

Chapter 3

Structure of the Local Tiers in Germany: Trends and Challenges in Local Governance and Autonomy

Jochen Franzke
University of Potsdam, Germany

ABSTRACT

This chapter analyses basic long-term trends in local governance in Germany in their functional, political, territorial and administrative dimensions. The traditions and legal framework of German local self-government form the starting point of the chapter. Subsequently, the role of the local level in the German federal system and the level of its autonomy are analysed. After that, the most important political-administrative actors in local governance examines, such as councilors, mayors, local administration, local branches of political parties and free voters associations. In describing the long-term trends and challenges in German local politics, special attention is paid to local public management, local democracy and citizen participation. Finally, the chapter ends with a summary of the most important aspects of the development of the municipalities and districts in Germany and with a view towards further reform.

TRADITIONS OF GERMAN LOCAL SELF-GOVERNMENT

“In Germany, a system of functionally strong and autonomous municipalities within a multi-purpose model of local self-administration (*kommunale Selbstverwaltung*) has been developing for more than two hundred years. Prussia established this system in the year 1808; the other German states followed, e.g., Bavaria in 1816. Hence, local self-administration is a long-lasting democratic German tradition, unfortunately one of the few, in place since at least 1919, when local authorities were for the first time elected democratically (Bogumil & Holtkamp, 2006, p. 14)

Over time, various forms of local rulership and power developed in Germany. These includes the “free community of citizens” (since 1808)¹, the “rule of notables” (in the 19th century), the “rule of the municipal bureaucracy” (since the second half of the 19th century) as well as the “rule of the parties”

DOI: 10.4018/978-1-5225-0320-0.ch003

(also since late 19th century) (Franzke, 2010). Local self-government in Germany dramatically had been interrupted between 1933 and 1945, when under the Nazi dictatorship municipalities were governed based on the “Führer” principle. In East Germany (GDR), between 1949 and 1989 the municipalities and counties could not act as self-government bodies. They were part of a unified socialist state apparatus.

Three aspects are particularly important to understand the German manner of local self-government: the domination of the rule of law concept, the influence of different state concepts and the consequences of Europeanization.

In Germany, the rule of law concept (*Rechtsstaatsprinzip*) traditionally dominates administrative culture at all state levels. Within this understanding, law binds all executive and administrative powers, in particular when interfering with basic individual citizen’s rights. All public power is subject to judicial control. Citizens have access to constitutional courts at the federal and *Länder* (federal states) levels, as well as access to special administrative courts of justice. Therefore, in Germany legality is traditionally more important than efficiency and effectiveness.

The different ideas of the state and its functions have had a significant influence on the changes in administration. (Blanke, von Bandemer, Nullmeiner & Göttrik, 2005, p. 3) Classically, the German elite regarded the state as an autonomous and authoritarian institution, and society as an entity separated from the state. This view has dominated the understanding of the role of public administration since the beginning of 19th century through the present day. A second view reflects the German democratic tradition since at least the November revolution 1918, in which the state “is not separated and does not stand above society, but is part of it.” (Jann, 2003, p. 101) Pluralism plays a necessary role for this type of cooperative state. The third perspective is the liberal tradition, looking critically at the state as a possible threat to civil liberties and at its limited potential to solve societal problems. According to this view, the overburdened and overextended state must be limited. All of these traditions have left their mark on the German understanding of the state, the nature of its public administration, and on administrative reform attitudes. (Bogumil & Jann, 2009, p. 67)

Combining various elements of these traditions, nowadays the ‘enabling’, ‘ensuring’ or ‘activating’ state concept is the most influential one. (Bandemer & Hilpert, 2001). In this concept, the modern state (including the local authorities) is no longer a quasi-monopolistic producer of all public services but rather a guarantor that decides on certain policies and ensures the delivery of public services to citizens. In this kind of state public authorities at different political levels has to decide whether to produce public services their own utilities or to purchase them. The ensuring state takes on responsibilities in four main categories. First, it is responsible for ensuring the delivery of politically desirable and affordable services to the public. Second, it has to guarantee the production of such services and its deliveries to the public. Third is the financing responsibility, namely managing the costs of investment or service. Finally, it will step in to provide or deliver services in the case of private provider insolvency. (Proeller & Schedler, 2005, p. 94)

Naturally, Germany as a member of the EU is subject to Europeanization, adapting its political-administrative regime “to a European political centre and European-wide norms.” (Olsen, 2002, p. 921). As a result, the influence of European institutions is increasing in many aspects of governance, especially on the performance of public tasks and services. European law has become binding next to the German law. In the field of administration, however, the consequences of Europeanization are diffuse. So far, there is no agreement on a common European administrative model or space. Europeanization and globalization influence administrative changes in Germany “to a lesser degree than indigenous domestic factors.” (Goetz, 1996, p. 170). The German administrative regime changes only incrementally; strictly

18 more pages are available in the full version of this document, which may be purchased using the "Add to Cart" button on the publisher's webpage:
www.igi-global.com/chapter/structure-of-the-local-tiers-in-germany/157513

Related Content

Adopting CEAF

(2017). *Driving Efficiency in Local Government Using a Collaborative Enterprise Architecture Framework: Emerging Research and Opportunities* (pp. 62-94).

www.irma-international.org/chapter/adopting-ceaf/182065

Explaining the Relation Between Efficiency and Financial Condition: Empirical Analysis on Local Governments

Marco Bisogno and Beatriz Cuadrado-Ballesteros (2018). *Financial Sustainability and Intergenerational Equity in Local Governments* (pp. 149-178).

www.irma-international.org/chapter/explaining-the-relation-between-efficiency-and-financial-condition/200125

Migration Policies of Local Governments in France

Ouzhan Erdoan and Çidem Pank Yildirim (2026). *Policy Innovation and Maintaining Influential Local Governments* (pp. 147-174).

www.irma-international.org/chapter/migration-policies-of-local-governments-in-france/384349

Key Enterprise Architectural Challenges in Local Government

(2017). *Driving Efficiency in Local Government Using a Collaborative Enterprise Architecture Framework: Emerging Research and Opportunities* (pp. 1-24).

www.irma-international.org/chapter/key-enterprise-architectural-challenges-in-local-government/182063

Promoting Inclusive Governance through Citizen Participation: The Case of Switzerland's Local Decision-Making Processes

Miray Özden (2026). *Policy Innovation and Maintaining Influential Local Governments* (pp. 91-118).

www.irma-international.org/chapter/promoting-inclusive-governance-through-citizen-participation/384347