State Organisation in France and Germany between Territoriality and Functionality

1. Introduction

In this introductory chapter the attempt shall be made to identify and to compare some of the basic principles on which the intergovernmental and interorganisational setting of France and Germany has been traditionally built as well their recent development.

A heuristically and analytically promising approach for such a discussion is seen in drawing on territory/territoriality and function/functionality as underlying basic organisational principles and premises (Wagener 1981; Wagener/Blümel 2001; Benz 2002; Wollmann 2005).

In the constitutional and institutional design of the intergovernmental setting and arrangement of a country the concept of territoriality focuses on the establishment, in the intergovernmental space, of territorially defined (horizontal) arenas to which a plurality of functions may be assigned and, inasmuch as these arenas are established as self-standing political and administrative entities, the actors may be put in charge of carrying out that plurality of functions.

By contrast, the concept of functionality focuses on single and specific tasks which are carried out in the intergovernmental setting by a single actor/institution or a vertical chain of actors/institutions.

A key question is to what extent territory and function are still guiding principles, separately and combined, how these principles are operationalised, and what the main tendencies are within and between France and Germany.

Our comparative discussion of the intergovernmental worlds of the two countries aims at identifying to what degree and in which “mix” the intergovernmental design and practice has been guided by either of these principles.

The frame of reference of this comparative exercise will also have to describe and explain the dynamics of co-ordination (Wollmann 2003a). It is crucial to look at the task of co-ordinating the implementation of policies at the local level.

In the debate on co-ordination, a triad of principles and mechanisms has often been pointed out which may serve to bring about the co-ordination of activities among a plurality of actors and institutions (Kaufmann et al. 1986):

- hierarchy which refers to a hierarchical arrangement of actors (be it an interorganisational or an intra-organisational setting) in which the co-ordination of actors (with possibly divergent interests) can be effected, in the last resort, by hierarchical direction and instruction;
- interaction/network relates to a setting of actors and institutions in which neither of the actors is formally subordinated to another actor and in which co-ordinated action is achieved through persuasion, bargaining etc.;
- market refers to the market model in which the co-ordination between different actors and possibly divergent interests is brought about by the “hidden hand”-type mechanism.

As a consequence the territorility/functionality discussion is connected to the governance discussion.

2. Methodological Issues and Conceptual Framework

There is a methodological question associated with describing and explaining the degree and the shifts of territoraility and functionality. Just like in the study of quangos one could ask what is available and what is missing in the study of territorial and functional decentralisation (Bouckaert/Peters 2003).

There are definitional problems, and for the purpose of international comparison, there are additional problems of accurate translations of concepts and terms. The traditional terms of decentralisation and deconcentration are amended with devolution or delocation and may be asymmetrical from a political/administrative point of view, or may be more or less in a competitive context. Definitions do matter in this field, especially if they are historically determined, legally embedded and culturally contingent. It is clear that French and German historical, legal and cultural differences have made them “path-dependent”.

Limited and non-random samples of case studies are developed on single entities (a policy field) or areas (one Land, or région, or département). Micro studies may be detailed and very useful but they are limited and may be subject to specific contingencies. Macro studies, in many countries, except for some general institutional data, lack data on variance of realities, and on *e.g.* de facto functioning of networks and co-ordination through informal political mechanisms (*e.g.* the power-based informal mechanism of the grands élus in France). Variations within France (*régions, départements*) and within Germany (*Länder*) demonstrate this clearly.

A structurally, or institutionally biased focus, results in a considerable terra incognita. If one focuses on organisational formats with legal personality, and on legal frameworks or major policy documents it is possible to have a selective perception. Information on steering, control, and evaluation of policy and management, of resources (finance and personnel), of responsibility and accountability and its administrative and political division of labour, let alone on effectiveness of arrangements should also remain in the picture.

An NPM focus also has even further encouraged a bias in the wrong direction by looking merely at single organisations instead of a consolidated set of organisations at *e.g.* a specific region, or how local governments fit into an institutional macro-perspective. A key question of NPM has ignored how a single organisation, or a type of organisation at a specific level of government (*e.g.* local government) is an instrument of policy and management and politics, and fits into a consolidated picture of governance. Linkages with private sector, social profit, national and international, become increasingly important.

On top of the methodological elements of describing territoraility and functionality, five problems of evaluating reform obviously emerge here too