

Changes, ruptures and continuities in European local government systems  
between government and governance

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This article discusses significant changes which the political and administrative structures of local government and the “local public sector” have experienced in Europe during the past thirty years. While aiming at a broad coverage of European countries, also including Central-East European countries and their dramatic institutional transformation after 1990, the paper focuses on Great Britain, France, Sweden and Germany as cases in point. In the second section the findings will be put in a comparative perspective in applying the conceptual “government”/“governance” distinction. Finally an assessment will be submitted of the impact which different country-specific “government”/“governance” arrangements may have on the capacity of local level actors to “co-ordinate” different policies and interests.

### *1. Introduction*

During the past 30 years the local government systems and structures in European countries – in “West and East” – have seen deep-cutting changes and ruptures in crucial institutional dimensions – probably more profound than within any previous such time span. This applies not only to the ruptures in the local government institutions in the former socialist Central East European (CEE) countries, but also to West European countries where local governments have experienced deep-cutting changes on broad scale.

The article will come in three steps.

- First, a (within the limited space necessarily “broad brush”) overview of relevant local government developments will be given in a cross-country perspective.
- Second, the observed changes will be comparatively discussed under the analytical *government and/or governance* distinction.
- Third, an attempt will be made to assess the *coordination performance* of the specific government and/or governance pattern

The article will be guided by the following conceptual considerations.

### *1.1. Distinction made between traditional and NPM-related reform approaches*

In order to analytically disentangle the institutional changes it is seen useful to discern between the *traditional* and the *New Public Management- (NPM) guided* approach to public sector reform/modernization..

- The former aims at reforming the political and administrative structures in revolving around and basically retaining the democratically elected and politically accountable politico-administrative system as the crucial frame of reference. *Traditional* reforms of local government pertain (vertically) to changes in the political and functional position and territorial format in the intergovernmental setting as well as (horizontally) changes in its political and administrative structures and procedures.
- The latter hinge on the organisational principles of private business sector and of its market principles as basic frame of reference. They are made of a bundle of (in part contradictory) concepts (see Aucoin 1990, Hood 1991) of which one main strand aims at transferring managerialist principles into the internal operation of public administration, while the other main string relates to introduction of competition and market (-testing) to

### *1.2. Analytical checklist of relevant institutional changes*

In order to identify and to take stock of relevant institutional changes the following checklist and sortlist of analytical dimensions will be applied:

- The political and functional position of local government in the intergovernmental setting,
- the territorial format of local government,
- direct democratic citizen rights,
- political/administrative leadership in local government,
- administrative structure,
- institutional and functional differentiation of actors (horizontally) on the local arena

At this point, the caveat needs to be made, however, that this checklist of relevant analytical dimensions to look at is far from being complete – due to limited available space. Above all, the aspect of the (crucial!) financial resources will be treated only, at best, in passing.

### *1.3. Conceptual and analytical framework*

In looking at the institutional development in terms of *institution building* and *institutional choice* (as dependent variable) and in asking for the factors that have shaped it (as explanatory variable) an *institutionalist* approach is taken which draws on the “neo-institutionalist” debate (see, for instance, Peters 1995), particularly on its “historical” and the “actors-oriented” variants. The former focuses on the institutional, cultural, political etc. traditions and legacies which may have shaped the institutional trajectory in the past and may continue to (*structurally*) weigh upon its future trajectory, maybe to the point of exerting a “path-dependent” imprint. The latter highlights the (*contingent*) influence that the relevant (political, economic etc.) actors, their interests, their “will and skill” may have in the decision-making situation at hand on the decision to be taken, including *non-decisions*.

Under these conceptual auspices particularly three complexes of variables can be singled out for analysing and explaining institutional changes in local government:

- *External* (exogenous) factors among which, emanating from outside the actors' (national) reach, mega-trends such as *globalization*” and *internationalization*” as well as the influence of international (or supra-national) organizations (such as the European Commission) loom large (see Denters/Rose 2005a: 2 ff, Goldsmith 2005: 239 ff.).
- The country's *starting condition*, that is, its institutional, political and cultural setting carried over from the past (legacy) to the present (which are addressed by the variant of *historical* institutionalism and by the related image of path-dependency).
- (Endogenous) factors that may influence the decision making, such as the (critical) budgetary situation of the country or, in the case of CEE countries, specific problems caused by the (still ongoing) economic, social etc. transformation of the country.
- The constellation of the relevant *political, economic actors*, their interests, coalitions, power resources, “will and skill”. (as highlighted by the *actor-centred* variant of neo-institutionalism)

Modified versions of this analytical scheme have proven useful both in the analysis of public sector reform processes (see Pollitt/Bouckaert 2004, Christensen/Lagreid 2001, Wollmann 2003a) as well as in the study of local government developments, including the transformation of local government structures in CEE countries (see Wollmann 1997, 2000).

#### 1.4. *Government and/or governance*

The article will seek a comparative perspective in drawing on the distinction which is made, in one of the major current political science debates, between “government” and

“governance”. While, in widely shared definition and understanding, *government* relates to the institutions and actors that make up the traditional *polity* embodied in the democratically elected and politically accountable politico-administrative institutions, actors, and procedures, *governance*, in the understanding of many, denotes the network of institutions and actors which make up the action arena and space – beyond the domain of *government* (see Rhodes 1997, John 2001: 9 ff, Denters/Rose 2005b: 253 ff. with references). While (local) *government* is typically institutionalized on a *territory-based multifunctional* organisational formula and has (ideally) a collective common-good oriented mandate, *governance* is made of institutions and actors that typically pursue a single-purpose orientation.

#### *1.4. Coverage and selection of countries*

While the paper is intended to assume a wide cross-country perspective encompassing local government developments in West European as well as in Central-East European countries, it will have a focus on the UK/England, France, Sweden and Germany – for practical reasons<sup>1</sup>, but also in the expectation that this quartet of countries offers particularly valuable insights.

### *14. Institutional analysis*

#### *2.1. Political and functional position of local government in the (vertical) intergovernmental setting.*

The most dramatic thrust of decentralisation in recent times has, of course, occurred in the (post-communist) Central East European countries where, after the collapse of the communist

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<sup>1</sup> In part the paper draws on a comparative study which the author currently pursues, with a support by the Wuestenrot Foundation, on the development of local government systems in the U.K/England, France, Sweden and Germany (see also Wollmann 2004d).

regimes and during the build-up of the democratic constitutional states, the radical decentralisation of the previously over-centralised communist state through the creation of democratically elected local authorities was crucial (see Coulson 1995, Baldersheim et al. 1996, Wollmann 1997, for recent country reports see Baldersheim et al. 2003, Kersting/Vetter 2003). In designing their local government system, the post-communist governments were, in the immediate *founding period* of 1989/1990, (endogenously) led by their own pre-communist local government tradition, by the specific constellation of the relevant actors and the institutional compromises reached by them. Furthermore, they drew on the blueprint of local self-government laid down in the European Charter of Local Self-Government of 1985. Hence, while the newly introduced local government systems showed basic commonalities, they also exhibited significant cross-country variance from the outset. Thus, in *Hungary* where the political transformation took place through “negotiated transition” (Batt 1991) a local government model was enacted in August 1990 which, as part of a comprehensive and “extremely liberal” (Davey 1995: 74) constitutional design, assigned the (territorially unreformed) municipalities and settlements a key role in the decentralised system, while ascribing to the newly installed regions only a weak supervisory function (see Wollmann/Lankina 2003: 94 ff., Soos 2003: 242 ff.). By contrast, in *Poland* where the power struggle was resolved by a “dilatatory compromise” (Wollmann 1997) struck between the communists and Solidarnoc the resulting institutional scheme was inconsistent and temporary (“unfinished business”, Batt 1991, see Swianiewicz 2003, 2005). Throughout the CEE countries local government was reinstituted, in the immediate *founding period*, as a single-tier structure and was endowed with a broad scope of responsibilities (multi-function model), in line with the *general competence clause* laid down in the European Charter of 1985. At the same time, in most CEE countries local government was re-installed in a “dual function” model according to which the local authorities carry out local self-government responsibilities proper as well as tasks delegated to them by the State. In this a pre-communist

trace of the Austrian-Habsburg local government tradition was taken up, see Illner 2003b: 68, Marcou/Verebelyi 1993).

In the subsequent *consolidation period* of the mid- 1990s CEE countries embarked upon “reforms of the reforms” in aiming to rectify institutional inconsistencies and “unfinished business” from the antecedent founding period. The reform debates and measures largely hinged on remoulding the original one-tier into a two-tier local government structure (partly in line with the pre-communist local government setting) and on reforming the regions. The most massive pertinent reforms were carried through in Poland after 1996 when the *powiaty* (as the upper local government level) was (re-)introduced (accompanied by a further transfer of state functions) and, at the same time, the number of regions was significantly reduced (see Swianiewicz 2003: 289 ff. Wollmann/Lankina 2003: 96 ff.). During the 1990s the course of institutional adaption and readjustment was largely influenced and also retarded by (endogenous) party conflicts. In the Czech Republic the protracted conflict about the introduction of regions with elected councils came to end only in the late 1990s (see Illner 2003b: 268 ff.). During the 1990s the decision-making on institutional adaptations in the intergovernmental setting was increasingly swayed by the respective country’s interest to ensure its access to EU membership (see Nunberg 1999: 246).

Among the West European countries the most conspicuous case of decentralization occurred in France which, since the 19<sup>th</sup> century, was regarded as the epitome of a (*Napoleonic*) centralist and unitary state organisation. When, in 1982/1983, the decentralization of the political and administrative system was embarked upon by the incoming socialist government (see Hoffmann-Martinot 2003: 158 ff.), the main addressee and beneficiary of the devolution of state functions, particularly in the social policy field, were the (100) *départements*, that is, the upper level of the two-tier local self-government system (with an average size of some 560.000 inhabitants. By contrast, the transfer of responsibilities to the municipalities



(*communes*) as the lower level was quite limited (related, for instance, to urban planning and development control). As, in the absence of a territorial reform of the some 35.000 municipalities (with an average size of about 1.700 inhabitants), the administrative capacity of most of them remained precarious, an expedient and remedy has traditionally been seen in establishing and employing (single-purpose or multiple-purpose) intermunicipal bodies, *syndicats (SIVU, SIVOM)*, the boards of which are not directly elected by the local citizens, but appointed by the municipal councils (see Marcou 2000). Recently, in 1999, legislation was passed (*Loi Chevènement*) by which three types of intermunicipal cooperation (*communautés*) have been introduced which are meant to put intercommunal cooperation on a firmer institutional and political footing (see Borraz/LeGalès 2005). However, the complex array responsibilities shared by the state, the *départements*, the *communes* as well the web of intercommunal bodies has remained “overinstitutionalized” and blurred with the widespread practice of joint activities (*cogestion*) and mixed financing (*cofinancement, financement croisé*). Hence, the (single) project orientation of government programs, their local targeting (*territorialisation*) (see Duran/ Thoenig 1996) and the contracting (*contractualisation*, see Gaudin 1996) with a net of municipal, departmental, public, private etc. actors continues to be prevalent. Since, through the dense net of regional and local offices the State administration has still a strong presence in the decentral-local space, France remains “one of the most centralized countries in the world” (Hoffmann-Martinot 2003: 159).

By contrast, *Sweden*, notwithstanding its unitary state form, has a significantly decentralised intergovernmental system in which, on the basis of the territorial reforms of 1952 and 1974 resulting in an average size of some 30.000 inhabitants, an increasing scope of public tasks have been transferred to the municipalities, particularly in the fields of social services and education (see Premfors 1998). Hence the traditional multi-function model of local government has been further extended (see Montin 1993). By the same token, through the

Local Government Act of 1991, the power of the municipal councils to regulate the institutional structure and organisation of the local authorities on their own has been significantly enlarged (see Häggroth et al. 1993). Due to its political and functional strength (and to a high degree of budgetary autonomy) Sweden is regarded as the probably strongest local government system in Europe (see Hesse/Sharpe 1991, Wollmann 2004d).

In *Germany*, too, within the country's federal and decentralised intergovernmental setting, local government (made up of the counties, *Kreise*, and the municipalities, *Gemeinden*) has traditionally a politically and functionally strong profile (while operating under tighter legal and budgetary restrictions than its Swedish counterpart). The scope of public tasks is comparatively wide because, in line with the "dual function" model characteristic of the German-Austrian administrative tradition (see Marcou/Verebelyi 1993, Wollmann 2000: 118), the local authorities are mandated to carry out tasks *delegated* to them by the State, besides their local self-government responsibilities proper. In fact, up to 80 percent of all pertinent (federal, *Länder* as well as EU) legislation are carried out by the local authorities. Concomitantly State administration has only a limited number of field offices on the local level to discharge administrative tasks. Recently *functional reforms* have been embarked upon by individual *Länder* through which the still existing (few) local field offices of the *Land's* administration are abolished and their functions (and personnel) are transferred to the local authorities (see Banner 2005), thus further enlarging the latter's functional scope.

By contrast, the *UK/England* which, since the late 19<sup>th</sup> century, stood out as a case of politically and functionally strong local government (and was seen and admired in this as exemplary by contemporary observers abroad) turned in a conspicuously centralised direction following 1979 after the Conservatives under Margret Thatcher took office. Inspired by the neo-liberal postulate "to roll back the state" of which the local authorities were seen a crucial

(and, on the top of it, Labour Party-dominated) part, the Conservative government curtailed the responsibilities and the (financial) autonomy of the local authorities, while, at the same, conferring public tasks upon (quasi-public and private) single-purpose organisations (*quangos*) operating outside the reach and responsibility of elected local government and largely depending on central government (see Skelcher 1998). In effect, „the once dominant position of the elected *local government* has been challenged by the ‚quango explosion‘“ (Wilson 2005: 155), while „modern *local government*... now appears more fragmented than it has been since the 19<sup>th</sup> century“ (Leach/ Pierce-Smith 2001: 64). As a result, Great Britain/England has been transformed, as it was put, from a (historically) “unitary highly decentralized” into a “unitary, highly centralised” country (Jones 1991: 208).

When New Labour took office in 1997, the central government’s top-down grip on the local government level was even further accentuated with the introduction of the so-called “Best Value” Regime (see Stewart 2003: 121 ff.). In this the New Public Management-inspired concept of performance managed took a peculiar centralist turn in that it requires the local councils to be measured periodically against performance indicators defined by the local authorities themselves as well as by central Audit Commission appointed by national government. “Best Value would prove every bit as centrally prescriptive and potentially even more interventionist” (Wilson/Game 2002: 337). In the meantime, the Blair government has moved on to a somewhat “softened” new instrument labelled *Comprehensive Performance Assessments* (CPAs), but still destined to keep local government under tight central government control. While the high performers are rewarded with “additional freedoms” and funding, the poor performers may be penalised, including transfer of functions to other providers or even placing the council into the hands of Government-appointed administrators ( see Wilson and Game 2002: 347)..

So, despite *devolution* which has been initiated by the New Labour Government in 1997/1998 in providing for elected regional assemblies and notwithstanding the *new localism* which it has proclaimed, Britain remains, it was said, “one of the most centralized systems in the world” (Goldsmith 2005: 238).

### *Territorial reforms<sup>2</sup>*

Major changes in the territorial structure of local government occurred during the 1960s and 1970s particularly in England and in Sweden when, with the primary aim of enhancing the administrative efficiency and the operative performance of the local authorities, the boundaries of the existing local government units were redrawn, mostly by way of amalgamation. In what has been called the *North European* pattern of large-scale territorial changes (see Norton 1994: 36 ff.) the territorial reforms carried out in England in 1974 ushered in districts with an average size of 130.000 inhabitants and those in Sweden arrived at a average size of some 35.000 inhabitants. Whereas the size of local government attained in Sweden was seen as democratically as well as administratively viable, the territorial reform effected in England was criticized by some for an excessive “sizeism” (see Stewart 2003: 183 ff.) potentially detrimental to the democratic mandate of local government.

By contrast, in what has been labelled the *South European pattern*, *France* has refrained from territorial reforms at the municipal level, except for an abortive attempt in the early 1970s (see Hoffmann-Martinot 2003) and, thus, has retained the some 35.000 municipalities, *communes* averaging some 1.700 inhabitants, within boundaries which trace back to the times of the Revolution of 1789 and before. The development of intermunicipal bodies (*syndicats* and more recently *communautés*) that form a world and web of intermunicipal cooperation

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<sup>2</sup> for an overview with country reports see Meligrana (ed.) 2004

(*intermunicipalité*) is meant to offset the extreme fragmentation of the French municipalities (see Marcou 2000, Borraz/LeGalès 2005).

In *Germany*, reflecting the federal structure, the decision on the territorial format of the local government levels lies with the individual *Länder*. As a result, the territorial reforms which were carried out during the late 1960s and early 1970s show a significant cross-*Länder* variance - partly in a *North European* and partly in a *South European pattern*. Some *Länder* went for large-scale amalgamation (such as Land of Nordrhein-Westfalen arriving at municipalities with an average size of 45.000 inhabitants). By contrast, others retained most of the existing small municipalities (with an average size of less than 2.000) and resorted, instead, to the formation of intercommunal bodies (*Verwaltungsgemeinschaften*) to provide administrative “muscle” to the member municipalities (see Wollmann 2004a: 114f.) – which had the problematic side effect of some “institutional overcrowding” in the decentral-local space..

In most post-communist CEE countries, after 1990, the decision-making on the future territorial format of the municipalities was shaped by an all but radical political “localism” (see Illner 2003b: 72) which, laid down in the pertinent post-revolutionary legislation, demanded that, for the sake of local democratic self-determination, the local residents should be given the right to choose and define the boundaries of their settlements and communities themselves. As a result, some countries, such as Hungary and the Czech Republic, experienced a steep increase of the number of (small and smallest) municipalities and localities, as local residents decided to form new communities, whereby they often revised amalgamations carried through and imposed under the previous communist regime. So, in Hungary the number of municipalities jumped, immediately after 1990, from 1.600 to 3.100 - with an average size of 1.600 inhabitants (see Soos 2003: 246, Wollmann 1997: 466).

Similarly, in the Czech Republic the number of municipalities doubled between 1990 and 1993, averaging 1.600 residents (see Illner 2003b: 72). Hence, in most CEE countries the *Southern European pattern* of a highly fragmented municipal level has prevailed and persisted.

Poland was an exception as, after 1990, the results of the local territorial reforms were retained which had been carried through under the communist regime during the 1970s in reducing the number of municipalities to 2.345 (with an average size of 16.000 inhabitants, see Swianiewicz 2003).

It should be added that in some of the East German *Länder* where, following the breakdown of the Communist regime and following German Unification, the multitude of small municipalities had been retained in order to respect and save the newly reinstituted “small local democracies” (see Wollmann 2003b: 46 f.), a new round of territorial reforms has recently been tackled meant to amalgamate many of the small localities deemed to be functionally and also politically not viable any more. It may well be that this harbings similar steps in the offing in other post-socialist countries.

### *Strengthening local citizen rights and participation in local politics*

In most (West) European countries the local government systems were, well unto the late 1980s, dominated almost entirely by the principle of representative democracy from which follows the role of the elected local council as the supreme local decision-making body without any complement and challenge by direct democratic citizen rights. *Switzerland* has been the legendary sole exception in Europe with a tradition of (local) direct democracy (with town meetings and referendums) that reaches back to the mid 19<sup>th</sup> century (see Kübler/Ladner 2003, Ladner 2005).

In the wake of the collapse of the communist regimes in the CEE countries, the renaissance of democratically elected local government (with elected local councils as representative-

democratic bodies) was revealingly linked also with the introduction of direct democratic citizen rights, particularly in the form of binding local referendums (see Baldersheim et al. 1996). In this, no doubt, surfaces a political legacy of the basic-democratic movements which were instrumental in toppling the communist regimes. Typically the new municipal charter which was enacted in March 1990 by the democratically elected parliament of the then still existing German Democratic Republic provided for binding local referendums (and other forms of direct citizen involvement); in the legislative debates explicit reference (and reverence) was made to “revolutionary” legacy (see Wollmann 2003c: 36). In the same vein, binding local referendums were laid down in Hungary’s constitutional law on local self-government of August 1990 (see Soos 2003: 252, see also Trpin 2003: 169 ff on Slovenia). So, after Switzerland had been the sole political haven, in Europe, of local direct democracy, the institutionalisation of direct democratic local citizen rights experienced its break-through first of all in the aftermath of revolutionary turnover in CEE.

An instructive case in point which exemplifies the further expansion of local direct democratic rights can be seen in *Germany* where, since the early 1990s, binding local referendums were introduced, one after one, by all *Länder*. The political momentum which the issue of binding referendums picked up quite rapidly was certainly fostered supported, if not triggered by a spill-over-effect emanating from the basic democratic movement in East Germany and the decision taken by the “post-revolutionary” GDR Parliament to adopt such direct democratic procedures in May 1990 (see Wollmann 2003b).

By contrast, in the UK and in the Scandinavian countries the introduction of binding (local) referendums has so far not been given serious political considerations - with the exception, in the UK, of some adhoc referendums, such as, on the introduction of the directly elected Mayor in London and the creation of a regional parliament respectively assembly in Scotland and Wales. The reason for this restraint arguably lies, first of all, in the political culture of these countries in which the trust in the (national) parliaments and in local councils is obviously still deeply rooted and unquestioned so that a need for a direct-democratic complement and corrective is not perceived.. Yet, it should be added that particularly the Scandinavian political tradition and culture is familiar with other participatory mechanisms and practices, formal (in terms of city district councils or *user councils*) as well as informal ones (see Baldersheim 2003: 31, Bogason 2000 on user councils that originated in Denmark)

### *Strengthening the leadership in local policy-making and administration*

Until the 1990s essentially two country families and types of institutionalising local political and administrative leadership could be distinguished.

On the one hand, in what might be called *monistic* systems, the entire local decision-making as well as executive power is seen to lie with the elected council which acts through its committees composed of councillors that, in turn, are elected by the full council (“government by committee”). This system has traditionally been in place in England and in the Scandinavian countries.

On the other hand, in what may be labelled *dualistic* systems, the elected council is recognised as highest local decision-making body as well, while a local executive (typically a mayor) is put in place (in a kind of local separation of powers concept) who, besides executing decisions taken by the elected councils, exercises some responsibilities in his/her own right, not derived from the council. Originating from France’s post-revolutionary municipal legislation of 1790 and embodied in the position of the *maire*, this dualistic model of local government has been employed (in different variants) in most of Continental Europe. As a rule the mayor was elected by the council (see Wollmann 2004b). Since the 1950s until the 1990s, a direct election of mayor was in place only in two South German *Länder* (*Baden-Württemberg* and *Bayern* typically located in the American Occupational Zone).

Since the 1990s the traditional form of local political and administrative leadership has been criticised and questioned in both systems particularly for two reasons: lack of transparent political accountability and lack of (leadership) efficiency (for recent overviews see IJURR 2004, Berg/Rao 2005).

In the countries (Great Britain, the Scandinavian countries) with a (monistic) *local government by committee* tradition a certain “de-collectivisation of local decision-making” (see Larsen 2002: 118) and a kind of “parliamentarisation” (see Bäck 2004) has been embarked upon. Put in a simplified way and leaving details aside, a collegial body (called city government, executive committee or cabinet) is put in place which is made up of council majority –elected full-time, paid councillors and which is headed by the (majority) leader (as the “strong man” of the cabinet). This may be seen analogous to a “cabinet-prime minister”



model and – with an eye on the prominent role of the leader/mayor – to a “prime-ministerialisation” of local government and local leadership.

By contrast, in an increasing number of Continental European countries (with a dualistic local government scheme) a reform track has been entered upon marked by the direct election of the mayor. As thus not only the local council, but also the mayor is directly elected by the local citizens, one might speak, *cum grano salis*, of the local variant of a “presidential system”.

In Germany where the directly elected mayor has been in place in two South German *Länder* since the 1950s (while other *Länder* had different local government forms, see Wollmann 2004b: 153 ff.), the direct election of the mayor has been adopted, since the early 1990s, sequentially by all *Länder* (see Bogumil 2001: 175 ff.). It should be added that in most German *Länder* a recall procedure has been laid down under which, by local referendum, a sitting mayor can be forced to retire (see Wollmann 2003b)

In Italy, too, in the wake of the political upheaval in the country’s party political system in the 1990s, the direct election of the mayor has been introduced in 1993 (see Larsen 2002: 121, Magnier 2004). The position of the mayor has been politically by the conspicuous provision that, in municipalities with more than 15.000 inhabitants, the winning mayoral candidate gets a majority of 60 percent of the council seats in order to ensure him/her a safe majority.

In post-communist CEE countries the legislative arrangement for local leadership were, in the immediate *founding period*, marked by the caution to provide for collective rather than for strong mayoral leadership. With the progressing *consolidation phase* the countries have increasingly turned to install the directly elected mayor. Typically, in Poland the mayor was, at the outset, given the position of the council elected chairman of the collective executive board before, in what was called a “revolutionary change” (Swianiewicz 2003: 294) in June 2002 the directly elected mayor was introduced for all municipalities. In Hungary the direct election of the mayor had been provided, from 1990 on, for the municipalities up to 10.000 inhabitants, until, in 1994, it was extended to all municipalities. In the meantime, the direct election of the mayor is in place in practically all CEE countries (see Swieaniewicz 2003: 195 f.).

### *Modernisation of public/municipal administration*

A key strategy of NPM message is directed at overcoming the basic inflexibility and economic inefficiency of the traditional public administration and at, instead, instilling efficiency-centred managerialist principles drawn from the private sector and its private corporations (see Bovaird/Löffler 2003). Crucial instruments are seen in the (internal) *devolution* of responsibilities (“let managers manage”) and in replacing the previous hierarchical (“Max Weberian bureaucracy” type) control with indicator- and monitoring-based *performance management*.. Indicator-based cost-achievement-accounting is meant to increase the transparency and the feedback processes within administration.

In the UK, after 1979, under the Conservative government, the (internal) modernization of the local authorities has been significantly inspired by the NPM idea of introducing the *purchase-provider split* into the hitherto “unified” administrative operation in the field of public services in order to make ground for “marketization” and “competitive tendering” with the services to be delivered, as a result of competition, either by the in-house provider or by (successfully bidding) outside providers. Many local authorities have seen an internal administrative revamping along these lines.

In *Sweden* the NPM-inspired concept of reorganizing the municipal administration along the purchaser-provider split has been adopted in a considerable number of municipalities (see Montin 1993).

*In Germany* which can be seen a classical case of the Max Weberian model of legal rule-bound hierarchical public/municipal administration, the NPM message made its entry in the

early 1990s under the label “New Steering Model” (*Neues Steuerungsmodell*) (see Banner 1991, Wollmann 2004a). In addressing the traditional primacy of legal regulation and hierarchical control in German public administration the modernization drive was, first of all, geared to the internal devolution of responsibilities (“decentral resource management”) and indicator-based cost-achievement accounting (see Bogumil / Kuhlmann 2004).

In *France*, traditionally another classical case of Continental-European hierarchical public administration, following the municipal elections of 1983 a cohort of NPM-minded mayors took office in a number of major municipalities. Drawing on the idea of running the municipalities as “enterprises” (*ville entrepreneuriale, ville stratège*), concepts and instruments of performance management (*contrôle de gestion*) were introduced. (see Hoffmann-Martinot 2003: 175 ff.). In the meantime, as some of the “entrepreneurial” mayors were put out of office, this movement has apparently lost momentum (see Mauray 1997).

In the CEE countries the build-up of the administrative structures of local government was, in the early *founding period*, characterised by the attempt to put viable administrative institutions and staffs in place whereby these efforts were geared, in the early phase, to the adoption of the “classical”, that is, hierarchical blueprint of local administration. But soon, not least under the influence of foreign consultants who, as was noted on *Poland*, „treated Polish cities as a laboratory for ideas which were difficult to test in their home countries“ (Swianiewicz 2003: 297), New Public Management-related concepts have been adopted and tried out.

*Privatisation, marketisation of public/ municipal functions*

In the debate on modernising the public sector, including local government, the demands for, and concepts of the *privatisation* and *marketisation* of public/local government functions have been driven, since the early 1980s, along two (interrelated and mutually reinforcing) strands (see Pollitt/Bouckaert 2004).

First, the neo-liberal policy discourse, in attacking the scope and operations of the advanced (“social democratic”) welfare state, was directed at curbing and slimming the functions of the (allegedly overblown) welfare state to its “core functions” by *privatisation* and by allowing the free market forces to take over. Since the early 1980s the message of a “lean state” was advocated, in the national as well as international contexts, first of all by the UK Conservative government under Margret Thatcher (widely identified as *Thatcherism*), as well as by the US government under President Reagan.

Another major tenet, identified as key a component of *New Public Management*, has been the *marketisation* of public tasks and services. The underlying concept is that, if and where certain tasks and responsibilities remain to be assumed by the public sector, its role should be restricted to an “enabling” function. In this the public authority would, in principle, act as a “purchaser” of such services, while the delivery thereof should be *marketised*, that is, put out for tender, the contract being won, on a competitive formula, either by a (provision-related) administrative unit or by a private or ngo provider.

Within the European Union this principle was strongly advocated and pushed by the European Commission which, in order to ensure the functioning of the *one European market*, stepped up its market liberalisation policies (see Wollmann 2002, 2003d)..

Among the European countries the UK, under the Conservative governments since 1979, has gone furthest in the NPM-inspired marketisation of public services (see Pollitt/Bouckaert 2004) whereby it should be recalled that in Britain until the late 1970s the public services were delivered almost entirely, in a kind of public sector monopoly, by the local authorities and their personnel. In the 1980s the Conservative government passed legislation to oblige the local authorities to put the delivery of public services to the *market-test* through competition (Compulsory Competitive Tendering, CCT) (see Wilson/ Game 2002: 328 ff.) As a result, the outsourcing of public services has become a general practice with a multitude of private-commercial as well as *voluntary*-non-for-profit (single purpose) providers taking over this field of activities.

In *Sweden* where, similar to Britain, the social services were traditionally delivered almost entirely by municipal personnel, the NPM-message of introducing competition in the rendering of municipal services made also its entry in the modernization debate in the course of the 1980s (see Bäck 2004, Montin 2003). But, at the end, only a small percentage (about 15 percent) of the municipal services have actually been *outsourced*, whereas most of them are still performed by municipal personnel proper.

In *Germany* the lion's share of the social services was traditionally, under the *subsidiarity principle*, rendered by non-public non-for-profit (*ngo*) organisations (so called "free welfare organisations", *freie Wohlfahrtsverbände*), while the local authorities restricted themselves to an (in current NPM terminology) "enabling" function. So, as "outsourcing" was since long already general practice with local authorities, the echo to the NPM *marketization* message was at first understandably weak. Following legislation of 1994 which broke up the delivery privilege of the ngo-type welfare organizations, private-commercial and other voluntary

providers increasingly entered the local service provision market and local arena, ushering in a further “pluralization” of local level service providers.. (see Bönker/ Wollmann 2000).

Since in the *CEE* countries, under the communist regime, the social services were delivered entirely by state agencies (as well as by the State enterprises), the scope and modality of service provision was bound to undergo a fundamental change after 1990. In fact, as it was observed for *Poland*, “the pan-European wind of privatisation, or at least of marketing, of local services traditionally delivered by public organisations, also started to blossom in *Poland* in the 1990s” (Swianiewicz 2003: 298).

In the field of public utilities (water, sewage, waste treatment, energy, public transport etc.) which, historically, constitutes a key area of local government involvement the countries show a striking variance in the development patterns regarding their production and delivery.

In Great Britain the provision of public utilities was among the core activities in which the local authorities were engaged since the emergence of their multi-functional profile at the end of the 19<sup>th</sup> century well unto the 1940s. When the central government went about redefining the role of local government in the build-up of the post-1945 Welfare State that crucial components of the public utilities sector (water, energy) were taken away from local government (and “nationalised” by turning them over to newly created state agencies), while, in exchange, the social policy and social service provision functions of local government were expanded. Since then the responsibilities of the local authorities in the public utilities sector have been minor.

*France* took to a strikingly different institutional trajectory on this score. While the municipalities (*communes*) are also France historically responsible for the provision of the

public utilities (services publics), most of them turned, as early as in the late 19<sup>th</sup> century, to “outsource” the delivery to external (private or public) companies by way of “contracts” (*concessions*) (see Lorrain 1995). The reason for this early version of (in modern NPM-terminology) “contracting out” probably was that most of the (tiny) municipalities simply lacked the administrative capacity to do this job on their own (except through the aforementioned intercommunal bodies, *syndicats*, which also started to emerge since the end of the 19<sup>th</sup> century). Over the years, some of outside providers which were “contracted” by the municipalities grew to become nationally as well as internationally dominating enterprises (such as *Electricité de France*, *EDF*, and *Gaz de France*, *GDF*), often turning out to be difficult “partners” for the municipalities to deal with (see Borraz/LeGalès 2005).

In *Sweden* as well as in *Germany* the provision of public utilities (in *Germany* under the hard to translate label *Daseinsvorsorge* = “*provision for existence*”) continues to be a key area of local government responsibilities and a constituent element in the traditional perception and understanding of local self-government. Yet, in both countries the municipalities have recently embarked increasingly upon privatizing the municipally owned units and corporations to nationally and internationally operating private (and public) enterprises, particularly in the energy sector. More distinctly than in *Sweden*, in *Germany* this drive to privatize and sell out the municipal assets is propelled by pressure from the market-liberalisation policy of the European Commission as well as by the current crisis of the municipal budgets (see Wollmann 2002, 2003b).

## 15. *Conclusions and perspective*

### 15.1. *Government and/or governance?*

In conclusion some comparative remarks shall be made in raising the question as to whether, to which and why the countries under consideration have shown „convergence“ or „divergence“ in the institutional development on the local level with regard to extent to which the local arena can be assessed as being dominated by (local) „government“ or (local) „goverance“ actors and institutions.

- As was said earlier, by (local) „government“ will be understood the formal institutions and procedures that make up the (local) politico-administrative system essentially consisting of the elected council, of its political positionsholders and administrative structures as well the political citizen rights on which the legitimacy and accountability of the local authorities is based. (Local) government revolves around
- In accordance with the current political science debate (see Rhodes 1997) „governance“ is understood as the network and constellation of institutions and actors that, acting on the (local) arena essentially outside the (immediate) range and influence of „government“, each often pursuing an individual („single purpose“) goal and interest.

Taking a cross-country look at the development of the local institutions in applying the ananalytisch distinction between *government* and *governance* a picture becomes visible which shows *convergent* trends (particularly in the emergence and extension of *governance* structure throughout the countries) as well as *divergence* (particularly in the degree to which *government* institutions are maintained or even strengthened).



The most dramatic sequence of institutional changes and ruptures took place, almost needless to say, in the formerly socialist CEE countries where the Socialist State with its centralist Party and State rule and its repressive ban on any institutions outside the Social State was transformed in a constitutional State. As crucial preconditions and consequences of this system transformation, for one, the local authorities were established as local *government* on the “classical” formula of politically accountable multifunctional government. Second, by ushering in a local “civil society” and for a local “market economy” the stage has been set for the unfolding of *governance* structures whereby the legacy of the Communist era still weighs heavy on this development.

In “Western” countries the change of local government was shaped by different currents. For one, it was propelled by the (neo-liberal) critique of the advanced Welfare State of the 1960s and 1970s and its public/municipal sector primacy, if not monopoly in the delivery of public services and its tendency to keep out non-public providers. Furthermore (not quite consistent with the “neo-liberal” critique) further decentralization and democratization of the political system, particularly on the local government level, was stipulated. Judged by the *government/governance* scheme the countries differed considerably in how they “translated” these impulses.

The U.K./England went furthest in abandoning the 1960/1970 model of the advanced Welfare State with its public sector primacy in the delivery of public services by local government as the major actor on the local level and with the non-public sector playing a minor part. Through the institutional changes effected by the Conservative Government and largely followed up by the New Labour government, the political and (multi-)functional position of the local *government* has been significantly reduced, while many, if not most public tasks on the

local level are taken up by (single-purpose) non-public organisations (“quangos”) that, being publicly (often government-) funded, act outside the accountability to the elected local authorities, but often under the influence of central government. In the face of the extended “quangoisation” of local level activities the local arena in Britain is dominated by *governance* networks rather than by elected (local) *government*.

In *France*, through the decentralisation of 1982, local *government* was significantly strengthened on the *département* level (as the upper/ meso level of local government system), while the municipal level (*communes*) largely failed to resume *government* functions because of the continuing fragmentation in 35.000 (many of them very small) *communes*.. The multitude of *intercommunal* bodies (*intercommunalé*) has so far largely fallen short of providing arenas for politically accountable (multi-) functional (local) *government*. The multitude of actors in the intergovernmental space (consisting of State agencies, départements, communes, intercommunal bodies, private actors) make up a complex *governance* structure (“à la française”)

.

Both in *Sweden* and in *Germany* local government shows an ambivalent picture. On the one hand, the local authorities has lost traditional responsibilities, for instance (under the impact of EU market-liberalisation policies) in the field of public utilities. In line with the overall Welfare State and public sector reform the “local welfare state” (“lokalt staten”, Pierre 1995) have also abandoned some responsibilities (It was somewhat pointedly foreboded that, at the end, Germany’s traditional local *government* model may become “defunct”, see Wollmann 2002, 2003d). On the other hand, the political and functional profile of local *government* has seen significant gains both in Germany and in Sweden (politically, by the introduction of binding referendums and of the direct election of the mayor in Germany and the “parliamentarisation” of local government in Sweden, and functionally by further

decentralization in Sweden and by functional reforms in Germany). At the same time, in these two countries, too, the number and array of non-public (in most cases single-purpose) organisations and actors pursuing (“outsourced”, “privatised” etc.) public tasks on the local level has largely extended. Hence the local arena in Germany appears to be characterised by the coexistence of a continuously strong local *government* and a vibrant *governance* structure.

### 3.2. Does government and/or governance make a difference?

Finally the attempt shall be made to assess the *performance* the different *government and /or governance* arrangements whereby the capacity to *coordinate*” policies and activities on the local level shall be taken as a “measuring rod” (see Wollmann 2003d for more details and references on the issue of *policy coordination* in interorganisational settings).

As already submitted in the introductory note, particularly two coordination mechanisms should be singled out in this context (see Kaufmann et al 1986).

- Hierarchy as a coordination mechanism means that, in the last resort, coordination is effected by some „hierarchical“ decision, be it in the political parliamentary process in which, in the last resort, the majority decides, be in the intra-administrative process in which, in the last resort, the administrative „chieftain“ decides,
- Interaction/networking is a coordination mechanism which operates in a situation in which the parties involved find themselves on the same footing and, in order to reach agreement, are bound to resort to persuasion, interaction, bargaining etc.

As normative criteria it should be added:

- the process of coordination should be publicly transparent,

- its result should satisfy „common good“ interests/concerns and
- should be politically accountable.

In *England's* local level world, with its enfeebled structures and reduced competences of elected local government, and with its concomitant expansion of non-elected (single purpose) bodies and (single purpose) service providers, the efficiency gains with regard to the single purpose objectives and criteria are probably significant. Yet, the single purpose actors are naturally disposed to “externalise” their costs at the detriment of the general public. In a decision-making situation in which the individual actors pursue their individual while the elected local government as a possible advocate of common good interests is marginalized the “loss of community perspective” (Stewart/Stoker 1995: 201) seems imminent. By the same token, the political accountability of such “outsourced” activities seems precarious.. These coordination deficit which has been observed at all levels of government, not least on the local level, has been taken up in the debate about „joined up government“ (see Pollitt 2003). A remedy has been seen and sought in the concept of „partnership“ (which would combine a wide array of actors – central government, quangos, private enterprises, local authorities etc) and the concept of „zones“ (that is specific „target areas“ on which the „partnership“, in joining forces, would zero in). Yet, so far, these concepts and their implementation appear to have played into the hand of central government as a „top down“ coordinator, while local government appears to have further weakened. “Zones are owned by the centre and local agendas are recognized in as far as they facilitate the central agenda”, Rhodes 2000: 360, James 2001; 18). „The current drive for more ‚joined up‘ government may in practice strengthen vertical integration at the expense of horizontal integration and reduce the scope of local *governance*“ (Leach/ Pierce-Smith 2001: 232) Strategies meant to

“join up” such fragmented single-purpose activities and actors are prone to usher in the build up of monitoring institutions and inspectorates which, besides high “transaction costs”, breed the emergence of new hierarchical controls. Accompanied and echoed by calls for “joined-up government” (see Pollitt 2003) collaborative mechanisms are being resorted to in order to restore and achieve coordination both horizontally and vertically in the networks largely made up of single-purpose actors public, semi-public (of the quango type) as well as private. “Strategic partnerships” have become an almost magic formula as a strategy to cope with the highly fragmented and hollowed-out local government system - in a web of actors which leaves the question of democratic control and legitimacy unanswered (Skelcher 2003: 9-11)

In *France*, in the traditional absence of multi-functional, territorially viable communes and in the absence of a clear-cut delineation of responsibilities in the intergovernmental setting, the emergence and mushrooming of intercommunal bodies (*intercommunalité*) has served to solve some of the functional problems, but lacking direct democratic legitimacy and political accountability. Under the *Loi Chevènement* of 1999 which was designed to install some institutional clarity and “simplification” in the maze of intercommunal bodies, a tentative step towards some territorially defined “pluri-functionality” appears to have been embarked upon. However, like the earlier *syndicats*, the *communautés* whose decision-making bodies are appointed by the member *communes* are deficient in direct democratic legitimacy and political accountability. They still contribute to the complex system of interorganisational and interlevel negotiations and agreements (“*contractualisation*”) which is part and parcel of the French intergovernmental system – with corresponding “transaction costs”.

In our assessment *Sweden’s* and *Germany’s* traditional type of democratically accountable, multi-functional and territorially viable local government does relatively well in achieving the triad of transparency, political accountability and common-good orientation.

First, within the persistently wide („multi-functional“) scope of responsibilities the local authorities have a good chance to do the coordination „under their roof“, be it that the elected council decides (in which the last resort by majority vote), be it in an intra-administrative process (in which, in the last resort, the politico-administrative leadership decides).

Second, with regard to the increasingly wide agenda of issues which are decided outside the immediate range and reach of local *government*“, that is, in the *governance* arena, local government acts, in principle, as an „equal among equals“ and has to make use, like the other actors and players, of persuasion, interaction, bargaining etc. Yet, thanks to its political standing (and also its resources) local government may give its arguments a greater weight in, ideally, acting as an advocate of „common good“ concerns. In this sense it would be in the position of a "key player“ (reticulist, Friend 1977) among other players.

In weighing the findings and interpretation on the three constellation it would seem that an actors constellation as it can, by and large, be identified in in Sweden and Germany would provide a balance between *government* and *governance*“ structures in which it would be easier to meet and satisfy the aforementioned three (normative) criteria of public transparency, political accountability and common-good orientation. This assessment falls in line with what has been postulated with an eye on Great Britain: „Elected *local government* ... remains uniquely placed to assume a community leadership role. A ‘positive’ scenario suggests that reinvigorated *local authorities* with the active support of local communities will be able to lead coalitions of interests and agencies to deliver ‘joined up’ *government* and to mount a sustained successful attack on some of the more intractable ‘cross-cutting’ and wicked issues” (Leach/Pierce-Smith 2001: 104)

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