Knill, Christoph

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Autonomous and Instrumental Bureaucracies: Institutional Indicators for the Explanation of Administrative Change

von
Christoph Knill

Christoph Knill[1]

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ABSTRACT

Notwithstanding an ever-growing body of literature on administrative reforms, the studies either focus on single countries or emphasize common tendencies in all countries; hence providing little systematic insight for the evaluation and explanation of administrative change from a comparative perspective. In the light of this deficit, it is the aim of this article to develop an analytical concept for explaining cross-national variances in patterns of administrative development. For this purpose, the concept of national administrative reform capacity is developed, arguing that the potential for reforming different administrative systems is basically dependent on the general institutional context in which these systems are embedded. On this basis, two ideal type constellations of administrative reform capacity and corresponding patterns of administrative development are identified and illustrated by a systematic comparison of administrative reform capacities and administrative changes in Germany and Britain.

1 Introduction

It is widely acknowledged that the field of comparative public administration is characterized by significant theoretical and conceptual underdevelopment. Broadly-shared attempts to develop comprehensive approaches represent a major weakness in the theoretical development of this field of inquiry (Peters 1988, 2; 1996). A crucial factor contributing to this deficit is seen in the lack of concepts when comparing bureaucracies across nations. As Richard Rose (1991, 447) points out, "concepts are necessary as common points of reference for grouping phenomena that are differentiated geographically and often linguistically". In order to connect empirical materials horizontally across national boundaries, they must also be connected vertically; that is, capable of being related to concepts that are sufficiently abstract to travel across national boundaries. In the field of public administration, the development of such concepts for comparison is particularly problematic, given the complexity and diversity of the phenomena under study. Thus, in many instances, countries are used as nominal categories for describing

[1] For helpful comments and suggestions I want to express my particular thanks to Christoph Engel and Dirk Lehmkuhl.

systems of public administration, although this strategy may not offer the most efficient means of understanding *why* those systems function as they do. In other words, the cross-country comparison of administrative systems requires concepts which allow the replacement of countries' names with analytical categories.

The lack of a more systematic and conceptual framework becomes particularly evident when considering the growing body of literature concerning the global wave of new public management and administrative reforms. Apart from notable exceptions which seek to apply and develop a conceptual framework for the assessment of administrative change (cf. Wright 1994; Olsen/Peters 1996)[2], research on administrative reforms is lacking a systematic theoretical linkage between painstaking efforts to describe minute differences in structures and processes and a macro-perspective emphasizing bureaucratic similarities across countries. On the one hand, there is a broad range of studies focussing on the developments in individual countries, without seeking to provide broader theoretical and conceptual perspectives (Derlien 1996; Hood 1995; de Montricher 1996). On the other hand, to the extent to which they take a more comparative perspective, studies emphasize convergent trends and similarities of reforms across national administrations rather than systematically accounting for cross-national variations in administrative change and persistence (cf. the volumes edited by Flynn/Strehl 1996; Bekke/Perry/Toonen 1996; Kickert 1997). This is not to say that these studies provide no valuable and important insights on the content, scope and mode of administrative reforms in various countries. However, they offer no conceptual framework which allows for explaining variance in administrative development from a comparative perspective.

In this article I attempt to partly address this deficit by developing the concept of *administrative reform capacity* in order to capture the structural potential for administrative reforms across countries. The level of administrative reform capacity allows for the explanation of distinctive patterns of administrative development; i.e., the varying scope and scale of administrative change across countries in the light of external pressures for adaptation, although we can predict neither the occurrence nor the direction of such developments.

With respect to differing levels of administrative reform capacity, two ideal types of administrative systems are identified as a means to understanding cross-national differences in administrative development. *Autonomous administration* refers to constellations where the capacity for administrative reform is low, with administrative change being basically restricted to incremental self-adaptations of the bureaucracy. *Instrumental administration*, by contrast, relates to configurations with a high potential to substantially transform existing administrative arrangements, assuming that there is a government committed to do

[2] To be sure, there are a lot of other studies which provide more conceptual and analytical insights into administrative differences across nations (cf. Aberbach/Putnam/Rockman 1981; Page 1992; Peters 1995). However, all of these studies are based on a static comparison rather than systematically explaining the administrative change (Peters 1996, 16).

so. To illustrate this argument, patterns of administrative development are assessed for two countries whose capacity for administrative reform comes quite close to the above-mentioned ideal types, namely Germany (autonomous administration) and Britain (instrumental administration).

This paper is set out as follows: In section two, several analytical categories will be introduced in order to specify the concept of administrative reform capacity. Based on these criteria, we are able to develop general expectations on the reformability of different administrative systems. The validity and applicability of these expectations will be illustrated in sections three and four by comparing reform capacities and corresponding development patterns of the administrative systems of Germany and Britain. Section five summarizes the results and draws general conclusions with respect to linking national capacities for administrative reform and corresponding development patterns of national administrative systems.

2 The Concept of Administrative Reform Capacity

From a general perspective, the national capacity for administrative reforms depends on the number of formal and factual institutional veto points (Immergut 1992) administrative actors have at their disposal in order to influence and resist political and societal reform initiatives. I argue that the number of these veto points is crucially affected by the specific macro-institutional provisions, namely the state tradition as well as the legal and political-administrative system. For analytical purpose, three categories will be distinguished in this context, including the general capacity for executive leadership; the institutional entrenchment of administrative structures and procedures; and the influence of the bureaucracy on policy-making.

A first indicator for a country's administrative reform capacity is provided by assessing the *general* reform capacity associated with a certain political system; i.e., the government's overall ability to enact political reforms. In many analyses, this aspect is referred to as the strength of executive leadership (cf. Wright 1994; Keohane/Milner 1996), which increases with the centralization and concentration of political power. The centralization and concentration of political power may be affected by the existence or absence of institutional veto points provided by constitutional principles, the state structure, the party system, patterns of administrative interest intermediation as well as the internal organisation of government (Lehmbruch 1995). While the strength of executive leadership indicates the general reform capacity of a political system, the two remaining categories specify this general capacity with respect to the particular area of *administrative* reform.

On the one hand, the number of institutional veto points with respect to administrative reforms is affected by the degree to which administrative structures and procedures are entrenched in a broader institutional framework. The difficulties of implementing administrative reforms "from above" by swift, single-handed reorganisation increase with the extent to which administrative activity is based on legal and formal requirements as well as the comprehensiveness and fragmentation of administrative structures (Benz/Goetz 1996).

On the other hand, the political influence of the bureaucracy refers to the extent to which administrative actors are able to shape the outcome of policy formulation and implementation in line with their interests. With respect to policy formulation, the degree of interlinkage between political and administrative "rationalities" plays a crucial role in this respect[3]. The capacity for fundamental administrative reforms can be expected to increase with the extent to which the political and administrative spheres reflect separate areas which are characterized by distinctive interests and "rationalities". If the distinction between both spheres is less pronounced, given a broad overlap of both areas, it seems rather unlikely that political leaders will either be motivated or able to push through fundamental administrative reforms against the bureaucracy. Turning to policy implementation, the independent influence of the administrative actors to affect and potentially reduce the impact of administrative reforms is crucially affected by the extent to which their activities can be legally "programmed" and monitored from above. Thus, we expect the likelihood of fundamental administrative reforms to decrease with the level of autonomy that subordinate administrative levels enjoy when actually implementing political decisions on administrative reforms..

On the basis of the above categories, two ideal constellations of low and high reform capacity can be identified, implying either an autonomous or an instrumental position of the bureaucracy with respect to external pressures for adaptation. The position of a national bureaucracy can be characterized as autonomous, if weak executive leadership coincides with high institutional entrenchment of administrative structures and procedures as well as a powerful position of administration with respect to the formulation and implementation of political programmes. An administration's position can be characterized as instrumental, by contrast, if it is confronted with strong executive leadership, weak institutional entrenchment of administrative structures and procedures, and a low level of independent influence on policy formulation and implementation.

This method of using ideal types serves as a means of understanding differences and similarities across actual administrative systems. Ideal types have the virtue of providing a standard against which real world systems can be compared and potential differences explained (Peters 1996, 29). Classifying the countries under

[3] Notwithstanding the general tendency towards overlapping political and administrative spheres, it should not be overlooked that the degree of interlinkage may vary as a consequence of differing legal, administrative and political traditions (Suleiman 1984).

investigation in the light of these standards provides a more general comparative concept which can also be applied to the study of other bureaucracies[4].

Table 1: The Reformability of Administrative Systems: Two Ideal Types

	AUTONOMOUS ADMINISTRATION	INSTRUMENTAL ADMINISTRATION
ADMINISTRATIVE REFORM CAPACITY	LOW	HIGH
Strength of Executive Leadership	Fragmented	Integrated
Entrenchment of Administrative Arrangements	High	Low
Political Influence of the Bureaucracy	High	Low
PATTERNS OF ADMINISTRATIVE CHANGE	INCREMENTAL SELF-ADAPTATION	DELIBERATE REFORM "FROM OUTSIDE"

Each ideal type can be linked to certain expectations regarding the mode and scope of administrative change in the light of external pressures for reform. In the case of an autonomous administration, existing arrangements can hardly be changed "from outside the administration" by deliberate political reform attempts. Although autonomy does not imply that the administration is completely independent from its societal and political environment, the administration is capable of reacting independently to environmental changes (Luhmann 1972, 154). As a consequence, administrative change can be primarily expected in the form of self-adaptation to environmental challenges. Bureaucratic autonomy and the correspondingly limited political reform capacity should therefore not be confused with rigidity. But the dominant pattern of self-adaptation suggests that administrative adjustments take place *within* existing traditions and principles. This has significant implications on the scope for administrative change: Adjustments are generally incremental and patchy rather than radical and comprehensive.

[4] The use of ideal types in the study of public administration has a long tradition, beginning with Weber's model of the rational bureaucracy. However, the use of ideal types is not necessarily restricted to the Weberian model. Rather, other options seem conceivable, given the particular research focus on administrative systems.

By contrast, if the position of the bureaucracy is merely instrumental, the administrative arrangements as well as the general position and role of the bureaucracy within the political system are assumed to be highly contingent on the preferences of political leaders. There is a high potential for deliberate transformation "from outside". Consequently, fundamental and path-breaking administrative changes are more likely. Of course, this does not exclude long periods of incremental forms of bureaucratic self-adaptation. The crucial difference lies in the fact that the decision upon the form and scope of administrative change (piecemeal or revolutionary) lies with the political leaders rather than with the administration.

In the following sections, the linkage between national administrative reform capacity and actual patterns of administrative development will be examined for two real world administrative systems which come close to the ideal types identified above, namely Germany and Britain. In this context, the selection of cases follows the approach of "most similar systems" (Przeworski/Teune 1970), requiring that the selected countries differ most with respect to the explanatory factors (the level of administrative reform capacity in our case) while being most similar with respect to as many other features as possible in order to reduce the number of intervening variables and varying parameters. Thus, both countries are characterized by rather similar socio-economic and political conditions, including economic and industrial development, education, population density, standards of living and social services, liberal-democratic politics with party and interest group participation in policy-making, as well as well-developed and effective administrative systems (Mény 1993; Allum 1995)[5].

As revealed by the comparison of the German and British administrative systems in the light of the above criteria, the two countries differ significantly in their capacities for administrative reform. In Germany, low reform capacity coincides with a quite autonomous position of public administration within the political system. In Britain, by contrast, administrative arrangements are less static; public administration is instrumental to rather than autonomous of the political sphere.

[5] Certainly, it will always be possible to figure out parameters and data which reveal differences rather than similarities between both countries. On the other hand, it seems to be rather unrealistic that the condition of complete similarity can ever be fulfilled when focussing on countries as cases. Hence, we have to confine ourselves to the requirement of sufficient similarity, which is certainly fulfilled with respect to the two states selected. Furthermore, it is not apparent that the similarity requirement could have been fulfilled decisively better by selecting another combination of countries.

3 Germany: Incremental Self-Adaptation of an Autonomous Bureaucracy

Combined with the limited capacity for executive leadership provided by the German political system in general, the traditionally influential position of the German administration on policy formulation and implementation, as well as the strong institutional entrenchment of administrative structures and procedures, imply a comparatively low capacity for comprehensive administrative change. Instead, change takes generally the form of an ongoing process characterized by incremental self-adaptation by the bureaucracy in the light of environmental demands (Böhret 1982; Ellwein 1994, 1996)[6].

Executive Leadership in a Fragmented System

The first factor which accounts for the limited capacity for administrative reform lies in the restricted scope for executive leadership. Thus, the German political system is characterized by both fragmentation and decentralization of political power, implying fundamental limitations on the government's ability to successfully formulate and implement comprehensive policy innovations. Institutional veto points restricting the potential for executive leadership emerge from basically five sources: the federal structure of the state, the role of party competition, the *Rechtsstaat* principle, the corporatist tradition, as well as the organisation of government.

An important characteristic of the German federal system is the existence of strong interlinkages of policy-making between the federal and regional level (Scharpf/Reissert/Schnabel 1976). As the opportunities for federal administrative guidance and control of the *Länder* is restricted to a low number of constitutionally defined cases, intergovernmental co-ordination has to be reached by negotiations between autonomous bureaucracies. Such a structurally and procedurally interlocked system is not conducive to comprehensive reforms and institutional innovations. It was identified as a key factor explaining the incremental changes occurring in Germany during the 1970s and 1980s, whereas other Western governments reacted to new challenges with ambitious reform projects (Lehmbruch et al. 1988).

Given the institutional fragmentation of the German state, party competition has not become the dominant mechanism of political leadership. In contrast to the Westminster model with its tendency for strong party governments, a German government supported by a *Bundestag* majority finds itself tied into a complex

[6] German administrative reform capacity is basically analysed from the perspective of the federal level, while being aware of the fact that there might be some variation in reform potentials at the local and regional level.

network of institutions and organisations where decision-making by bargaining is often the norm. Hence, in Germany, party competition is to a lesser extent a vehicle of political leadership than a co-ordination mechanism in the fragmented institutional structure, namely with respect to the relationships between the federal and regional governments as well as between different regions (Lehmbruch 1976). The impact of party competition in promoting strong executive leadership is furthermore restricted by the German electoral system which, in many instances, leads to the establishment of coalition governments. This way, the scope for comprehensive reform decisions is additionally reduced, given the need for compromise and bargaining between the governing parties.

A third institutional veto point, which restricts the scope for executive leadership, emerges from the *Rechtsstaat* principle which implies that parliamentary legislation is subject to judicial review by the Federal Constitutional Court as to the constitutionality of the legislation in question. Hence, the Court offers an important possibility to modify or block governmental reform initiatives even after they have been accepted by parliament. The effect of constitutional jurisdiction should not be underestimated, since the mere prospect of an action often induces the legislator to modify or drop a project (von Beyme 1996, 375).

Fourth, the German tradition of corporatism implies important institutional and factual veto positions which limit the scope for strong executive leadership. The multitude of co-operative arrangements between public and private actors, as well as the delegation of powers to private associations, increases the government's need to bargaining and accommodate various societal interests when formulating and implementing political reforms. The relevance of these corporatist patterns is further enhanced by the emergence of representational monopolies; i.e. the existence of strong peak associations which are able to rely on broad political support from their members and the strong links between associations and political parties (Schmitter/Lehmbruch 1979; Dyson 1982). Although the corporatist mediation of diverse interests allows for considerable adaptational flexibility and ample opportunities to adjust political strategies in the light of differing problems, such adjustments are unlikely to imply radical reforms, given the variety of preferences of the numerous actors involved (cf. Benz/Goetz 1996, 18).

Finally, the organisation of government at the ministerial level contributes to the reduced scope for executive leadership. Although the chief of government is constitutionally entitled to set the “guiding principles of policy”, this competence is in practice closely circumscribed. Apart from the necessities arising from parliamentary coalition-building, the *Ressortprinzip* (departmental principle) plays an important role in this context. Ministers, albeit bound to the “guiding principles”, are the autonomous hierarchical heads of their departments. Given the strong tendencies toward administrative segmentation favoured by this autonomy, exerting powerful executive leadership is much more difficult for the federal chancellor than for a British prime minister, who can rely upon the principle of ministerial responsibility (Lehmbruch 1995).

To be sure, the limitations on executive leadership emerging from these numerous veto points should not be confused with a restricted capacity to resolve political problems, for which the institutional characteristics provide distinctive opportunities based on bargaining and consultation. But while these mechanisms might prove appropriate in dealing with emerging problems, they generally restrict the government's ability to formulate and implement comprehensive political and institutional reforms. As will be shown in the following sections, this general statement is of particular relevance when it comes to *administrative* reform.

A Rigid Backbone: The Stability of Administrative Structures and Procedures

Since administrative modernisation preceded political modernisation in Germany (Olsen/Peters 1996, 17), the identity and stability of its statehood are based on its administrative rather than its political system. Administrative continuity reflected an important counterbalance to political instability. Even when the political regimes completely broke down, as it was the case in 1918 and 1945, the public administration never ceased to work more or less in a regular fashion (Seibel 1996, 74). In contrast with the arrangements in Britain and the United States, the German administration was "made to last" from the outset (Ellwein 1994, 52). This becomes obvious in the strong institutional entrenchment of administrative structures and procedures, which pose high hurdles for comprehensive reforms.

Institutional stability first emerges from the constitutional status of important administrative characteristics. Traditional principles of the civil service or the definition of regional boundaries are embodied in the German Basic Law. Although many aspects have long been criticised for being no longer appropriate, corresponding reform attempts constantly failed as a result of a missing party-political consensus required for constitutional changes. This holds true, for instance, for attempts by the federal government to redraw regional boundaries or to give up the distinction between different status groups within the civil service (Derlien 1996, 152).

Secondly, administrative stability emerges from the *Rechtsstaat* principle. Administrative principles, procedures and structures are defined by a comprehensive system of public law. In view of its systematic character, the public law system provides a rigid backbone which restricts opportunities for swift and single-handed institutional reorganisation. Minor adaptations in one area already require corresponding adaptations in other areas, given the tight coupling of the legal system. What is more, the highly developed public law system associated with the *Rechtsstaat* means a reduced scope for public sector reforms which aim at deregulation and output-oriented guidance and control. The German model, which emphasises legalism as the basic principle of administrative "rationality", can hardly be transformed into a model based on managerial and economic efficiency (König 1996).

The third characteristic explaining the strong institutional entrenchment of administrative arrangements is related to the patterns of administrative organisation. On the one hand, institutional inertia is a consequence of a highly differentiated, but at the same time tightly coupled administrative structure at the regional level. Regional administration is vertically divided into several tiers which are tightly linked by the principle of hierarchical control. This way, even minor structural changes might be rather costly, since they require subsequent adaptations within the comprehensive administrative arrangements. On the other hand, the principle of administrative federalism leaves only limited opportunities for the federal level in order to guide and control the administration of federal programmes at the regional level. This form of only a loose coupling between different administrative levels significantly increases the difficulties of introducing administrative reforms "from above" (Benz/Goetz 1996, 16).

In sum, the conception of the German administration as a durable and stable system provides significant obstacles to comprehensive reform. The strong institutional entrenchment of basic administrative principles creates a rigid backbone which cannot easily be changed. This holds particularly true in the light of the rather limited scope for political leadership generally found within the German political system and the strong political influence of the public administration to which we will now turn.

Inevitable Power: The Political Influence of the German Bureaucracy

The German administration was not only conceived as a stable and enduring system, but also as a rationalist machinery that is purely instrumental to politics. In this Weberian ideal type conception, a strict division is made between the political and administrative spheres; i.e. between programme formulation and implementation. According to this division, the administration is completely "programmed" by legal rules. However, this instrumental view of public administration, which is constitutionally grounded in the German Basic Law[7], is actually far from reality. Instead of being strictly separated from politics, the administration crucially influences the way it is programmed, since political and administrative spheres partly overlap. Moreover, given that programming is often open or incomplete, administrative actors enjoy considerable influence to shape the programme further during the implementation stage.

Interestingly, and as already predicted by Weber (1972, 1061), the political power of the German bureaucracy emerges as a functional necessity, given the difficulties of completely programming the administration in the context of increasingly complex and numerous state activities. Under such circumstances, political leaders become more and more dependent on the specialist knowledge provided by their administration. The autonomy of an instrumentally designed bureaucracy emerges

[7] Article 20 of the German Basic Law defines a clear division of power between policy formulation and implementation (*Gesetz und Vollzug*) and binds the executors to the law.

as the inevitable consequence of an ideal-type model incompatible with a complex reality.

Overlapping Spheres: The Interlinkage of Politicians and Bureaucrats

The interaction between administrative and political actors during the process of policy formulation is characterized by two complementary tendencies which both contribute to the stability, rather than reformability, of the German administration. On the one hand, the emphasis traditionally placed on bureaucratic expertise in policy-making contributes to the bureaucratization of politics; i.e., political initiatives are significantly affected by bureaucratic suggestions. On the other hand, there is a trend towards politicizing the administration, which has increased over the past two decades, implying that bureaucratic expertise is supplemented by a more political role understanding of top-level bureaucrats. The combination of both tendencies allows for the integration of bureaucratic and political "rationalities" in the overlapping context of the "political administration".

The fact that, in Germany, bureaucracy preceded democracy, had a lasting impact on the importance attributed to bureaucratic expertise in policy-making (Derlien 1995, 89). Although the formal decision-making competence lies with the political level, the procedural and specialist knowledge (*Dienstwissen* and *Fachwissen* in Weber's terms) of the civil service is a crucial factor shaping political programmes, especially with respect to more comprehensive or long-term decisions (Peters 1995, 229-30). This is further enhanced by the fact that, in contrast with Britain, German civil servants do not regularly change their positions, and hence are able to accumulate expert knowledge over time. Moreover, the legalist culture which emerges from the *Rechtsstaat* principle increases the importance of procedural knowledge in policy-making (van Waarden 1995).

This aspect explains not only the dominance of jurists in the German civil service, but also the minor reliance on knowledge provided by external sources. Whereas in the United States and Britain specialist "think tanks" outside the government machinery tend to play an increasingly important role in policy-making, German policy reforms are generally developed in institutionalized, closely-knit circles of top-level bureaucrats and scientific advisers formally linked to the government. Rather than being driven by politicians, administrative reforms are defined and prepared by the bureaucrats and their scientific advisers. Reform therefore generally means *self-reform* favouring incremental adaptations rather than radical change (Derlien 1996).

Given the importance of specialist knowledge in policy formulation, the accumulation of expertise in the bureaucracy, as well as the limited opportunities to by-pass bureaucratic advice in relying on external sources, the only way to tame bureaucratic power is to strengthen the scope for political leadership by politicizing the administration. This basically occurs in two ways: First, administrative positions at the very top of the hierarchy; i.e. state secretaries and division heads in the ministries, are filled with so-called "political civil servants" which have no life-

time tenure, but can be temporarily retired (Derlien 1995). A second trend is the increasing party-politicization of the civil service. Mayntz and Derlien (1989, 397) have observed a clear rank-correlation with membership in the governing party within the federal bureaucracy, significantly reducing advancement opportunities for non-party members and those with the wrong party book.

A major consequence of the complementary tendencies of bureaucratization of politics and politicization of the bureaucracy is the interlinking of politics and administration. This significantly reduces the political scope for administrative reforms, as fundamental changes would at the same time require to "reform the reformers" (Ellwein 1994, 121).

The Autonomy of a "Centrifugal" Bureaucracy

The politically influential role of the German administration also becomes apparent when considering the implementation stage. Contrary to the instrumental model of a legally completely "programmed" administration, civil servants enjoy considerable flexibility and autonomy when implementing political programmes.

Administrative flexibility is a functional necessity to ensure the applicability of many programmes. Given the complexity of many policy issues, complete "programming" of administrative behaviour by legal rules is, more often than not, neither possible nor practicable. Moreover, the legislative programme might turn out to be rather inappropriate for practical application and has to be made enforceable by the implementing administration; a process during which the initial programme is modified or specified by the administration (Mayntz 1978, 74). As social research has pointed out, these modifications and specifications often occur in the context of informal contacts and bargaining between administrative authorities and societal interests (Ellwein 1994). This way, the position of the administration may not only be strengthened by its capacity to make federal programmes suitable for implementation, but also by integrating societal interests independent of legal or governmental guidance (Lehmbruch 1987, 35).

This dependence of the political leadership on administrative implementation capacities becomes particularly pronounced in the context of the German state structure. The division of labour between the federal and regional level implies that decisions on policies and corresponding implementation structures are taken at different levels of the political system. Besides the problems of legally programming administrative activities at the subordinate levels (which is no German peculiarity), the German "centrifugal" administrative system therefore indicates an even broader scope for administrative autonomy; namely, decisions regarding appropriate administrative resources, procedures and structures (Ellwein 1993, 59).

To summarise, in contrast to the constitutional conception of the public administration as instrumental to and separate from politics, the reality reveals a rather different picture of overlapping spheres and significant administrative

influence on policy-making. As a consequence, the scope and probability for comprehensive administrative changes is further reduced.

Administrative Reforms in Germany: Incremental Self-Adaptation

Taken together, the limited scope for executive leadership, the strong institutional entrenchment of administrative structures and procedures as well as the political influence of the German administration complete the picture of an *autonomous administration*. Rather than being pushed and bashed by politicians and reformers, administrative development in Germany is driven by an "intelligent bureaucracy" that tends to adapt to perceived incontingencies through self-generated reforms, hence implying a high stability of administrative core arrangements (Seibel 1996). Adjustments are generally incremental and patchy rather than radical and comprehensive. As Benz and Goetz (1996, 20) point out:

> Administrative change in Germany is not inspired by a broad reform design that encompasses different parts of the public sector, extends to different levels and has a reasonably coherent set of reform objectives. Instead, a range of external adaptive pressures have an impact on the public sector and combine with political motivations, bureaucratic politics and a legal-administrative inheritance to produce a highly variegated patchwork of adaptations and permutations.

This picture is confirmed when considering the impact of recent major "reform waves" on the German administration. In this context, three crucial developments can be distinguished, namely the technocratic approach to reform the government machinery from the 1960s onwards, the global wave of public sector reforms since the mid-1980s, as well as the historical event of German re-unification (Seibel/Benz/Mäding 1993; Rose/Page 1996).

The primary objective of the technocratic approach was to modernize the "machinery of government" at all levels, in order to increase the effectiveness of internal administrative operations, including reforms of the civil service, territorial organisation, as well as co-ordination and planning within the ministerial bureaucracy. Notwithstanding numerous adaptations in the light of these varying reform pressures, traditional principles characterizing the operation, structure and practices of the German administration remained basically unchanged. Thus, both the civil service reform and the attempts to improve planning and co-ordination within the ministerial bureaucracy (Mayntz/Scharpf 1975) were major failures, while the territorial reforms were only partly implemented. The regions succeeded in putting through a comprehensive reorganisation of local self-government by forming larger units of local government, but the subsequent decentralization of administrative competencies from the regional to the local level – the second objective associated with the reorganisation of local government - turned out to be cumbersome and not altogether successful (Derlien 1996a, 29).

A similar picture of only incremental changes can be observed in the context of the international "reform wave" from the mid 1980s onwards, which is closely linked

to catchwords like deregulation, privatization and new public management (Wright 1994, 102). In assessing the overall effects, "it is difficult to avoid the impression, that, compared to the radical transformation in the administrative systems in some other Western industrial countries ..., Germany was a backwater of administrative development" (Benz/Goetz 1996, 9).

Deregulation efforts were restricted to simplifying rather than changing administrative activities and procedures (Seibel 1986; Busse 1996). Attempts to "roll back the state" through privatization, contracting-out and competitive tendering remained on a very modest scale, with almost no progress at the regional and local level (Benz/Goetz 1996, 5). However, it has to be taken into account that, in contrast to Britain, France or Italy, the public enterprise sector in Germany was considerably smaller. Hence, denationalization was less likely to form a core element of public sector change (Ambrosius 1994). With respect to public management reforms, moderate changes have so far been limited to the local level (Banner 1994; Reichard 1994). Notwithstanding the increasing use of the managerial rhetorics, the complex legal framework in which the German administration operates, imposes significant restrictions on the introduction of private-sector management concepts. As Derlien (1996, 156) concludes, any parallels of the German changes with the large-scale reforms in other (mainly Anglo-Saxon) countries would be superficial and rhetorical.

While the diffusion of these international "megatrends" triggered no significant departures from well-established principles, many observers anticipated profound changes in the (West) German administrative system as a result of German re-unification[8]. However, administrative stability and continuity seem to have prevailed. In particular, the federal and regional governments could not agree on decisive changes in intergovernmental relations, despite widespread calls for radical change (Benz 1995). Moreover, the established structures and procedures within the federal and regional bureaucracies have been largely preserved. Instead, the Western models of administrative organisation were exported to the East through the establishment of West-East 'partnership agreements'; hence restricting the scope for institutional innovation in the Eastern regions. In principle, the same picture holds true at the local level (Derlien 1996, 160).

In concluision, the analysis of recent developments in the German public sector indicates a picture of high continuity. On the one hand, continuity relates to the ongoing process of administrative self-adaptation, which intensified in the context of international reform trends and German re-unification. However, none of these changes can be characterized as fundamental or comprehensive. Hence, administrative continuity refers not only to the pattern of ongoing adaptation, but also to the persistence of long-established structures, principles and procedures.

[8] In focussing on administrative change from the perspective of East Germany, one would certainly arrive at rather different conclusions with respect to patterns of administrative development, indicating a picture of high discontinuity.

4 Britain: Dynamic Transformation of an Instrumental Bureaucracy

Compared with Germany, the term "administrative reform" in Britain, especially in recent years was linked to fundamental factual consequences. Large-scale innovations and developments in British public administration are nothing impossible, as revealed by the far-reaching public sector reforms initiated by Conservative governments from 1979 onwards. To be sure, high capacity for administrative reform does not necessarily imply that British politicians always achieved their objectives associated with administrative change (Rhodes 1997) and that such changes have always been the order of the day. However, in contrast to Germany, there is a significant *potential* to transform administrative structures and practices, assuming that there is a government committed to do so. This potential for administrative reform is basically a consequence of the strong position of executive leaders within the British political system, the malleability of administrative structures and procedures, as well as the contingent rather absolute influence of British bureaucrats in policy-making.

Executive Leadership in an Integrated System

The British political system facilitates strong executive leadership. Given the concentration and centralization of political power, which is typical for the Westminster model, British governments are to a lesser extent confronted with institutional veto points, implying that the potential for more radical and comprehensive policy innovations is much higher than in the German *Verhandlungsdemokratie*.

Strong executive leadership emerges first from the centralization of political power within a unitary state structure. Since the UK, unlike Germany, knows no constitutionally-entrenched guarantee of local self-government or regional autonomy, local authorities and regions can have their powers rescinded at any time by a simple parliamentary statute. Furthermore, there is no second chamber comparable to the German *Bundesrat* which may serve as a channel for the regions and local authorities to advocate their interests in the policy-making process. Against this background, the scope for executive leadership is less dependent on inter-governmental bargaining between different autonomous levels of government, but on the extent to which the government is backed by parliamentary support (Burch/Holliday 1996).

This leads us to the second factor which affects the scope for executive leadership, namely the role of party competition. In contrast to the German case, party competition is the only mechanism for the legitimization and control of executive leadership, given the absence of any other formal limits on governmental activity (as provided by the *Rechtsstaat* and federal separation of powers in the German

case) (Campbell/Wilson 1995, 7). The scope for executive leadership therefore depends almost exclusively on the extent to which a government can rely on the support of its parliamentary majority. The existence of strong majorities is, on the other hand, facilitated by the electoral system which favours the emergence of stable and powerful one-party governments.

Third, given the role of parliament as the sole authority to adopt or reject laws, and the missing written constitution, Britain knows no judicial review subjecting the laws passed by the legislature to scrutiny as to their constitutionality. Whereas in Germany, parliamentary legislation might be subject to judicial review, in Britain the parliament is regarded as the highest court in the land. Hence, in Britain, the opportunities to block governmental activities through the courts are rather slim (Jowell/Birkinshaw 1996).

Fourth, and opposed to the German tradition of corporatism, the political influence of British associations is basically dependent on the extent to which they are able to rely on informal contacts to the political-administrative system. Notwithstanding the general preference for bargaining and consultation (as pointed out by Jordan/Richardson 1982), the British government appears to have considerable discretion in deciding not only which groups are included and excluded, but also in defining issues which exclude any substantial group involvement or negotiation (Jordan 1981, 121; Page 1992, 118). This picture is in clear contrast to Germany, where the idea of non-negotiable policies has been less apparent. As demonstrated in particular by the Conservative government from 1979 onwards, the initiative for changes in political style (from consensual to adversarial) rests with the government far more clearly than in Germany (Dyson 1982, 45). Interest group pluralism has not prevented a strong government pushing through its reform proposals against far-reaching societal and political opposition.

Finally, the strength of executive leadership in Britain can be traced to patterns of governmental organisation, namely the British doctrine of collective responsibility. The emphasis on collective decision-making, rather than departmental autonomy, reflects not only the constitutional requirement that the government stand united in parliament. It also reflects the belief that the work of government can be carried out effectively only if it remains united and well co-ordinated (Campbell/Wilson 1995, 12)[9]. Given the dominant role of the Prime Minister as *primus inter pares*, the capacity for strong executive leadership is great, especially in cases where effective political leaders such as Churchill or Thatcher actually have "presidentialized" the office (Peters 1995, 215).

In the light of the strong capacity for executive leadership in Britain, the potential for comprehensive and encompassing reforms is considerable, assuming the corresponding motivation of its political leaders. As will be shown in the following

[9] Although the doctrine of collective responsibility has sometimes been violated in practice, it is an important operational code of governmental activity in Britain (Burch/Holliday 1996, 11).

sections, this general statement also holds true for the particular case of administrative reform.

A Missing Backbone: The Malleability of Administrative Structures and Procedures

In contrast to Germany, political modernization and the establishment of a stable democratic system preceded administrative modernization in Britain. Hence, the identity and stability of statehood was based on the political system, rather than a rational and comprehensive administration. Public administration took shape feature by feature in a way that reflected the political development and was consonant with the latter (Heady 1979, 198-9). According to the instrumental rather autonomous design of the British bureaucracy, the institutional entrenchment of administrative structures and procedures is comparatively low, hence broadening the scope for "politically-designed" administrative reforms.

The first reason explaining the lower institutional entrenchment of administrative arrangements in Britain emerges from the supremacy of parliament and the lacking written constitution. There are no particular institutional hurdles preventing public sector reforms as, for instance, the two-thirds majority requirement for changes to the German constitution (Kingdom 1989, 12).

Second, the lacking institutional entrenchment of administrative arrangements can be traced to the absence of a comprehensive system of legal rules guiding the organisation and operation of the public administration. Within the British legal system, no particular body of administrative law was developed for the guidance and control of administrative activities. This way, government has considerable flexibility to adapt these conditions when advancing administrative reforms (Johnson 1994, 196-7). The lack of detailed and tightly-coupled rules guiding administrative practice and procedures significantly reduces the institutional costs of administrative change. Whereas in Germany, legal changes in only one area of administrative law may require widespread adjustments in other areas as a result of the comprehensiveness of the legal system, the legal system in Britain allows more flexibility. Given the lower level of legal codification, administrative reform attempts require less comprehensive and encompassing efforts.

Finally, the lack of a rigid institutional backbone to the British administration is a consequence of the particular patterns of administrative structure and organisation. In the German case, we have identified two organisational patterns which contributed to the stability of its administrative structures, namely the existence of a highly-differentiated, but tightly-coupled, administrative structure at the regional level, as well as the absence of coupling between the administrative structures at the federal and regional level. Neither characteristic is found in the case of Britain, hence reducing the institutional stability of administrative arrangements.

On the one hand, the organisation of the public administration evolved on *ad hoc* basis and only to a limited extent reveals patterns of a comprehensive and

systematic structure. Despite highly differentiated and complex structural arrangements, we find tight links between different administrative units neither at the central nor at the local level (Page 1992, 57). On the other hand, there is a stronger coupling – at least potentially – between administrative structures at the central and at the local level. In view of the constitutional inferiority of local government, local administrative structures can be easily changed by the central government, notwithstanding the traditional separation between central and local government. Although the local authorities enjoy considerable freedom with respect to their day-to-day activities, their organisation, structures and competencies are basically contingent upon the decisions of central government (Rhodes 1991).

The limited constitutional, legal and structural entrenchment reflects the conception of the British administration as a flexible system which is subordinate and instrumental to political requirements and priorities. This impression is further confirmed when considering the bureaucracy's position in the policy-making process.

Contingent Power: The Political Influence of the British Bureaucracy

At first glance, one would hardly find any major differences with respect to the political influence of the German and British bureaucracies. As with the German ministerial bureaucracy, the British civil service is well known for its rather political role. Moreover, as a result of the limited role of detailed legal rules, the British administration enjoys considerable autonomy during the stage of implementation. However, the picture looks quite different if we consider the sources of administrative influence in each country; i.e., the institutional foundations of bureaucratic power. The political power of the British bureaucracy is actually defined by its political leaders, and hence politically contingent, while the autonomy of the German administration means that bureaucratic power is functionally necessary and therefore politically unavoidable. To elaborate on the specific factors defining the position of the British administration, we have to consider more precisely its role in policy formulation and implementation.

Separate Spheres: The Crucial Difference Between Politics and Bureaucracy

The fact that the political influence of the British bureaucracy during the process of policy formulation is contingent rather than absolute depends on one crucial characteristic that distinguishes the British bureaucracy from the German one: the separation of politics and administration (Heady 1979, 204; Campbell/Wilson 1995, 14). In contrast to the German constellation of overlapping spheres, the main characteristic of the British system are the caste-like differences between politicians and officials (Bulmer 1988, 47). It is exactly this remaining distance between both spheres that provides political leaders with sufficient independence to define the political weight of the civil service.

To be sure, this separation is not at all obvious, as the role of the British civil service is essentially a political one. Notwithstanding the emphasis placed on a non-partisan, permanent civil service, the Whitehall model demands not that civil servants be non-political but that they be politically promiscuous (Rose 1987). In fact, many of the classical activities of the civil service are essentially political in the context of the British system, as the higher civil service in Britain has always worked in a situation where the need for highly technical ability has been low and the demand for politically attuned advice high and frequent (Campbell/Wilson 1995, 29). From this perspective, British civil servants potentially constitute an even more independent source of political influence than their partly politicized German counterparts. The picture is reinforced by what Heclo and Wildavsky (1974) called "village life in civil service society", referring to the goldfish-bowl like world in which officials work in close co-operation with ministers, insulated from public scrutiny.

The fact that a politically powerful civil service was always an important characteristic of the British political-administrative system does not automatically imply, however, that the degree of this influence was absolute. Thus, especially the Conservative governments under Thatcher and Major demonstrated that political influence is nothing to be taken for granted, but is contingent upon the preferences of political leaders.

While previous political leaders almost exclusively relied on the political advice provided by the civil service, in crucial areas this factual advisory monopoly has been broken from 1979 onwards. On the one hand, this move away from dependence on bureaucratic advice becomes evident by the increasing reliance on "think tanks" (Stone 1996). A further instrument which reduced the influence of bureaucratic advice can be seen in the creation of a politicized counter-bureaucracy, including a small group of external advisers in foreign and economic policy as well as the Policy Unit (Campbell/Wilson 1995, 295). Although bureaucrats still play an important part in policy-making, this part has been reduced in order to make room for politically sponsored policy entrepreneurs and analysts. Accordingly, the role of the civil service tended to shift from advising the minister to implementing ministers' wishes (ibid., 65).

The main reason for the government's ability to independently modify the political role of the civil service lies in the fact that - despite the close co-operation between ministers and civil servants - both professions remained within separate careers and role understandings. There never existed any interlinkage between the two spheres of politics and administration, as is the case in Germany. This distance allows the politicians to decide to what extent they rely on the neutral and loyal advice offered by their civil servants.

The maintenance of a completely separated system is facilitated by several factors, namely the civil servants' generalist rather than specialist background, the high internal mobility of the civil service as well as the minor importance of procedural and technocratic knowledge in policy-making. These factors indicate that the advice that is required from and provided by the civil service can be more easily

substituted by other sources, given its more political and general character. There is a lower potential for the bureaucratization of politics and therefore a lower requirement to counterbalance this trend by politicizing the bureaucracy (Campbell/Wilson 1995, 297).

The Long Shadow of the Centre

The political power of the British bureaucracy depends on the preferences of its political leaders not only during the process of policy formulation, but also when it comes to the implementation of these policies. This is to be explained against the background that, as opposed to the federal division of labour in Germany, overall responsibility for policy formulation and implementation lies with the central government. All administrative units involved in policy implementation, either at the national or local level, insofar act as agents of central government. There is no constitutional guarantee with respect to administrative structures and the allocation of administrative competencies between different authorities and levels of government (Rhodes 1991, 85). Notwithstanding the far-reaching leeway that implementation authorities generally enjoy in the absence of detailed legal guidance and control, this autonomy has to be seen in the context of the government's potential to easily intervene into existing structures and arrangements. Hence, assuming corresponding preferences of political leaders, subsequent authorities have limited opportunities to influence administrative reform programmes during their implementation.

Administrative Reform in Britain: Innovation "From Outside"

The assessment of the institutional factors defining the capacity for administrative reform in Britain indicates a far higher potential for comprehensive and dynamic changes as is the case in Germany. Taken together, these factors contribute to the picture of an instrumental bureaucracy in the sense that its structural, procedural and political autonomy is defined by the political sphere. The power and stability of the British administration is therefore contingent upon the preferences and commitment of its political leaders.

It is on the basis of this argument that we are able to account for the varying impact of various "reform waves" on the British administration, which – when considered in isolation – would indicate a rather contradictory picture of administrative reform capacity in Britain.

On the one hand, and similar to Germany, the ambitious technocratic reform attempts from the late 1960s onwards led to only incremental changes in the British administrative system. The most important developments occurred at the level of local government, where - for similar reasons as in Germany - administrative structures were rationalized in the early 1970s (Greenwood/Wilson 1989, 143). Other attempts to modernize the administration, including the 1968 proposals of the Fulton Report to rationalize the activities of central government

by introducing new management techniques and the creation of specialized sub-departmental implementation agencies, however, were only partly implemented by subsequent governments (Campbell/Wilson 1995, 43-5). Given the limited commitment of the then political leaders to make use of their capacity to actually put through more fundamental changes, the civil service was capable of resisting most of the reform initiatives (Kingdom 1989, 23). In contrast to Germany, administrative persistence was not the result of an autonomous bureaucracy, but of lacking political commitment to redefine the basic principles of an instrumental bureaucracy.

The instrumental character of the British bureaucracy became more obvious with the emergence of the strong political commitment to public sector reforms by the take-over of the Thatcher government in 1979 (Rhodes 1997). To improve efficiency and the effectiveness of the public sector, policies concentrated on three issues; namely, privatization, management reforms and administrative reorganisation; with all of these elements putting potential challenges to existing administrative traditions[10].

An initially tentative and low-key programme of privatization beginning in the late 1970s developed into a massive transfer of public utilities into the private sector. Along with privatization came the growth of a new “light rein” style of utilities regulation by separate agencies operating independently of governmental control. Referring to public sector management, policies included the introduction of private sector management concepts, contracting-out and competitive tendering of public services, as well as the establishment of a 'consumerist' programme aiming for transparency of administrative service provision and operation by the 1991 Citizen's Charter. Fundamental structural changes were introduced with the Next Steps initiative. It implied the creation of semi-autonomous agencies responsible for operational management, separating these management functions from policy-making functions which remained the responsibility of the relevant departments. At the local level, the existing system of uniform and inclusive local authorities was steadily changed by restructuring and centralization processes (cf. Rhodes 1991, 1996; Pollitt, 1993; Hood 1995).

[10] It is not the intention of this section to document the nature of UK public service changes over that period in fine detail, since most of them have been described and commented on elsewhere (Pollitt 1993; Hood 1995; Stewart/Walsh 1992). Rather my concern here is to elaborate on the impact of these reforms on well-established administrative principles. Accordingly, the content of the main changes involved is given only a relatively compressed and allusive treatment.

These developments in the British public sector implied fundamental departures from what previously had been considered as core characteristics of the British administrative system. As a result of the establishment of performance-oriented regimes and the creation of independent and semi-autonomous regulatory agencies, we saw a shift toward more formal, legalistic and open patterns of administrative interest intermediation. A tendency towards formalism and legalism can also be observed in the contract-like relations between executive agencies and their sponsoring department.

Moreover, the emphasis placed on output and performance favours the emergence of more substantive, rather than purely procedural, patterns of administrative intervention, hence reducing the scope for administrative discretion during policy implementation (Stewart/Walsh 1992, 507). This is further enhanced by the value asserted to a managerial and specialist perspective in the running of the agencies, which contrasts with the tradition of generalism, amateurism and pragmatism that had dominated policy implementation previously (Ridley 1995).

Finally, both privatization and agencification have far-reaching structural implications, leading to a "trimmed down" but increasingly fragmented public sector. While only policy formulation and co-ordination remains within the core of a strongly-reduced political-administrative system, policy implementation and the provision of public services are contracted-out to a broad range of executive agencies and private organisations (Rhodes 1997).

To be sure, many commentators emphasize that the reforms in Britain should not be exaggerated (cf. Jenkins 1993, 95; Rhodes 1997). Thus, we can still observe many patterns reflecting traditional patterns of administrative arrangements. Concerning the tendency towards opening-up government, for instance, transparency is restricted to "low politics"; i.e., to areas where it serves the public choice perspective of "consumerism" (Tant 1990). In addition, it is still open to question as to what extent the creation of semi-autonomous agencies reduces the scope for the traditional politics of central (departmental) control (Massey 1995, 12-3). But even when accepting the view that administrative change in Britain reflects no complete departure from past traditions, the reforms significantly altered the context in which the British administration operates. Notwithstanding the question of whether the reforms will work as they were intended or not, the scope of the changes has crucially modified the basis for administrative activity in Britain. As pointed out by Campbell and Wilson (1995, 301), "they changed the structure of the Whitehall game".

In conclusion, the review of recent developments in the public sector reveals the high structural potential to reform administrative structures and practices given in Britain. This is to be understood against the background of the powerful position of central government within an integrated system, the low institutional entrenchment of administrative structures and procedures, as well as the contingent rather than absolute influence of the bureaucracy in the policy-making process. In view of these conditions, the position of the administration within the British political system is instrumental rather than autonomous. Sufficiently committed

political leaders face hardly any constraints in order to put through potential reform initiatives. Of course, this does not automatically imply that national administrative traditions are completely overthrown and revised in the light of changing political interests and strategies. However, there is a much higher capacity for dynamic administrative developments as is the case in Germany.

5 Conclusion

Notwithstanding an ever growing body of literature on administrative reforms in the context of deregulation, privatization and new public management philosophies, studies either focus on individual countries or emphasize common tendencies in all countries; hence providing little systematic insights into the evaluation and explanation of administrative change from a comparative perspective. In the light of this deficit, it was the aim of this article to develop an analytical concept for explaining cross-national variances in patterns of administrative development.

To account for the differences in the scope and mode of administrative reforms across countries, the concept of national administrative reform capacity was developed. I argued that the potential for reforming different administrative systems is basically dependent on the general institutional context in which these systems are embedded. Against this background, three categories were suggested in order to operationalize the concept, namely the strength of executive leadership, the institutional entrenchment of administrative structures and procedures, and the influence of the bureaucracy on policy formulation and implementation.

On the basis of these criteria, two ideal type constellations of administrative reform capacity and corresponding patterns of administrative development were identified: the type of autonomous administration, where administrative change basically follows the logic of incremental self-adaptation as a result of low reform capacity, and the type of instrumental administration, where high reform capacity provides the basis for more comprehensive and dynamic developments in the light of political preferences.

The illustration and evaluation of the above argument by a systematic comparison of administrative reform capacities and administrative changes in Germany and Britain suggests that the concept of administrative reform capacity provides a useful indicator to explain and predict differences in the scope and mode of administrative change across countries in the light of convergent pressures for reform. Although the concept allows neither for predicting the timing nor the concrete content and direction of administrative reforms, it indicates that the administrative development in different countries may be characterized by varying dynamics, given the varying structural potential for administrative reforms.

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