which by definition cover the entire territory of a commune, provide no detailed planning statements, the mayor (*maire*) has considerable discretion in deciding on building applications. French building permit practice has thus adopted discretionary elements.

6.4 *Germany*⁷⁸

In line with the German *dual task* model of local government, decision-making on building permission has been delegated to local authorities (counties, *Kreise*, and county-free cities, *kreisfreie Städte*; in accordance with the *dualistic* competence model, responsibility for building permission procedure lies with the local administration, directed by the mayor (or the county chief executive, the *Landrat*) without the local council being involved. Decision-making on building permission is regulated by federal and state legislation which, in keeping with the country's codification tradition, provides for dense regulation. Furthermore it is guided by regulatory planning statements (*Festsetzungen*) in the binding land-use plan (*Bebauungsplan*), which, geared to the building project concerned, are more detailed than in *France*. Because of the regulatory density of legislation and the binding land-use plan (*Bebauungsplan*), the decision-making process on building permission can be described as regulatory in type with binding rules (Swedish *lagstyre*) whose interpretation and implementation hinge on law application (*Rechtsanwendung*).

⁷⁷ For details and references see below pages 475 following and Wollmann 2008a: 207 ff.

⁷⁸ For details see Wollmann 2008a: 210 ff.

Reform of *Germany's* building permission procedure by replacing the delegated by the genuine task model ("*à la suédoise*")?

In view of the continued density of regulation, if not overregulation in *Germany's* urban planning system and building permit procedure – despite intermittent efforts to remedy the situation – and the consequent legalistic implementation practice, it has been proposed that building permission proceedings be made a genuine local government task rather than a delegated function, thus falling within the remit and political responsibility of the local council. The Swedish *uniform* task and *monistic* competence model of local government offers a convincing example of such a radical change worthy of emulation in *Germany*. The *dual task* and *dualistic* competence model dates back to the 19th century constitutional and political fabric of a still semi-authoritarian State, where it served to keep local government firmly under State control and ensure that major public sector functions withheld from the influence of elected councils. In democratic and decentralised country it is high time to abandon these remnants of the semi-authoritarian State (see Wollmann 1997b, 2007a, 2008a: 276 ff.).

7. Social assistance

7.1 *England*⁷⁹

Going back to the Elizabethan poor laws of 1601 and the local boards of guardians in charge of assistance to the local poor, social assistance was assigned to county councils and county borough councils in 1929 and financed from local revenues. In 1948 the social assistance scheme was nationalised and transferred to the National Assistance Board. Social assistance has since ceased to be a local government task.

7.2 *Sweden*⁸⁰

In a development dating back to the foundation of *Sweden's* modern local government system in 1862, the provision of social assistance, social net of last resort, has been a key responsibility of municipalities (*kommuner*) essentially financed by local taxes.

⁷⁹ For details and references see below download pages 187 following and Wollmann 2008a: 99 f.

⁸⁰ For details and references see below pages 315 following and Wollmann 2008a: 100 ff.

In granting social assistance, now called *bestånd*, local councils (*fullmäktige*) and their committees (*nämnder*) originally exercised wide discretion. In recent developments, social assistance has been increasingly regulated by legislation and court decisions. Although local decision making has thus abandoned a "people/politics-guided" (*folkstyrd*) logic rooted in the council's political responsibility in favour of a "law-guided" (*lagstyrd*) procedure imposed by national legislation, local social assistance practice still exercises significant discretion.

In deciding on social assistance (*bistånd*), municipalities have come to apply the principle of *arbetslinje* borrowed from the unemployment policy of the State Unemployment Agency (AMS). Under the *arbetslinje*, local authorities may choose to make the provision of social assistance contingent on the readiness of recipients to engage in activating measures conducive to return them to regular employment.

7.3 France⁸¹

Until 1982, legally regulated social assistance (*aide sociale légale*) was administered and financed by the departmental State administration. As a major component of the 1982 decentralisation, *aide sociale légale* was transferred to the operational and in part financial responsibility of the 96 *départements*, with an average population of 500,000. The social policy function of departmental self-government was significantly strengthened in 1988 when the implementation of the *revenu minimum d'insertion (RMI)* scheme was assigned to them, closing a gap in the social security net. While most expenditure on RMI is covered by social security funds (CAF), some is borne by the *départements*.

For the additional role that the *départements* are called upon to play in "activating" labour market measures since the reform of RMI in 2003.

While the 35,000 *communes*, with an average population of 1,700, play no part in the *aide sociale légale* scheme, they are engaged in discretionary social assistance (*aide sociale facultative*), dating back to the charitable responsibility of localities for the local poor in the 18th century and earlier, albeit it on a very minor scale.

⁸¹ For details and references see below pages 418 following and Wollmann 2008a: 104 ff.

7.4 **Germany**⁸²

In *Germany*, too, the provision of social assistance to the needy is a classical local government responsibility, going back to medieval towns with their poor-law type practice of caring for the urban poor.

In the development of the German welfare state, the Bismarckian social legislation of the 1870s laid down the base line of a general social insurance system geared to the gainfully employed and financed by contributions from employees and employers, while the municipalities were required to provide and finance social assistance as a social net of last resort for people not covered by the general social security system. The federal legislation of 1962 provided for two kind of means-tested social assistance entitlement, cost-of-living assistance (*Hilfe zum Unterhalt*) to offer temporary support and the assistance to meet special contingencies in life (*Hilfe in besonderen Lebenslagen*) to provide help and care for the disabled, aged, and frail.

While, against the backdrop of the 1960s with full-employment and rising income and old-age pensions, local government-financed social assistance was expected to be phased out, local government expenditure instead grew dramatically for two reasons. First, as unemployment started to rise from the mid-1970s, more and more unemployed people resorted to social assistance. Second, as the population grew older and care costs kept mounting, social assistance became the last financial refuge (see Jaedicke et al. 1990: 50 ff.).

Since local authorities faced skyrocketing social assistance spending, two major social policy reforms were inaugurated by federal legislation.

- First, in 1994, the Federal Care Insurance Act introduced an additional social insurance scheme which, on a lump sum formula, was meant to cover a substantive part of both domiciliary and residential care.
- Second, in 2005 unemployment assistance (*Arbeitslosenhilfe*) and the social assistance (*Sozialhilfe*) were merged, making all employable persons out of work eligible for a new unemployment benefit (so called *Arbeitslosengeld II*).

These reforms have clearly reduced both the financial burdens of the previous two schemes and the political involvement of local authorities in these two policy fields, so that their traditional social policy has been dwindling. On the other hand, local authorities, par-

⁸² For details and references see Wollmann 2008a: 110 ff.

ticularly counties and single-tier *county-free* cities (*kreisfreie Städte*), continue to be operationally and financially engaged in social assistance. For one, they retain a core but residual responsibility for the reformed social assistance scheme. Furthermore, they are involved in a new basic income scheme (*Grundsicherung*). Finally, in the field of care for the elderly and frail, local authorities are still required to meet care costs not covered by lump-sum care benefits which the people concerned cannot pay out of their own pockets; this group of people keeps growing (for a detailed discussion see Bönker/Wollmann 2006 with references)

While under earlier social assistance rules local authorities had some discretion, particularly with regard to assistance in kind (clothing, household items, etc.), recent legislation has standardised allotment so that local authorities have still less scope for autonomous decisions.

8. Social services (elderly care)

8.1 *England*⁸³

It is a traditional task of the local authorities, of county, county borough and unitary authority councils to ensure that domiciliary or residential care is provided for the elderly and disabled. However, people in need of care are required to meet the costs from public benefit schemes and private means. Only where private resources are not available do the local authorities step in.

In contrast to Conservative government policy since the early 1980s to reduce the functional profile of local authorities, the *National Health and Community Act* adopted under the Conservative government in 1990 significantly enlarged local government responsibility for adult services, extending it particularly to sick and frail persons in need of long-term care, after acute hospital treatment operated and financed by the *National Health Service, NHS*), ceases to make further progress as the disease of the patient proves to be "incurable". Furthermore, the 1990 legislation marked an important conceptual reform and innovation by stipulating, under the heading community care, the priority of domiciliary over residential care.

Until the 1970s care for adults was predominantly provided by local government personnel. Although the *compulsory competitive tendering (CCT)* introduced by the Conservative government during the 1980s to break this municipal monopoly in social service provision

⁸³ For details and references see below pages 187 following and Wollmann 2008a: 121 ff.

did not explicitly apply to the personal social services, it did affect adult care, as well. In 1970, for instance, almost two thirds of residential care services were offered in local government-run facilities, by 2002 the local government share had fallen to 14 per cent, with the majority of residential facilities now being operated by non-public (private as well as non-profit) providers (see DoH 2005a: Table C5, C7).

8.2 Sweden⁸⁴

The universalist baseline which marks the Swedish welfare state model (see Esping-Andersen 1990: 28) also surfaces in the concept of adult care, according to which everyone in need is entitled to domiciliary or residential care to be provided by the local authorities. It also follows from the universalist premise that the cost of adult care provision is essentially borne by local authorities largely regardless of the financial position of the person seeking care. Hence, only about 30 per cent of adult service costs are covered by the fees charged to care recipients.

As in Britain, adult care in *Sweden* underwent an important reform (*ädelreform*) in 1992 which assigned additional operational and financial responsibilities to municipalities (*kommuner*) in services for the sick and frail in need of long-term care after acute hospital treatment reaches its limit as the disease of the patient turns out to be "incurable".

Personal social services having been almost entirely delivered by municipal personnel until the 1990s, the debate initiated in Britain about introducing competition and outsourcing to social service provision was taken up in Swedish municipalities during the 1990s. However, the outsourcing of social services has so far made remarkably little progress, with some 90 per cent of services still being delivered by local government personnel. It should be noted, though, that non-profit organisations (voluntary sector), whose role in social service provision was quite marginal in the past, have gained ground (see Wijksström 2000: 183).

8.3 France⁸⁵

Until 1982 the operational and financial responsibility for adult care as a component of *aide sociale légale* lay with the State administration on the *département* level. Following

⁸⁴ For details and references see below pages 315 following and Wollmann 2008a: 129 ff.

⁸⁵ For details and references see below pages 423 following and Wollmann 2008a: 135 ff.

the decentralisation of 1982 it was transferred, along with other social policy functions, to the self-governing 96 *départements* with elected councils (*conseils généraux*) as decision-making bodies.

Operating under national legislation, including that on the *allocation personnalisée d'autonomie*, APA) and bearing more than half of the cost from their own revenues, the departmental councils (*conseils généraux*) exercise considerable discretion in defining criteria and standards for service provision.

While the decentralisation of *aide sociale légale* focuses on the *département* level, the role of the some 35,000 *communes* in delivering adult services is relevant for two main reasons. First, since the 19th century and earlier, *communes* have provided discretionary care (*aide sociale facultative*) for the needy. Second, at the local intermunicipal levels, semi-municipal and "para-municipal" organisations (*centres communaux d'action sociale*, CCAS) have been established to provide discretionary (*facultative*) municipal services, for instance, domiciliary care, and, in support and on behalf of the *départements*, they are involved in contacting the needy, processing applications, and providing care services.

In a recent development, non-public non-profit organisations (*à but non lucratif*) have been playing an increasing part in delivering care services.

8.4 Germany⁸⁶

In its traditional format, local government adult and elderly care is a prime example of what has been called the "conservative-corporatist" (Esping-Andersen 1990) profile and tradition of the German welfare state.

While it is the traditional mandate of municipalities to make adult and other personal social services available for those in need, this is still a far cry from the Swedish universal entitlement to such services. Furthermore, in obedience to a conservative, corporatist and subsidiarity logic, the actual provision of care, particularly adult and elderly care, has been considered primarily the responsibility of the family and secondarily of voluntary institutions, typically with a religious and charitable background.

The federal legislation of 1962 (Federal Social Assistance Act) was largely in line with this tradition. For one, municipalities are generally obliged to make sure that personal social services are adequately available to those in need. Second, the 1962 legislation explicitly

⁸⁶ For details and references see Wollmann 2008a: 140 ff.

subscribed to the concept of subsidiarity according to which personal services should preferentially be rendered and, if possible, financed by non-public, non-profit welfare organisations, and by the families themselves. As far as the financing of adult (elderly, disabled etc.) care is concerned, the 1962 legislation departed from the subsidiarity or self-financing rule by providing that, subject to means-testing, people unable to pay themselves may receive local government-financed social assistance. This social assistance formula closely resembled the British solution. This variant of social assistance placed an ever mounting financial burden on municipalities because of the progressive ageing of the population and the exploding costs for care services, which induced more and more people to seek social assistance.

The legislation of 1995 (Care Insurance Act) brought about far-reaching changes in the provision of adult care in three main ways.

An entirely new regulatory regime on adult care has been installed which, financed by contribution-based insurance, provides standardised, limited (lump sum), universalist (i.e. independent of the individual's financial position) benefits tailored to three stages of care needs. Institutionally the new care insurance system hinges on the insurance funds (*Pflegekassen*), which manage the financial resources, negotiate and conclude contracts with providers, etc. While decision on the provision of care used essentially to be made at the local level, that is by local actors including local authorities because of their considerable financial involvement in the social assistance scheme, the centre of gravity of the care system has now moved to institutions operating on the national or state levels.

Secondly, local authorities have seen their financial burden eased as a major share of care costs they had previously borne from their social assistance budget is now covered by the care insurance fund. On the other hand, local authorities and local government actors lose the touch with the social needs of their citizens they had had in the previous system not least because of their financial involvement in the local care situation. Thus, long term care has lost some of its local embeddedness (Evers/Sachße 2003: 73).

Thirdly, the adoption of the Care Insurance Act of 1995 also ushered in a major deregulation of care provision as the traditional privileged, if not protected status of non-profit welfare organisations in service provision was abolished and the care service market was opened to all providers, non-profit as well as private/commercial organisations. The impact on the composition of the providers has been conspicuous with the private-commercial sector steadily gaining ground.

While, by and large, the role and responsibility of local authorities in providing adult care has diminished, a number of qualifications need to be made.

For one, the number of applicants for social assistance to cover the cost of care is increasing steeply as costs rise and insurance benefits within the lump sum limits prove less and less sufficient.

Second, recent legislation has emphasised local authority responsibility for assistance for the elderly (*Altenhilfe*), extending it to a broad, universalist spectrum of matters ranging from age-appropriate housing to age-related civic activities.

Thirdly, local authorities have been assigned new tasks in the supervision of residential care homes, homes for the elderly, etc. (*Heimaufsicht*).

9. Local employment policy

9.1 *England*⁸⁷

Since 2002, the conduct of labour market and employment policy in *England* has been entrusted to the new network of local JobcentresPlus, government agencies at the local level with integrated responsibility for unemployment benefit social benefit schemes. As the JobcentresPlus have been designed to be the key players in employment policy on the local level, the role of local government in employment-related activities is correspondingly meagre.

By the same token, the local level has seen the emergence of employment policy-related initiatives and actor networks which, funded by central government, operate largely under the latter's guidance and largely outside the influence of local government.

9.2 *Sweden*⁸⁸

Sweden's labour-market policy is largely run by the State Labour-Market Agency (AMS) and its county and local offices. In fact, AMS is the only central agency that has subnational field offices of its own. At the same time, however, the municipalities, *kommuner*, have come to play an important complementary role in employment policy.

A prime reason for the readiness of municipalities to engage in local employment measures of their own is likely to be their operational and financial involvement in the social

⁸⁷ For details and references see below pages 222 following and Wollmann 2008a: 151 ff.

⁸⁸ For details and references see below pages 337 following and Wollmann 2008a: 155 ff.

assistance (*bestånd*) scheme. Because rising unemployment since the early 1990s obliged more and more unemployed people no longer eligible for unemployment benefit to apply for local government-financed social assistance, municipalities saw cause to step up local activities to return them to employment and to thus relieve the local social assistance budget. In order to exert some pressure on the unemployed to actively seek job opportunities and improve their chances on the labour market, municipalities adopted the *arbetslinje* concept, first developed and applied in the context of national labour market policy. It is an activation concept, obliging unemployed people to play an active role, by way of vocational training etc., in re-entering the job market; unwillingness to comply can be sanctioned by the reduction or loss of benefits.

As a result, Sweden's municipalities have unfolded a remarkably broad repertoire of labour market-related activities, including attempts at initiating a local government-financed second labour market.

The complementary and mutually supportive potential of national labour market policy and local government involvement in labour market activities has been limited and impaired, though, by a lack of co-ordination between the two actor systems due to differing institutional interests and cultures.

9.3 France⁸⁹

In France, the conduct of national labour market and employment policy is institutionally divided between different national administrations and agencies, each with separate responsibilities for managing unemployment benefit (*indemnation*), job placement, training and reskilling.

In 1988 *révenu minimum d'insertion* (RMI), closing a gap in the *aide sociale légale* system, also had a labour market-related component: drawing on the Swedish *arbetslinje* concepts, RMI recipients were required to actively engage in efforts for social and workplace "re-integration" (*insertion*). Since, in yet another step towards decentralisation, the self-governing *départements* were put in charge of implementing the RMI scheme, they were for the first time explicitly involved in labour market activities. 2003 legislation transformed RMI into *revenu minimum d'activité* (RMA), which further accentuated the *arbetslinje* concept. However, the implementation of the labour-market related component of RMI/RMA, a new field for *département* administration and personnel, has so far encour-

⁸⁹ For details and references see below pages 439 following and Wollmann 2008a: 157 ff.

tered considerable difficulties. Co-operation with the institutionally fragmented State agencies concerned has so far been weak.

The *communes*, in line with their traditional involvement in discretionary social policy matters, reacted to urgent unemployment and social problems with initiatives and networks to improve job opportunities for the local unemployed, particularly with the aid of seed money from the European Social Fund (ESF). Yet, except for big and middle-sized cities, these local activities have remained quite marginal due to a lack of administrative and financial resources.

9.4 **Germany**⁹⁰

In *Germany* the operational and financial responsibility for labour market policy lies with the Federal Agency for Labour (*Bundesagentur für Arbeit*) and its 10 regional and 178 local offices. Its competence integrates unemployment benefit, job placement, qualification/vocational training measures, and job-creation programmes.

There have been two stages in local government involvement in labour-market and employment policies.

From the 1970s to 2005, local authority engagement in labour market activities, in a striking parallel to *Sweden*, was largely driven by their responsibility for social assistance and, with rising long-term unemployment, their having to cope with growing numbers of unemployed becoming dependent on social assistance upon losing their eligibility for unemployment benefit. Local authorities were eager to get these social assistance recipients back into employment and social security to ease the social assistance burden. A broad arsenal of labour market strategies and activities were elaborated ranging from using social assistance payments to create jobs ("work instead of social assistance") to implementing federal job creation programmes (*Arbeitsbeschaffungsmassnahmen, ABM*) designed to feed a secondary labour market. Thus, these local government activities served as a significant complement to and stopgap for national labour market policy.

However, two chief complaints were raised. For one, municipalities increasingly resented seeing the local government-financed social assistance scheme increasingly turning into an ersatz unemployment benefit with disastrous effects on local budgets. Second, because of organisational, interest and cultural differences between the two spheres, many considered national labour market policy, implemented by the Federal Labour Agency,

⁹⁰ For details and references see Wollmann 2008a: 160 ff.

and local measures, pursued by the local authorities, to be incompatible and counterproductive rather than mutually complimentary and supportive.

In 2005 two fundamental changes were introduced (for details see Bönker/Wollmann 2006: 194 ff.).

First, the unemployment scheme and social assistance were merged, so that all the economically active unemployed were now eligible for a new unemployment benefit (*Arbeitslosengeld II*) financed by the Federal Labour Agency. For local authorities this meant that a large number of people previously eligible for social assistance were now liable to receive *Arbeitslosengeld II* – to the relief of the local government budget.

Second, all unemployment-related activities concerning *Arbeitslosengeld II* recipients, including payment of benefits, placement, qualification/training, etc., were now be centred on the local labour agency, that is, the local branch of the Federal Labour Agency. The separation of functions and domains between the federal labour administration and local authorities was thus terminated. The involvement of local authorities was to be restricted to classical local government responsibilities, such as psycho-social counselling, family assistance and the like.

In sum, the 2005 reform brought not only significant financial relief for local government budgets, which local authorities had long demanded, but also abolished a considerable realm of municipal social involvement, which many of them deemed a serious loss in local government competence and standing.

An intensive political controversy and legislative tug of war between the Social-Democrat-Green federal government and the Christian Democrat-led opposition entrenched in the *Bundesrat*, ended with a compromise allowing exceptions to the rule of exclusive Federal Labour Agency competence for the new unemployment benefit scheme, providing for a certain number of local authorities to opt for sole operational responsibility. This arrangement was to apply provisionally for a six-year period subject to the outcomes of the two models being systematically evaluated. In fact, 69 of some 440 local authorities installed this alternative model.

By contrast to the main stream model, centred on the local branch of the Federal Labour Agency and largely sidelining local authorities, the so-called "option model" gives centre stage to local authorities in labour-market activities – on a scale unprecedented in the history of German local government and with no parallel in other European countries, including *Sweden*.

The experimental phase with two fundamentally different models of local labour-market activities will last until at least 2011. It is still too early for any informed guess let alone a substantiated assessment, as to the outcome of this quite remarkable policy move.

10. Comparative rating and ranking of the local government systems under discussion

We conclude with an attempt to rate the local government systems of the four countries under discussion and to rank them accordingly.

In assessing their overall political and administrative capacity, the five profiles:

- territorial,
- the political,
- functional,
- organisational/personnel,
- and financial/budgetary

drawn and discussed in this study serve as indicators and benchmarks.

The following aspects are highlighted.

- With regard to the territorial structure of local government which, in contrast to other comparative treatments,⁹¹ is attributed great significance, the crucial question and criterion is whether, on the basis of their territorial format indicated by average population, the size of local government units is viable for politically and functionally workable and capable structures and institutions. Empirical evidence suggests such viability is provided in municipalities with an average population of between 25,000 and 40,000. Municipalities outside this range can accordingly be deemed oversized or undersized.
- The political profile is assumed to depend, firstly, on whether local democracy has been enhanced by the direct democratic rights and secondly, on whether the political and administrative leadership in local government has been strengthened, while retaining a bipolar balance between local leadership and elected local council.

⁹¹ In most comparative typologies available the "territorial" dimension of local government is largely ignored (see, e. g. Hesse/Sharpe 1991). A recent exception is Kuhlmann 2008 where, in a Franco-German comparison, the importance of the territorial format is also underlined.

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- Assessment of the functional profile is guided by the question whether the scope of functions has been enlarged by transferring additional public tasks to local authorities or reduced by outsourcing and quangoisation. To substantiate the argument, reference is made to the policy chapters of this analysis. Furthermore, note should be taken of the degree and type of State supervision to which local authorities activities are subject.
- The guiding question on the organisational/personnel profile is whether there have been reform/modernisation measures conducive to strengthening administrative capacity.
- Concerning the financial/budgetary profile, assessment focuses on local revenues and the share contributed by local taxes levied by local authorities at their own rate (indicative of budgetary autonomy) or by State grants (indicative of budgetary dependence).

The procedure for rating profiles and ranking countries may be considered methodologically somewhat crude but can nonetheless be expected to generate satisfactorily robust and generally plausible results.

Four categories are applied in rating:

- very strong,
- strong,
- middle,
- weak.

Ranking accumulates these ratings

Drawing on the preceding summaries and the more extensive chapters the following ratings and ranking are proposed:

Table 5: On rating and ranking of local government systems

Countries	Territorial profile	Political profile	Punctional profile	Organisation-alpersonell profile	Financial profile	Ranking
<i>Sweden</i>	strong	strong	strong	strong	very strong	(1)
<i>Germany</i>	partly strong ^{a)} partly weak ^{b)}	strong	strong/ middle	strong	middle	(2)
<i>France</i>	weak ^{c)}	middle	middle	middle	strong	(3)
<i>England</i>	middle ^{d)}	middle	weak	strong	weak	(4)

Remarks:

- a) *Länder* with, on the average, large cities, e.g. North Rhine-Westphalia
- b) *Länder* with small municipalities plus intermunicipal bodies (Verwaltungsgemeinschaften usw.)
- c) Great number of (undersized) small *communes* plus intermunicipal bodies (Intercommunalité)
- d) Very large (oversized) local government units

The ranking is explained as follows.

10.1 *Sweden*

Sweden tops the ranking of the four countries under discussion on all five scores.

- The territorial structure of municipalities (*kommuner*) resulting from the territorial reforms of 1952 and 1974 – with an average population of 34,000 – has provided the basis for the further development of politically and functionally viable local government. The extraordinarily high voter turnout of some 90 per cent in local council elections compared with other countries suggests that the territorial reforms, which had been accompanied by strong local protests, have in the meantime been politically and politico-culturally accepted and have staked out operable arenas for local democracy.
- As laid down in the constitution of 1974, local democracy has come to be premised on representative democracy, that is, on the election of local councils. Whereas direct democratic town/village meetings were widely practised well into the 1950s, recent attempts to introduce direct democratic procedures, such as binding local referendums, have come to fruition. However, borrowing from Danish experience, user councils have been increasingly established on the local level to enhance participatory civic rights. The institutional arrangements of local government have been characterised by the government by committee system, under which the elected local council is comprehensively (*monistically*) responsible for decision-making and executive control over local ad-

ministration – with committees exercising these comprehensive powers on a sectoral basis. Recent institutional reforms have strengthened the political and administrative leadership role of the main committee (*kommunstyrelse*) of sectoral committee chairs while retaining a bi-polar balance between the somewhat individualised strengthened leadership and the elected local council.

- The scope of the multi-functional local government model has been further extended by recent functional reforms. In *Sweden's* intergovernmental system, under which few public tasks are carried out directly by central government institutions, most are accordingly discharged by local authorities, in first place municipalities (*kommuner*). Since the exercise of the local government functions obeys the *uniform* task model, in which all local government tasks are genuinely local functions within the remit of the elected council and there is sparse central government regulation and control, there is a significant degree of *separationist* functional autonomy.
- *Sweden's* local administration, whose organisational and personnel build-up climaxed during the planning- and management-oriented 1960s and 1970s, was founded on a remarkably modern and professional pattern – with most social services being delivered by municipal personnel. While, the international *New Public Management* debate on, among other things, competition and marketisation in public services, made its entry into Swedish municipalities, too, during the 1990s, it had little impact, as most social services continue to be delivered by public personnel. International comparative studies have classified Swedish local administration as a "modernising" type in which well-tried traditional elements are blended with NPM concepts (see Pollitt/Bouckaert 2004).
- In their financial profile, *Sweden's* local authorities excel by their unmatched budgetary autonomy, with 70 per cent of local revenues coming from local taxes levied by local authorities levy in the exercise of their powers of taxation and at the rates they set.

10.2 *Germany*

Germany's local government system ranks second, clearly tailing *Sweden* in the territorial, financial, and functional dimensions.

- Since it is up to the individual state of the federation to determine the territorial format of local government, the territorial profile varies strongly from state to state. In some *Länder*, which had undertaken large-scale territorial reforms of municipalities during the 1960s and 1970s, resulting in North Rhine-Westphalia, for instance in an average population per *Gemeinde* of 43,000, the municipal format has proved politically and function-

ally viable and able to manage without additional intermunicipal bodies. By contrast, some *Länder* opted for minor or no territorial reform at the municipal level, instead installing a tier of intermunicipal bodies (*Verwaltungsgemeinschaften*, etc.). This multiplication of local government units has fostered over-institutionalisation and dysfunctions in the subregional/local space.

- Compared with the other countries under study, the political profile of *Germany's* local government system, again with some variance between *Länder*, has shown profound changes. Binding local referendums have been introduced in all *Länder* of the federation, complementing the existing system of elected local councils by direct democratic procedures. Second, the local political and administrative leadership function has been strengthened in all *Länder* with the introduction of direct election of the executive mayor. The data available suggest that, notwithstanding the significant reinforcement of individualised local leadership, the bi-polar balance with the elected local council has, by and large, been retained.
- In its functional profile, the recent evolution of local government shows an ambivalent picture pointing partly to an extension and partly to a reduction in functional scope and autonomy. On the one hand, the traditionally multi-functional scope of local responsibilities has further expanded as additional public tasks have been transferred to local authorities. German local government consequently performs a very wide array of functions compared with other countries. On the other hand, NPM-inspired measures, such as outsourcing, have "fringed out" local government both organisationally and functionally. Furthermore, recent policy reforms have deprived local authorities of functions in a number of fields they had considered key responsibilities, for instance in social assistance, elderly care and local labour-market activities. Lastly, under pressure from their recent budgetary crisis, local authorities have withdrawn from discretionary tasks, for instance in cultural matters. These developments have given rise to speculation that the multi-functional model of traditional German local government may become defunct (see Wollmann 2002a. 2002b. 2003d). In addition, the autonomy of the local authorities continues to be impaired by the *dual task* model according to which local authorities carry out both genuine local government tasks within the remit of the elected local council and delegated public functions on behalf of federal and state governments, entrusted to local administrative authorities under the direction of the executive mayor without the involvement of the local council but under close supervision by State authorities. The continued delegation of public tasks means the further integration of local government operations into State administration.
- In its administrative profile the organisational and personnel structure of German local government is rooted in the traditional Weberian model of public administration, with

social services being primarily delivered by the non-public, not-for-profit sector. After a modernisation period induced by planning, etc., during the 1960 and 1970s in which local government attained a comparatively high standard of performance, particularly in fields pertaining to law-application (rule of law), local administration has, since the early 1990s, experienced a *New Public Management*-inspired modernisation wave focusing on managerialist tools. The administrative profile is now marked by a blend and "amalgamation" (see Jaedicke et al. 2000: 260 ff.) of traditional Weberian administration and NPM elements, in what some observers have seen as a successful "Neo-Weberian" pattern (see Bogumil et al. 2007: 215 ff., 2008).

- With regard to local government revenues, fiscal autonomy is comparatively limited as on the average only about one third stems from local tax revenues and another third from state and federal government grants. What is more, only half of local tax revenues is yielded by local taxes which local authorities can directly influence by setting the rate (*Steuerhebesatz*).

10.3 *France*

Prior to 1982, French government was a prime example of centralist unitary State organisation with local government playing only a marginal role. Following two rounds of decentralisation in 1982 and 2003, the country has installed local government structures that, on the basis of our rating, rank third among the countries under study.

- Territorially, the three tier structure of local government (*collectivités territoriales*) composed of *communes*, *départements* and *régions* is strikingly asymmetrical. While the 96 *départements* have an average population of 500,000, most of the 35,000 *communes* are very small, averaging 1,700 inhabitants. The failure and absence of territorial reform of the *communes* is one of the crucial factors in *France's* intergovernmental system, as the vast majority are administratively incapable of acting as self-standing local government units. Thus, the decentralisation of State functions on the local government level in 1992 and 2003 focused on the *départements*, while the undersized *communes* were largely "forgotten" ("*territoires oubliés*") (Borraz 2004). In reaction to the multitude of very small municipalities, a web of intermunicipal bodies (*syndicats*, *communautés*) has emerged (*intercommunalité*) to facilitate and co-ordinate intermunicipal co-operation, but over-institutionalisation in the subregional-local space often aggravates the problems of co-ordination. It remains to be seen whether the 1999 legislation (*Loi Chevènement*) will attain its goal of simplifying the intergovernmental and intermunicipal setting and making it more workable.

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- As to the political profile, it was only in 2003 that binding local referendums were introduced as a direct democratic complement, albeit with the right to initiate the referendum procedure being restricted to the local council. The French local government system (*système local*, Mabileau 1996) is dominated by the executive mayor (*maire*), formally elected by the council, but, because of the electoral system and long standing political practice, almost a "directly elected local president". His/her power position is further buttressed by the traditional practice of *cumul de mandats*. By contrast to the mayor's dominant local and administrative leadership the position of the elected council is weak in what presents itself as a politically unbalanced local government system.
- With regard to the functional dimension, most public functions, particularly in the social policy field, have been transferred the *départements* – mirroring the asymmetry of decentralisation – while the *communes* have been largely entrusted with urban planning and development (*urbanisme*). Under the *dual task* model, some local government tasks are the sole responsibility of the executive mayor to the exclusion of the elected council but under tighter and somewhat integrative supervision by State authorities. Finally it should be kept in mind that a significant share of administrative functions is still carried out by State administrative personnel down to the regional and local levels, which also marks of the limits to the functional profile of local government.
- As to the administrative profile it should be recalled that, prior to 1982, local government, except for big cities, had hardly any organisational and personnel structures of their own. Since the 1980s, local authorities, particularly *départements*, but also *communes*, intermunicipal institutions and regions, have been acquiring adequate organisational and personnel resources. In most cases this had to be accomplished from scratch, guided in part by managerialist concepts drawn from the *New Public Management* debate.
- The financial profile is marked by local revenues of which a surprisingly large share, about 50 per cent, comes for local taxes (*fiscalité directe*) for which local authorities set the rate. As only 30 per cent of revenue comes from State grants, the fiscal autonomy of French local government has been called "one of the most extended in Europe" (Hertzog 2002: 263).

10.4 *England*

Until well into the mid-20th century, the English local government system would have ranked first by all four ratings. Territorially its two tier system could be considered viable, politically its government by committee system operated fairly well, functionally it was very

broad and, in relations between central and local government, a "*dual polity*" (Bulpitt 1983). Financially it was marked by the predominance of the local rate. The standing of local government changed dramatically in a development that started after 1945 and climaxed following 1979. This paradigmatic shift has been characterised as the transformation of a "unitary but significantly decentralised country" into a "unitary but extremely centralised" one (Jones 1991).

- As a result of the 1974 territorial reform, *England's* two-tier local government system was remarkable for the size of its district/borough councils (averaging population 140,000) and its county councils (average population 740,000). From the 1990s, another round of district and council amalgamation created unitary authorities, raising the average size of district/borough councils plus unitary authority councils, the bottom tier of local government, to far in excess of 150,000. While this "sizeism" (Stewart 2000) in English local government may be warranted on efficiency grounds, many of these entities can be considered not only artificial from an historical point of view but also oversized with probable detrimental repercussions for the political and politico-cultural identification of the local population with the locality as an arena of local democracy: the notoriously low voter turnout in local elections can probably be also accounted for by the territorial oversizedness of local government.
- In its political profile local politics has continued to be dominated by the principle of representative democracy, that is, election of the local council – with binding local referenda for only a narrow set of exceptions. In an attempt to reform political decision-making and leadership in local government, the traditional government by committees system was replaced by a reform model which in its cabinet plus leader variant, for which most local authorities opted, introduces a kind of prime ministerial function into local government by establishing a form of largely individualised political and administrative leadership. While local leadership in local politics has been strengthened, the standing and influence of the elected council, now largely reduced to a scrutinising function, have diminished. The political balance between the leader with cabinet and the full council has arguably been disturbed.
- Functionally, local authorities have lost ground for a number of reasons, ranging from legislative pressure (compulsory competitive tendering) to outsource social services to the strategy of central government to bypass local authorities by entrusting public services and activities to autonomous, single-purpose organisations (*quangos* = *quasi autonomous non-governmental organisations*) and partnerships. Furthermore, the functional autonomy of local authorities, which formally still operate within the traditional *uniform* task model, has been seriously eroded and undermined by central government

with the introduction of top-down performance management tools (best value, monitoring, etc.).

- Administratively, the organisational and personnel structure of the local authorities has undergone a significant shift with the adoption of managerialist, *New Public Management* concepts, such the purchaser-provider split not only between authorities and outside providers, but also in house.
- The paradigmatic shift is perhaps most conspicuous in the financial dimension, as only about 14 per cent of local revenues now come from local taxes levied by local authorities, while almost two thirds are allocated by central government.

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Comparing Local Government Reforms

in England, Sweden, France and Germany:

Between continuity and change, divergence and convergence

Chapter 2a

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