



CHAPTER 15

Territorial Administration in Germany: Institutional Variants, Reforms, and Actors at the Meso-Level of Government

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15.1 INTRODUCTION

According to the very principles of federalism, there are evidently no representatives of the federal state (*Bund*) in the capital cities of the German federated states, the *Länder*, which are self-governed by their own institutions. This is a main difference between Germany and countries of Napoleonic administrative tradition such as France and Italy, with their regional and provincial prefects. However, since some *Länder* are bigger in size, population, and related socio-political complexity than

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many Member States of the European Union, the need for a horizontal coordination in the territory of specific administrative activities so as to ensure the unity of the state (Ellwein 1994) has led to the setting up of ‘meso-level’ authorities i.e. administrative units located between the ministerial administration at *Länder*-level and the local governments within the *Land*. These meso-level authorities are entrusted with a mission of ‘bundling’, which means ‘tackling a problem from different angles while taking into account the various topic areas, [and] incorporating a diverse range of expertise and coordination but also the search for compromise’ (Hämmerle 1997, p. 424) and, in doing so, intending to limit the fragmentation and dis-connectedness of various administrative units with different or even conflicting policy responsibilities.

Due to the administrative variance within the federal system of Germany, such bundling and coordination mission at territorial level is organized in very different ways, in three-tier or two-tier *Länder* administrations (see Bogumil and Kuhlmann 2020).¹ The traditional three-tier structure comprises a central administration at the *Land* level (ministries, higher *Land* authorities), a meso-level (administrative district authorities), and a lower level (county administrations). Thus, some German *Länder* have a territorial state administration at the meso-level: *Bezirksregierungen* and *Regierungspräsidien*, which we translate as ‘administrative district authorities’. Other *Länder* have assigned the coordination mission directly to local self-government (counties—*Landkreise*). Today, the traditional three-tier structure with multi-purpose administrative district authorities as territorial units of the meso-level headed by a state appointed president (*Regierungspräsident*) only exists in the *Länder* of North Rhine-Westphalia, Hesse, Bavaria, and Baden-Wuerttemberg.² Other *Länder* have decided to do without administrative district authorities and that the counties (as the lower tier) should

¹ A special function in the administrative system not described here in detail is increasingly played out by the city states (Berlin, Hamburg, Bremen), which are federal *Länder* and municipalities simultaneously, and whose *Länder* governments (senates) thus take on *Land*-related and municipal responsibilities.

² In Saxony, Saxony-Anhalt, Thuringia, and Rhineland-Palatinate, the meso-level is organized differently (partly based on a separation of tasks that are assigned to different functionally specialized meso-level administrative units, so called ‘*Regierungsdirektionen*’, partly through bundling functions in only one administrative unit for the whole territory of the *Land*, called ‘*Landesverwaltungsaamt*’).

function as units of sub-state territorial coordination, headed by a democratically elected *Landrat* (Saarland, Schleswig-Holstein, Mecklenburg-Western Pomerania, Brandenburg, and since 2004 Lower Saxony). In addition, it is worth underlying that the institutional variance of territorial administration at the meso-level in Germany is increasing, in particular as a result of current administrative reforms in the *Länder* (cf. Bull 2008; Kuhlmann 2009: 119 et sq.; Kuhlmann and Bogumil 2010, 2020 see below).

Against this backdrop, and in the wider frame of this edited volume, the present country chapter on Germany has three objectives: firstly, the traditional organization and allocation of the territorial bundling and coordination functions at the meso-level of the state/*Länder* administration³ (administrative district authorities) will be reviewed (Sect. 2). Secondly, current reform measures that have led to (at times, profound) transformations at the meso-level will be described, raising the question of to what extent alternative models of territorial bundling and coordination functions are sound and sustainable (Sect. 3). Thirdly, we shed some light on the ‘actor dimension’ taking a more sociological perspective by focusing on the carriers and profiles of the top bureaucrats of the territorial (meso-level) administration in Germany. These high-rank territorial administrators/executives—state appointed heads of administrative districts (*Regierungspräsidenten*) on the one hand, elected heads of county administrations (*Landräte*) on the other hand—can be regarded as the German ‘equivalents’ of the prefects in countries with a Napoleonic administrative tradition (Sect. 4).

15.2 THE TERRITORIAL (MESO-LEVEL) ADMINISTRATION IN GERMANY: INTRA-FEDERAL VARIETY

15.2.1 *Administrative District Authorities (Regierungspräsidien)*

Meso-level state authorities as part of the general state administration have existed in Germany for almost 200 years. They were introduced in Prussia as part of the Stein/Hardenberg reforms in 1808, and regional bundling authorities were installed in numerous other German states over

³In the present text, ‘state administration’ means ‘*Land* administration’, and not Federal/*Bundes* administration. We translate ‘state’ with *Land* and use these terms synonymously here.

the following years and decades in an attempt to consolidate the requirements of individual departments at the regional level. The German word *Regierung* (government; *Regierungspräsidium*, *Bezirksregierung*) reflects the representative function. Following World War II, all of the larger German *Länder* (*Flächenländer*⁴), with the exception of the smallest Schleswig-Holstein and Saarland, decided to establish general meso-level territorial administrations in the form of administrative districts authorities.

As meso-level state authorities, administrative district authorities (*Bezirksregierungen*) are located between the highest Land authorities (i.e. the ministries) and the lowest authorities (i.e. local governments). They are responsible, in particular, for bundling, coordination (providing relief for ministries, supporting political management, coordinating local government tasks), and control functions (supervisory authority and board of appeals). With regard to specific tasks, according to the literature, the following missions are generally assigned to administrative district authorities (cf. Stöbe and Brandel 1996: 16):

- Supervision: administrative, functional, and legal supervision of subordinate state authorities (occupational health and safety and emission control authorities, police, state civil engineering, schools, foundations) and functional and legal supervision vis-à-vis local governments, especially with regard to the approval of local government budgets. Within this supervisory function, the president of the administrative district (*Regierungspräsident*) acts as a board for appeals of the decisions of subordinate authorities. In general, depending on the *Land*, the supervisory functions in some areas are divided into administrative district authorities (*Bezirksregierungen/Regierungspräsidien*), single-purpose state authorities (*Sonderbehörden*), and ministries.
- Order: protection of public safety and order through fire prevention and disaster management, traffic safety, food safety, and construction supervision.

⁴The term *Flächenländer* (area-states) excludes the three City-States of Berlin, Hamburg, and Bremen.

- Approval: approval and control of subsidies from *Länder* and federal programmes in the areas of health, urban development, hospital construction, economic development, sports, and culture.
- Permissions: permissions for the construction and operation of technical facilities and for personal and proprietary matters.
- Planning: regional planning related to the specification of *Länder* requirements and the coordination of local planning.

These activities are intended to complement the powers of the ministerial departments to set policy guidelines. As part of this steering capacity, the administrative district authorities (*Bezirksregierungen*) fulfil a bundling function when the objectives of different ministries diverge, occasionally activate local and regional actors for the optimal implementation of state objectives, and contribute to the vertical and local reconciliation of interests. This bundling function is frequently viewed as the central function of the administrative district authorities (cf. Miller 1995: 69; Hämerle 1997: 423–426). The tasks of the *Länder* administrations, which are divided into ministries according to functional criteria, are brought together and coordinated by the meso-level authorities. The model of an hourglass provides an apt metaphor for this function: the focal point of the hourglass represents the bundling of state functions in the meso-level authority, while the government at the central level and the administration at the lower level fan out in terms of division of labour. Currently, there are meso-level state authorities in eight of the thirteen *Flächenländer* (Table 15.1).

Each of the meso-level state authorities (administrative districts) is generally responsible for about 1 million inhabitants. In the *Länder* of Baden-Württemberg, Bavaria, and Hesse, the size of these districts varies between 1.1 million and 3.9 million inhabitants; in North Rhine-Westphalia, between 2 million (Detmold) and 5.3 million inhabitants (Düsseldorf).

15.2.2 *County Administrations (Landratsämter): A Janus-Faced Institution*

A crucial difference between the Germanic federal state and the countries with a Napoleonic state tradition is the important role of the subnational-decentralized level and the principle of subsidiarity. The state bureaucracy

Table 15.1 Administrative districts in Germany

<i>District name</i>	<i>Land</i>	<i>Population in million</i>	<i>Inhabitants/km²</i>
Mittelfranken	Bavaria	1.7	231 /km ²
Schwaben	Bavaria	1.7	173 /km ²
Oberbayern	Bavaria	4.0	228 /km ²
Niederbayern	Bavaria	1.2	112 /km ²
Oberfranken	Bavaria	1.1	154 /km ²
Unterfranken	Bavaria	1.3	155 /km ²
Oberpfalz	Bavaria	1.0	109 /km ²
Arnsberg	North Rhine-Westphalia	3.8	478 /km ²
Detmold	North Rhine-Westphalia	2.1	375 /km ²
Düsseldorf	North Rhine-Westphalia	5.3	1000 /km ²
Köln	North Rhine-Westphalia	4.2	572 /km ²
Münster	North Rhine-Westphalia	2.6	375 /km ²
Freiburg	Bade-Württemberg	2.1	224 /km ²
Tübingen	Bade-Württemberg	1.7	195 /km ²
Karlsruhe	Bade-Württemberg	2.7	384 /km ²
Stuttgart	Bade-Württemberg	3.9	368 /km ²
Kassel	Hesse	1.3.	154 /km ²
Darmstadt	Hesse	3.7	496 /km ²
Gießen	Hesse	1.0	197 /km ²
Trier	Rhineland-Palatinate	0.5	103 /km ²
Neustadt	Rhineland-Palatinate	2.0	291 /km ²
Koblenz	Rhineland-Palatinate	1.5	186 /km ²
Chemnitz	Saxony	1.5	254.8 /km ²
Dresden	Saxony	1.7	210.3 /km ²
Leipzig	Saxony	1.1	245.1 /km ²
LVwA Halle	Saxe-Anhalt	2.5	121.5 /km ²
LVwA Weimar	Thuringia	2.4	145.6 /km ²

Source Authors' creation, adapted from Bogumil et al. (2004)

is significantly weaker and numerically 'leaner', whereas great political-administrative importance is attached to the subnational-decentralized institutions (counties, municipalities). In the organization of the administrative system, the territoriality principle and an orientation towards the territory-related form of multi-purpose local self-government dominate (Wollmann and Bouckaert 2006; Kuhlmann and Wollmann 2019). This multi-functionality of the counties and municipalities is rooted in the scope of local government tasks and in the underlying 'general competence clause' laid down in Article 28 II of the Federal Constitution.

Accordingly, the municipalities and (to a somewhat lesser degree) the counties must be ‘guaranteed the right to regulate all matters relevant for the local community under their own responsibility within the limits prescribes by the laws’. In addition, besides performing their ‘own’ local government tasks (so-called ‘own sphere of activity’), local authorities can be put in charge of carrying out public tasks that are ‘delegated’ to them by the state, that is, by the *Land* or by the federal level (so-called ‘sphere of delegated tasks’). Because of the organizational combination of genuine local government and delegated state tasks, the German administrative model can be termed a *fused system*, or more precisely, as a ‘local administration centred integrationist model’ (cf. Wollmann and Roth 1999: 196).

County administrations, as the upper-level local self-government, are also legally part of the *Land*/state administration as its lower level. This double-function is referred to as the ‘Janus-faced character’ of the German counties (Kuhlmann and Wollmann 2019). Especially in those *Länder* with a two-tier state administration (ministries, counties), counties assume a major bundling function within the territory and their executives (*Landräte*) can be regarded as the most important actors of territorial administration and meso-level coordination. However, the effectiveness of this bundling and coordination activities largely depends on the territorial sizes of the counties which, again, vary significantly between the *Länder*. The territorial structure of the counties that existed until the World War II reached deeply back into the nineteenth century except for some early territorial reform moves undertaken in Prussia in the 1920s. After 1945, the old Federal Republic consisted of 425 counties, and 135 (single-tier) county-free cities (*kreisfreie Städte*, combining both municipal and county tasks), and no less than 24,381 municipalities (with an average of around 2000 inhabitants). In the late 1960s and early 1970s, territorial reforms were introduced and implemented in all the *Länder* of the (old) Federal Republic, with great variance regarding the outcomes in terms of average territorial and population sizes (for details see Kuhlmann and Wollmann 2019). In more recent times, significant county-level territorial up-scaling has been undertaken, particularly in Eastern Germany, in order to adapt the fragmented territorial structure to the new competencies of the counties after re-unification (see Table 15.2).

Table 15.2 Territorial Structure and changes of the county-level in Germany

State	No. of Counties		Change		Average no. of inhabitants after reforms
	Prior to reforms*	2018	Absolute figures	%	
Brandenburg	38	14	-24	-63	143,000
Mecklenburg-Western Pomerania	31	6	-25	-81	206,000
Saxony	48	10	-38	-79	292,000
Saxony-Anhalt	37	11	-26	-70	166,000
Thuringia	35	17	-18	-51	116,000
<i>East Germany in total</i>	<i>189</i>	<i>58</i>	<i>-131</i>	<i>-69</i>	<i>181,000</i>
Baden-Württemberg	63	35	-28	-44	250,000
Bavaria	143	71	-72	-50	126,000
Hesse	39	21	-18	-46	222,000
Lower Saxony	60	38	-22	-37	183,000
North Rhine-Westphalia	57	31	-26	-46	340,000
Rhineland-Palatinate	39	24	-15	-38	125,000
Saarland	7	6	-1	-14	172,000
Schleswig-Holstein	17	11	-6	-35	202,000
<i>West Germany in total</i>	<i>425</i>	<i>237</i>	<i>-188</i>	<i>-44</i>	<i>203,000</i>

* For East Germany: 1990, for West Germany: 1968

Source Wollmann 2004: 125; Büchner and Franzke 2001: 238; *Statistisches Bundesamt* 2019; own calculation

Figure 15.1 gives a simplified overview of the administrative system in Germany and particularly on the positioning of the territorial administration (administrative district authorities and counties) within the multi-level institutional setting.

15.3 REFORMING THE TERRITORIAL ADMINISTRATION IN GERMANY

15.3.1 Criticism of State Territorial Administrations and the Need for Reform

The question of whether the *Flächenländer* actually need administrative district authorities depends on the alternatives. If the administrative district authorities were removed, their tasks would have to be performed by the ministries and single-purpose state authorities and by the local

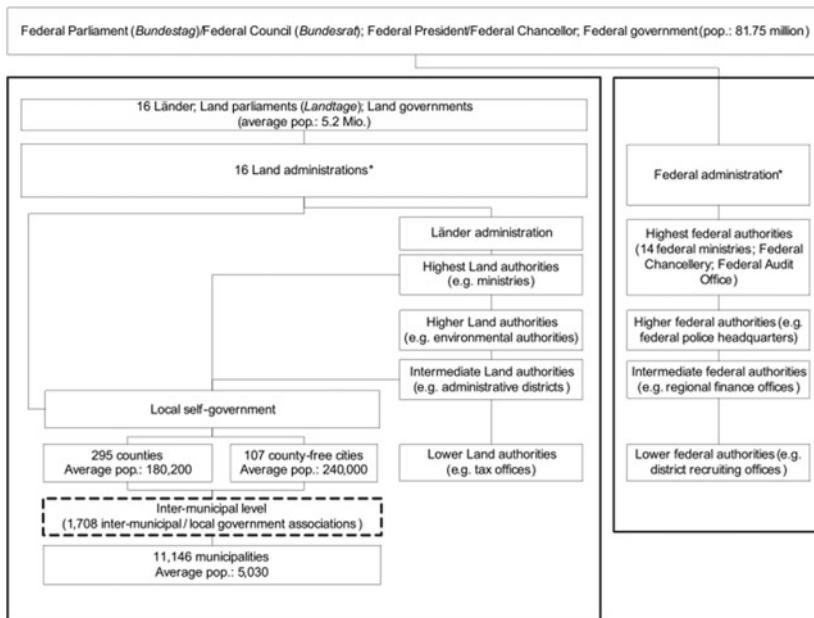


Fig. 15.1 Administrative System of Germany (2012) (Source Kuhlmann and Wollmann 2019: 79)

governments, or else eliminated. It is generally assumed that the coordination function of the multi-purpose district administrations would be especially difficult to replace, as this function allows the duties of different departments to converge and a reconciliation of interests to take place. However, the structure of administrative district authorities is a matter of recurrent debate. Overall, the long-standing discussion of the pros and cons of administrative district authorities generally includes the following arguments (cf. Bogumil 2007):

- The necessity of the bundling function is undisputed. Whether the administrative district authorities actually fulfil this function is a matter of debate, as is the idea that this function could be fulfilled by other institutions, such as higher local government associations.
- Single-purpose state authorities (*Sonderbehörden*) are generally perceived as endangering administrative efficiency and are thus called

into question in times of increasing fiscal consolidation. As a rule, their removal would entail the delegation of their tasks to the administrative district authorities. However, the fact that this reallocation would lead to implementation deficits in the fulfilment of specialist tasks is also criticized.

- The district's function as a mediator between the *Länder* and local governments is also controversial, in light of the personnel expansion in the ministries and the professionalization of local governments. The municipalization of tasks is generally considered appropriate, which could result in the streamlining of administrative district authorities. However, some scholars warn against delegating state tasks to the local governments, as this may weaken local self-government.

Ultimately, the debate surrounding administrative district authorities is first and foremost a question of whether or not a bundling and coordination authority below the ministerial level and above the local government level is required in a specific *Land*. The main points of criticism of the meso-level authorities refer to their deficits in the fulfilment of coordination and bundling functions. The reasons for these deficits may lie in the fragmentation of the general and the functional administration—as is evident in the large number of single-purpose authorities—or in the internal structures of the meso-level authorities. The existence of numerous single-purpose authorities at the meso-level prevents comprehensive bundling and coordination in administrative district authorities. In addition, this leads to a ‘dual administration’ consisting of general and specialized authorities at the meso-level, such that the same tasks are performed by both a general and a specialist authority, resulting in inefficiency.

In the German administrative science debate, one finds proponents as well as opponents or sceptics of general meso-level state authorities. Joachim Jens Hesse adopts a middle position in this debate. He argues that the three-level structure of the general state administration in the large German *Flächenländer* is indispensable (due to the need for a bundling authority, which ministries in large *Flächenländer* cannot provide). In small and medium-sized *Flächenländer*—and here Hesse has recently (following the administrative modernization in Lower Saxony) included all *Länder* with the exception of Bavaria,

Baden-Württemberg, and North Rhine-Westphalia—he considers district councils (*Regierungspräsidien*) to be expendable (Hesse and Götz 2003, 2004).

15.3.2 *Three Models of Territorial Administration Reform in Germany*

As abovementioned, there are different variants and reform models for the institutional re-organization of the meso-function within German administrative federalism. This is constitutionally rooted in the *Länder* competency to decide autonomously upon their administrative organization. The main reason for the current (in some instances, significant) reform activities in the German *Länder* administrations is the increasing necessity to relieve the burden on state budgets. The urgently required consolidation of the *Land* budgets can no longer be ignored, even in the economically wealthy southern German *Länder*. In light of exploding pension expenses, demographic developments, and the declining funds from the Solidarity Pact II in the East German *Länder*, methods of reducing personnel costs are highly sought after. With a share of over 40% of the total budgets of all *Länder*, personnel expenditures represent a major key for budget consolidation. This focus on expenditure cutbacks indicates a crucial difference to previous reform projects: today, the aim is largely fiscal rather than functional optimization. In addition, the reforms have further goals, such as changes in the power constellation between administrative levels (by strengthening of ministries or counties), the ideologically driven promotion of market-liberal considerations, and strategic electoral calculations (Bogumil 2007; Bogumil and Ebinger 2008; Ebinger and Bogumil 2008). In the following sections, three models of territorial administration are discussed that show conspicuously contrary properties with regard to (a) multi-/single functionality and (b) the democratic accountability of meso-level administrations. These three models that were recently implemented exemplify the variance of current administrative reforms at meso-level in the German *Länder*:

- Model 1 (Baden-Württemberg): functional strengthening of multi-purpose administrative district authorities (*Regierungspräsidien*) and county administrations;

- Model 2 (Lower Saxony): complete abolition of multi-purpose administrative district authorities and strengthening of single-purpose *Land* authorities;
- Model 3 (Mecklenburg-Western Pomerania): creation of multi-purpose regional counties (*Regionalkreise*) as local self-government bodies, waiving the introduction of administrative districts.

15.3.2.1 *Model 1 (Baden-Württemberg): Functional Strengthening of Multi-purpose Administrative District Authorities and Counties*

Institutional bundling of administrative functions as part of a three-level system (ministries, administrative districts, counties) is the general model found in the *Länder* of Bavaria, Hesse, North Rhine-Westphalia, Baden-Württemberg, Saxony, Saxony-Anhalt, Thuringia, and Rhineland-Palatinate. Among these *Länder*, a variety of different meso-level state authorities can be found; neither their responsibilities nor their incorporation into the administrative structure are uniform. On the basis of this three-level organization, the lower and higher single-purpose state authorities are being integrated into the administrative district authorities as part of the reform, resulting in an increase in duties at the middle level. Moreover, there has been a general attempt to concentrate these duties by privatizing existing tasks according to political guidelines, or by transferring them to the local government level and realigning some of the authorities. Baden-Württemberg provides a prime example of this process: the multi-purpose meso-level state administration (administrative district authorities) has been substantially upgraded and functionally strengthened since 2005. In addition, numerous state tasks have been transferred to the counties (waiving territorial reforms). The core element of the reform was the complete abolition of 350 out of a total of 450 existing single-purpose state authorities, whose tasks and employees were integrated into the four multi-purpose administrative district authorities (*Regierungspräsidien*) and into the 35 county administrations (*Landratsämter*) and nine county-free cities (*kreisfreien Städte*) (Bogumil and Ebinger 2005; Richter 2010). The task and personnel transfer to the counties and cities was initially funded entirely from the state budget. However, because these transfer payments are reduced by 4% annually, the *Land* government was hoping to see an efficiency gain of approximately 20% over a period of five years, a condition that was imposed on

and finally accepted by the local governments (not least to prevent territorial amalgamations). The administrative reform in Baden-Württemberg is an instructive example of a pronounced collaboration between the *Land* government, on the one hand, and the heads of county administrations (*Landräte*), on the other hand. The county executives were included in the development of the *Land* government's reform concept early on and constituted a fundamental driving force behind these plans. The heads of county administrations have become informal coalition allies, so to speak, and active partners in the intergovernmental political power games (Bogumil and Ebinger 2008: 17 et seq.). The responsibility for the reform process lay in the hands of then-Minister President of the *Land*, Erwin Teufel, who—interestingly—was also a former head of county administration himself and was deeply rooted into politics at the local level. Through the involvement of the counties/heads of county administrations, the (then-conservative) government of Baden-Württemberg also enjoyed strong political support from below and was able to obtain new leverage against the parliamentary opposition, and in particular against the opposing elites of the *Land* administration (ministries, single-purpose state authorities) itself. This key position of the county governments in the informal power game of *Land* politics is thus clearly reflected in the reform outcomes. In view of the fact that (at the time) there were no apparent serious fiscal problems in the economically prosperous and efficient southern German districts, it was not difficult for the counties in Baden-Württemberg to agree to the savings requirements demanded by the *Land* government in the form of the so-called 'efficiency yield' (*Effizienzrendite*) of 20%, especially as they were, in turn, able to assert their own interests in several respects. Thus, the *Land* government spared its counties from the feared territorial reform and amalgamation of counties, although this came at the price of the required savings ('efficiency yield'). The counties also received a large number of new responsibilities and emerged from the reform functionally strengthened, even though an increasing number of voices can be heard criticizing the new excessive demands being placed on geographically small-scale counties with limited resources (Grohs et al. 2012).

15.3.2.2 *Model 2 (Lower Saxony): Complete Abolition of Multi-purpose Administrative District Authorities and Strengthening of Single-Purpose Land Authorities*

The main feature of this second reform variant is the abolition of the multi-purpose meso-level state administration (administrative district authorities) in 2005. The increasing number of single-purpose *Land* authorities that resulted from this abolition is sought to be reduced through mergers (concentration), transformation into state enterprises, integration into other *Land* authorities, or by shifting their responsibilities to the county or city governments. Lower Saxony is the only German *Land* that has implemented the ‘system change’ from a three-level to a two-level model (Bogumil and Kottmann 2006: 63). With the act of 5th November, 2004 concerning the modernization of the administration in Lower Saxony, the four administrative district authorities (*Bezirkeregierungen*) of Brunswick, Hanover, Lüneburg, and Weser-Ems were dissolved, and the administrative districts were abolished (cf. also Reiners 2008). This involved an extensive deconcentration of the previously, territorially, and functionally bundled meso-level state administration. There were initial attempts in Lower Saxony to transfer 70% of the freed-up tasks to the counties and county-free cities. However, the actual decentralization effects have remained minimal. Since the four administrative district authorities were abolished on 1st January, 2005, only just less than 10% of their previous tasks have been municipalized; in contrast, the jurisdiction of the single-purpose *Land* authorities has been considerably expanded. 21 new single-purpose *Land* authorities were established and the vast majority of administrative district tasks (90 per cent) were not—as previously announced—decentralized to the local governments (counties, cities), but instead transferred to single-purpose *Land* authorities or to the ministerial departments. These institutional and functional shifts represent a significant upgrade of the sectorally organized state administration. The reform has thus amounted to an extensive administrative deconcentration (new single-purpose authorities) and task re-centralization (transfer to the ministries).

15.3.2.3 *Model 3 (Mecklenburg-Western Pomerania): Creation of Multi-purpose Regional Counties (Regionalkreise) as Local Self-government Bodies Waiving the Introduction of Administrative Districts*

The model of regional counties (*Regionalkreise*) assumes larger (regional-scale) counties with self-administration and elected councils. The forerunner of this reform model is the *Land* of Mecklenburg-Western Pomerania, where the *Land* parliament (*Landtag*) decided to undertake an incisive reform of the county level following an extremely controversial political debate. This reform was to be effective on 1st January, 2009 with the formation of regional county structures, with the twelve existing counties being replaced by five regional-scale counties with an average of 350,000 inhabitants and the simultaneous incorporation of the six county-free cities. Yet, some of the counties appealed to the state constitutional court, which decided in a sensational judgement of 26th July 2007⁵ that the County Territorial Reform Act was unconstitutional due to procedural irregularities. In its remarkable *obiter dictum*, the court added that it also had constitutional reservations on substantive grounds. The *Land* parliament subsequently passed a (revised) County Reform Act, which went into effect on 4th November, 2011. With this act, the *Land* capital Schwerin and the city of Rostock retained their status as county-free cities, but there has been drastic restructuring at the county level, creating quasi-regional structures with between 280,000 and 160,000 inhabitants (cf. von Gayl 2010). As a result of the reform, the territorial bundling, coordination, and planning functions are now located at the level of regional counties in Mecklenburg-Western Pomerania. Since the implementation of the revised act, there have been discussions of similar reforms in other *Länder* as well, but all failed.

15.3.3 *Results of the Reforms and Lessons Learned*

As a result of previous and more recent reforms, county structures in Germany differ considerably in terms of geographical size and population. In particular in East Germany (with the exception of Thuringia), the surface areas of counties are substantially larger than in West Germany, while the population figures fall in the middle of the range (Table 15.3).

⁵ <http://www.landesverfassungsgericht-mv.de/presse/aktuelle/download/LVFG9-17u.pdf>.

Table 15.3 County Structures in Germany

Land	Number of counties	Average size (smallest county – largest county)	Area in km ²
		Population	
Baden-Württemberg	35	249,941 (108,913–537,625)	986 (519–1851)
Bavaria	71	125,619 (68,087–323,015)	964 (308–1972)
Brandenburg	14	150,869 (82,023–205,070)	2054 (1217–3058)
Hesse	21	221,477 (97,032–407,234)	971 (222–1848)
Mecklenburg-Western Pomerania	6	224,062 (160,423–272,922)	3812 (2117–5468)
Lower Saxony	38	181,894 (49,213–1132,130)	1223 (535–2882)
North Rhine-Westphalia	31	346,380 (138,961–628,817)	980 (407–1960)
Rhineland-Palatinate	24	124,171 (61,267–210,269)	783 (305–1626)
Saarland	6	169,595 (90,596–332,333)	428 (249–555)
Saxony	10	286,029 (206,223–368,167)	1757 (949–2391)
Saxony-Anhalt	11	162,147 (89,512–232,343)	1806 (1414–2423)
Schleswig-Holstein	11	201,719 (132,897–303,481)	1394 (664–2186)
Thuringia	17	98,743 (59,954–138,056)	903 (433–1305)

Source Federal and Länder Statistical Offices, population and territory status, 31/12/2010 (for Mecklenburg-Western Pomerania, 31/12/2011). All values are rounded

It thus seems questionable whether the coordination and bundling functions of the meso-level authorities can also be adopted by other German *Länder* on the county level, as county structures are in some cases too small for this (Bavaria, Baden-Württemberg). As a result, the regional/meso-level functions must remain in the jurisdiction of the administrative district authorities (*Regierungspräsidien*) as long as there is no prospect of county territorial reform.

The abolition of the multi-purpose meso-level state authorities in a larger *Flächenland* like Lower Saxony has also led to significant problems,

not least due to the fact that the existing small-scale county structures have been retained. Against this background and based on previous experience, there has been a broad consensus in administrative theory and practice that for the larger *Flächenländer*, the model of a concentrated three-tier structure has proven to be a suitable form of administrative organization, including (1) ministries at the upper level, (2) administrative district authorities at the meso-level, and (3) county administrations at the bottom level. Such a system places greater value on the bundling of public tasks and the unity of territorial administration (horizontal concentration) instead of single-purpose specialization and vertical coordination within single policy-areas.

As the events in Lower Saxony confirm, when the bundling and coordination functions of the meso-level authorities are removed, the fragmentation of administrative activity due to departmental egotism and governmental divisions becomes clearly visible. With the abolition of the administrative district authorities, the importance of single-purpose state authorities increases. There is also the additional danger of decreasing effectiveness in state supervision (e.g. regarding local governments, heritage protection, environmental protection), as the supervision function is now located at the ministerial level and thus takes place from a distance (cf. Bogumil and Kottmann 2006).

Furthermore, evaluations show that regulatory and technical tasks, such as regional-scale environmental protection functions, seem rather unsuited for a transfer to the county administration, especially when small county structures are retained. By contrast, distributive functions and tasks that are strongly reliant on local networks (e.g. in social service delivery) can benefit from greater local proximity.

15.4 SOCIOLOGY OF THE TERRITORIAL ADMINISTRATION IN GERMANY: FUNCTIONS, PROFILES, AND ROLES OF TOP OFFICIALS

Regarding the administrative elites of the territorial administration in Germany, there are only very few empirical studies available and administrative science is facing a conspicuous research gap in this respect. Whereas the ministerial bureaucracy at the federal level has been studied comprehensively in previous research (see Derlien 1994; Mayntz and Derlien 1989; Schwanke and Ebinger 2006; Veit 2012, 2015) the

meso- and local levels have hitherto remained largely neglected (see Kuhlmann et al. 2015). However, in this contribution we seek to bundle and summarize the scarce empirical evidence about territorial top-level bureaucrats, making a distinction between the administrative district presidents (*Regierungspräsidenten*) on the one hand, and the heads of county administration (*Landräte*) on the other hand. We predominantly focus on two aspects: socio-demographic characteristics and professional background (1); political status, role perceptions, and decision-making behaviour (2).

For empirical evidence on the profiles of the *Regierungspräsidenten*, we concentrate on the four German *Länder* with traditional multi-purpose administrative districts as territorial meso-level authorities: North Rhine-Westphalia (NRW); Baden-Württemberg (BW), Bavaria (B), and Hesse (H). Concerning the *Landräte*, we concentrate on Baden-Württemberg, Bavaria, and Thuringia, which is mainly due to pragmatic reasons and the availability of data.

15.4.1 *Socio-Demographic Characteristics and Professional Background*

On the one hand, it comes as no surprise that the position of the *Regierungspräsident* is still largely dominated by men: only 30% (6 out of 19) are women, which reflects the still comparatively low degree of women participation in administrative top positions in Germany (see also Veit 2012, 2015). However, interestingly, this relative male predominance primarily results from a total gender imbalance in Bavaria, where there are no women in this position at all. By contrast, in Baden-Württemberg, with 2 female presidents out of 4, the gender balance is much better and in North Rhine-Westphalia, we find even more female than male presidents; in Hesse at least one out of three presidents is a woman. These differences, seem, at least to a certain extent, to be related to changes in government at *Länder* level, because almost all female presidents (5 out of 6) have come into office after changes in government (2010 in North Rhine-Westphalia, 2014 in Hesse, 2011 in Baden-Württemberg). Hence, the gender balance has improved over time in this position.

In general, we find the most homogeneous territorial élite regarding the position of the *Regierungspräsident* in Bavaria, where all of them are men, approximately between 55 and 63 years old, holding a university degree (or PhD) in law and having a professional background in

(Bavarian) public administration at the *Land* or local government level. The other three *Länder*, by contrast, show more diversity in terms of gender, age, and professional backgrounds of the *Regierungspräsidenten*. Most age diversity can be found in Hesse, where the youngest *Regierungspräsident* is only 40 years and the oldest about 60 years old, followed by Baden-Württemberg with an age spread ranging from 47 to 62 years. In North Rhine-Westphalia, the average age of the *Regierungspräsidenten* is the highest (62 years) in comparison to the other three *Länder* and the age diversity is as low as in Bavaria (ranging only from 54 to 65 years). The predominance of university degrees or PhDs in law as a typical background of the *Regierungspräsidenten* (in 14 out of 19 cases) is, again, to a large extent to be attributed to the professional homogeneity of the Bavarian territorial administration. In Hesse, Baden-Württemberg, and North Rhine-Westphalia, they also come from other disciplines apart from law (economics, philosophy, history/geography in North Rhine-Westphalia; teacher's degree, economics in Baden Württemberg; economics in Hesse).

Political and administrative studies into the role, function, and behaviour of the *Landräte* are rarely carried out. Traditionally, in comparison to cities, little attention is paid to counties (*Kreise*) in local government research even though two-thirds of the German population live in them. Fuchs (2012) provides one of the few exceptions with his investigation into the status, role, and function of the *Landräte* as well as their understanding of their position in office, using two examples (Bavaria and Baden-Württemberg) from 2010. Christopher Other (2013) did the same using the example of Thuringia. The average age of the *Landräte* in these *Länder* is 55 in Baden-Württemberg, 57 in Bavaria, and 59 in Thuringia; the youngest is 36 years old and the oldest 69. The average age during the first election was 47 years old. The number of women in office continues to decline with 3% in Bavaria, 4% in Baden-Württemberg (*ibid.*: 217–220), and 15% in Thuringia (Other 2013: 39). In contrast, the number of women in the respective *Länder* parliaments (*Landtage*) is today between 31 and 39%. The *Landräte* were generally in office for nine years. Overall, there are no large differences between the three *Länder* with regard to age, gender, and term of office.

15.4.2 *Political Status, Role Perceptions, and Decision-Making Behaviour*

The political status and role profiles of the executive leaders within the two traditional models of meso-level territorial administration in Germany (county administration as full-fledged local authority vs. administrative district as state authority) are remarkably different. Whereas the state appointed *Regierungspräsident* holds no direct democratic legitimacy and acts in considerable distance to the local political arena, the head of a county administration (*Landrat*) is elected by the council or, in most (11) of the German *Länder*, even directly by the citizens. He can also be directly recalled in 8 *Länder*. Thus, the position of the *Landrat* is tightly connected with and embedded in the local political arena. Furthermore, he chairs the directly elected county council (*Kreistag*), which conspicuously contrasts with the administrative district authorities that do not dispose of such a representative body and direct democratic legitimacy.

As for *Regierungspräsidenten*, it is worth noting that, in North Rhine-Westphalia and Hesse, a majority of them held political mandates prior to their current position (as members of the *Länder* parliaments or as full-time city councillors). In Bavaria, by contrast, all of them have a professional background in public administration, as well as in Baden-Württemberg where there is only one president with a political background (as member of the *Bundestag*).

Unsurprisingly, the manner in which a *Landrat* behaves is partially dependent on whether they are elected directly, such as they are in Bavaria and Thuringia, or whether they are installed by the county council (*Kreistag*) such as in Baden-Württemberg. *Landräte* who are elected by the people correspond to the political preferences of a politician, while those elected by the county council resemble the civil servants. Thuringia is a special case, since although 50% are from the public sector, almost 38% come from the private sector. In addition to the mode of election, it seems that the individual characteristics of the appointed officer also play an important role. *Landräte* in Baden-Württemberg tend not to come from their own county and, with 80%, are less often a member of a party than in Bavaria (100%). 23% of *Landräte* in Thuringia have no party affiliation. Memberships of the CDU or the CSU dominate in all *Länder*: 74% in Bavaria and Baden-Württemberg, 58% in Thuringia (Other 2013: 226). *Landräte* in Baden-Württemberg are highly qualified

persons, mostly lawyers, with lots of administrative experience. Differently, *Landräte* in Bavaria originate from their own constituency, come from various professional backgrounds, have entered the political scene early, and have much more experience in politics. It is thus very logical to observe that those *Landräte* in Bavaria who are elected directly are more often and more strongly involved into individual procedures and do not hesitate to override the advice coming from the administration, whereas the *Landräte* in Baden-Württemberg are tied to the hierarchy and structure of the authorities. However, recent changes show that the classic civil servant in Baden-Württemberg is increasingly becoming an administrative manager. This is due to the fact that, in that *Land*, local politicians are increasingly being elected as *Landräte* because the mayors are more heavily represented in the county councils (throughout all parties they account for up to 45%) and are therefore influential in the election of the *Landrat*.

As said before, county administrations as the upper-level local self-government are also legally part of the *Land* (state) administration (as its lower level). The aforementioned 'Janus-faced character' of the German counties (Kuhlmann and Wollmann 2019) has significant impacts on the role perceptions of local actors, in particular the heads of county administrations who, as a consequence, have to carry out and balance multiple roles. The *Landrat* performs at the same time as executive state official, citizens' ombudsman, head of the county council, supervisor over municipalities, member of numerous steering committees, and supervisory boards (as shown by Fuchs 2012). The empirical findings also reveal that, depending on his biographical background and the mode of (direct or indirect) election stipulated in the municipal charter, the *Landrat* acts either in a more party-oriented (Bavaria) or more administration-oriented (Baden-Württemberg) manner. In any case, the *Landrat* perceives himself, and is publicly perceived, as a central figure of political and social integration in the territory. In order to cope with the partly conflicting exigencies and role expectations related to their position, the heads of county administrations determine priorities in assuming their roles. As they dispose of a certain degree of freedom and leeway to put more emphasis on either this or that role segment, they lay in general less stress on their function as executive state officials and heads of the county councils, whereas being chief executive of the county administration and ombudsman of the citizens is valued much higher. Yet, again, there are considerable differences in the self- and public perception of the

Landrat between the German *Länder*, due to different regulations in the municipal charters with regard to the mode of *Landrat* election (direct vs. indirect; see above). For instance, the directly elected heads of county administrations in Bavaria identify themselves much more with the role as ombudsman and partisan than their indirectly elected counterparts in Baden-Württemberg, who, by contrast, primarily consider themselves as professional administrators with an integrative role.

Against this background, it comes as no surprise that the success and failure of the aforementioned institutional reforms at meso-level government is also largely connected with actor-specific factors, especially the ‘will-and-skill’, the professional backgrounds, and role perceptions of leading officials in the county administration. The extent to which the augmentation of the responsibilities at county level (instead of administrative district authorities), as seen in Baden-Württemberg and Mecklenburg-Western Pomerania, tends to create performance improvements is *inter alia* dependent on the local actors’ capacities to effectively manage and steer a territorial administration and to make the ‘right’ choice of priorities within a given scope of action. The question as to whether the head of a county administration acts as a ‘neutral’ administrator (or public manager) or rather as local political policy-maker seems to be of importance when we want to explain the effective reform outcomes. Regarding the latter (party- and policy-) political dimension, a conspicuous problem in the transfer of meso-level functions previously assumed by state authorities to county administrations stems from the local politicization of task-fulfilment. Thus, the county-level administrative boards are often confronted with political ‘interventions’, which is evident in the example of environmental administration. The functional bundling of environmental protection tasks, on the one hand, and local economic promotion, on the other hand, inevitably implies conflict potential. As such, county administrations face strong pressure from the local economy and the public when it comes to strategically important politico-administrative decisions, such as trade supervision, designation of flood plains, or conservation areas. In contrast to the more ‘distant’ single-purpose state authorities or the administrative district authorities, the tension between functional and political objectives in the county administration is particularly pronounced due to the proximity to local problems and the executives’ direct affiliation to the local political arena.

15.5 CONCLUSION AND OUTLOOK

In Germany, territorial bundling of sector specific administrative activities represents one of the core functions of meso-level authorities. There are two core models to be distinguished from one another: on the one hand, bundling tasks are being exercised by administrative district authorities as part of state organization, on the other hand, they are being exercised by the municipal level in the counties.

Although there are always multiple possibilities of how to organize administrative structures, for the large German *Länder* we were able to show that there are advantages regarding the bundling of departments and responsibilities by administrative district authorities. This becomes evident when looking at the experiences gained in Lower Saxony, where the abolition of the administrative district authorities in combination with very small counties led to a significant fragmentation of administrative activities. The multi-purpose regional counties in Mecklenburg-Western Pomerania are more successful. This is, however, not only related to organizational structures but also dependent on the actors' competencies. In principle, it is possible to establish an integrated territorial management in county administrations (*Landratsämter*). Yet, this poses difficulties regarding regulative and technical tasks, e.g. concerning environmental issues, due to the lack of specialized experts in counties with a small population and thus not being able to provide necessary professionalization processes. By contrast, bundling tasks in welfare services at the county level has revealed as an advantage, since recipients are benefitting from the local proximity of the county administration.

When comparing the socio-demographic characteristics and professional backgrounds of the *Regierungspräsidenten* and *Landräte*, these partial German equivalents of French or Italian prefects, we can conclude that two different types of leaders can be distinguished: on the one hand, there are leaders with experience in administration; on the other hand, politically trained and socialized leaders looking back to a political career. In practice, these meso-level leaders of Germany's territorial governance need both competencies, although to different degrees. Administrative training is essential when having to head a large administrative unit, be it at county level be it in an administrative district. Yet, political skills and the capability of acting strategically as a part of a given political arena is more important for the *Landräte* because they are directly elected and seek for re-election. The *Regierungspräsidenten*, by contrast, are appointed by

the respective state government, are not directly held accountable by the citizens, and therefore overall assume a less ‘politicized’ role.

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