German Public Administration: Weberian Despite "Modernization"

The German administrative system is part of a republican polity whose characteristics are a federal division of powers between national and 16 Land (state) governments, a parliamentary system of government and the concept of Rechtsstaat (Article 20 of the Basic Law); the latter implies that all executive power and administration are bound by law, in particular when interfering with individual basic rights, that all public power is subject to judicial control with citizens having access to the system of constitutional courts (federal and Land) and special administrative courts of justice. Furthermore, a professional civil service is constitutionally guaranteed as an institution (Article 33, especially Section 5).

In section 1 the resulting macro-structure of the bureaucracy will be outlined, both in terms of the federal distribution of policy-making competence and the structure of administrative authority. Section 2 deals with the structure of the public service. Section 3 will address the relationship between politics and administration with respect, in particular, to the functional involvement of the ministerial bureaucracy in federal policy-making and its political control through personnel policy. On the background of this structural-functional outline of the executive branch (Derlien, 1994), which evolved since 1949 in western Germany with deep roots in the 19th century, administrative reforms during the last 40 years will be assessed. The argument here is twofold: national unification in 1990 through the accession of the eastern German Democratic Republic resulted in an extension of the western system to the eastern part of the country, thus constituting an administrative revolution there and a re-affirmation of the west German constitutional and administrative model (section 4). Nevertheless, prior to this historical transformation of a formerly communist country as well as in the 1990s Germany responded to international waves of administrative rationalization, albeit in a peculiar incremental way, owing to the strong decentralization of organization and personnel powers imbedded in federalism. Consequently, the recent wave of New Public Management (NPM) reached Germany basically at the level of local government. NPM reforms are motivated by the
imperative to economize due to the tremendous fiscal burden of unification (section 5). However, in view of the persistent core traits of the executive branch of government, administrative reforms in general and recent NPM modernizations in particular are but micro-adjustments of a system whose rationale, according to Max Weber, is its drive to increase formal rationality of governance anyway - whether this is achieved by increasing effectiveness (as in the 1970s) or by economizing (as presently), depends on the fiscal situation of the state; even redrawing the borders of the welfare state by curtailing policies and services does not affect the core organizational and personnel structures as fundamentally as NPM did in the Anglo-Saxon world.

1. Structural Overview
In addition to being a federal system, local governments, although constitutionally part of the individual Länder and in their formal structures devised by them, are granted autonomy in regulating local affairs within the confines of federal and state law (Article 28 Section 2 Basic Law). Autonomy extends to organizing and staffing local authorities. Although this decentralized system favors a high degree of variation of formal structures between units on the lower levels of government, there has developed a trend to harmonize not merely special substantive Länder policies but also the structural multiplicity. Furthermore, with ever more policy-making competencies being shifted onto the European Union level, the German polity is actually embedded in a four-tier system, with Brussels relying on the national implementation structure outlined below.

Federal Distribution of Policy-Making Competences
In principle, federal government and Länder are independent of one another. Jurisdictions are neatly separated leaving the Länder basically cultural affairs (universities and schools, which are almost entirely public), the police, the judicial and prison system and administrative organization. The federal government, with a few exceptions (foreign service, military, customs, major water ways, labor administration), has no field offices of its own but completely relies on the Länder (and local governments) for the execution of federal policies. Thus, besides legislative dualism there is a functional division of labor between federal and Land governments. While the Länder governments (and not elected senators as in the U.S.) are involved in federal legislation and even have a veto in the Federal Chamber when a law has implications for administrative affairs, the federal government is entitled to legally supervise the implementation of federal laws by the Länder. This pattern of cooperative federalism has though not prevented
that in the course of time more and more policy areas became regulated by federal legislation. Owing to so-called competing legislation, which after 1949 left rule-making to the Länder as long as Bonn could not take initiative, federal legislation by the 1960s superseded Länder competences in many policy areas, in particular in the area of taxation. Further, constitutional reforms in 1969 entitled Bonn to frame-legislation (e.g. in university matters or civil service regulation), and so-called joint-tasks of federal and Länder governments were institutionalized (Article 91a, b Basic Law): basic research, educational planning, university construction, regional economic policy as well as agricultural policy and coastal protection measures are jointly planned and co-financed. This blurring of formerly clear-cut jurisdictions attracted criticism, be it that a lack of central control is complained due to "decision-making traps" (Scharpf et al., 1976), be it that the development is assessed as a "unitary state in disguise" (Abromeit, 1992).

The extent to which local governments can engage in self-administration by, for instance, launching recreational or cultural projects or improving the quality of local roads, depends crucially on the revenues available to them. Local governments are notoriously fiscally squeezed by ever more public tasks transferred from higher levels, which they are obliged to implement on behalf of "the state". However, there is a complicated system of Land subsidies to local governments quite as the federal government may pay subsidies to a Land; in addition, there is a system of horizontal revenue sharing between the rich and the poor Länder that, as some argue, is a disincentive for competitive federalism and poses an obstacle to a fusion of small, poor Länder with larger neighbors.

Vertical Administrative Structure

The federal level of the German administration is constituted by 15 ministries and 18,000 civil servants and public employees (1998) in Bonn, of whom the ten most important ministries with 10,000 posts shifted to Berlin in 1999. Federal non-governmental institutions, some 50 quasi-autonomous governmental and 250 quasi-autonomous non-governmental organizations (predominantly mandatory social insurance authorities) as well as the five federal courts of justice, the army, and the semi-autonomous labor administration have traditionally been distributed throughout the country quite like the railways system and postal and telecom services before their (formal) privatization since 1993. Therefore, those parts of NPM that aim at decentralization in unitary states or at agencification as in the UK are irrelevant in the case of Germany.
The eleven western and five new eastern Länder, each a parliamentary system of government too with roughly 8 ministries, are of different size, ranging from the city states of Berlin, Hamburg and Bremen to larger territorial units like Bavaria, Baden-Württemberg, Lower Saxony or Brandenburg. Already in 1969 it was considered to merge some of the western Länder to make them economically and fiscally more powerful and less dependent on grants of the federal government or horizontal revenue sharing between the Länder. These arguments were raised again in 1990, because they even more apply to the eastern territories that, owing to their feeble economy, depend strongly on fiscal transfers from the West. The argument for restructuring the Länder has also gained salience in view of European Union and the need for a strong regional level in the EU, which in the German case are the Länder.

Most of the territorial states established regional administrative bodies (32 so-called "Regierungspräsidium"). According to the German tradition of giving territorial specialization superiority over functional specialization, these regional authorities are to coordinate sectoral ministerial Land policies in their respective area. Apart from comprehensively implementing government policy in a region, theirs is also the task to supervise counties and cities as to the legal aspects of their autonomous operations and with respect to substantive aspects where local authorities carry through programs "on behalf of the State", i.e. are implementing federal and Land programs. Beside the hierarchy of general (ministry of the interior, regional authorities, and local government) administrative offices, there are specialized Länder authorities down to the county level. These are predominantly concerned with tasks involving scientific expertise (e.g. in environmental affairs, mining, forestry or health).

The local government level consists of 116 cities and 329 counties, to which belonged in 1996 14,500 communes or townships; small local governments in the country-side, furthermore, are often organized in general purpose associations. As can be inferred from Table 1, local government units in the new Länder, thanks to a less painful process of amalgamation than in the West (1964-78), are considerably smaller than western communes.

((Table 1 about here))

Thus, the administrative structure is characterized by a high degree of geographical, vertical and horizontal differentiation requiring coordination activities or integrative mechanisms to prevent fragmentation. Traditionally, these are seen in formal institutions like the administrative hierarchy, conferences of Länder ministers, joint federal-Länder committees, and the Federal
Chamber. Federal and state parliaments as well as local councils and the respective political party organizations complement the system by providing a *political parallel structure*. In fact, the major political parties are one of the basic informal integrating forces in the vertically and territorially differentiated system.

**Personnel Allocation to Policy Areas and Levels of Government**

A rough indicator of the relative importance of public tasks is their share of the 5.3 million (1996) employed in the public service (Derlien et al., 1998). As in most OECD countries, school and university *education* (32 percent) is by far the most important task-area (Graph 2). A German particularity is the *general administration* category (13 percent) that includes personnel in the core administrative units depicted in the previous section as well as the foreign service (federal) and the revenue offices (Land). In third place is the health sector (9.7 percent), followed by police (8.5 percent).

Personnel is allocated in different measure to the levels of government in the federation. The Länder are in control of education, police, general administration and the judicial system. The federal government, starting as the biggest employer in 1950 (40 percent), had fallen into third place by 1996 (13.4 percent) after the accession of the eastern Länder and after privatization of federal postal offices and the railways. With 50.5 percent of public employment the Länder are presently the largest public sector employer, followed by local governments with 36 percent.

*Personnel management* in Germany has always been decentralized onto the three tiers of the federal structure; each Land and local government is autonomous in recruiting and promoting personnel. Furthermore, government departments at the federal and Land levels are autonomous, too; what NPM is suggesting has been the rule in Germany for a long time. However, all levels and departments are operating within a common legal framework of federal civil service frame legislation, federal salary law and centrally negotiated work and wage conditions for employees and laborers. In other words: while micro-management is totally decentralized, there is a national framework. The ministries in charge of drafting, negotiating and adjusting this framework are, at federal and Land levels, the ministries of the interior, and local governments act through their associations in ministerial and parliamentary hearings as well as in the annual national public service employer negotiations with the unions.

2. **The Structure of the Public Service**
The German public service, 5.3 million in size, is differentiated in many ways; beside distribution by level of government and policy area, the most important features indicate a social differentiation: by different legal status and by career groups. Furthermore, representativeness, in particular composition by gender is to be inspected in this section.

**Public Service Size**

Between 1950 and 1990, total employment increased by 115 percent, with the highest growth rates during the decade 1950-60 (38 percent). After national unification in 1990 another 37 percent increase occurred; by 1996, the population ratio was back though to where it was in 1970 (6.4 percent) or 64 public servants per 1000 inhabitants. As a percentage of the labor force, public employment moved between 16 and 17 percent since the early 1970s, with a short-term increase after unification and considerable downsizing after the privatization of federal public enterprises in 1994/95. Thus, the German public sector, despite its almost 50 percent share of GNP, is smaller in terms of its labor market share than public services in the Scandinavian countries, France or Britain; in fact, it is not larger than the U.S. public sector (Derlien and Peters, 1998).

Total public service growth conceals a substantial portion (20 percent) of part-time employment in the public sector that has emerged since 1950. It was always most widespread at the local and state levels, for education, social and health care are the preferred task areas for part-time employment (Derlien, 1999). The Graph outlines the structural dimensions and the proportions between sub-categories of the public service system (1996) that are to be inspected more closely.

(((Graph 2 about here)))

**The Dual Structure of the Public Service**

There are two classes of public servants: those with the traditional public law status of civil servants and the historically more recent group of those working under private law contracts, (blue collar) laborers and (white collar) employees. Civil servants, however, are not limited to the administrative elite like in Britain nor are they equivalent to the (grand) corps in France; civil service status also comprises, for instance, policemen. Civil servants, like in Weber's ideal type of bureaucracy, are recruited for a succession of increasingly demanding jobs (i.e. a career); they are professionally trained and promoted according to the merit principle, their sala-
ries are legislated and they must not go on strike; also they are granted life-long tenure. Furthermore, their pensions and health care costs are paid from public budgets and not from insurance funds.

Positions that are defined as entailing authoritative acts (interfering with basic rights) in the law and order branches, e.g. police and revenue service, and leading positions must be staffed with career civil servants (Article 33 Section 4 Basic Law). Employees are predominantly found in social and health services, in research institutions and in clerical functions, and laborers are doing physical work, e.g. in local waste disposal. For these groups job staffing is typical, thus they cannot expect promotion and they, in principle, can be laid off; their wages are negotiated. However, there is a problem: employees are often working in jobs that imply authoritative acts and thus should be carried out by civil servants. On the other hand, in the state-operated education system, teachers and professors have civil service status, too, although (apart from examinations) they are not acting in an authoritative capacity. Granting teachers and professors civil service status is a historical relict from the 19th century when all public servants had civil service status. Employees only turned up in the course of developing the welfare state.

In 1996, there were, including the new Länder, 1.9 million civil servants of federal, Länder and local governments (36 percent of the entire public service), 2.5 million public employees (48 percent), and 837,000 thousand laborers (16 percent). The latter two groups are characteristic of the personnel structure of Länder and local governments.

Unification with East Germany was bound to bring about frictions when the eastern unitary state service was transferred into the dual structure of the western system: many of them did not meet qualification requirements like juridical training for higher civil service positions or were too old for entering a civil service career. Thus, most of them remained in public employee status and increased the share of that status group by 11 percent since 1989; concomitantly, the relative civil service share decreased from 44.6 percent in 1989 to 36 percent in 1996. Privatization on all levels of government lead to a reduction of the number of laborers by 6 percent since 1989.

Civil servants are dominating the personnel structure of federal (in particular since 1994) and Land governments (education, police, general administration). Local government personnel consists, first of all, of employees and, secondly, of laborers (see Graph).
This dualism of the German public service as well as the classification of education personnel as civil servants is not undisputed. In 1973, an unsuccessful attempt was made to create a uniform public service, be it by extending public law status to all groups, be it by changing the constitution and abandoning the special status of the civil service. However, the two-third majority necessary for constitutional amendment was not available, thus the differentiation pertained. Today, critics are first of all worrying about the pension load conferred onto future budgets and try to limit civil service status to "core" public task areas.

The Civil Service as an Institution

The institutionalization of a professional civil service in Germany can be dated back to the codification in 1794 of the Prussian "general law" (Allgemeines Preußisches Landrecht), a sort of constitution, which specified the duties and rights of the king's servants, redefined their role though as public (and no longer personal) servants and established labor relations with "the state" in terms of public law; this entails that disputes are settled in administrative courts of justice. With variations among the German principalities, it took yet another 30 years, before additional essential features of the professional civil service, as we know it today, had developed, in particular till safeguards against arbitrary dismissal were legislated in Prussia in the civil service disciplinary code (1823) and thus de facto life-long tenure was granted. Also, pension rights were guaranteed (1825) and access to the civil service was regulated, specifying university training for the higher civil service. In 1873, after the foundation of the second German Reich, an imperial civil service code for the emerging central offices became law, which was largely based on the Prussian codifications. Just as the Prussian civil service code had survived the 1848 revolution, the 1918 revolution not only preserved the professional civil service as an institution, but even granted it constitutional status. This tradition of the first German republic was revived, when Article 33 Section 5 of the 1949 federal constitution stated that the civil service should be regulated according to its "traditional principles", which implies the principles valid in 1919 and even in 1873.

These traditional principles making up the allegedly privileged civil service status are:

- Guarantee of the institution of the civil service as such; unilateral regulation of status and salary by law as well as appointment by authoritative act and not through a contract; some restrictions on basic rights (e.g. the right to go on strike, the right to protect one's life: police).
- Protection and support by "the state", which entails among other things that civil servants' pensions and health care are paid out of taxes (as opposed to public employees and laborers, who are contributing to the general social insurance system).
- Obligation of the civil servant to devote his or her full work capacity to "the state" without engaging in additional professional activities or going on part-time. Salaries are not regarded as payment for work done but as a contribution to allow for a living standard adequate to the status of the official.
- Duty of political loyalty to the constitution and to observe party political neutrality when in office; furthermore, political self-restraint in public. Deviations from civil service duties are sanctioned according to a disciplinary code and in separate court procedures. Private conflict with the law can condition disciplinary reactions.
- Legal protection against the state as employer by access to administrative courts.
- Co-determination/representation of interest (hearing rights) in the agency (since 1959) as far as organizational and personnel affairs are concerned.
- Professional training; achievement principle in recruiting (according to education certificates) and promoting.
- Career system (as opposed to job staffing for employees) and lifelong tenure; automatic salary increases every two years as a loyalty premium, independent of promotion and periodic salary adjustments.

The successive historical steps lending the institution of the civil service constitutional quality are an extremely strong safeguard against basic reforms. Therefore, the German civil service is very unlikely to be as easily remodelled by executive order as in the USA or under crown prerogative as in Britain. Civil servants and their association tend to defend this special status, although it is difficult to detect the rationale behind this attitude; for public employees are enjoying similar job security (after 15 years) and equivalent monetary rewards (although differently calculated because of their obligation to contribute to social security funds). Furthermore, many of the specific duties not mentioned here and even some of the principles can also be found in the code that public service unions negotiated for employees. Thus the civil service served the unions as a model; on the other hand, co-determination through councils in offices and agencies in matters concerning working environment and staffing was taken into the assembly of traditional principles after the public service unions had successfully negotiated for this sort of participation.
Four Career Groups

Professional training, the merit principle and the career system were already reflected in Max Weber’s concept of bureaucracy. There are four categories of public servants corresponding to the hierarchy of educational institutions in Germany and certificates attained there. First, the university trained higher civil service and equivalent employees amount to 17 percent of the relevant 3 million full-time personnel in 1996 (not counting the laborers). While 22 percent of the civil servants are belonging to the highest career group, among the employees university trained personnel (in research agencies and hospitals) amount to only 10 percent. The group below (with A-level certificates, the German Abitur that qualifies for university admission) comprises 34 percent. The next career group roughly corresponds to the British B-level or a US high-school degree; with 46 percent it is the largest career group. The "simple service" comprises those who have completed primary school (Hauptschule) after 9 years of attending; this group, owing to upgradings in the past, has almost disappeared (see Graph).

Each of the four civil service career groups consists of four grades or offices (Amt) that can be reached through promotion. The second and third grades are normally automatically attained after a certain period regardless of performance level; the performance principle, thus, is actually often replaced by the principle of anciennity. Furthermore, as a rule, every applicant has to enter the initial grade in her or his respective career group, irrespective of professional experience gathered in the private sector. Exceptions are, of course, necessary and are made for recruiting experts, e.g. highly qualified chemists for devising environmental protection regulations; these persons would then be accepted to the civil service above career group entry level after approval by the federal or Länder civil service commissions. University training in law of the higher civil service and law-focused (internal) administrative college training of the career group below produce the generalist civil servant with common professional values and skills. It can be maintained that all leading functions in the general administrative branch including the ministries are, as a rule, staffed with these generalist civil servants. Furthermore, generalists are supposed to easily move between branches/departments and levels of government; nevertheless, horizontal and vertical mobility is rather low.

---

1 This uniformity had been criticized by the civil service reform commission in 1973, too. The classical conception is that each rank/grade corresponds to a specific “office” in the hierarchy; also, grades are related to official titles. Empirically, though, offices within career groups and even between career groups are often difficult to distinguish in terms of job requirements. In this respect, the grading system of employees is more precise and elaborate, thanks to union bargaining.
In view of the dual structure and the career group system it might be questioned whether the public service is still held together by a strong *esprit de corps* as it allegedly was in pre-democratic times; nor is it any longer an estate (Berufsstand) as it was perceived in Max Weber's days. A peculiar subjective role understanding might though be found in the highest ranks of the service that are regularly preserved for civil servants; these are responsible for personnel policy and have encounters with the union-dominated councils of their agencies. Also, "class consciousness" as documented in trade union membership varies along status group lines (Ellwein, 1980). It might rather be their function than their legal status that engenders a certain *esprit de corps*.

**Social and Gender Representativeness**

Article 3 Section 2 of the federal constitution prohibits any racial, religious, social, political or gender discrimination in general, and Article 33 Sections 2 and 3 restate the case for access to public office; the only legal selection criteria are feasibility, qualification and performance, a trias often misunderstood: while qualification is documented in educational certificates and performance appraised on a job, feasibility refers to criteria like no criminal record or private debts, physical fitness, constitutional loyalty. Furthermore, the merit principle is counted among the traditional civil service principles. Thus, any lack of representativeness of the public service for the entire population is supposed to be primarily the result of lacking qualification or of self-recruitment processes that make public service or certain areas of it less attractive for parts of the population. None of the potentially discriminating criteria except gender is kept in official statistics; the issue of race in the public service is non-existent and, for historical and constitutional reasons, must not be surveyed. Party membership must not even be asked. The following generalizations are nevertheless possible:

- Because of the career system being geared to school certificates, the social background of the public service in its entirety is representative of the population.
- Nevertheless, owing to self-recruitment and filters in the education system, the middle class is over-represented in the higher civil service.
- There is a fair regional representation thanks to the territorial principle embodied in the macro-structure of the executive branch, and the practice of distributing federal agencies throughout the country responds to the imperative of Article 36 Section 2 Basic Law to adequately represent "all German tribes" in the federal administration.
Due to the accession of the female dominated eastern German public service (60 percent women), public service employment became evenly distributed between the sexes in the 1990s. Female employment increased between 1960 (23 percent) and 1990 (42 percent) but reached parity only in 1994 (49.9 percent). Female employment is most widespread in local government (58.9 percent in 1996) but rare in the federal administration (25.8 percent). Women are over-represented among the part-time employees, making up almost 90 percent of total public part-time employment. Women dominate the group with employee status (68 percent), but only 34.5 percent of civil servants in 1996 were female. This uneven distribution among the two status groups (see above) in the public service can be explained by the following recruitment patterns.

Female employment is linked to policy areas; in 1996, women were overrepresented in social services (69.7 percent), the health services (67.7 percent), in education (62.6 percent), and the semi-state social insurance system including labor administration (59.3 percent). This over-representation might be the result of job preferences and thus of self-recruitment. Reversely, women are underrepresented in the authoritative state sectors like the civilian military (15.2 percent) and the police (25.1 percent) where civil service status is imperative. In this case, a selection criterion enters: as women tend to prefer part-time jobs, the "traditional principle" of full devotion to work, interpreted as full-time, tended to bar them off. Third, in general administration and in legal services female employment was 51.8 and 50.2 percent, respectively; here, clerical jobs allowing part-time work, employee status and lower qualification requirements are safeguarding a balance of the sexes.

Although the public sector is heavily female, the relative position of females in government employment is not as positive. Despite equal opportunity measures since the 1980s, women hold relatively fewer positions at the top of the civil service. By 1996 though, women had increased their portion of the higher civil service to 29.6 percent, starting from 12.1 percent in 1960. Since women started to enter the system of higher education in larger numbers in the late 1960s, their share of top positions is gradually increasing, with a time lag of some 20 years, i.e. the normal duration of this "march through the institutions". Unsophisticated scholars tend to interpret statistical underrepresentation as the result of intentional discrimination. Careful statistical analysis and taking into account self-recruitment and positive selection criteria can protect us against biased perception.
The Administrative Elite

After the second world war the so-called monopoly of jurists was re-established; in the early 1970s, influenced by the Fulton report in the U.K., the notion began spreading that leading civil servants were not adequately prepared for management functions implied in their job. This led to accepting also economics and social science degrees as general entry qualifications equivalent to a law degree - at least for the federal higher civil service and some of the Länder. After 1966 the share of economists in the federal administrative elite steadily increased up to roughly 15 percent. Nevertheless, jurists still are the backbone of the higher civil service. Law also is the subject most often studied by government ministers (Derlien, 1990).

Ideal-typically, a future top administrator enters the civil service immediately after university without delay in other labor market sectors and advances on the career ladder without intersectoral or even interagency mobility. These uninterrupted civil service careers (including though mobility between Länder and federal bureaucracy) were found in 1983 in 53 percent of the post-war administrative elite; another 18 percent were civil service careers deferred by up to four years after leaving university, and 30 percent had gone through mixed external (more than 4 years) and internal careers. Law training often coincided with uninterrupted internal civil service careers (71 percent); economists in the administrative elite are more often characterized by mixed careers. More important than this structural relationship is the developmental pattern behind these aggregate data: uninterrupted civil service careers have become the exception among younger generations of elite civil servants. Within the overall civil service system of federal, Land and local governments, mobility is relatively high. Thus, on average, elite bureaucrats start an uninterrupted career in a federal ministry only at the age of 43 years.

Although in Germany there is no center for educating the administrative elite like the ENA in France or Oxford in Britain, law training in the universities, regulated by federal law, provides for an abstract elite (Dahrendorf). The curriculum for judges, state attorneys, barristers/solicitors as well as for the higher civil service is the same throughout the entire university system, thus providing a high degree of uniformity of training and - it may be assumed - a common basic role understanding of all law professions and the higher officials in all branches of government and on all levels of the administrative system.

3. Policy and Politics in the Federal Bureaucracy
In his political writings before 1918, Max Weber emphasized expertise as the essential power basis of modern bureaucracy. His was concern about the German Imperial bureaucracy becoming politically self-controlling from parliament and political leadership. Furthermore, by drawing a distinction between policy expertise (*Fachwissen*) that, in principle, is publicly available in libraries, and office knowledge *that is accumulated during the career and often not found in the records*, Weber pointed at the limits of parliamentary oversight instruments like enquête commissions. This informational imbalance at the core of the principal-agent problem leads to inspecting the role of the ministerial bureaucracy in the policy-making process. During the pseudo-constitutional monarchy of Weber's days the self-ascribed imaginary neutral, non-partisan and universalist role understanding of bureaucrats (Caplan, 1978) might have supported the system of domination by officials (*Beamtenherrschaft*), which Weber complained about (Weber, 1918). Although politicians have become more professionalized and parliaments better staffed since Weber's days, party politicization is still a universal political control strategy of the bureaucracy (Derlien, 1996). However, political patronage invokes a goal conflict between preserving expertise and, on the other hand, securing political responsiveness to leading politicians. The following paragraphs are to inform about politicization of German public administration. It is useful to distinguish functional and party politicization.

*Functional Politicization*

As Loewenberg (1967) already stated, both German legislative organs are far less a center of legislative proposals than is the executive branch of government. With some variation over time, since 1949 the federal government initiated 59 percent of all legislative proposals and even 76 percent of all bills that became law; in other words, 85 percent of all government bills were successful and passed the legislative process.

A good deal of what a German federal ministry does - apart from policy implementation and control of the implementation process - is devising new policies and programs, which often are legislated in Germany. Whether these new policies are innovative or incremental and pre-programmed by previous decisions, the initiatives for dealing with a problem, defining it and devising (alternative) ways to solve it, often originate in the operative sections at the bottom of the ministerial hierarchy. Of course, to a certain degree the decision-making process is fuelled by problems and policy proposals from party and election programs; but even government declarations represent a mixture of political initiatives and bureaucratic suggestions (Böhret,
1979). In any case, central political initiatives as well as decentralized bureaucratic proposals have to be mediated into the operating units and onto the political layer, respectively. Gearing both sides to one another is basically the function of the two top administrative levels in the hierarchy. For top civil servants this means operationalizing policy goals, specifying the (basically normative) decision premises, and anticipating constraints as well as political feasibility. Once the draft is approved by the minister, formal hearings of interest groups begin. The political stand of the government factions is usually anticipated by top bureaucrats. After inter-ministerial coordination supervised by the chancellor's office, a draft finally reaches cabinet and is formally approved as a government bill to be submitted to the federal parliament (Bundestag) and the Länder chamber (Bundesrat).

Matching political preferences and administrative professional and procedural expertness requires vertical communication. The process of adjusting normative and factual decision premises is a dynamic, iterative process (Mayntz and Scharpf, 1975, 100) and not adequately depicted in the mechanistic model of hierarchical top-down decision-making and bottom-up reporting. Whereas entire divisions in a ministry may work on auto-pilot (Rose, 1985, 3), there are issues of particular political attention, for which the minister is held accountable, with which he identifies, and in which he wants to become renowned as a competent policy-maker. Thus the intensity of communication between division heads and minister will increase.

The major formal instrument of parliament to extract information from the executive branch for oversight purposes are so-called minor and major questions. The latter concern the assessment of an entire policy area and are composed of up to 100 specific questions; they are prepared by the ministries, answered by cabinet and debated in plenary sessions. Minor questions are rather issue specific, are answered by the responsible minister and not discussed. Questions (submitted in writing, too) for question time concern specific events; if referring to constituency matters they are answered in writing. These oversight instruments are overwhelmingly used by the opposition parties. Although the ministries are frankly responding even to informal opposition questions, all actors in Bonn agree that the opposition is informationally disadvantaged compared to the government factions. The control problem, thus, shifts from parliament as such to the coalition faction and again to the coalition leadership and ultimately arrives in

---

2 Land ministries are less strongly involved in policymaking, but purview of implementation agencies including local government is more important.
the executive branch itself: do chancellor, cabinet and individual ministers effectively control the ministerial bureaucracy?

Altogether, parliamentary political control is bound to remain selective as the roughly 660 MPs and their 2,350 administrative and academic staff are facing 18,000 bureaucrats in the ministries. In judging the total control capacity one must not forget though the other external control agents: constitutional and administrative courts, the federal court of accounts, Länder bureaucracies, the media and 4,000 interest groups organized on the federal level - actors who also form the political environment of the executive.

Party Politicization

The clear-cut distinction between the tenured, professionally trained, appointed, and salaried full-time civil servant, who went through a career to the top of the administrative hierarchy and the elected, transitory amateur as his political master does not hold any more. Both groups of politico-administrative actors have become assimilated, since politicians, as Max Weber had observed, tended rather to "live from politics than to live for politics". To the extent that the notion of linkage rather than separation of powers is more apt, we notice that the actual threshold between politics and administration is located somewhere below the institutional borderline; the exact demarcation depends on the extent subjective role understanding is political rather than bureaucratic and political criteria are applied in staffing these positions.

Despite the performance principle in recruitment and promotion, informal political streamlining of the ministerial bureaucracy in top positions, best visible after a change in government, has become normal in Germany. The most modest form of gearing top career civil servants to the political requirements of the day is to reshuffle them and bring those looked at with disgrace into politically less sensitive positions. If reshuffling is not possible, new positions are occasionally established and filled with trustees in order to circumvent or control mistrusted officeholders. Another widespread means of political control through personnel policy consists in selective promotion of political trustees. Value consensus between minister and top administrators reduces the need to communicate normative political decision premises. Patronage is not limited to the American "spoils system" but is possible even in a closed career system like the German one. Increasing party-politicization was registered since 1970 (Mayntz and Derrlien, 1989). Among the federal bureaucratic elite, party membership spiraled from 28 percent in 1970 to 37 (1972), 52 (1981) and 57 percent (1987). The rank correlation of frequency of
party membership and position in the hierarchy is a result of selective promotion. Non-party members and those with the "wrong party book" are demotivated as to their further advancement. Paradoxically, even those elite members who are engaged in the ruling political parties complained about increasing party interference in appointments (Mayntz and Derlien, 1989, 397 ff.). As long as party affiliation is treated as criterion additional to professional performance during an administrative career and not as an exclusive criterion of staffing, the historically inherited system of matching professional expertise and political loyalty is not getting out of balance.

Another, even institutionalized possibility of streamlining is the German particularity of temporary retirement of so-called "political civil servants", an institution created immediately after the 1848 revolution in Prussia. Political civil servants can be temporarily retired any time on any grounds without justification. Cases cumulated after the three fundamental government changes the Federal Republic experienced in 1969, 1982 and 1998. In all these instances roughly every second of the 25 state secretaries and every third of the 120 division heads in Bonn were temporarily retired (Derlien, 1988); in 1998 turnover was slightly higher because none of the former coalition parties stayed in government. The other side of the coin, however, is that incoming governments carry on working with the majority of this administrative elite and the ranks below, subdivision and section heads. Furthermore, most of the vacancies are staffed with candidates from within the ministries or experienced officials from Länder governments. At most 10 percent of the new appointments can be classified as outsiders accepted by the civil service commission. This reminds us that "political civil servants" are not defined by the way they are recruited but by the modalities of being put into temporary retirement (hardly ever being reactivated).

Although the majority of the administrative elite perceived their role as rather distinct from that of politicians, the majority in 1987 liked the inevitable political aspects of their job very much (78.5 percent). Nevertheless, higher civil servants ascribe more authority and accountability to executive politicians than they would claim for themselves. Furthermore, working against the political program of a new government is strongly rejected by 80 percent (Mayntz and Derlien, 1989). Consistent with insisting on their professional judgement, remonstrating and, if necessary, asking for a transfer is the fact that the administrative elite reject in their self-assessment the role of party-politician or spokesperson of organized interests, but most
strongly emphasize the roles of expert problem-solver, initiator of new projects and executor of politically set goals. This role understanding goes along with a low level of technocratic thinking (Aberbach et al., 1990). These indicators, thus, suggest that, on the level of subjective role understanding, expertise as the most distinct role characteristic has not suffered from party-politicization.
4. Reunification and Administrative Transformation

East Germany, the former German Democratic Republic (GDR), in 1989/1990 experienced political change of a twofold nature: a silent revolution (or implosion) of the totalitarian political system and, owing to the subsequent unification with the Federal Republic of Germany, the loss of statehood and the adoption of the West German political and administrative system. Bureaucracy played an important role in the unification process (Derlien, 1993). For one, the federal bureaucracy was at its best in drafting the unification treaty. Further, West German administration policy helped creating administrative structures in the eastern part of the country. Blueprints of functioning Western institutions were readily available to fill an institutional vacuum or to reorganize existing structures at the subnational level, as described in section 1. Creating a compatible administrative environment became a prerequisite for socio-economic transformation policies to facilitate - in the long run - "substantive" unification. Central government hardly changed structurally, the most important new agencies were inherited from the last GDR government: the privatization agency and the agency for the protection of the Stasi (state security police) files.

Purge of Administrative and Judicial Elites

Revolutionary purges of the executive elite are normally limited in extent; this is not only the result of lacking political will, purges are also soon confronted with the dilemma of finding competent substitutes. Where can the new bureaucratic elite be recruited from in order to fill the vacancies created by the purge? Max Weber was a sceptic judging from his experience in and observation of the German (1918) and the Soviet (1917) revolutions, respectively, when he stated that, because of its functional indispensability, the bureaucratic apparatus keeps functioning "for the revolutionary forces come to power or for the occupying enemy as it did for the previous legitimate government" (Weber, 1964, 165) "with changing merely the supreme ranks, because this is in the interest of all those concerned - including the enemy himself" (ibid., 727 f.). This proved also to be true after 1989 as far as core bureaucracies including service bureaucracies had to carry on operating unless the entire socio-economic infra-structure was to be jeopardized (Szabłowski and Derlien, 1993).

Contrary to the restoration of the traditional civil service in the West after the catastrophe of the Nazi regime, in East Germany the institution of the civil service was abandoned after 1945 in a revolutionary move and replaced by a uniform system of labor relations. Furthermore, the
notion of neutral execution of office, like the overarching concept of *Rechtsstaat*, was alien to the communist system, while loyalty to the party and explicit partisanship for the case of "the masses" was the ultimate imperative. Like during the Nazi-period, not only was excessive stress put on political loyalty, but also the kind of expertise needed to run a democratic Rechtsstaat was no longer cultivated. In other words: owing to divergent developments in the East and the West over 45 years, Germany for the first time after a regime change in the 20th century was facing the problem of *politicized incompetence* of public functionaries (Derlien, 1991).

East German functionaries could be set free for lack of qualification or lack of demand if agencies were abolished. As to the loyalty and moral aspects, collaboration with the State Security (Stasi) or offences against humanity and legality were to prompt unconditional dismissal. However, unless the former (2.3 million) members of the communist party had fulfilled prominent functions, simple party membership should not be regarded an indication of a lack of future constitutional loyalty. By end of 1994, a total of 1.564.200 cases had been submitted to the Federal Agency for the Protection of the Stasi files. The majority of these cases concerned the public service. 64.389 cases of Stasi collaboration were detected; that amounts to *10 percent of the public service turning out to be Stasi-positive*. However, as the agency is not a judicial body, these results tell merely part of the story, for not all those found "Stasi-positive" were finally dismissed from public service. The employers, i.e. the ministries or local governments in charge of personnel affairs, had to judge every individual case, evaluate the validity of the information and assess the seriousness of the incriminated behavior. As a result only about 1 percent was finally dismissed.

*Import of Administrative and Judicial Elites*

Whereas circulation among the political elite was almost complete, bringing new faces into parliaments, one third of the political executives, mostly ministers for justice, interior, finance and economics were imported from western Germany. In the administrative branch the rule applies: *the higher the position, the larger the proportion of West German imports*; thus, in 1990, almost every state secretary in the Länder ministries was a West German. Although constituting only 27.4 percent of the 1,428 public servants in the ministerial bureaucracy of Brandenburg, the Western German share amounts to 52 percent of the higher civil servants, reaching a maximum in the justice ministry (72 percent) while eastern Germans dominated in rather technical ministries like agriculture or environmental affairs (Linde, 1991, 295). On the *local*
government level, western officials played a less important role; although in 1994 they occupied five percent of the leading positions, the same rank effect applies as in Land administration.

With the rule of law the demand for judges and state attorneys (and solicitors as well as defense attorneys) increased considerably. Presidents and leading judges of the courts (including the branches of the judiciary like administrative courts of law) were regularly recruited from western Germany, and the scrutiny committees used to be chaired by high-ranking western judges, too. The scrutiny commissions suggested the cleared cases to the Minister of Justice for appointment, but the individual ministers had the liberty to reconsider critical cases. By February 1992, 40 percent of the GDR judiciary were taken over into the new judicial system.

Trust in Institutions
Until 1990, the Federal Constitutional Court, justice in general and police were the most trusted public institutions, while political control institutions and input institutions like the media and trade unions were relatively negatively assessed. In both parts of the country trust in most institutions decreased since 1991. In western Germany, though, only the political parties were overtly mistrusted, while eastern Germans in 1992 and 1993 mistrusted five institutions. As to ranking, the data show that the Federal Constitutional Court, justice apparatus and police were constantly positively evaluated in the old Federal Republic, while trust oscillated in the East. By early 1995, trust in institutions had increased, while decreasing in the western part of the country. Eastern Germans now, too, gave the judiciary the highest marks; police and Länder governments as well as local governments now occupied medium ranks. Even the new labor administration was positively evaluated, although unemployment was still at the 15 percent mark. The agency for the protection of Stasi files, though, was ranking lowest of all public institutions, however fared better than employer associations and big business. That, after initial mistrust, eastern Germans evaluated the new institutions, in particular the judiciary and public administration, rather positively can be attributed to the massive elite transfer, which makes the German transformation case so distinct from the countries further to the East (Derenlien, 1997).

5. Administrative Reforms
In 1990, managerialism was hardly visible in Germany; German bureaucracy with its organization and personnel structure, despite 30 years of constant adjustment, had stayed basically
Weberian. The concept of a legal-rational polity with a bureaucratic staff had remained dominant: professional training, relatively closed career service, promotion as the only incentive and according to objective criteria, hierarchy both within and between offices, special jurisdictions, clear distinction between public and private means of production, neutral, impersonal and rule-bound execution of public tasks oriented towards service in the name of the public. Problems facing the integration of the East German state functionaries after national unification were attributed to the GDR's deviation from this historical legacy. Thus, one could assume that there was a basic configuration or macro-structure of a "classical continental bureaucracy" (König, 1992) to which the eastern part of the country had to be fitted.

Nevertheless, minor reforms had continuously occurred in the western part of the country - owing to the federal structure of the FRG - in an incremental and piecemeal way; they produced a patchwork of innovations limited to just one level of government, confined to one functional aspect of the machinery of government, or concerned with one specific policy area. The fact that bureaucracy in the past pragmatically adapted to perceived contingencies through self-generated reforms and mutual adjustment (in Lindblom's sense) rather than being pushed (and bashed) by politicians and reformers called in from the outside justified the notion of the intelligence of bureaucracy (Derlien, 1996a). Bureaucracy drew on its internal expertise and a professional consensus among administrative scientists about which improvements were rational and consistent with the inherited bureaucratic structure. After all, this leading role of bureaucrats in public sector reforms can be traced back to the 1806/1812 Prussian Stein and Hardenberg reforms.

Contrary to public sector reforms in the United Kingdom and other Commonwealth states since the 1980s, which had been pushed by politicians and appear to be secular and comprehensive, based on a coherent reform philosophy (Wright, 1994), even during the first major reform wave in Germany (1964-75), which included territorial reforms, functional government reforms and the attempt to reform the public service, there had not been such a common reform philosophy or a comprehensive reform program extending to all levels, functional areas and sectors of governance. The transfer of the basic western model to the eastern part of the country in 1990, of course, was comprehensive but based on western traditional rules of appropriateness (March and Olsen, 1989) and not on a new rationale. Since then, undoubtedly, a change of guiding ideas took place in Germany; the bureaucratic structure is being disputed
today and no longer retains the self-legitimization arising from its alleged superior effectiveness and efficiency. At the local government level New Public Management, albeit in a reduced version, is gaining ground. Politicians took over and are driving for public sector reforms under the banners of "administrative modernization" and "lean state".

Changing Reform Community

In Germany, reform commissions are usually technically attached to the ministry of interior when general administrative matters or civil service affairs are at stake. At the federal level, even the interdepartmental task force for government reform (1969-75) resided with the ministry of the interior, although it reported to a cabinet committee. The ministry was further in charge of the commission for redrawing Länder boundaries (1970-1973), of the civil service reform commission (1969-1973) and in the early 1980s, of course, the de-bureaucratization hearing (1980) and the subsequent commission to cut down the underwood of rules and regulations. In 1990, the ministry was responsible for drafting the unification treaty and for its implementation as far as structure and personnel of public administration were concerned. The network of reformers and advisers, till 1990, was structured around the ministry of the interior, the graduate school of administrative sciences in Speyer, some professors from other universities, and the federal civil service academy. This network was imbedded in the German Section of the International Institute of Administrative Sciences.

Politicians' initiatives since 1991, however, and public sector reform topics on party platforms are clear indications that the "bearer strata" of ideas (Weber) are changing. In his government declaration of January 1995, chancellor Kohl borrowed the metaphor "lean state" from management consultants and appointed a reform commission "Lean State" in July 1995. Notably local governments and their associations, squeezed for years by the costs of implementing federal programs, are facing the consequences of the federal government's cutbacks in unemployment benefits and the simultaneous decline in or lacking of (eastern Germany) revenues. Imperatives to cut back budgets had turned up already during the decade 1975-1985. Since then local governments have been innovative in responding to scarcity. No wonder, that it was first of all the municipalities that jumped on new managerialist models, stressing the service function of local government in rhetoric and reinforcing cost accounting and the controller concept in practice (Banner, 1991). Considerably later, various Länder Minister Presidents took positions, bringing to public consciousness what had been recognized by analysts years ago (Fär-
ber, 1988): the mounting fiscal burden of pensions that will be felt heavily when large cohorts of civil servants retire after the year 2000. Soon the Länder started pleading for measures to cut personnel costs by reducing the size of the public service, abandoning public tasks, having civil servants work longer than the previous retirement age, limiting premature retirement, making civil servants contribute to their pensions and, last but not least, substituting public employees on private contracts for civil servants. In particular the Social Democrats summarized these initiatives under the term "modernization".

Concomitantly, idea givers and advisers now tend to be professors of business administration and, increasingly, management consultants. Previously, only in exceptional circumstances were commercial consultants brought in, like McKinsey in the Agricultural ministry's PPBS-attempt (1973). The general experience with management consultants in Germany up to the 1980s was that they had little understanding for the particular circumstances under which public administration operates. When even professors from the Speyer academy, in alliance with one of their honorary professors from the municipalities' association, jumped on NPM, the traditional "Speyer front" crumbled. Along with awarding local governments in a world-wide competition for excellent performance (according to NPM standards), publications increasingly became less analytical, rather attempting to convince and to create a "new reform spirit" (Hill, 1993). Most dazzling to traditional observers, the Bavarian government, usually known as a guardian of traditional values, the monopoly of jurists and a clean public service, in 1997 published the draft of a public service Leitbild in order to create a "corporate identity" for the "Enterprise Bavaria", following the example of Siemens and advised by a management consultant.

"Slimming Down the State" vs. the "Skeleton State"

Curbing public tasks, be it in level or by categorically terminating them altogether is behind the slogans of "lean state" and "restructuring the welfare state". These are repetitions and extensions of the privatization and deregulation attempts of the 1980s. In Germany, since 1990, more emphasis was put on cutting back social transfer programs, and the financing system of the self-regulating health care and pension systems was trimmed. The constitutional, programmatic notion of "Sozialstaat", though, as well as corresponding political convictions in both major political parties in Germany and the tradition of consensus in these matters does not allow for sweeping changes. Contrary to Britain, where the notion of "hollowing out the state" (Rhodes, 1994) or its reduction to a "skeleton state" (Ridley, 1995) may feasibly be applied be-
cause there are no constitutional safeguards, Germany's public sector is only losing some weight because of a shortage of food (revenues) and is undergoing some plastic surgery rather than amputations.

Public Service Reforms

Curbing public tasks is one way of cutting personnel costs in the public service, another is reducing personnel size in persisting task areas, thus lowering the quality of services for instance in schools (class size) or reducing public opening hours in libraries or recreation parks. Of course, having the public servants work longer (per week or in an entire professional life) will also reduce personnel costs. Add periodic recruitment stops and lowering of entry grades and you have the traditional mixture of public service expenditure controls. A new element though is the determination of some Länder to reshuffle the public service from the allegedly more expensive civil service to public employee status. The protagonists have obviously overlooked what was going on in eastern Germany since October 1990 anyway.

The Federal Ministry of the Interior reacted to Land reform pressure by putting together a shopping list of civil service reform items that became effective in July 1997. Among other things, performance related pay by giving bonuses (although intending to keep total personnel expenditure constant) is emphasized; performance appraisals are to be encouraged. Promotions to leading positions are to be on probation. Automatic pay increases every two years, a loyalty premium so far, is to accelerate at the beginning and to slow down at the end of a career to make the public service more attractive in particular for policemen. The reform of the civil service code also led to a re-interpretation of the principle of full devotion to one's office that traditionally meant full-time employment. Applicants to the civil service are now permitted to enter on part-time jobs; formerly, part-time employment was granted civil servants only as a measure of social policy later in professional life.

Not only were certain elements of the "German Fulton Commission's" 1973 report widely discussed like, for instance, the suggestion to appoint top administrators only for a fixed number of years; some of those devices that did not require constitutional change were even applied after 1973: improved performance appraisal and re-assessment of the fit between salary grades and job requirements. Yet, the reform expired about 1978. Thus, the 1997 reform (strengthen the merit principle and appointing on probation) brought about a renaissance of old ideas - and a re-emphasis of a traditional civil service principle.
As long as there is no consensus on how to measure individual performance, in particular on jobs with qualitative requirements, performance appraisals will have little validity. If quantitative criteria are applied this is likely to result in goal displacements. Under these conditions, as foreign experience shows, bonus systems will soon become inflationary and be regarded as a substitute for lagging general pay increases. Furthermore, if bonuses are limited in number due to budget constraints, withholding them will create dissatisfaction, and suspicions of nepotism will spread (Ingraham, 1993). The introduction of a performance related pay scheme in the UK (1982, 1988) failed, inter alia, because the beneficiaries of the scheme, the higher civil servants, hesitated increasing their salaries while lower ranks had to carry the burden of restrictive pay policy (Keraudren, 1994). Another innovation in the UK, the decentralization of civil service recruitment from the civil service commission to ministries and agencies, is long-standing practice in Germany.

**Separation of Policy-making from Management**

There is hardly a need for setting up of agencies outside the ministries. Agencification, like decentralization in general, is not a topic in Germany, thanks to the federal structure of the country. The notion that policy can be separated from operations without impairing parliamentary accountability of executive politicians, can though be found in the Neue Steuerungsmodell en vogue with local government in Germany. While the local council is to concentrate on goal setting and controlling results (including those of local enterprises with private law status), the executive under the leadership of an often directly elected mayor is to manage the implementation process. Concomitant delegation of budgetary responsibility is to allow for reallocations in departmental budgets and to improve productivity in terms of stated goals. This implies goal specification of all activities (well known from "management by objectives" of the 1970s) and performance indicators (a premise of management by results). As formal privatization reduced local councils to controlling goal achievement, "liberation from the rigidity" of parliamentary budget right and civil service law and pay scheme, as well as managerialist role understanding among civil servants, will re-introduce an artificial politics-administration dichotomy. It is feared that this will lead to executive leadership and reverse the enlarged citizen participation of the 1970s, thus inducing a *de-politicization of local self-government* (Derrick, 1996b; Wollmann, 1996).
Concluding Considerations

As I stated elsewhere (Derlien, 1994), most of the theoretically significant traits of the German administrative system can be found in other countries, too. In all western democracies, administration is bound by law. Nevertheless, one peculiar German feature is frequently seen in the legalism of the administrative culture. Although this need not mean much to the citizen, when political controls break down as was the case under the Nazis, role understanding (and kind of decision behavior) might be different in Germany than in the UK or the U.S.; for the existence of administrative courts and the predominantly juridical training are leaving their imprint, although probably not stronger than in France or Italy. Judging from the number of political issues which are referred to the constitutional court, it might well be the case that the legalist mode of thinking is more peculiar of politicians than it is of civil servants. More distinctive is probably the historical development of the relationship between politics and administration in Germany; contrary to the anglo-saxon world, in Germany bureaucracy preceded democracy. This had a lasting impact on the importance attributed to expertise and the low degree of intersectoral mobility from politics into administrative positions. Also, only the public offices at the apex are elective or staffed with appointed executive politicians. Further, aspects of parliament-executive relationships display the "strong state tradition", i.e. the tradition of a strong bureaucracy (and military); for instance, the dominance of ministries in drafting bills and the lack of comprehensive access of parliamentary investigation commissions to government record. The absence of a freedom of information Act, too, could be viewed from this perspective. Third, there is a relative resistance against fashionable ideas to reform the public sector. Neither was PPBS with its derivatives adopted - the Germans settled with middle range fiscal planning - nor did the civil service experience a principal shake-up in recent years. Resistance against public sector reforms is partly due to the construction as a federal system leaving room for variation and heightening the barriers of the required political reform consensus. Fourth, closely connected with and resulting from these element of the administrative culture is the absence, until recently, of bureaucrat bashing by politicians. On the contrary, leading politicians of all parties have repeatedly appreciated the excellent work of the federal bureaucracy in drafting the unification treaty with East Germany and the service 25,000 western bureaucrats were doing in the East. This positive attitude among the political elite does, of course, not exclude ideologically based criticism of the "state apparatus" and "bureaucracy" among the bureaucratized intelligentsia in the universities. Fifth, although certain elements of NPM are discussed and even adopted in certain areas of German public administration, those parts of the
tool kit that apply to decentralization are simply not relevant in Germany; others like the performance related tools are devalued because of their inherently questionable instrumental value. Finally, the reform philosophy behind NPM - despite consultants' borrowing from its rhetoric - is hardly compatible with the state centered public discourse in Germany since Weber's days.
References


Table 1: Administrative Units of Länder, 1996

<table>
<thead>
<tr>
<th>Land</th>
<th>Regional Authorities</th>
<th>Cities</th>
<th>Counties</th>
<th>Townships in Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total 1)</td>
</tr>
<tr>
<td>Berlin</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bremen</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hamburg</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Baden-Württemberg</td>
<td>4</td>
<td>9</td>
<td>35</td>
<td>1,102</td>
</tr>
<tr>
<td>Bayern</td>
<td>7</td>
<td>25</td>
<td>71</td>
<td>2,031</td>
</tr>
<tr>
<td>Hessen</td>
<td>3</td>
<td>5</td>
<td>21</td>
<td>421</td>
</tr>
<tr>
<td>Niedersachsen</td>
<td>4</td>
<td>9</td>
<td>38</td>
<td>1,023</td>
</tr>
<tr>
<td>Nordrhein-Westfalen</td>
<td>5</td>
<td>23</td>
<td>31</td>
<td>373</td>
</tr>
<tr>
<td>Rheinland-Pfalz</td>
<td>3</td>
<td>12</td>
<td>24</td>
<td>2,293</td>
</tr>
<tr>
<td>Saarland</td>
<td>-</td>
<td>-</td>
<td>6</td>
<td>52</td>
</tr>
<tr>
<td>Schleswig-Holstein</td>
<td>-</td>
<td>4</td>
<td>11</td>
<td>1,127</td>
</tr>
<tr>
<td>Total West 1996</td>
<td>26</td>
<td>91</td>
<td>237</td>
<td>8,422</td>
</tr>
<tr>
<td>1960</td>
<td>33</td>
<td>137</td>
<td>425</td>
<td>24,371</td>
</tr>
<tr>
<td>Brandenburg</td>
<td>-</td>
<td>4</td>
<td>14</td>
<td>1,692</td>
</tr>
<tr>
<td>Mecklenburg-V.</td>
<td>-</td>
<td>6</td>
<td>12</td>
<td>1,073</td>
</tr>
<tr>
<td>Sachsen</td>
<td>3</td>
<td>7</td>
<td>22</td>
<td>853</td>
</tr>
<tr>
<td>Sachsen-Anhalt</td>
<td>3</td>
<td>3</td>
<td>21</td>
<td>1,297</td>
</tr>
<tr>
<td>Thüringen</td>
<td>-</td>
<td>5</td>
<td>17</td>
<td>1,174</td>
</tr>
<tr>
<td>Total East 1996</td>
<td>6</td>
<td>25</td>
<td>86</td>
<td>6,089</td>
</tr>
<tr>
<td>1989</td>
<td>n.a. 2)</td>
<td>227</td>
<td>7,565</td>
<td>2)</td>
</tr>
<tr>
<td>Total</td>
<td>32</td>
<td>116</td>
<td>323</td>
<td>14,511</td>
</tr>
</tbody>
</table>


1) 6 local units not belonging to a municipality (like wharfs or military training compounds) are contained in the totals.

2) Cities and counties are not differentiated in official GDR-statistics.