

Comparing Two Logics of Interlocal Cooperation: The Cases of France and Germany

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Abstract

In this article the interaction and cooperation of local level actors is conceived as being premised on two organizational logics, that is, on the territoriality-based general purpose elected local government form and on institutionalized functionality-based single-purpose non-elected intermunicipal cooperation. Drawing on the work by Hooghe and Marks the two variants are identified as “type I” and “type II” institutional arrangements. Germany and France are treated as comparative cases in point. In Germany the institutional development resulted, with federalism-typical variance between the *Länder*, in a *mono structure* of type I local government in some and in a *dual structure* with type II intermunicipal bodies in others, whereas in France the *dual structure* with a multitude of type II intermunicipal bodies (*intercommunalité*) has prevailed. Recently a new wave of territorial reforms in East German *Länder* has extended the coverage of type I local government and reduced that of type II intermunicipal bodies, while in France the introduction of the type II *communautés* bears traces of the type I local government form. In both countries these reform moves have been triggered largely by mounting criticism of the operational (conflict and transaction) costs and democratic deficits of the *dual structure* with type II intermunicipal bodies. These advances of the type I local government form concur with local level territorial reforms put into effect in a growing number of other European countries. Finally the article interprets the findings by drawing on and applying the conceptual *government/governance* scheme.

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In this article interaction and cooperation of local-level actors are conceived as being premised on two different organizational *logics*, that is, on the territoriality-based general purpose elected local government form and on institutionalized functionality-based single-purpose nonelected intermunicipal cooperation. Drawing on Hooghe and Marks (2001, 2003), the two modalities are identified as *type I* and *type II* institutional arrangements. Germany and France are chosen and treated as comparative cases in point.

In pursuing an institutionalist and historical approach, the article addresses, first, the development of the country-specific institutional combination of (type I) local government and (type II) intermunicipal bodies particularly since the 1990s. Then it analyzes the institutional changes at the local government levels during recent and current territorial and organizational reforms and identifies the factors that have been driving them—with the guiding question in sight of whether (and why) the institutional development in the two countries has shown *convergence* or *divergence*. Finally, the findings are interpreted in drawing on the *government* versus *governance* conceptualization.

I. Definitional and Conceptual Framework

I.1. The Two Types of Institutionalizing Local-Level Actor Interaction and Cooperation

Referring to Table 1 and borrowing from Hooghe and Marks (2001, 2003), the term *type I* is used to denote the territory-based general purpose (multi-functional) elected local government form (see Wollmann 2004a), which essentially marks the “classical” European local government tradition (see Norton 1991). Accordingly, it is politically and democratically mandated and legitimized to interpret, advocate, and make the *common good* and *best interest of the local community* prevail in the political process.

By the same token, we speak of *type II* institutionalization to signify formations and bodies that act outside local government proper, typically fulfill, as a rule, specific functions, and operate within a space defined by this function. (For the conceptual distinction between *territoriality* and *functionality*

Table 1. Features of Type I and Type II Local-Level Actor Arrangements

Features	Type I	Type II
Definition of operational space	Defined by territory within the multilevel or intergovernmental (federal or unitary) state	Defined by function or functionality space ("deterritorialized")
Legitimacy	Direct election (of local council)	No (direct) democratic legitimacy
Functional profile	General purpose or multifunctional	Specific (possibly single) functions
Action orientation	Pursuit of "common good"	Pursuit of specific functions, particular interests
Coordination	By council (majority) vote, "hierarchical"	By negotiation, compromise, etc. among equal-positioned actors, "interaction"
"Rationality"	"Political rationality"	"Functional rationality"
Theoretical frame of reference	Political theory (on democracy, etc.)	Functionalist, economic, etc. theory (e.g., public choice theory)

as basic organizational concepts, see Wollmann [2004a] and Wollmann and Bouckaert [2006].)

Terminologically and conceptually framed in the government–governance debate (type I; see Rhodes 1997; Pierre 2000), local government constitutes government in the narrow sense, while (type II) formations and bodies may be assigned to and categorized under the governance structure (in the descriptive-analytical understanding of governance).¹

The article singles out and focuses on the institutionalization of intermunicipal cooperation as a crucial variant of the type II organizational form (see Table 1). To standardize the terminology, throughout the subsequent discussion, we use the term *intermunicipal body* regardless of the country-specific terminological variations.

In the following, a short overview of some institutional and conceptual designs is given to illustrate the wider empirical and conceptual range and implications of our topic.

First, the *special districts* in the U.S. local government system should be mentioned. Standing territorially and functionally outside the (general purpose) municipalities and townships, the U.S. special districts are

local governments in their own right, with a territorial base of their own, performing special (single) functions, particularly in the fields of education, utilities, and waste management. Some special districts, especially those in the West and Midwest of the United States, have elected councils of their own and possess their own taxing power (see Norton 1994, 408; Wollmann and Thurmaier, forthcoming). The special districts constitute a distinct (and ubiquitous) feature of U.S. local government.

Second, in Europe, the Swiss local government tradition has known single-purpose communities (e.g., *social communities*, *Sozialgemeinden*). Operating apart from (and possibly overlapping with) the (general purpose) *political communities* (*politische Gemeinden*), they have their own elected councils and taxing power. However, single-purpose communities are apparently fading away (see Frey and Eichenberger 1999, 49–53).

Third, obviously with an eye on the Swiss background, Frey and Eichenberger (1999) submitted a *functionally overlapping competing jurisdictions* (FOCJ) scheme based on the idea of putting in place an overlapping system of function-defined operational spaces and units that would finally replace traditional multifunctional local government. This scheme has remained on the conceptual drawing board.

Furthermore, mention should be made of the *public choice theory*–derived scheme put forward by Ostrom and Ostrom (1999, 88–89), which, somewhat similar to the FOCJ rationale, envisages function-specific independent jurisdictions as the optimal institutional form and space for the delivery of services.

Last but not least, the wide scope of (typically single-purpose) organizations and companies should be referred to, which are established by (type I) local authorities to “outsource” the conduct of specific local government tasks and services to external actors and providers. While remaining in public or municipal ownership, such “externalized” (*hived-off, formally or organizationally privatized*) organizations and companies act in relative organizational and financial independence of local government proper and may organizationally and functionally be thus identified as type II local-level formations. They have come to play an increasingly salient role as local-level actors (for a recent overview, see Grossi, Marcou, and Reichard, forthcoming).

Without losing sight of this wider definitional and empirical coverage of the type II scheme, the following treatment singles out and focuses on inter-municipal bodies as a type II institutionalization of local-level actor interaction and cooperation.

1.2. Country Selection of Germany and France

Germany and France have been picked as (comparative) cases based on the methodological reflection that they lend themselves to applying the *most dissimilar cases* in the logic of comparative research (see Przeworski and Teune 1970), which hinges on the idea of seeking maximum variance in variables that may hypothetically serve as explanatory (independent) variables.

In their respective intergovernmental structure France is unitary and Germany federal—with each of the federal states (*Länder*) holding legislative powers over the institutional and territorial setting at the local government level.

In German *Länder*, during the 1960s and 1970s territorial consolidation of the local government levels by way of mergers was put into effect, which rose the countrywide population average of the municipalities to some 8,500 inhabitants, while France has seen no territorial reforms of the unusually fragmented territorial format of its 36,600 municipalities (*communes*), averaging 1,720 inhabitants.

In (federal) German *Länder* the local-level territorial structure has been determined, as a last resort, by binding (“coercive”) parliamentary in concurrence with similar parliamentary powers in unitary countries such as the United Kingdom and Sweden,² while in France local-level territorial reforms have culturally, politically, and legally hinged on the principle of *volontariat*, that is, on the consent of the municipal council or of the local population concerned.

1.3. Analytical and Explanatory Framework

Treating the institutional development of type I local and type II intermunicipal bodies, methodologically speaking, as dependent variables, the analytical and explanatory framework draws on three variants of (*neo*)institutionalism (see Peters 1995).

For one, *historical institutionalism* directs the analytical attention to factors that are rooted in the country’s institutional, cultural, and so on past and tradition that may influence the course of institution building and institutional choice (see Thoenig 2003) to the point of generating *path dependence* (Pierson 2000).

Second, *actor-centered institutionalism* (see Scharpf 1997) highlights the influence that the relevant (national, local, but also European level) decision makers and their policies may have on institutional development.

Third, *discursive institutionalism* (see Schmidt 2008) pinpoints the influence of (international) discourses and discourse communities such as the *new public management* debate and movement. Similarly, *isomorphism* spotlights the transfer of and learning from ideas and institutional models (see DiMaggio and Powell 1983).

Last but not least, socioeconomic and budgetary factors as well as the international environment, particularly Europeanization, may weigh on the intranational institutional development.

In view of the complex constellation of hypothetically relevant factors and in the face of the well-known limits to the application of methodologically rigorous comparative designs, the article leans on *configurative analysis* (Verba 1967) relying on plausible (causal) interpretation.

1.4. Empirical Basis of the Essay

Empirically the article draws on the author's own research (see Wollmann 2008a, 2008b) as well as on the pertinent research literature, including (evidence-based) government commission reports (see, e.g., Comité Balladur 2009).

2. Country Analysis: Germany

2.1. Historical and Intergovernmental Setting

In Germany's federal system, the regional and federal States (Länder, 11 before 1990, 16 after 1990), by political and constitutional tradition, claim a "quasi-sovereign" status (*Eigenstaatlichkeit*). As in other federal systems (e.g., the United States), the (two-tier) local government level, consisting of counties (*Kreise*) and municipalities (*Städte, Gemeinden*), is constitutionally regarded as constituting an integral part of the administrative structure of the respective *land*. Consequently, the Länder possess the legislative power to individually determine the statutes and also the territorial structure of local government.³ Furthermore, they exercise legal and, as far as administrative functions have been delegated by the *land* level to the local authorities, also operational oversight (*Fachaufsicht*) over them. Thus, while in their relation to the federal level the Länder assume a distinctly decentralist stance, they often take a downright centralist stand in their relation to the local government levels (see Wollmann and Bouckaert 2006, 23).

2.2. Local-Level Territorial (Re)organization

Germany's local governmental system is historically rooted in the (type I) territoriality-based multifunctional elected local government model. Within boundaries that mostly date back to the nineteenth century and beyond, (West) Germany's two-tier local government structure was, until the 1960s, made up of 24,200 municipalities with a countrywide average of some 2,400 inhabitants and 425 counties (*Kreise*) with an average of some 80,000 inhabitants. Furthermore, 135 large and midsized cities had the traditional status of (single-tier) "county cities" (*kreisfreie Städte*) that combine county and municipal functions—somewhat comparable to the (single-tier) county boroughs and unitary authorities in England (see Wilson and Game 2006, 65–67).

During the 1960s and 1970s the German *Länder* individually embarked upon territorial reforms of the municipal and county levels. In doing so they joined the United Kingdom and Sweden, which in that period undertook large-scale territorial reforms in what was comparatively labeled the "Northern European" territorial reform pattern (see Norton 1994, 41). After the German unification of 1990, the (five) "new" East German *Länder* followed suit in territorially reshaping their local government levels (for details, see Wollmann 2004b).

Within the federalism-typical variance of territorial reform strategies *grosso modo*, two groups of *Länder* can be distinguished. On one side, the *Länder* of Nordrhein-Westfalen and Hessen, which are among the most urbanized *Länder* and together compose about 30% of the country's entire population, pursued the strategy of creating (territorially and functionally) *integrated* municipalities (*Einheitsgemeinden*) by way of large-scale mergers and of doing without installing intermunicipal bodies. In the case of the *land* of Nordrhein-Westfalen, the average size of the municipalities reached 44,000 inhabitants, which by and large concurred with the Northern European pattern as exemplified by England's territorial reform of 1974 (resulting in districts and boroughs averaging 120,000 inhabitants) and by Sweden's territorial reform of 1974 (leading to municipalities averaging 34,000 inhabitants).

On the other side, most (West German) *Länder*, and, following German unification, the East German *Länder*, too, decided to embark upon "softer" territorial reform strategies in that they chose to carry out minor or even no mergers and to instead establish a new layer of intermunicipal bodies (called, depending on *land*-specific terminology and institutional nuances, *Amt*, *Verwaltungsgemeinschaft*, or *Verbandsgemeinde*) whose members the (small) municipalities were bound to become. The (West German) *land* of Rheinland-Pfalz was a pronounced case of such "soft" reform strategies as it practically

effected no mergers, leaving the average population size of municipalities at 1,700, while putting in place a *dual structure* with intermunicipal bodies to which 95% of all municipalities belonged (see Table 2, note c).

The rationale to create such dual structures was twofold. For one, the preservation of the historically grown small-size (type I) local governments is meant to retain them as an arena and haven for local democracy and local identity. Second, the new layer of type II intermunicipal bodies is designed to, beside providing operational support to their member municipalities, institutionalize local-level actor cooperation and coordination.

Functionally, the intermunicipal bodies are put in charge of operationally supporting their member municipalities by, *inter alia*, carrying out functions delegated to them by the member municipalities and also transferred to them by the *land*. They are run by a governing board that is elected by the councils of the member municipalities. For the conduct of their tasks they have their own personnel operating under an administrative director who is appointed by their governing board. They are funded by the budgets of the member municipalities or the *land*.

The variance of strategies between the Länder was accounted for particularly by the difference in settlement structures and (as suggested by actor-oriented institutionalism) by the respective *land*- and period-specific political-ideological constellation. *Vis-à-vis* the duality of and tension between the goals, characteristic of territorial reform measures, of increasing administrative efficiency and of safeguarding (local) democracy, these two factors weighed on the preference and accentuation given to one of the goals or the other.

Hence the strategy of having large-scale mergers as embarked upon in *land* of Nordrhein-Westfalen and of Hessen can be plausibly explained, for one, by their high degree of urbanization. Second, it was shaped by the then governing Social Democratic majorities that, politically and ideologically subscribing to the planning and rationalist *zeitgeist* of that era, regarded large-scale territorial consolidation as a means to enhance administrative efficiency (*economics of scale*) as well as the planning and coordination capacity of local government.

By contrast, most of the Länder that opted for small-scale (or no) mergers and for instead putting in place the dual structure with type II intermunicipal bodies were marked by a more rural settlement structure, at least in their agrarian *hinterland*, and were typically governed by Christian Democratic majorities. After German unification, the decision of most of the (new) East German Länder to leave the existing small-size municipalities territorially unchanged was inspired and prompted by the political will to recognize and

Table 2. Intergovernmental Structure (Data for 2006–2009)

County			Levels	Number	Population average
1	Germany	Federal	Federal states (<i>Länder</i>)	16 ^a (3 city-states: Berlin, Hamburg, Bremen)	Average 5.2 million
			(two tier) counties (<i>Kreise</i>)	323	170,000
		Local	Municipalities (within counties) (<i>kreisangehörige Gemeinden</i>)	12,196	6,690 ^b
			(single-tier) county cities (<i>kreisfreie Städte</i>)	116	75% of the municipalities with fewer than 5,000 inhabitants
2	France	Inter-municipal	Intermunicipal bodies	1,708 administrative unions (<i>Verwaltungsgemeinschaften, Ämter, etc.</i>) ^c	
		Local	<i>Régions</i>	21 + 4 (d'outre-mer)	2.3 million
			<i>Départements</i>	96 + 4 (d'outre-mer)	550,000
			<i>Communes</i>	36,569	1,560 95% of communes with fewer than 5,000 inhabitants
		Inter-communal	<i>Inter-communalité</i>	15,903 <i>syndicats</i> ^d ; 2,596 <i>communautés (à fiscalité propre)</i> ^e	

Sources: Mainly Dexia (2008), Comité Balladur (2009, 39); author's compilation and calculation, author's table.

a. Varying in size between Land of Nordrhein-Westfalen with 18 million inhabitants and the Land of Bremen (city-state) with 550,000 inhabitants.

b. In the Land of Nordrhein-Westfalen \varnothing 45,000 inhabitants, in Land of Rheinland-Pfalz \varnothing 1,700 inhabitants.

c. In the Land of Rheinland-Pfalz 95% of the municipalities are affiliated with an intercommunal body (e.g., *Verwaltungsgemeinschaft*), in the Land of Bayern 62%, but in the Land of Nordrhein-Westfalen and Hessen none.

d. As of January 1, 2009, 15,903 *syndicats intercommunaux* or *syndicats mixtes* = *syndicats à vocation unique*, *syndicats à vocation multiple*, *syndicats mixtes*, or *syndicats "à la carte."*

e. As of January 1, 2009, 16 *communautés urbaines*, 174 *communautés d'agglomération*, 2,406 *communautés de communes*, 5 *syndicats d'agglomération nouvelle*.

pay respect to the local grassroots movements that greatly contributed to the toppling of the communist regime (see Wollmann 2003b). At the same, the adoption of the dual structure with intermunicipal bodies was also a case of *institution transfer* (from West German to East German Länder) and of mimetic isomorphism.

Procedurally the territorial reform measures were characterized in all Länder by an, as it were, “carrot and stick” approach in that in each of them the reform drive was typically opened by a participatory (advisory commissions, public hearings, etc.) and a voluntary phase during which the municipalities and counties concerned had the opportunity to “voluntarily” adopt and comply with the proposed territorial structure. Subsequently, however, if local consent was not attained until a fixed deadline, the new territorial scheme was determined, as a last resort, by binding (“coercive”) parliamentary legislation. This, again, concurred with the Northern European pattern, pursued also in the United Kingdom and Sweden, of giving parliament the last say.⁴

By the end of the 1990s, the German Länder counted, in total, 12,250 municipalities averaging 6,690 inhabitants.⁵ While, resulting from their large-scale territorial reforms, the Länder of Nordrhein-Westfalen and Hessen have a *mono structure* of territorially and functionally integrated type I municipalities (Einheitsgemeinden), in the other Länder an institutional mix has been put in place in which, beside large and also mid-sized cities that constitute Einheitsgemeinden, the dual structure made up of small municipalities and intermunicipal bodies prevails (with the latter amounting countrywide to some 1,700 units; see Table 2, middle column).

In sum, at the end of 1990s, the German Länder presented themselves as an intriguing, as it were, laboratory of different territorial reform strategies.

2.3. Recent Territorial and Organizational Reform Wave

In the East German Länder a new push for local-level territorial reforms has been under way since the late 1990s that essentially aims, by way of mergers, at increasing the size, number, and coverage of type I integrated municipalities (Einheitsgemeinden) and at correspondingly reducing the number and coverage of type II intermunicipal bodies.

The reform debate has been inspired and fuelled by criticism in which operational and democratic deficits of the dual structure have been increasingly addressed.

First, it has been observed that the small municipalities, particularly in peripheral areas, are politically and demographically (as it was put) “bleeding out” (see Mier 2003), fostering political absenteeism and alienation.

Revealingly, it has become more and more difficult to find a sufficient number of candidates for council and mayoral elections.⁶

Furthermore, negative effects on the operational performance of such small municipalities have been highlighted. On one hand, in the assumption that they are being operationally supported by their intermunicipal body, member municipalities tend to thin out their organization and personnel to the point of losing any administrative competence and skills of their own (see Mier 2003). On the other hand, notwithstanding the support provided by the intermunicipal body, mayors of member municipalities, to keep up their political and operational profile in the intermunicipal context, are inclined to continue to employ, if not expand, local personnel, thus duplicating personnel in the intermunicipal setting and driving up costs and spending (see Büchner and Franzke 2002, 104).⁷

Moreover, the intermunicipal bodies are increasingly criticized for lacking direct political legitimacy and accountability. This democracy deficit is deemed to become more serious the more functions come to be delegated to the intermunicipal bodies by their member municipalities or at the *land* level.⁸

Finally, the issue of conflict, coordination, and *transaction costs* that are generated by the dual structure has been critically raised.⁹ These costs are seen to be ever more acute the more member municipalities the individual intermunicipal bodies comprise.¹⁰

Reacting to this mounting criticism, the (East German) *land* of Brandenburg was the first, in 2002, to tackle a new territorial reform (for details, see Mier 2003; Bolgherini 2010). In the face of persistent scattered local opposition, the *land's* parliament, in October 2003, finally laid down a new territorial structure by binding legislation.

As a result, the number of municipalities has been reduced by mergers from 1,479 to 421 (i.e., by 70%), thus raising their average size from 2,600 to 8,400 inhabitants. Of these 421 territorially redrawn municipalities, 33% have been turned into integrated type I municipalities (Einheitsgemeinden), as compared to 2% prior to the reform. While the dual structure continues to exist, the percentage of municipalities belonging to intercommunal bodies has dropped from 95% to 66%.

A similar territorial reform move is under way in the (East German) *land* of Sachsen-Anhalt where legislation has been passed that will reduce the number of municipalities, by way of mergers, from 1,111 to 219, that is, by 80% (as of January 1, 2011). Of the remaining 219 municipalities, 47% will become integrated type I municipalities, while 53% will belong to an intermunicipal body.¹¹ (In the East German *land* of Thüringen a kindred territorial reform measure is currently being prepared by the *land* government.)

In sum, in the East German Länder the territorial and organizational landscape of the municipal levels has been or is being reshaped significantly by expanding the type I local government form and by concomitantly diminishing the number and coverage of type II intermunicipal bodies.

In some East German Länder steps have been taken as well to territorially redraw the counties (Kreise) by way of mergers. The (East German) *land* of Mecklenburg-Vorpommern is a conspicuous case in point. In 2007, a large-scale territorial county reform was adopted by the *land* parliament that would have transformed the existing 12 counties and six (single-tier) county cities into five *macro counties* (*Großkreise*); these would have reached an average size of 350,000 inhabitants, which would have been a population size unprecedented in the history of German counties. When some counties took the matter to the *land*'s Constitutional Court, the latter handed down a much publicized decision (on July 26, 2007) that this piece of legislation on territorial county reform was unconstitutional.¹² While the court based its ruling on *procedural* grounds, it expressed the view, in a widely noted obiter dictum, that the incriminated legal provision was constitutionally questionable also on *substantive* grounds, as the envisaged territorial size of the counties would not allow the county councilors, because of the geographical extension, to adequately fulfill their elective mandate (for details, see Wollmann 2010b, 262-265).¹³ (In the meantime the *land* government has amended its legislative scheme, which now provides for six counties and two county cities.)¹⁴

With regard to the West German Länder it should be recalled that in two Länder (Nordrhein-Westfalen and Hessen) that compose about one-third of the country's entire population the mono structure of integrated (type I) municipalities (Einheitsgemeinden) has been in place since the 1960s and 1970s. While in other West German Länder the dual structure with (type II) intermunicipal bodies has existed since that period, there are recently indications that in these Länder, too, a critical reassessment has set in.

A revealing indication may be seen in the legislation, recently adopted in the (West German) *land* of Schleswig-Holstein, that aimed at reshaping its type II intermunicipal bodies (*Ämter*) and was, as already mentioned,¹⁵ nullified by the *land*'s Constitutional Court on the ground of lacking democratic legitimacy.

3. Country Analysis: France

3.1. Historical and Intergovernmental Setting

Since 1789 France's unitary and (Napoleonic) centralized state has been made up, at the subnational levels, by a two-tier local government system

(*collectivités locales*) consisting of 96 *départements* and some 36,600 municipalities (*communes* averaging 1,720 inhabitants). While most of the public functions, including urban planning, have been carried out by the central state and its subnational administrative levels and units, particularly by the *préfet*-directed *départements*, the municipalities (*communes*) have been functionally almost marginal. The epochal decentralization of 1982 transformed centralist France, in the words of the 2003 constitutional amendment, into a *decentralized republic* (*république d'organisation décentralisée*; see Hoffmann-Martinot 2003; Thoenig 2006). Regions (*régions*; 22) have been introduced as a (third) local government level (*collectivités locales* or *territoriales*), and major public functions have been transferred from the State to the three local government levels, particularly to the *départements* and, to a lesser degree, to the *communes* and regions.

3.2. Local-Level Territorial (Re)organization

France's municipal level has historically been characterized by an unusually high degree of territorial fragmentation made up of some 36,000 municipalities (*communes*) with an average of some 1,700 inhabitants and with boundaries that date back to the time of the Great Revolution of 1789 and beyond.

Responding to the multitude of small municipalities national legislation was adopted as early as 1890 to provide a legal frame for setting up type II intermunicipal bodies (so called *Etablissements publics de coopération intercommunale*), which were meant to promote and support intermunicipal cooperation among (small) type I municipalities. While the early 1890 legislation introduced the legal basis for the (voluntary) formation of *single-purpose* intermunicipal bodies (*syndicats à vocation unique*) for the joint provision of public services, 1959 legislation was destined to encourage and enable the municipalities to (voluntarily) establish *multipurpose* intermunicipal bodies (*syndicats à vocation multiple*). Organizationally the (type II) *syndicats* are run by governing boards elected by their member municipalities and also funded by the latter.

In 1966 the *communautés urbaines* were introduced as a new form of type II intermunicipal bodies that differed from the traditional form of the *syndicats* particularly in two important aspects.

First, procedurally, in conspicuously deviating from the traditional principle of "voluntariness" (*volontariat*), the 1966 legislation, by way of binding legislation (*par la loi*), set up *communautés urbaines* in four metropolitan areas around the country's largest cities: Lyon, Strasbourg, Bordeaux, and Lille. Subsequently, 10 other big cities and their neighboring municipalities

in metropolitan areas followed suit, then voluntarily, to form communautés urbaines, including Marseille and Toulouse.

Second, not less conspicuously, the communautés were given the right to levy local taxes of their own (*à fiscalité propre*) independent of and in addition to the local taxes collected by their member municipalities (see Marcou 2000).

Although their councils (*conseils communautaires*) continued, like those of the syndicats, to be indirectly elected by the member municipalities, it was particularly their taxing power (*à fiscalité propre*) that constituted a remarkable step toward a functionally and financially more integrated type II inter-municipal body that arguably showed certain traces of a type I local government form (see Marcou 2010b, 41).

In 1971 France seemed braced for joining the territorial reform movement under way during that period in the United Kingdom, Sweden, and Germany as the Assemblée Nationale adopted legislation (*Loi Marcellin*) that was meant to initiate a municipal territorial reform by way of mergers (see West 2007, 72). In stark contrast to the Northern European territorial reform policy hinging on the claim and right of parliament to put territorial reforms into effect, as a last resort, by binding legislation, France's legislation of 1971 was premised on the principle of "voluntariness" (*volontariat*).

Beside being culturally and politically embedded in France's localist (*girondist*) tradition localism (see Némery 2004) the principle of *volontariat* has been firmly entrenched in the political power and influence that the local mayors (*maires*) have over national legislation because of the traditional practice of the *cumul de mandats* (accumulation of elected offices; see Hoffmann-Martinot 2003, 167) according to which many of them are also elected members of the Assemblée Nationale as well as of the Sénat (France's second chamber).¹⁶ It is particularly the Sénat and its mayoral members (*maire-sénateurs*) that have proven staunch advocates of local interests and defenders of the institutional status quo (see Wollmann 2010a).

The legislation (*Loi Marcellin*) of 1971 resulted in a complete failure since the required local approval to mergers with other municipalities could nowhere be obtained. This fiasco marked a turning point in that no policy initiative has been undertaken ever since to achieve local-level territorial reform by way of straightforward mergers. Instead, the reform strategies have been directed at reshaping the institutional architecture of the intercommunalité.

In 1999 legislation (*Loi Chevènement*) was passed that essentially aimed at giving the scheme of the *communauté à fiscalité propre*, introduced in 1966 for communautés urbaines, countrywide coverage by laying down another two variants of communautés targeted at municipalities in urbanized areas (*communautés d'agglomération*) and at those in rural and semiurban

areas (*communautés de communes*). Hailed by some as a “true intermunicipal revolution” (Borraz and LeGalès 2005) and as “the most important reform in recent years” (Marcou 2010a), the strategic idea of Loi Chevènement was to simplify (*simplifier*) and restructure the existing maze of municipal and intermunicipal units by inducing the existing municipalities to (*voluntarily*) join one of these three types of *communautés*.

Indeed, the legislation of 1999 has proven remarkably successful since a total of 2,606 *communautés à fiscalité propre* have come into existence that compose more than 95% of all 36,000 municipalities (as of January 1, 2010) and thus extend the coverage of the functionally and financially integrated institutional variants of type II intercommunalité to almost all municipalities.¹⁷ Quite convincingly the 1999 legislation (Loi Chevènement) and its implementation have been interpreted as France’s “pragmatic path to achieve territorial reforms despite the failure of mergers” (Marcou 2010b, 41),¹⁸ thus moving the country’s traditional type II intercommunalité, in a “pragmatic” and gradualist manner, toward a type I local government form.

3.3. Recent Reform Discussion and Legislative Moves

Notwithstanding these institutional advances France’s intergovernmental and intermunicipal system continues to be criticized for operational and democratic shortcomings.

First, the country’s intergovernmental architecture has been blamed for institutional overcrowding, vertical and horizontal fragmentation, functional overlaps, and “institutional labyrinth” (*surinstitutionnalisation, morcellement, emiettement, enchevêtrement, labyrinthe institutionnel*; see Comité Balladur 2009, 61). A main reason for what is colloquially often called a *mille-feuille* (“cream slice,” literally translated “thousand slices”; see Thoenig 2006, 41) is seen in a style and practice of institutional reforms that is critically labeled “piling up” (*empilement*), that is, the practice of creating new institutions without removing those that the new ones are purported to replace. It has been pointedly said that “the unitary French state looks like a loosely coupled network of actors” (Thoenig 2006, 43).

Second, regarding the great number of very small municipalities, it has been critically observed that politically and democratically they are fading away, as indicated by the difficulty of finding enough candidates in municipal elections,¹⁹ and that administratively they are becoming “wasteland” (*véritables friches administratives*; Jegouzo 1993).

Moreover, the communautés whose councils (conseils communautaires) continue to be elected indirectly by the member municipalities are increasingly criticized for the very lack of direct legitimacy and accountability.²⁰

Furthermore, the dual structure has come under criticism for its cost-driving functional and personnel overlaps and duplications (*doublon*; see Comité Balladur 2009, 60).

Last but not least, the dual structure has been critically identified as a source of time-consuming and decision-retarding conflicts and rivalries and ensuing conflict costs and transaction costs (see Hoffmann-Martinot 2003, 179).

On this background of rising reform demands, President Nicolas Sarkozy in October 2008 appointed a high-caliber advisory commission (Comité pour la réforme des collectivités locales), chaired by former Prime Minister Edouard Balladur, that was mandated to elaborate recommendations on reforming the local government and intermunicipal system.

The recommendations that the Comité presented in its report of March 2009 (see Comité Balladur 2009) are far-reaching and ambitious (see Némery 2010; Wollmann 2010b; Marcou 2010a, 2010b)²¹ as their guiding idea is that “the intermunicipal bodies transform themselves into fully responsible municipalities which would allow France to dispose of strong municipalities in a reasonable number.”²²

To highlight just three of the Comité’s 20 recommendations (*propositions*),

First, the councils of the communautés shall be directly elected by the local citizens.

Second, the formation of new (fully fledged) type I municipalities (*communes nouvelles de plein exercice*), by way of mergers, shall be procedurally and financially promoted, however, to be sure, still on the basis of volontariat.

Moreover, in an all but “revolutionary” proposal, 11 of the existing communautés urbaines (with the country’s largest cities) shall be transformed, by way of binding legislation (*par la loi*), into so-called *metropoles*. As these metropoles would have directly elected councils and as additional functions would be transferred to them both from the département concerned and from member municipalities, they would be given a degree of political as well as vertically and horizontally functional integration that would move them ever closer to fully fledged type I metropolitan government.

If these and other recommendations of the Comité Balladur were implemented, this would no doubt usher in a truly large-scale (“big bang”) reform

of France's intergovernmental and intermunicipal system and would, not least, be a fundamental step toward installing type I local government.²³

Although the Comité report serves as a frequent reference in the current legislative debate, its recommendations have been significantly scaled down in the government's legislative draft bill of October 21, 2009, and have then been further diluted in the version adopted by the Sénat on February 4, 2010.²⁴ While President Sarkozy's ruling conservative majority (UMP) appears to have become increasingly restrained to tackle the structural problems of France's intercommunalité (particularly after suffering a serious defeat in the recent regional elections of March 2010), the Sénat, France's upper chamber, traditionally dominated, because of the *cumul de mandats*, by the local mayors and their interests, is apparently turning out once again the champion of the institutional status quo when it comes to defending France's traditional world of small municipalities.

While at the time of this writing (May 2010) the legislative process is still under way (the final legislative decision being scheduled for fall 2010), it seems fairly safe to predict the following.

For one, the direct election of the councils of the *communautés* (*conseils communautaires*) will finally be introduced, thus fulfilling a long-lasting major reform demand. While according to the government draft bill the direct election would extend to all member municipalities,²⁵ in the Sénat version it would apply only to municipalities with more than 500 inhabitants; regarding smaller ones (which make up about the half of all municipalities), the pertinent members of the *conseils communautaires* would continue to be, as in the past, indirectly elected by the councils of the member municipalities.

Furthermore, the formation of new municipalities (*communes nouvelles*) by mergers will continue to be premised on the principle of *volontariat*. While the government draft bill would allow the councils of the municipalities concerned to decide such mergers on their own, the Sénat version opts for a procedure under which, without exception, the consent of the local population by referendum would be required (which would, as past experience suggests, make mergers furthermore unlikely).

Last, the Comité's (perhaps most ambitious) recommendation to transform a number of existing *communautés urbaines*, by binding legislation, into *métropoles* as a form of (horizontally as well as vertically integrated) metropolitan local government has, in this advanced design, not been taken up in the legislative process.

Thus, on one hand, particularly because of the institutional conservatism of the Sénat, the final outcome of the current legislative process (to be

expected in fall 2010) will in all likelihood fall distinctly behind the ambitious recommendations of Comité Balladur.

On the other hand, it can plausibly be assumed that the upcoming legislative changes, however bounded, will add to the institutional shifts and dynamics that have been set off by the 1999 Loi Chevènement legislation and its implementation. Hence another noticeable step forward can be expected on France's "pragmatic path towards territorial reforms despite the failure of mergers" (Marcou 2010b, 41), moving it still further, in a "pragmatic" and gradualist manner, toward the type I local government logic. Moreover, it should be called to mind that the recent and current debate, not least the authoritative report of the Comité Balladur, has put the urgency of and the call for an intergovernmental and intermunicipal "big bang" reform on the political agenda more resoundingly and compellingly than ever before.

4. Summarizing and Concluding Comparative Remarks

4.1. *Convergence or Divergence in the Constellation of (Type I) Local Government and of (Type II) Intermunicipal Bodies?*

In conclusion, the guiding question is addressed as to whether (and why) the local government systems in Germany and France have shown convergence or divergence.

The German–French perspective. Regarding the configuration of type I local government and type II intermunicipal bodies, the German Länder have shown a mixed picture. On one hand, in the *land* of Nordrhein-Westfalen and of Hessen, which compose almost one-third of the country's entire population, territorial reforms were carried out during the 1960s and 1970s, by which, through large-scale mergers, a mono structure of integrated type I local authorities (Einheitsgemeinden) was put in place. On the other hand, in the other (12) Länder "softer" territorial reform strategies have been effected by having small-scale or no mergers of the existing type I municipalities,²⁶ while introducing a dual structure hinging on (small) type I municipalities and type II intermunicipal bodies. Following German unification, the East German Länder, in embarking upon "soft" territorial reform strategies and focusing on type II intermunicipal bodies, were conceptually guided by (West–East) institution transfer and mimetic isomorphism. In line with the Northern European pattern in all German Länder, the territorial reform schemes were put into effect, as a last resort, by binding parliamentary legislation.

Resulting from the recent wave of territorial reforms in East German Länder, the demographic and geopolitical coverage of the integrated type I local authorities (Einheitsgemeinden) has been enlarged by way of mergers, while the number and coverage of type II intermunicipal bodies have been diminished and absorbed. Hence the local government structure in East German Länder has (*convergently*) moved toward a prevalence of the type I local government form as it is exemplified by the mono structure of type I local authorities (Einheitsgemeinden) as it has been in place in Nordrhein-Westfalen and Hessen since the 1960s and 1970s.

The recent wave of territorial reforms in East German Länder has been driven by the political wish and will to overcome shortcomings of the dual structure that have been critically identified in the operationally and democratically problematic “undersize” of its (small) member municipalities as well as in the conflict and transaction costs and democratic deficit of its intermunicipal bodies. On the top of it, the recent territorial reforms in the East German Länder have been triggered by their ever more pressing socioeconomic and demographic problems that have been caused, particularly in peripheral areas, by economic (“deindustrialization”) and demographic (“depopulation”) erosion, calling for redrawing local-level boundaries to territorially and administratively respond and adapt to this dramatically changed socioeconomic and demographic landscape. The sequel of reforms, in *land* after *land*, can be seen also as a process of mimetic isomorphism.

In France, following the complete failure of the volontariat-premised legislation of 1971 (Loi Marcellin) that was meant to achieve territorial reforms by way of mergers of type I municipalities, the further institutional development in the subnational local space has revolved around the evolution of type II intermunicipal bodies (intercommunalité). The 1999 legislation (Loi Chevènement) marked a “true revolution of the intercommunalité” (Borraz and LeGalès 2005) as it aimed at giving countrywide extension and coverage to the concept of the communauté as a new variant of type II intermunicipal bodies, which, endowed with taxation power of their own, à fiscalité propre, and additional functions, constituted a functionally and financially integrated form of type II intermunicipal bodies. This applied particularly to the communautés urbaines and to the communautés d’agglomération. The 1999 legislation and its successful implementation have been assessed and interpreted as “France’s pragmatic path towards territorial reforms despite the failure of mergers” (Marcou 2010b, 41; 2010a), pointing at incipient traces of the type I local government logic.

Although there are strong indications that the current legislative process will fall distinctly behind the ambitious reform steps recommended by the

Comité Balladur, it can be plausibly assumed that through albeit limited reform measures, for instance, the direct election of the councils of the communautés (conseils communautaires), the type II communautés will move forward on “France’s pragmatic path” (Marcou 2010b, 41) toward territorially reforming its intermunicipal space and toward moving, in a “pragmatic” and gradualist manner, (convergently) closer to the type I local government form.

Beside the criticism directed at the operational and democratic deficits of the intercommunalité, France’s recent and current institutional reform debate has been essentially driven and fueled by concerns about the competitiveness of the country’s intergovernmental and intermunicipal system vis-à-vis the socioeconomic challenges from the European and international environment. As the current legislative reform debate evidences, it has been significantly stimulated by the reform discussion and practice in neighboring European countries (as highlighted by discursive institutionalism).

European perspective. The advances of the type I local government observed in the recent territorial reforms in Germany as well as—still in a more incipient and “pragmatically” gradualist trajectory—in France concur with similar developments in other European countries, of which, in the following, nutshell mention is made.

First, it should be recalled that, in what has been comparatively called the Nordic territorial reform pattern (see Norton 1994, 41), the United Kingdom carried out a massive territorial reform of its county and district levels in 1974 by bringing the average size of the latter up to 170,000 inhabitants (critically qualified as “sizeism”; Stewart 2000). In 1974 Sweden enacted a territorial reform of its municipalities (*kommuner*), cutting their number to 288 with an average of 34,000 inhabitants. In Germany, just to repeat, large-scale reforms were put in place during the 1960s and 1970s in two of the (then) eight Länder (Nordrhein-Westfalen and Hessen, with an average municipal size of 44,000 in the former). The average population size (if not “oversize”) of these (Nordic) reform measures is brought home by the fact that the average size of municipal population in the (as of now 27) EU member countries is 5,410 (see Dexia 2008, 41).

In 2007, linking up with an earlier territorial reform of 1970 and falling into line with the Nordic territorial reform pattern, Denmark diminished the number of municipalities by mergers from 271 to 98 with average of 55,400 inhabitants, the second largest in Europe after the United Kingdom (see Dexia 2008, 249; Vransbaek 2010).

In 1997, in Greece the number of municipalities was reduced from 5,825 to 1,034 (i.e., by over 80%), now averaging 10,750 inhabitants (see Dexia

2008, 327; Hlepas 2010). So far Greece has been the only Southern European country to tackle territorial reforms by mergers.

In some of the postsocialist Central Eastern European countries (for a recent overview, see Swianiewicz 2010; Local Government Studies 2010), the small-size type I municipal structure inherited from the communist era has been retained, if not initially further fragmented, while at the same time type II intermunicipal bodies have been introduced. Cases in point are the Czech Republic (with municipalities averaging 1,870 inhabitants), the Slovak Republic (averaging 3,170 inhabitants), and Hungary (averaging 3,170 inhabitants). While the initial decision to leave the small-size format of the local government level unchanged mirrored the *postrevolutionary* and *transformational* situation and the political will of the relevant actors to heed and encourage small-size grassroots local democracy, possible subsequent moves toward territorially reshaping of the local levels have been barred.

By contrast, Bulgaria, as early as 1991, transformed the local territorial structure left by the socialist state into 264 municipalities arriving at the high average of 29,090 inhabitants (see Dexia 2008, 199). Lithuania followed suit in 1994 by drastically reducing the 581 administrative authorities that were carried territorially over from the socialist period (by 88%) to 56 municipalities averaging 55,000 inhabitants (see Dexia 2008, 442); this, in European comparative terms, extraordinarily high average size (coming second after the United Kingdom's average of 170,000 and equaling Denmark's average of 55) has in the meantime been criticized for being oversized; a legislative amendment is in the making.

It should finally be mentioned that in Poland (which, with 38 million people, is demographically and geopolitically by far the largest among the Central Eastern European countries) a radical territorial reform was carried out under the communist regime in 1975 that resulted in 2,478 municipalities averaging 15,390 inhabitants (see Dexia 2008, 499). On this territorial basis, after 1990 type I multifunctional elected local government was reintroduced.

To sum up, measured by the demographic size and geopolitical importance of the countries concerned, type I local government hinging on the territoriality-based multifunctional elected local government model, typical of the European local government tradition (see Norton 1991), has in recent years gained ground and prevalence in the European context and space. This arguably marks a noticeable difference from and contrast to the development of local government in the United States (see Wollmann and Thurmaier, forthcoming).

4.2. Advances of Type I Local Government and Expansion of (Local) Governance Networks—Contradictory or Complementary?

Finally, the development of local-level institutions is briefly discussed from the perspective and through the lens of the “government versus governance” debate in which local government can be conceived of as the institutional fabric of “classical” elected local government, while governance, in accordance with the currently dominant social science discourse and its descriptive-analytical understanding,²⁷ comprises actor networks that operate essentially outside of local government proper (see Rhodes 1997; Pierre 2000).

From this conceptual and analytical perspective the institutional development appears, at first sight, conflicting and contradictory.

On one hand, to recall the gist of our argument, the territoriality-based multifunctional elected type I local government form has been advancing in Germany and (in an incipient and gradualist manner) in France as well as in a growing number of other European countries. It should, at this point, be added that, manifesting another salient largely common trend in European countries, political and executive leadership in local government has been institutionally reinforced (for a comprehensive comparative overview, see Wollmann 2008c, 2009). The territorial and leadership reforms of type I local government can be summarized and assessed to have also significantly enhanced its capacity to perform its crucial role and mandate to represent, advocate, and make the common good and the general interest of the local community prevail in the local arena and political process.

On the other hand, the institutional and actor environment of local government has been profoundly changed by the emergence and expansion of typically single-purpose and particular interest actors and organizations that, operating outside the realm and reach of (local) government, can be identified, in accordance with the governance debate, as (local) governance structures. Because of their functionality-premised logic, they are prone to individually pursue their particular goals and interests and to externalize costs at the possible detriment of the common good. Hence they are liable to pose a structural challenge to local government in its advocacy of the common good and general interest (see Wollmann 2004a).

The networks of local-level governance-typical actors and organizations have been expanding as the local authorities have begun to reorganize themselves internally and externally in various ways and institutional variants that, as was pointed out in the introductory section, might be understood, because of their single-functionality, as type II local-level formations.

For one, local authorities have turned to transferring (“outsourcing”) functions, carried out until now by municipal administration itself (*in house*), to organizations and companies that still remain in public or municipal ownership but operate organizationally and financially largely independently. As a result, local authorities have come to be surrounded by such hived-off actors and companies in a process that has been described as their “satellitization” (Huron and Spindler 1998). By now, for instance in Germany, up to one-half of the local government personnel are employed in such hived-off (formally privatized, corporatized) units and companies (see Wollmann and Marcou, forthcoming, and Kuhlmann and Fedele, forthcoming).

Second, in a similar vein, local authorities have begun to *outsource* the conduct of local activities and services, by way of contracts and commissions, to voluntary-sector (NGO-type) or private-sector providers.

Third, the pluralization and expansion of governance-type local actor networks have been further pushed by “material (asset) privatization” as local authorities have increasingly seen cause to sell their facilities, be it entirely or partially, to private investors.

While through these and other strategies of *outsourcing* local government functions the local authorities aim to gain operational flexibility and economic efficiency and to mobilize additional resources and entrepreneurial dynamics, they are confronted with slipping and failing guidance and control over the pertinent actors and activities.

Against this background the political mandate and pivotal task of local government to “coordinate” the manifold functions and conflicting interests in the local arena have become ever more demanding and crucial (on *coordination*, see Peters 1998; Wollmann 2003a; on the conceptual triad of coordination mechanisms, to wit, *hierarchy*, *interaction*, and *market*, see Kaufmann, Majone, and Ostrom 1987).

Insofar as local-level actors and functions fall directly under the political responsibility of local government within the territoriality-defined local arena, the *coordination* task lies with the local authority, that is, last with the elected local council that decides, as a last resort, by majority vote, in other words, *hierarchically* (in the understanding of the Kaufmann, Majone, and Ostrom 1987 triad). When it comes, however, to *coordinating* governance-type actors that characteristically operate outside the immediate political reach and realm of local government proper, the latter is liable to resort to and avail itself of *interaction* (in the Kaufmann, Majone, and Ostrom 1987 triad), such as persuasion, bargaining, give and take, and compromise, to bring its common good-committed mandate to bear. To achieve this, local government is bound to play the crucial role of a *key networker* (*reticulist*; Friend 1977).

On one hand, the expansion of governance-constituent single-purpose actors, including hived-off and formally privatized (type II) local-level organizations and companies, has plausibly enhanced the potential of governance actor networks to generate function-specific benefits and mobilize related resources and dynamics. On the other hand, because of the enlarged territorial base by way of mergers and the enhanced leadership capacity, (type I) local government finds itself in a territorially and institutionally strengthened position to exercise its common good-committed advocacy and key networker role and, thus, to bring its (local) governance (in the prescriptive-normative meaning) to bear.²⁸ From this line of argument, it can be concluded that the structures and logics of local government and local governance are not conflicting or contradictory but can be mutually complementary (Wollmann and Bouckaert 2006, 34; also see Hooghe and Marks 2003, 240; Mayntz 2003, 31–32; Bolgherini 2010).

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Notes

1. In the conceptual debate a distinction needs to be made between a *descriptive-analytical* and a *prescriptive-normative* understanding of “governance,” with the former addressing the empirical dimension while the latter denotes the (goal-directed) “steering” and “guidance” of the “governance” structure (in the descriptive-analytical understanding; see Marcou 2006, 9–11; Wollmann 2006, 118).
2. Some have argued (see Hooghe and Marks 2001, 2003) that such parliamentary power to pass binding decisions on local-level boundaries would be (possibly exclusively) typical of the federal state. However, the (unitary) Sweden and (unitary) United Kingdom testify to the contrary, as (in the British legal doctrine) it has also been seen part and parcel of “parliamentary sovereignty” to redraw local-level boundaries.
3. It should be added at this point that, as laid down both in the Federal Constitution of 1949 and in the constitutions of the individual Länder, the municipalities (and counties) are given the right to exercise “local self-government,” and each of them may bring a case of violation of that “institutional guarantee” (say, by

some piece of land legislation) before the Federal Constitutional Court or the respective land's constitutional court. However, it is accepted constitutional and judicial doctrine that this "institutional guarantee" does not pertain to the existing territorial boundaries of a municipality or county.

4. See note 2.
5. Furthermore, there are 323 counties (averaging some 200,000 inhabitants) and 116 (single-tier) "county cities" (*kreisfreie Städte*).
6. In some small municipalities in the *land* of Brandenburg the municipal elections had been called off because of the insufficient number of candidates (see Hoffmann 2002, 10-15).
7. Also see Ministry of the Interior of Land of Thüringen, <http://www.thueringen.de/imperia/md/content/tim/abteilung3/gemgebreform.pdf>, March 3, 2005.
8. In a much-publicized decision that the (newly established) Constitutional Court of Land of Schleswig-Holstein recently (on February 26, 2010) handed down, a piece of *land* legislation that stipulated the transfer of further functions from the *land* level to intermunicipal bodies (*Ämter*) was declared unconstitutional on the ground that it violated the constitutional guarantee of elected local self-government. In the view of the court the incriminated unconstitutionality could be remedied either by introducing the direct election of the governing boards of the intermunicipal bodies (which would transform the type II intermunicipal bodies into a full-fledged additional type I local government level) or by transferring functions back to the existing type I municipalities. In a remarkable obiter dictum the court hints at the need of strengthening multifunctional elected (type I) local government by carrying out a territorial reform through mergers instead of through having intermunicipal bodies (see Frankfurter Allgemeine Zeitung, March 22, 2010, and Schleswig Holsteinische Zeitung, <http://www.shz.de/nachrichten/top-thema/article/111/verfassungsgericht-kippt-amtsordnung.html>, February 26, 2010).
9. On the conceptual and empirical implications of "transaction costs," see Feiock (2010 [this issue]).
10. See Ministry of the Interior of Land of Thüringen, <http://www.thueringen.de/imperia/md/content/tim/abteilung3/gemgebreform.pdf>, March 3, 2005. In this context mention should be made of an empirical study that was recently conducted on the regional "governance" arrangements based on (voluntary) intermunicipal cooperation (in Greater Frankfurt, Germany, and in Greater Warsaw, Poland). The study arrived at the (blunt) conclusion that "voluntary cooperation is condemned to failure because its constraints are difficult to remove by preserving the voluntary character" (Lackowska 2009, 363).
11. <http://www.sachsen-anhalt.de/LPSA/index.php?id=27353>.
12. See note 3.

13. see http://www.mecklenburg-vorpommern.eu/cms2/Landesportal_prod/Landesportal/content/de/_aktuell/Archiv_/2007/Verfassungsgericht_ki///ppt_Kreisgebietsreform/index.jsp.
14. http://www.mecklenburg-vorpommern.eu/cms2/Landesportal_prod/Landesportal/content/de/_aktuell/Archiv_/2009/Kabinett_beschliesst_Kreisgebietsreform/index.jsp.
15. See note 8.
16. In 1998, 95% of the members of the National Parliament (Assemblée Nationale) were, at the same time, local mayors and 68% sat department councils (*conseils généraux*). For the Senate the analogous percentages were 68% and 44% (see Hoffmann-Martinot 2003, 167).
17. That is, 16 *communautés urbaines*, 181 *communautés d'agglomération*, and 2,409 *communautés de communes*. For detailed statistical data, see http://manage.dgcl.interieur.gouv.fr/workspaces/members/desl/documents/clench/2010/chapitre_2/downloadFile/file/03_chapitre_2.pdf?nocache=1271836454.77.
18. "La voie pragmatique de la réforme territoriale malgré l'échec des fusions de communes."
19. See Comité Balladur (2009, 62): "In the smallest municipalities it is become more and difficult to recruit candidates for elective municipal offices."
20. For a case study on the Communauté Urbaine de Bordeaux, see Hoffmann-Martinot (2003, 179). He concluded that communautés urbaines have "resulted in depriving communes of responsibilities and transferring them to intercommunal structures that work in a opaque and expensive manner, without enough democratic control."
21. See <http://www.vie-publique.fr/actualite/alaune/collectivites-locales-propositions-du-comite-balladur.html>.
22. Proposition 9, "L'objectif à atteindre est, à terme, que les intercommunalités se transforment en communes de plein exercice, ce qui permettrait à la France de compter des communes fortes, en nombre raisonnable."
23. The Anglo-Saxon term *big bang* is employed in current French reform parlance to signal such a "breakthrough" dimension (see Wollmann 2010b).
24. http://www.assemblee-nationale.fr/13/dossiers/reforme_collectivites_territoriales.asp.
25. In a peculiar electoral procedure called *fléchage* the councilors of the member municipalities and of the communautés are thought to be elected on the same ballot—with half of candidates who receive most votes sitting on the council of the member municipality as well as on the conseil communautaire.
26. Seven "West German" and five "East German" Länder, not the three so-called "city-states" (*Stadtstaaten*) such as Berlin.
27. See note 1 for references.
28. See note 1 for references.

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