

**Evaluating cross-country historical development of  
European intergovernmental systems: An approach  
from the concept of administrative tradition**

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## 1. Introduction<sup>1</sup>

Research into public sector reform has developed into one of the core research fields in public administration. After a period in which public sector development has been widely studied by closely investigating specific reform instruments and processes, many studies being published today emphasize the context dependency of public sector reforms, both with regard to their content and implementation process. Taking the environment into account has resulted in scholars emphasizing the influence from different and often interrelated variables on public sector development, such as the importance of culture (Christensen & Laegreid, 2008), the formal and informal functioning of the political system (Poirier, 2002), or economic circumstances (Marie, Hansen & Tuman, 2007).

An additional variable that receives growing scholarly attention is the influence of historical processes on public sector development. Although concepts developed in historical institutionalism, such as Piersons (2000) ‘path dependency’, already underline the importance of past decision making on current institutional reform processes, public sector reform studies seem to experience difficulties in substantiating the influence that might derive from history. One manner by which historical influences on public sector developments are currently analyzed, occurs via the (re-)application of the concept of administrative tradition. While administrative traditions has been applied in various public sector reform studies (Barzelay & Gallego, 2010; Ongaro, 2006), its conceptual significance is judged differently, with some scholars even suggesting it is an ‘explanation of last resort’ (Meer, Raadschelders, & Toonen, 2007).

In order to evaluate the relevance of administrative traditions for explaining public sector development, this paper analyzes these concepts with respect to the development of intergovernmental relations in Europe. Since the division between government levels constitutes one of the core features of the organization of the public sector (Waldo, 1948/2007), it should be possible to evaluate the presence and importance of an administrative tradition with respect to a country’s intergovernmental development. An administrative tradition in intergovernmentalism is conceptualized in this paper as a

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<sup>1</sup> This research is part of collaborative publication project organized at the Centre for Public Sector Reform, part of the Leiden Institute of Public Administration. The project aims to understand the dynamics in the intergovernmental configuration of present-day European state systems. As part of this project, a two day seminar with international experts has been organized on European intergovernmental developments in October 2010.

historical continuity and cross-country similarity in the organization of tasks and resources among government levels among a particular group of countries.

While the paper shortly investigates the importance of Europe's early history, the analysis concentrates on the period from mid nineteenth century onwards when most European states received their modern nation state construction. The central questions that guide this research are, first of all, to what extent do we need to take historical processes into account when explaining intergovernmental developments, and, secondly, of what help are the administrative traditions when trying to understand these processes. The paper starts with a short conceptualization of intergovernmentalism, which is followed by a discussion of intergovernmental trajectories in two of Europe's main administrative traditions; the Napoleonic and the Germanic *Rechtsstaat* tradition. By studying IGR-developments in one country from each tradition in-depth, and then comparing these results with other countries that are usually ranged under this similar tradition, we evaluate the conceptual consistency *within* the traditions. In the final part of the paper we exceed the individual traditions and evaluate the conceptual significance of the administrative traditions for comparing IGR-developments *between* the traditions.

## **2. Intergovernmentalism: A classical theme in public administration**

Intergovernmentalism can be defined as the organization of public tasks and resources among government levels (cf. Page & Goldsmith, 1987). In this way, intergovernmentalism is related to diverse but strongly interconnected political and administrative dimensions such as the degree of democracy or the level of efficiency that can be realized in the development and implementation of public sector tasks. An elaborated conceptualization of intergovernmentalism has been developed by the American political scientist Wright (1988) distinguishes three dimensions for analyzing the intergovernmental setup of a country: intergovernmental constitutionalism (IGC), intergovernmental relations (IGR), and intergovernmental management (IGM). IGC concerns the broader judicial, political, social-cultural and economic conditions in which government actors interact with one another. Within this societal context, IGR constitutes the juridical, financial, political and organizational framework that exclusively deals with the interaction of government actors at different territorial levels. The specific procedures

and techniques that are applied by government actors in this process make up intergovernmental management (IGM).

To evaluate the position of a government layer within IGR, the framework developed by Page and Goldsmith (1987) to evaluate the position of local government towards central government can be applied. In this framework three elements are judged crucial to determine local governments' intergovernmental position: the functions and tasks local governments' undertake; the degree of discretion localities have in performing these functions; and the degree of access or influence they have with central government. Despite the limitation the Page and Goldsmith framework to the position of local government, it is easy to observe the framework's relevance for analyzing the intergovernmental position of other government levels, such as the position of national government, not only *vis-à-vis* sub central authorities but also with respect to the EU. Our investigations into the administrative traditions will be guided throughout this paper by applying this enlarged interpretation of the Page and Goldsmith framework in combination with Wrights three intergovernmental perspectives.

### **3. Intergovernmentalism within the administrative traditions**

The Napoleonic and the Germanic *Rechtsstaat* tradition are studied separately in this paragraph. Together with the Anglo-Saxon and Scandinavian tradition they constitute what are normally observed as Europe's main administrative traditions (cf. Kickert, 2005; Laborde, 2000; Raadschelders, 1998; Ruggie, 2007). The Napoleonic tradition will be investigated by studying France, after which we compare IGR developments in this system with Italy, Spain, and Portugal, countries that have been frequently ranged under the Napoleonic tradition (Ongaro, 2008). For the Germanic tradition, the paper concentrates on Germany, after which Germany's intergovernmentalism is compared with developments in Austria and Switzerland.

#### **3.1 Intergovernmentalism in France**

A source still highly valuable to map out the history of French territorial politics is Tocqueville's study to the characteristics of the French ancien régime. As is illustrated by Tocqueville, territorial and political-military causes resulted in France in the early

development of an army, which subsequently required the construction of an administrative infrastructure especially to organize taxation. Policies by the French kings of further rationalizing the administrative system over the 17<sup>th</sup> and 18<sup>th</sup> century, in combination with the royal desire to concentrate power in Paris, undermined the position of traditionally influential groups, such as the church and aristocracy. By demonstrating the high degree of centralization that had already been reached in France before the revolution and especially Napoleon, as personification of French centralism, entered the political stage, Tocqueville convincingly illustrates the application of prerevolutionary institutions during the revolutionary and post revolutionary period (Tocqueville, 1856/1998) .

From this perspective, centralization policies implemented during the revolution and the Napoleonic era should to be observed primarily as a refinement of the inherited monarchical system instead of a complete overhaul of the French institutional system. While new purposes generated from the revolutionary ideology were attached to state institutions, administrative resources, such as methods and personnel, showed a high degree of continuity. Despite being refinements, policies implemented by Napoleon did have important intergovernmental consequences. The position of central government ministries, such as those of the Interior, Police, and War, was strengthened, while the hierarchically subordinated position of provincial and local government became now formalized. The introduction of uniform nationwide legislation such as the *Code Napoléon* of 1804 replaced historically developed systems of common law, in that way substantially reducing local autonomies. An important innovation in IGM proved the introduction of the prefect which rapidly became the crucial agent of the central government at the completely new developed sub central level of the departments. An increasing number of field agencies from Paris based ministries throughout the country also stimulated a Unitarian development of the French government system (Ziller, 2001).

From an IGC perspective, centralization in France after 1789 has been justified in terms of the Jacobin ideology of equality, uniformity and support for the nation-state (Keating, 1983). In this context, the government system was developed in such a way as to maximize equal access to public services for all French citizens, leading to the integration of the periphery into the centralized state system. This ideology clearly

rejected the acceptance of historically acquired privileges by regions or localities, at the same time willingly acknowledging every centre of population, whatever its size, as municipality.

Although the dominating view of France as a highly centralized country is supported by the above made observations, the French intergovernmental tradition is much more complex both in practice and theory. In an IGC-sense, the Jacobin tradition has always faced the so-called Girodin tradition, which was much more inclined to moderate centralization, rooted as it was in provincial cities and villages. In addition, the unstable national political context of France in the 19<sup>th</sup> and first half of the 20<sup>th</sup> century resulted in large public mistrust in central government and proved detrimental to the centre's governing capacity. Clearly, with no less than 95 French governments in six decades (from 1879 to 1940), the centre was particularly preoccupied with its own survival instead of the implementation of nationwide policies (Prakke & Kortmann, 2009: 270).

In the intergovernmental practice as well, sub central authorities always occupied an important position in the implementation of central government policies. Despite an extensive deconcentrated structure of field agencies, central government showed a dependence on cooperation by officials in decentralized, not directly by Paris directed local government institutions. In this context, the powerful position of the mayor needs to be mentioned particularly, who, especially in case of urban areas directed a substantial municipal apparatus. Although all municipal decisions had to be approved by the prefect in advance, informal negotiations between local actors and central government representatives characterized the French administrative practice. In addition, regular conflicts of interest between central government ministries increased policy discretion of both the prefect and local actors. In line with this, recently published historical studies dedicated to specialized policy fields such as the evolution of French health and environmental policies illustrate the limited influence of central government on French society in the 19<sup>th</sup> century, as compared for example with some German states.<sup>2</sup>

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<sup>2</sup> See Gérard Jorland (2010). *Une société à soigner hygiène et salubrité publique en France au XIXe siècle*. Paris: Gallimard, and Geneviève Massard-Guilbaud (2010). *Histoire de la pollution industrielle. France, 1789-1914*. Paris: Éditions de l'EHESS. Both studies are reviewed by Niek Pas in *Historisch Nieuwsblad* (2010).

### *French intergovernmentalism after 1950*

With the replacement of parliamentary government by a semi-presidential system in the French Fifth Republic, central government became politically more stable. The constitution adopted in 1958 to introduce the new state explicitly refers to intergovernmentalism by stating that France is ‘an indivisible [-] Republic’ and ‘shall be organized on a decentralized base’.<sup>3</sup> From an intergovernmental perspective, reforms implemented in the postwar period alternated between decentralization and centralization. An IGR reform including both aspects can be observed in the development of the French regional level. While under president De Gaulle these 21 regions were introduced to improve the coordination of central government economic policies, and so contributed to a further centralization of the French state system, the government of Mitterrand transformed the regions as part of a larger decentralization program into elected regional councils in 1982 (first elections took place in 1986) (Pinson, 2010).

Despite the regions acquiring additional competences in the course of time, they have not become hierarchically superior to the departments and communes. The latter have kept most of their competences, sometimes even increasing them, while the regions continued to be dependent on the departments and communes for policy implementation. Following Mitterrand’s decentralization reforms, the position of the regional and departmental prefect became transformed with an elected President instead of a prefect, as in the previous situation, chairing the departmental and regional council. However, since the prefect remained in command of all deconcentrated agencies in his territory, continued to be head of the police, and received additional tasks in supervising decentralized authorities, he clearly remained a central figure at the French sub central level (Thoenig, 2005).

In contrast to most European countries, the number of municipalities in France has remained remarkably stable, with today nearly the same number of communes existing as during the mid nineteenth century (from 37,510 in 1861 to 36,781 in 2008, while approximately 41,000 communes were established during the revolution). The number of departments remained largely unchanged as well. The system of *cumules des*

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<sup>3</sup> Constitution of the Fifth French Republic of October 4, 1958, available via: <http://www.assemblee-nationale.fr/english/8ab.asp> (visited November 16, 2010).

*mandates*, in which politicians can combine posts at multiple government levels, has been mentioned as cause for the difficulty to implement changes in the French municipal structure (Thoenig, 2005). An effort to abolish this system of double mandates undertaken by the socialist prime minister Jospin at the end of the 1990s was blocked by the republican president Chirac in the typically French political situation of *cohabitation*. Despite the apparent institutional robustness of the communes, the Chevènement Law adopted in 1999 provided prefects with the possibility to force communes joining intercommunal bodies, as to assure the provision of public services (Cole, 2009).

Overlooking territorial politics in post-1950 France indicates that reforms have been strongly centre-driven. Despite Paris taking the lead, the institutional setup of the French political system mostly resulted in reforms acquiring an incremental nature. The existence of multiple power centres, both horizontally and vertically, seems to have resulted in institutional layering being the preferred reform strategy of French politicians (Streeck & Thelen, 2005), despite leading to an increasingly complex government system and blurring political responsibilities. The short historical analysis in this paragraph illustrates that descriptions provided to the current French IGR system as a ‘loosely coupled network’ (Thoenig, 2005), or a ‘polycentric and informal configuration’ (Cole, 2009) have historical roots that can be traced back at least to the beginning of the French First Republic. A centralistic vision and at the same time a substantial political and administrative interrelatedness between central and sub central actors constitute essential features of French intergovernmentalism, allowing for substantial change when core state values were judged at risk but more often leading to an incremental development of the intergovernmental system.

### **3.2 A within-tradition comparison: Italy, Portugal and Spain**

Concentrating on Europe, the countries Greece, Italy, Portugal and Spain are most frequently ranged under the Napoleonic model. After the transition in central and eastern Europe scholars have also (re-)traced influences of the French model on the Polish and Romanian government system in particular (Matei, 2009). In this paragraph we briefly investigate whether parallels can be traced in the historical development of tasks and resources among government levels in Italy, Portugal and Spain. The investigation starts

with an analysis of the respective government systems in the period until mid twentieth century, after which the second part concentrates on these countries more recent intergovernmental development.

### *Intergovernmental administrative roots*

Comparing the evolution of government systems in the southern European countries Italy, Portugal and Spain, substantial differences can be observed. In case of Italy, the country's unity became declared as late as 1861 (although some parts, including Rome, were included in the period until 1871). The influence of Napoleonic administration had been substantial, though, as a result of Napoleon's invasion being limited to the northern part of present-day Italy, the consequences were initially distributed very unevenly over the Italian peninsula. After 1814 most of the post-Napoleonic Italian restoration regimes continued with the political and administrative innovations that had been implemented during the Napoleonic era. Institutions such as the equality of subjects before uniform legal codes and the supremacy of the centralized administration over society, including previously privileged groups, were not questioned by the majority of Italy's post-Napoleonic rulers. Despite the fact that most of the restored Italian monarchs drew heavily on the ideological resources of the ancien régime and also paid much lip services to the apparent resurgence of the nobility, only the conservative monarch Victor Emanuel I of the northern Kingdom of Sardinia seriously tried to turn back to both the letter and spirit of the ancien régime, however, without much success (Meriggi, 2000).

In the course of the 19<sup>th</sup> century Napoleonic administrative models, mixed with Habsburg and also domestic administrative traditions, spread over the Italian kingdoms. At the moment of Italy's unification relatively strong territories, both from an administrative and cultural perspective needed to be integrated in the new Italian state. The constitution of this state, the so-called *Statuto Albertino*, had been taken over from the Kingdom of Sardinia, developed in 1848 under Charles Albert of Sardinia, one of Victor Emanuel's more liberal successors. While the Statuto transformed the peninsula into a constitutional monarchy, the administrative and political integration of the various kingdoms into the Italian state proved highly problematic and therefore resulted in weak central government. Although the Statuto remained in force until 1948, in practice it was

of limited importance after the fascists came to power in 1922. In intergovernmental terms, the fascist government resulted for the first time since the Roman period in a strong centralization of the country (Prakke & Kortmann, 2009: 463).

In comparison to Italy, a more or less unification of Spain and Portugal was realized in an early stadium. The unification of several Spanish kingdoms following the completion of the *Reconquista* in 1492 is traditionally considered as the forging of present-day Spain. Following Habsburg rule (1504-1700), Spain, with the exception of Navarro and Basque country, was centralized under the rulings of the Bourbons (1700-1868). Although the Bourbon ruling was interrupted by the Napoleonic invasion from 1808 until 1813, in a context of continuous conventional and guerilla warfare this Napoleonic period did not significantly affect the institutional setup of the country (Esdaile, 2000).

While the restored Bourbon rule acquired the form of enlightened absolutism, the political system of Spain remained highly turbulent in the 19<sup>th</sup> century with conservative and more liberal forces replacing one another, resulting in rapidly changing policies of decentralization and (re-)centralization. In 1873 the monarchy's rule was again briefly interrupted with the First Spanish Republic being declared. The officially called *Republica Federal* divided the country in 17 states (15 on mainland Spain and two colonies). Although this First Republic soon ended in chaos and a restored monarchy was put in place within two years, its constitution provided inspiration for Spanish constitutional development during the twentieth century. During the Second Spanish Republic (1931-1939) special statutes were developed for Basque Country, Catalonia and Galicia, partly based on the constitution of the First Republic. During the Franco dictatorship (1939-1975) these statutes were again abolished and the entire country became strongly centralized (Prakke & Kortmann, 2009: 801).

In case of Portugal, the more recent history of the country as a unitary entity starts in 1640 when under the Duke of Braganza the country declared itself independent from the Spanish Kingdom, of which it had been part from 1580 onwards. Although rule by the House of Braganza, which continued until 1910, was shortly interrupted by three Napoleonic invasions in the period 1808 to 1810, Napoleonic influences in this period remained limited on the government system. The Portuguese first administrative code

adopted in 1836 seemed to have found some inspiration in the French experiences since it proposed a centralization of the municipal system including the institutionalization of a system of prefects. The introduction of these intergovernmental reforms, however, proved a major issue of disagreement within Portuguese politics, particularly since they would reduce the traditionally strong degree of autonomy held by Portuguese municipalities. This Portuguese tradition of strong municipal freedom has been explained by the historically absence of feudalism in this country. In the course of the 19<sup>th</sup> century decentralization policies, including the abolishment of the hesitatingly introduced prefect system, and recentralization strategies followed one another (Corte Real, 2008). The replacement of the Portuguese First Republic by a military coup in 1926 resulted also in the Portuguese case in a period of dictatorship and a subsequent highly centralized government system which lasted until 1974.

#### *Intergovernmentalism after 1950*

Historical factors influenced intergovernmental processes in Italy, Spain and Portugal during the second half of the twentieth century. With the end of the authoritarian periods of the respectively Mussolini, Franco, and Salazar government, the political majority in the three countries expressed a desire to establish a democratic state order. The setup of a decentralized government system was judged a crucial part to make this democratic transition. The manner and intensity by which these intergovernmental reforms were implemented, demonstrates differences across the three countries.

The Italian Republic was announced in 1946. Following the constitution being written by both socialists and Christian democrats, a central government competence in national economic planning became included in the constitution and the catholic notion of subsidiarity (Prakke & Kortmann, 2009: 463). The constitution declared the organization of a constitutional court and a regional government level (*regioni*). The materialization, however, of these institutions took years, which was caused in particular by the high political instability and the Christian democratic governing hegemony in postwar Italy. Stimulated by the social unrest of the 1960s, first elections of the regional councils were eventually organized in 1970, whereupon regional autonomy officially started in 1972. Despite these initial measures, the position of the regions was weak,

bereft as they remained of substantial competences and resources. Only with the transition of the Italian political landscape in the 1990s, the first opportunities occurred to give substance to the decentralization conditions in the Constitution (Ongaro, 2008).

The reform process, a.o. as proposed by the Bassanini reform of 1997 and an approved national referendum on strengthening the regional level organized in 2001, resulted in a fundamental change of the Italian intergovernmental system. Central government's competences have been restricted to 19 policy fields, while sub central authorities are now competent in all other fields (Prakke & Kortmann, 2009: 463). Legislation produced by the regions, referred to as regional statutes, have received the same place in the judicial hierarchical order as normal, nationally developed legislation. Central government supervision on sub central policy execution has also been reduced. For example the traditional ex ante control of local government decisions by the prefect has been abolished almost completely (Bobbio & Piperno, 2010: 135). These reforms have been partly driven by the Italian constitutional court, which for example declared intervention by central government in sub central fiscal policy making unconstitutional.

Compared to Italy, the institutionalization of Spanish regionalization occurred much more rapidly. The constitution adopted in 1978 acknowledges the Spanish people as one nation, though, somewhat paradoxically, this nation is supposed to exist out of several nations and regions (article 2). The constitution explicitly recognizes the right of autonomy to these different nationalities and regions. Although the 1978 constitution showed a preference of granting autonomy to the three regions that already experienced some autonomy in the pre-Franco period (i.e. Basque Country, Catalonia and Galicia), eventually entire Spain was divided in 17 autonomous communities (ACs), also in those areas where a specific cultural identity and desire for autonomy had never been observed (Dobre, 2005). Spanish decentralization has went far, something that is illustrated by the introduction of regional taxes and a substantial decline of central government bureaucracy (see appendix). Classifying the new intergovernmental system is still problematic; some scholars assert that Spain has meanwhile become a genuinely federal country, while others argue that central government intervention in the ACs is still substantial, making the system closer to administrative than authentically political autonomy (Laborda & Escudero, 2006).

Portugal's recent intergovernmental history shows a mixed picture. While the constitution that was adopted in 1976 classified the country as unitary, it also mentioned decentralization as a government feature, and explicitly provided autonomy status to Maderia and the Azores. Although the 1976 constitution divides the country in regions, municipalities and civil parishes, the eight planned regions on mainland Portugal have still not been implemented. In 1998 a referendum was organized on the organization of a regional level, which was rejected by more than 60 percent of the electorate. As a result, decision-making on the planned disestablishment of Portuguese current 18 districts has been postponed at least until a new referendum will be organized. In case the regions are ever established the already adopted constitutional articles raise the expectation that they will not significantly erode central government's authority. The function of the regions is supposed to become largely administrative and the Portuguese cabinet will appoint a special commissioner who's competences will cover all the region's autonomy (Prakke & Kortmann, 2009: 723). In fact, the reestablishment of the autonomous municipalities in 1978 has been labeled Portugal's main administrative reform of the past thirty years (Corte Real, 2008).

#### *A Napoleonic intergovernmental tradition?*

Overlooking the intergovernmental development of the 'Napoleonic' countries that were briefly investigated in the previous paragraph, it appears difficult to observe a intergovernmental historical pattern which applies to all four countries. Even in France, intergovernmental developments have been traced that are difficult to contextualize within this country's centralistic experiences during the Napoleonic and partly also pre-Napoleonic era. However, despite these mixed intergovernmental experiences in France, particularly during the 1980s, the supremacy of Paris remained unquestionable over the twentieth century. This delivers support for a quite general or macro level historical continuity of a Napoleonic, centralized form of administration in the French territorial system.

In case of Italy, Portugal and Spain even a general pattern of Napoleonic like superiority held by the centre is questionable. Whereas all three countries adopted some innovations in the 19<sup>th</sup> century inspired on French administration, during the second half

of the twentieth century central governments lost substantial governing capacity following extensive decentralization programs. Although Portugal's government system has remained most unitary, the resurrection of a strong local government level reestablished a strong counterbalance to Lisbon's governing capacity, at least in comparison to the French case.

This illustrates that institutional forces resulting from the adoption of Napoleonic innovations have only produced moderate effects on intergovernmentalism in the three investigated countries. In addition, the significance of some of the Napoleonic innovations that were adopted might be questioned. An example is the presumed strongly legalistic functioning of Napoleonic government systems. In the Italian case legalism constitutes a notion of more limited importance compared to France, which can be illustrated by the Italian expression that two Italies do exist; *il paese legale* and *il paese reale*, the lawful country and the true country (Prakke & Kortmann, 2009: 466).

In order to understand the historical intergovernmental development of the countries discussed, additional explanations are required that cannot be provided by referring to a Napoleonic pattern of administration as developed in the French case.

#### State formation explanations

First of all, the specific development of a country's state formation appeared to exert a significant influence on administrative development. In case of both France and Portugal the process of early state formation prevented the growth of strong regional identities. In case of France, this had been primarily a result of an explicit political strategy of centralization, whereas in the Portuguese case the threat of becoming absorbed in the Spanish Kingdom combined with the absence of a feudal system led to a centre whose power was relatively easily accepted, at least as long as the municipal or – in Portuguese – *foral* freedoms remained respected.

Italy's contrasting process of state formation, whereby the country became united only *after* cultural and political identities had been developed at regional level, resulting in a far more problematic development of an integrated central government. With a weak and incapable central government being a result of this process, the authority of the Italian centre became increasingly delegitimized, a process that was only halted by the

authoritarian, centralistic policies introduced with the fascist takeover. In this historical comparison Spain occupies a centre position since despite this country's early unification in the 15<sup>th</sup> century regional identities never disappeared entirely, which can partly be explained by decreasing economic and political capacity of the centre following Spanish imperial decline in 16<sup>th</sup> and 17<sup>th</sup> century .

#### Europeanization as intergovernmental reform stimulus

As already mentioned, the authoritarian experiences of Italy, Portugal and Spain contributed to an intergovernmental strategy of decentralization being declared an important principle in all these countries' constitution. However, not only historical experiences with authoritarianism contributed to this policy. In both Portugal and Spain the wish to acquire EU membership also contributed to the adoption of decentralization programs, as this was observed by the EU as an expression of these countries commitment to democracy (Dobre, 2005).

An additional EU factor that influenced IGR constitutes the desire of the investigated countries to become part of the EMU. The requirements being used for EMU membership provided an important incentive to restructure government finances, and, as a result, led to public sector reorganization. With efficiency gains supposed to be realizable by decentralizing government tasks, decentralization has been a frequently applied strategy to reduce central government expenditure. That the efficiency gains that are realized at decentral level have in practice often been less than calculated by central government obviously aggravated IGR. Since the regional level in Italy and Spain is the main level that decides on local government financing, municipal reluctance about too restricted financing is primarily aimed at this level instead of against central government (Bobbio & Piperno, 2010: 136; Morata & Etherington, 2010: 179).

A final EU factor that influences IGR processes are the EU's regional policies. To acquire funding from the EU's Structural and Cohesion Fund the development has been stimulated of sub central entities of a sufficient size. The domestic effect of this process is that in France, Italy and Spain the regions have won legitimacy following their role in EU politics, particularly via the acquisition of EU funding. In Portugal central government's

persistence to replace the districts by larger regions is strongly driven by a preference to present a more effective Portuguese sub central level in EU regional politics.

#### National system characteristics: political, judicial and administrative influences

Features of the national political system in the selected countries also influenced IGR processes. In France the particular situation of cohabitation prevented the abolition of the system of cumul des mandates, which subsequently reduced the likelihood of implementing substantial intergovernmental reforms. The growing importance of regionally based political parties in the national parliaments of both Italy and Spain during the 1990s strongly stimulated the transition of central government competences to sub central level. In Italy the influence of the separatist, northern based Lega Nord must be mentioned, while in Spain the (small) Basque and Catalanian political groupings represented in the national parliament have exerted significant influence on the regional policies of subsequent Spanish central governments, particularly in case these governments hold a minority status, as the current Zapatero government since 2004 (Field, 2009).

The presence of a Constitutional Court in case of both Italy and Spain also influenced intergovernmentalism. As illustrated with the Italian example of central government control on sub central financial policy making being declared unconstitutional, statements of the Italian Constitutional Court have most of the times underlined the autonomy of sub central authorities. In Spain as well the Constitutional Court has been often on the side of sub central forces, for example by declaring the LOAPA law of 1981, which tried to slow down regional autonomy, as unconstitutional (Dobre, 2005). The historical absence of a Constitutional Court in the French case, and instead of that the presence of a less influential Constitutional Council, makes that the influence of legal judicial institutions on France intergovernmentalism seems limited.

The manner by which IGR is managed across our country selection is influenced by diverging patterns that can be observed in the personnel-administrative organization of central government institutions. The typical French organization of civil servants in corps systems gives French IGR a particular informal character, whereby solutions in case of intergovernmental conflicts are often find in closely interrelated networks of politicians

and administrators (cf. Bezes & Jeannot, forthcoming). In case of Italy, anything like a tradition of corps has been absent in central government. This can be partly explained by what has been labeled the traditional most important personnel-administrative feature of Italy's central government, namely fulfilling a role as 'social-shock-absorber' for the country's poor southern regions (Sotiropoulos, 2004). Following the absence of well developed professional networks, intergovernmental interactions are likely to be managed differently in the Italian case as compared to France.

In sum, contextual variables related to a country's specific cultural, (international) political, judicial, and economic setup, influenced IGR-processes in a more tangible manner as compared to what appeared to be a difficult identifiable country exceeding Napoleonic administrative model. Clearly, more in-depth research is required to evaluate the exact degree of differences and similarities within the countries that are ranged under the Napoleonic tradition. A comparison not only within but also *between* the administrative traditions might provide relevant information as to the applicability of the concept of tradition for investigating larger groups of countries than those investigated in this paragraph. For this purpose, the next paragraphs identifies to what extent intergovernmental similarities can be traced among countries that are ranged under the Germanic tradition, and to what extent these similarities significantly differentiate from the investigated 'Napoleonic' countries.

### **3.3 Intergovernmentalism in Germany**

Constituting another latecomer in the process of unification, the German Empire was founded in 1871. When analyzing the period before unification, large differences can be observed in the government development among the German states. The Confederation of the Rhine (1806-1813), which had been organized by Napoleon as a confederation of client states, constitutes the most intensive experience of large parts of present-day Germany with Napoleonic rule. Just before and during the period of the Confederation large territorial changes were implemented in the organization of the German states. Baden, for example, experienced an increase of its territory with 750 percent and 950 percent in terms of population (John, 2000: 82) . The *Mittelstaaten* that were the result of

this territorial transformation continued to exist when the Rhine Confederation was replaced by the German Confederation following the defeat of Napoleon. The rationalization and centralization of state structures during the Napoleonic era, which had been most substantial in the German states most closely situated to France, also largely continued to exist and became even extended in many states during the post-Napoleonic period. This despite the fact, for example, that the French inspired local government system in the Rhineland was strongly condemned by the new Prussian rulers as ‘an institution of foreign rule’ that would not fit with the ‘German character’ (Rowe, 2000).

Although Prussia clearly dominated the German Empire founded in 1871, the high institutional capacity that had been reached by the other German states in the 19<sup>th</sup> century made that the Empire received a federal nature. That this type of state construction reduced powers held by the centre can be illustrated by the difficulties the Imperial government faced in acquiring its own fiscal power (Hefeker, 2001).

During the twentieth century a clear pattern in Germany’s intergovernmental setup is difficult to observe. Following the centralization and dismissal of the Länder during the Nazi period, the Cold War context of the postwar period saw a clear split in Germany’s intergovernmental development. Even though the Soviet administration in East Germany initially allowed the re-establishment of the prewar Länder, in 1952 the decision was taken to replace the East German Länder by 15 *Bezirken*. In line with the GDR’s highly centralized nature, the *Bezirken* mainly fulfilled an administrative function. At the west side of the Iron Curtain allied forces were determined to establish a federal system as to prevent the resurgence of an authoritarian centre. Strong political and administrative Länder were judged vital for this purpose. Comprised of prime ministers of the West German Länder, the Parliamentary Council (1948-1949) that was established to develop Germany’s postwar constitution however did present some proposals that apparently undermined the federal nature of the future government system. Regarding the intergovernmental organization of tax administration, for example, the Council proposed a system in which the federal government would become responsible for levying its own taxes *and* those of the Länder. While the Council made this decision mainly on efficiency grounds, the allied forces rejected the proposal and pressed the Council to accept a

system whereby the Länder received the main responsibility in taxation (Feldkamp & Müller, 1999; Senger, 2009).

Despite allied pressures to establish a highly decentralized government structure in postwar Germany, German federalism received a dual or cooperative character with a gradually growing role for the federal government. The centre justified its growing influence on Länder politics particularly by referring to the German constitutional notion which states that uniform and equal living conditions should be realized throughout the country. Partly motivated on this constitutional obligation, the federal government succeeded to acquire a nearly equal share as the Länder in the intergovernmental tax division during the so-called *Großer Steuerverbund* in 1969 (Senger, 2009). Despite a growing federal presence, the Länder have remained fundamental in the development of Germany's IGR system. An effort, for example, by the Federal Finance Ministry to institutionalize during the reunification with East Germany one tax system for the entire former GDR, which was supposed to be administered by the federal government, was cancelled following resistance of West German Länder in the *Bundesrat*.<sup>4</sup> However, following large economic disparities the Länder have frequently been mutually divided on the country's intergovernmental development. The economic poor Länder, both in the East and West, have mostly favored a growing role for federal institutions, and subsequent (financial) equalization mechanisms, whereas the stronger ones have been more inclined to underline the autonomy of the Länder (cf. Adelberger, 2001).

Overlooking the historical development of intergovernmentalism in present-day Germany, both dynamism and continuity can be observed. A vertical diffusion of power characterizes the German system during most parts of history. The vertical diffusion of power, illustrated by both the important position that is occupied by the Länder but also municipalities, appears as a historical continuity in the German system. Despite this continuity, a strong intergovernmental dynamism has been observed around the decision making and implementation of particular policy fields.

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<sup>4</sup> Interview with civil servants at Federal Finance Ministry (*Bundesministerium der Finanzen*), Berlin, August 2009.

### **3.4 A within-tradition comparison: Austria and Switzerland**

When we briefly compare Germany's intergovernmental system with the 'Germanic' countries Austria and Switzerland, differences and similarities can be traced. As in case of Germany, both Austria and Switzerland are federal republics. Despite this similarity, the relative extent to which these countries have federalized certain policy fields strongly differs. Of the three countries, Austria both in the past and at present seems to possess the most actively operating central government. Austrian tax administration, for example, is a case of central government exclusively. In the German case, in contrast, it is (still) largely a responsibility of the Länder. Switzerland clearly possesses the least centralized system regarding taxation, with the cantons not only having the autonomy to organize tax administration, but also having large freedoms in determining rates and types of taxation (Church & Dardanelli, 2005). Partly on the basis of the large dependence of the Austrian Länder on central government financing (i.e. more than 60 percent consists of central government transfers), the official federal nature of the country has been questioned. According to some observers, the description decentralized unitary state is more appropriate to classify the Austrian state system (Prakke & Kortmann, 2009). Similarities among the three Germanic countries can be recognized as well. From a cultural perspective, the strong attachment by citizens to their region appears as a common feature. This even applies to Germany where nearly all Länder structures have a history of just over 50 years (Adelberger, 2001).

Although a more thorough analysis including more historical research is required to reach conclusions about the presence of a Germanic intergovernmental tradition, the example of intergovernmental finance mentioned in this paragraph illustrates an important difference in the three countries intergovernmental setup. By presenting a cross-tradition analysis in the following paragraph, we provide an additional preliminary test for the identification of a historical pattern among the investigated 'Napoleonic' countries on the one hand and the 'Germanic' countries on the other hand.

## **4. A comparison of the Napoleonic and Germanic intergovernmental tradition**

The previous paragraphs illustrated substantial intergovernmental differences between countries that are classified as being part of one and the same administrative tradition.

With the Napoleonic administrative model understood as those administrative innovations being introduced during the Napoleonic era, elements such as the superiority of the centre, the presence of a uniform nationwide applicable system of legislation, or a professional administration recruited on meritocratic grounds and organized in administrative corps, might be expected to be observable across countries labeled Napoleonic. The results of this first analysis illustrate that developments can be traced in countries labeled Napoleonic that contradict this tradition, even in the country where this tradition is supposed to find its historical roots.

If the results from the investigation to the Germanic intergovernmental tradition are compared with the Napoleonic one, the concept of administrative tradition becomes even more difficult to apply. While during the 18<sup>th</sup> century IGR in the German states seemed to differ from France very generally in the sense of being less centralistic, during the 19<sup>th</sup> century many intergovernmental innovations introduced in the German speaking regions directly or indirectly resulted from the Napoleonic period. This intertwining with French developments, in combination with the strongly diverging speed and size by which IGR reforms were implemented across the German states, makes it difficult to identify a particular Germanic intergovernmental tradition. A distinguishing factor, however, that can be traced of the Napoleonic inspired reforms in the German case, is that many of these reforms occurred prior to German unification. In this way, Napoleonic innovations at sub central level inhibited the foundation of a strongly centralized German imperial government (cf. John, 2000). However, this paradoxical disintegrating influence from Napoleonic innovations has not been unique to the German states since it has also been observed in case of Italy.

Similarities *across* the Germanic and Napoleonic tradition can be ascertained with respect to IGR developments in the twentieth century. In both Austria and Germany, as well as Italy and Spain, the creation of a decentralized state system had been stimulated by these countries experiences with authoritarianism and a subsequent desire to prevent the resurgence of a totalitarian centre. Political system variables determined the manner by which the constitutionally outlined decentralized state structure was (eventually) materialized in the intergovernmental practice. The different countries also provide examples of IGR features one would not expect in that country assuming the country

belongs to a Germanic or Napoleonic administrative tradition. An example is the status of sub central legislation in relation to central government legislation in Italy versus Switzerland. Despite the Swiss cantons being classified as sovereign entities in the Swiss constitution, legislation produced at this level is subordinate to Swiss federal law (Church and Dardanelli, 2005: 173). Legislation produced by the Italian regions has instead been declared equal in hierarchy to central government law by the Italian constitutional court. When comparing the substantial (fiscal) autonomy and centuries old history of the Swiss cantons with the relatively new and still underfunded Italian regions, this institutional difference in the position of regional legislation is difficult to explain from the approach of administrative tradition.

As the popularity of liberal movements during the 19<sup>th</sup> century significantly influenced European processes of state formation across the administrative traditions, so the current process of Europeanization is transforming the setup of public sector systems across Europe, regardless to which administrative tradition a country might belong. Regionalization, which constitutes an intergovernmental development stimulated by Europeanization, might have different implementation effects in the investigated Germanic or Napoleonic labeled countries (cf. Knill, 2001). For example, while regionalization might replace the traditionally high degree of centralization in Napoleonic systems between the macro and meso government level, centralistic intergovernmental patterns might shift to the regionalized administrations and continue to exist between the regional and local government level. Clarifying this issue requires additional research. However, a first inventory illustrates that in Germany and Austria, as well as in Italy and Spain, municipalities continuously complain about underfundment of tasks that have been delegated or decentralized to the municipal level. Both Germany's and Italy's Constitutional Court criticized the practice of providing municipal government with insufficient resources to finance decentralized tasks. This suggests that a specific Germanic or Napoleonic pattern in the manner in which decentralization occurs seems nonexistent.

## **5. Concluding remarks**

The preliminary analysis that has been carried out in this paper to the scientific relevance of the concept of administrative tradition suggests that more accurate concepts are required to explain the intergovernmental setup of European state systems. A stable pattern in the territorial organization of government seems only traceable during relatively short periods, mostly limited to a couple of decades. In case a (very general) pattern is observable, it seems largely limited to one country instead of, what the investigated concept implies, a group of countries belonging to a certain 'tradition'. Although we have traced some communalities among countries ranged under the same tradition, in at least an equal number of cases differences can be traced within the tradition, as well as communalities in intergovernmental developments across the traditions.

Systematically identifying historical processes not restricted to the countries that are ranged under one tradition, combined with careful investigations of influences resulting from a country's unique cultural, political or economic setup seems a more promising way to explain historical patterns in intergovernmentalism. Linking the constitutional or state structure of a country with the setup of its public sector may lead to better explanations of intergovernmental developments. Applying such an approach, will also increase the possibility of explaining developments in central and eastern European countries, which often had more unstable and diverse histories of IGR as compared to the countries that were investigated in this research.

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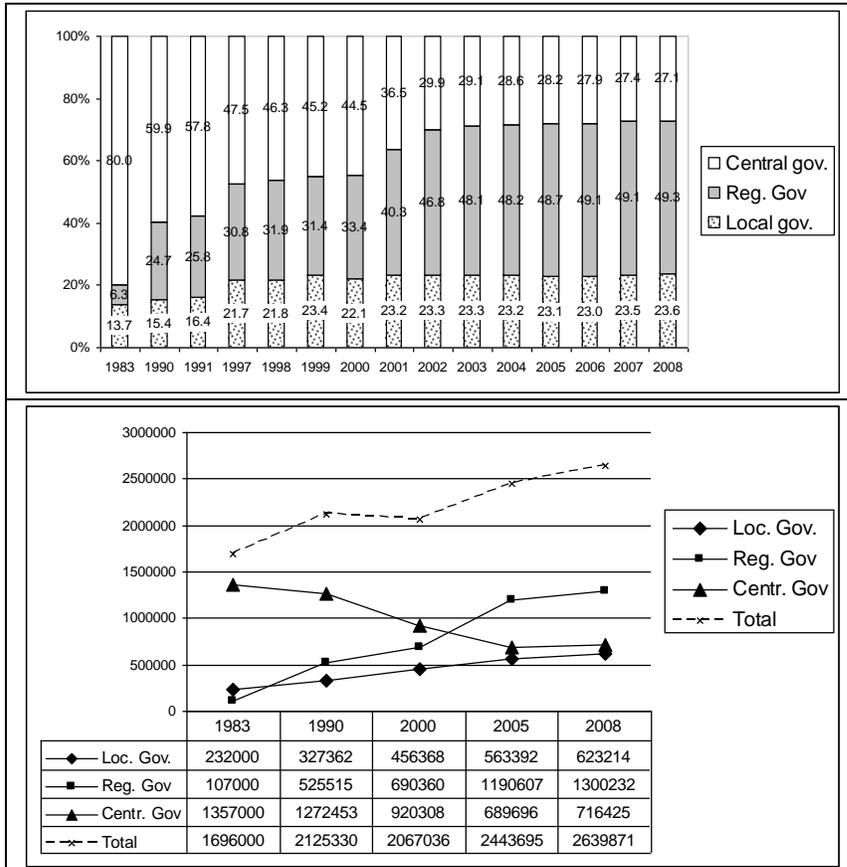
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## Appendix

Distribution of public employment in Spain among levels of government in percentage and in absolute numbers (1983-2008)



Sources: MAP (1983-2008)

Source: Parrodo Díez (forthcoming) The Development and Current Features of the Spanish Civil Service System. In F. V. D. Meer & G. Dijkstra (Eds.), *Civil Service Systems in Western Europe* (p. -).