

SPEA in SPEYER
(May 7 – June 8, 2012)

**"Public Policy and Administration
in Germany, the European Union,
and the United States"**

– Draft –

Program Description

This syllabus describes a SPEA ABROAD summer program in May/June 2012 at the German University of Administrative Sciences Speyer (DHV Speyer) in Germany. The DHV Speyer has been a member of the Transatlantic Policy Consortium (TPC) since 1998 when it was initiated by SPEA. The DHV Speyer plays a unique role among German universities. Founded in 1947 by the French Government on the model of the École Nationale d'Administration (ENA), the DHV has become Germany's only university solely dedicated to the administrative sciences in the areas of post-graduate studies (Master-, doctoral programs), research, and continuing education. Speyer is located in the State of Rhineland-Palatinate on the Rhine River near Heidelberg.

The program will permit SPEA to offer four to six credits of coursework on a number of topics which provide students with a comparative perspective on public policy and public administration in the European Union, the United States, and Germany.

The program will run for five weeks, from May 7 to June 8, 2012. It consists of five seminars at the graduate level which are fully integrated into the regular curriculum of the university and, therefore, open to DHV students. During the time American students are in residence, classes will be conducted in English.

The size of classes will depend on the number of US students and about 10 DHV students per seminar. A general introduction to the program including assignments of topics and other issues will be given on Monday morning, May 7, 2012.

The program is available for graduate and select undergraduate students from SPEA and West European Studies of Indiana University (Bloomington, Indianapolis), the University of Georgia (UGA), from members of the Transatlantic Policy Consortium (TPC), from the DHV Speyer and its cooperation partners.

Requirements for SPEA Students

Course credits will be compiled based on regular DHV Speyer courses and grading standards and then converted to SPEA graduate course credit: V482/V582 (4 – 6 cr.) – "Topics in Public Affairs: Public Policy and Administration in the European Union, Germany, and the United States."

In order to earn six credits students must participate in five seminars. They have to write papers (10-15 pages per paper) in two seminars of their choice and make oral presentations (15-20 min per topic). In two seminars where students have chosen not to write a paper they must make short presentations of assigned readings. Upon agreement with the instructor the presentations can be given orally (5-10 min) or by submitting a written summary (1-2 pages). Regular attendance of five seminars is required.

In order to earn four credits students must participate in five seminars. They have to give a paper and oral presentation in a seminar of their choice. Furthermore, presentations of assigned readings are required in two seminars of students' choice where papers are not written. In the other two seminars oral participation is sufficient.

The papers can be submitted post-course upon return to the US not later than July 15.

The grading scale ranges from "very good" (16-18 points), "good" (13-15 points), "fully satisfactory" (10-12 points); "satisfactory" (7-9 points), "sufficient" (4-6 points), "deficient" (1-3 points) to "insufficient" (0 points). These grades will be translated into SPEA letter grades.

Requirements for German and international students

Students who are enrolled at the DHV are welcome to participate in one or more seminars of the program as part of their regular curriculum. Students have to meet the normal seminar requirements of the DHV: Submission of a paper and an oral presentation both in English.

The students' home universities decide whether and to what extent they award credits for the completed courses in the context of their academic programs. The requirements for SPEA students may provide orientation.

Certificate of Participation

DHV and SPEA also offer a Certificate of Participation to SPEA students who have earned 4-6 credits and to those DHV (German and international) students who have participated in five seminars. In the latter case, DHV students have to give a paper and oral presentation in a seminar of their choice. Furthermore, presentations of assigned readings are required in two seminars of students' choice where papers are not written. In the other two seminars oral participation is sufficient. The papers can be submitted post-course but not later than July 15.

Program topics and faculty

The program topics cover core issues of public policy and public administration in the European Union and Germany. These are the seminar topics:

- A comparative perspective on public administration in the European Union, Germany, and the US (Bohne/Fernandez/Resh)
- European economic integration (Knorr)
- Local government and administrative modernization from a comparative perspective (Kuhlmann/Jäkel)
- Policy-making in the European Union and its effects on member states (Stuchlik)
- Environmental policy and trade in the WTO (Weiß).

Professor Eberhard Bohne is Professor of Public Administration, Policy and Law for Environmental Protection and Energy. He is an expert in environmental and energy regulations, and has been head of the General Law Division of the German Federal Ministry of Environment, Nature Conservation, and Nuclear Safety before joining the DHV Speyer in 1996.

Professor Sergio Fernandez is Associate Professor at the School of Public and Environmental Affairs, Indiana University. He is an expert on public management.

Tim Jäkel, Dr. rer. pol., is research associate at the German Research Institute for Public Administration Speyer. He is an expert on public management and public finance.

Professor Andreas Knorr holds the Chair of Economics (National and International Economic Policy). He is an expert on European economic integration.

Professor Sabine Kuhlmann holds the Chair of Comparative Public Administration / Public Administration in Europe. She is an expert on comparative Public Administration, administrative modernization, public sector reforms and comparative local government.

Professor William G. Resh is Assistant Professor at the School of Public and Environmental Affairs, Indiana University. He is an expert on public management.

Andrej Stuchlik, Dr, Dipl.-Pol., is research associate at the Chair of Political Science (Professor Sabine Kropp). He is an expert on comparative parliamentary studies and European integration.

Professor Wolfgang Weiß holds the Chair of Public Law with focus on International and European Law. He is an expert on EU law and WTO law.

Excursions

Excursions are planned to:

- the Federal Constitutional Court in Karlsruhe,
- the European Parliament in Strasbourg, France,
- the Council of Europe in Strasbourg, France,
- the City of Heidelberg,
- ...
- ...

Travel will be by bus or train.

Room and board

The living accommodations and classrooms will be on the campus of the DHV Speyer. Students have access to the library and the computer rooms. Their sleeping arrangements will be a room in the university dormitory at a rate of 36 Euro per night. Meals are available at a cafeteria on campus.

Orientation meeting

Professors Fernandez and Resh will conduct orientation meetings for SPEA students in fall 2011 and in early 2012 to prepare students interested in the program.

Support services

Professors Fernandez and Resh will serve as the SPEA resident directors on site. In addition, administrative staff of DHV Speyer will assist with student logistics, academic concerns, and medical and emergency issues. Prior to departure, SPEA will interview all SPEA applicants and solicit information about relevant health issues; in addition, a list of contact numbers will be maintained in Bloomington.

Non-U.S. citizens are responsible for contacting the German Embassy or Consulate to determine the entry and visa requirements.

Budget

...

Contacts

Program director DHV

Professor Dr. Eberhard Bohne, M. A.

Tel.: +49-6232 – 654 321

Fax: +49-6232 – 654 416

bohne@dhv-speyer.de

Program directors SPEA

Dr. Sergio Fernandez, Associate Professor

Phone: +1-812-855-4944

sefernan@indiana.edu

Dr. William G. Resh, Assistant Professor

Phone: +1-812-855-7671

wresh@indiana.edu

Dr. Tim Jäkel

Tel.: +49-6232 – 654 383

Fax: +49-6232 – 654 410

jaekel@foev-speyer.de

Professor Dr. Andreas Knorr

Tel.: +49-6232 – 654 157

Fax: +49-6232 – 654 256

knorr@dhv-speyer.de

Professor Dr. Sabine Kuhlmann

Tel.: +49-6232 – 654 369

Fax: +49-6232 – 654 410

kuhlmann@dhv-speyer.de

Dr. Andrej Stuchlik

Tel.: +49-6232 – 654 346

Fax: +49-6232 – 654 131

stuchlik@dhv-speyer.de

Professor Dr. Wolfgang Weiß

Tel.: +49-6232 – 654 283

Fax: +49-6232 – 654 123

weiss@dhv-speyer.de

For further information, please visit our websites:

www.dhv-speyer.de/ENGL/spea/

www.indiana.edu/~spea/spea_abroad/speyer.shtml

Syllabus (May 7 – June 8, 2012)

I. A comparative perspective on public administration in the European Union, Germany, and the US (Bohne/Fernandez/Resh)

Overview

The purpose of the seminar is to compare EU, German and US approaches to common problems of public administration, to present key characteristics of these administrative systems, and to hereby offer a better understanding of one's own system. After a discussion in session 1 of basic theoretical concepts underlying public administration in Europe and the US, there will be seven sessions focusing on administrative approaches in the following problem areas:

- information and the public,
- intergovernmental coordination in multi-level systems,
- privatization,
- public personnel administration,
- budgetary controls,
- regulatory agencies,
- administrative reforms.

The seminar will be co-taught by Professors Bohne, Fernandez and Resh. Professor Fernandez will co-teach the first four sessions, Professor Resh will co-teach the last four sessions of the seminar.

[**Note:** A complete bibliography is under development.]

Each session will start with a lecture of 45 min giving a general introduction to the topic. This will be followed by the first student presentation of 15-20 min with a discussion of 25 min. The session ends with the second student's presentation and discussion.

Topics

Session 1: Origins of public administration as a discipline: Are Weber's bureaucratic model and Wilson's distinction between politics and administration still relevant today?

Objectives: Weber's focus on legal rationality and Wilson's emphasis on administrative efficiency are generally considered to be starting points of legalistic and managerial approaches to public administration. Describe the historical context and purposes of the two concepts and discuss their relevance for modern public administration.

1. Characteristics, purpose and today's relevance of Wilson's distinction between politics and administration

Required reading: Wilson, 1887

Recommended reading: Kaufman, 1956; Raadschelders, 2000; Stillman 1999a, 1999b; Lynn 2001; Rosenbloom 2008; [The 2008 January/February issue of Public Administration Review is devoted to the topic.]

2. Characteristics, purpose and today's relevance of Weber's bureaucratic model

Required reading: Fry/Raadschelders 2008, pp. 19-54

Recommended reading: Weber 1978, vol. 1, chapter III ii (pp. 217-226), vol. 2, chapter XI (pp. 956-1005) ; Scott/Davis 2007, pp. 46-53 ; Lynn 2008a, Rosenbloom et al. 2009, pp. 141-146, Milakovich/Gordon 2009, pp. 158-161

Session 2: The citizen's right to know in the US, EU and Germany

Objectives: The US concept of the citizen's right to know contradicts Europe's traditional emphasis on government efficiency. Describe the concept and its practical relevance in the US, and discuss the objectives and problems of transferring the concept to the EU and Germany.

3. The US Freedom of Information Act: scope, implementation problems, and future development

Required reading: Piotrowski and Rosenbloom, 2002

Recommended reading: Feinberg, 1986; Meier and Bohte, 2007, pp. 135-178; Milakovich/Gordon 2009, pp. 65-69

4. Citizen rights and the EU Ombudsman

Required reading: Nassis 2009, pp. 67-94

Recommended reading: European Ombudsman 2010; Gregory and Giddings 2001; Citizen Information Board/European Commission Representation in Ireland 2010; Smith 2009, pp. 161-202; Heede 2000; Magnette 2003

Session 3: Intergovernmental coordination in multi-level systems

Objectives: Describe the formal and informal structures and mechanisms of intergovernmental coordination in the EU and the US, and discuss their effectiveness, efficiency, and legitimacy.

5. The community method and the open method of coordination in the EU

Required reading: Borrás/Jacobsson 2004, pp. 185-208

Recommended reading: European Commission, COM (2001) 428 final; p. 21 f; Devuyst 2006, pp. 11-32; Borrás/Greve 2004

6. Structure and mechanisms of federal-state coordination in the US

Required reading: Rosenbloom, Kravchuk and Clerkin 2009a.

Recommended reading: Henry 2010; Milakovich/Gordon 2009, pp. 107-154

Session 4: Government service delivery and privatization in Germany and the US

Objectives: Describe, compare and evaluate how governments provide services using a variety of methods, including direct service delivery (public employees and government owned- and operated enterprises) and alternative forms of service delivery (private firms, inter-governmental contracts, franchises and volunteers).

7. Privatization in Germany

Required reading: Brown et al. 2006

Recommended reading: Toninelli 2000; von Loesch 2001; Knieps 2006; Parker/Saal (eds.) 2003; Kuhlmann 2009; Kuhlmann/Fedele 2010; Wollmann/Marcou 2010 (eds.); Zohlnhöfer/Obinger/Wolf 2008; Zohlnhöfer/Obinger 2006

8. Trends in local government service delivery in the US: to make or to buy?

Required reading: Warner and Hefetz 2009

Recommended reading: Fernandez, Ryu and Brudney 2008; Brown and Potoski 2003; Hefetz and Warner 2004; Greene 2002

Session 5: Political approaches to public personnel administration

Objectives: Describe, compare and evaluate how conflicts between professional integrity and political loyalty are resolved in the German and US governments.

9. Tensions between political appointees and careerists in the US federal government

Required reading: Kettl and Fesler 2009b

Recommended reading: Kettl and Fesler, 2009a; Hecl 1977; Peters 2004; Durant 1995; Cohen 1998

10. The “political civil servant” in Germany – a contradiction in itself?

Required reading: Goetz 2011, pp. 37-65

Recommended reading: Mayntz 1984, Goetz 1999, Kroppenstedt/Menz 2001, Schröter 2004

Session 6: Budgetary controls of the federal bureaucracy in the US and Germany

Objectives: Budgetary controls are the oldest and politically most important instruments for controlling the bureaucracy in democratic constitutional systems. Describe and compare instruments of budgetary controls in a presidential and a parliamentary system and assess their effectiveness.

11. The politics of the budgetary process in Germany

Required reading: Lienert, Jan/Jung, Moo-Kyung 2004 pp. 219-254

Recommended reading: Mayntz/Scharpf 1975, pp. 121-127, Federal Ministry of Finance 2008, pp. 16-20; Rodden 2003, pp. 161-186

12. The politics of the budgetary process in the US

Required reading: Rosenbloom, Kravchuk and Clerkin 2009b

Recommended reading : Wildavsky and Caiden 2004

Session 7: The structure and accountability of regulatory agencies

Objectives: Evaluate the conditions under which regulatory agencies can be effectively structured in the separation-of-powers systems of the United States and European Union. How do varying institutional and ideological perspectives conflict? How is this conflict manifest in administrative structure? To whom are these agencies accountable?

13. The structure and accountability of regulatory agencies in the European Union

Required reading: Gilardi 2008, pp. 55-72

Recommended reading: Döhler 2002; World Bank 2006, pp. 59-75; Lodge/Stirton 2010; Majone 1996; Majone (ed.) 1990; Gilardi 2008, pp. 124-139; Thatcher 2007

14. The structure and accountability of regulatory agencies in the US

Required reading: Moe 1989

Recommended reading: Wood/Bohte 2004; Balla/Wright 2001; Furlong/Kerwin 2005; Milakovich/Gordon 2009, pp. 530-535

Session 8: Administrative reforms

Objectives: In the US, New Public Management (NPM) has been the prevailing administrative reform movement for the last two decades. In the EU, enlargement has triggered a debate on the reform of EU institutions, and led to the Lisbon Treaty. Describe, compare and evaluate the reform concepts and measures.

15. New public management in Germany – an appraisal

Required reading: Kuhlmann/Bogumil/Grohs 2008

Recommended reading: Kuhlmann 2010a, Kuhlmann 2010b, Page 2005, Pollitt/Bouckaert 2003, Wollmann 2003, König 2001

16. New public management in the US – an appraisal

Required reading: Breul and Kamensky 2008

Recommended reading: Moynihan 2006; Thompson 2000; Thompson 2002; Kickert 1997, Spicer 2007, Gregory 2007, Eickenberry/Pautz 2008, Lynn 2008b

Bibliography

Balla, Steven J. and Wright, John R. 2001. Interest groups, advisory committees, and congressional control of the bureaucracy. *American Journal of Political Science* 45 (4), pp. 799-812.

Borrás, Susana and Greve, Bent 2004. Concluding Remarks: New Method or Just Cheap Talk?, *Journal of European Public Policy* 11, pp. 329-336.

Borrás, Susana and Jacobsson, Kerstin 2004. The Open Method of Co-ordination and New Governance Patterns in the EU, *Journal of European Public Policy* 11, pp. 185-208.

Breul, J. D. and Kamensky, J. M. 2008. Federal Government Reform: Lessons from Clinton's 'Reinventing Government' and Bush's 'Management Agenda' Initiatives. *Public Administration Review*, 68, pp. 1009-1026.

Brown, T. L., and Potoski, M. 2003. Contract-Management Capacity in Municipal and County Governments. *Public Administration Review*, 63, pp. 153-164.

Brown, Trevor L., Jing, Yijia, Rockmann, Bert A. and Schröter, Eckhart 2006. Rolling back the state? A tale of privatization in the United States and Germany, in: Eaton, David J. (ed). *The end of sovereignty? A transatlantic perspective*, Hamburg/München: LIT Verlag, pp. 393-431.

Citizen Information Board/European Commission Representation in Ireland 2010. The EU and its Citizens. <
http://ec.europa.eu/ireland/press_office/news_of_the_day/pdf_files/ec-cib-leaflets/citizart.pdf>

- Cohen, D. M. 1998. Amateur Government. *Journal of Public Administration Research and Theory*, 8, pp. 450-497.
- Devuyst, Youri 2006. The European Union Transformed. Community Method and Institutional Evolution from the Schuman Plan to the Constitution for Europe, revised and updated edition, Brussels: P.I.E. Peter Lang.
- Döhler, Marian 2002. Institutional Choice and Bureaucratic Autonomy in Germany. *West European Politics*, 25 (1), pp. 101-124.
- Durant, R. F. 1995. Public Policy, Overhead Democracy, and the Professional State Revisited. *Administration and Society*, 27, pp 165-202.
- Eickenberry, Angela M. and Pautz, Michelle C. 2008. Administrative Reform in the United States: Toward Government – Nonprofit Partnerships in Governance, in: Killian, Jerri and Eklund, Niklas (eds.), *Handbook of Administrative Reform. An International Perspective*, Boca Raton, FL.: CRC Press, pp. 197-213.
- European Commission 2001. European Governance. A White Paper, 25 July 2001, COM (2001) 428 final.
- European Commission 2002. A Project for the European Union, Communication of 22 May 2002, COM (2002) 247 final.
- European Ombudsman 2010. The European Ombudsman – Annual Report 2009 <http://www.ombudsman.europa.eu/showResource?resourceId=1272294789807_ar_2009_en.pdf&type=pdf&download=true&lang=en>
- Federal Ministry of Finance 2008. The budget system of the Federal Republic of Germany, Berlin, November 2008 <http://www.bundesfinanzministerium.de/nn_53848/DE/BMF__Startseite/Service/Downloads/Abt__II/001,property=publicationFile.pdf>.
- Feinberg, Lotte E. 1986. Managing the Freedom of Information Act and Federal Information Policy. *Public Administration Review*, 46, pp. 615-621.
- Fernandez, Sergio, Ryu, J. E., and Brudney, J. L. 2008. Exploring Variations in Contracting for Services among American Local Governments: Do Politics Still Matter? *American Review of Public Administration*, 38, pp. 439-462.
- Fry, Brian R. and Radschelders, Jos C. N. 2008. Max Weber: The Process of Rationalization, in: *Mastering Public Administration*, 2nd ed., Chatham, N.J.: Chatham House, pp. 19-54.
- Furlong, Scott R. and Kerwin, Cornelius M. 2005. Interest Group Participation in Rule Making: A Decade of Change. *Journal of Public Administration Research and Theory* 15 (3), pp. 353-370.
- Gilardi, Fabrizio 2008. Delegation in the regulatory state. Independent regulatory agencies in Western Europe. Cheltenham, UK: Elgar.
- Goetz, Klaus H. 1999. Senior Officials in the German Federal Administration: Institutional Change and Positional Differentiation, in: Page, Edward C. and Wright, Vincent (eds.), *Bureaucratic Elites in Western European States*, Oxford University Press, pp. 147-177.

- Goetz, Klaus H. 2011. The Development and Current Features of the German Civil Service System, in: van der Meer, Frits M. (ed.). *Civil Service Systems in Western Europe*, 2nd ed., Cheltenham: Edward Elgar, pp. 37-65.
- Greene, Jeffrey D. (2002). *Cities and privatization: Prospects for the new century*. Upper Saddle River, NJ: Prentice Hall.
- Gregory, Robert 2007. New Public Management and the Ghost of Max Weber: Exorcized or Still Haunting?, in: Christensen, Tom and Laegreid, Per (eds.), *Transcending New Public Management*, Farnham: Ashgate, pp. 221-243.
- Gregory, Roy and Giddings, Philip 2001. Citizenship, Rights and the EU Ombudsman, in: Bellamy, Richard and Warleigh, Alex (eds). *Citizenship and Governance in the European Union*, London/New York: Continuum, pp. 73-92.
- Heclo, H. 1977. Political Executives and the Washington Bureaucracy. *Political Science Quarterly*, 92, pp. 395-424.
- Heede, Katja 2000. *European Ombudsman: Redress and control at Union level*, The Hague et al.: Kluwer Law International.
- Hefetz, Amir and Warner, Mildred E. (2004). Privatizing and its Reverse: Explaining the Dynamics of the Government Contracting Process. *Journal of Public Administration Research and Theory*, 14 (2), pp.171-190.
- Henry, Nicholas 2010. Intergovernmental Administration, In: Henry, N. *Public Administration and Public Affairs*. Upper Saddle River, NJ: Pearson Prentice-Hall, pp. 321-356.
- Kaufman, Herbert 1956. Emerging Conflicts in the Doctrines of Public Administration. *The American Political Science Review*, 50, pp. 1057-1073.
- Kettl, D. F. and Fesler, J. W. 2009a. The Civil Service. In: Kettl and Fesler. *The Politics of the Administrative Process*. 4th ed. Washington, DC: CQ Press, pp. 207-241.
- Kettl, D. F. and Fesler, J. W. 2009b. Managing Human Capital. In: Kettl and Fesler. *The Politics of the Administrative Process*. 4th ed. Washington, DC: CQ Press, pp. 243-279.
- Kickert, Walter 1997. Public Management in the United States and Europe, in: Kickert, Walter J.M. (ed.), *Public Management and Administrative Reform in Western Europe*, Cheltenham: Edward Elgar, pp. 15-39.
- Knieps, Günter 2006. Privatization of network industries in Germany. A disaggregated approach, in: Köthenbürger, Marko and Sinn, Hans-Werner (eds.). *Privatization experiences in the European Union*, Cambridge, Mass.: MIT Press, pp. 199-224.
- König, Klaus 2001. Reinventing Government: The German Case. In: Greß, Franz and Janes, Jackson (eds.) *Reforming Governance. Lessons from the United States of America and the Federal Republic of Germany*, Frankfurt/New York: Campus/New York: Palgrave, pp. 33-54.

- Kroppenstedt, Franz and Menz, Kai-Uwe* 2001. Positions of Leadership in Public Administration, in: König, Klaus and Siedentopf, Heinrich (eds.), *Public Administration in Germany*, Baden-Baden: Nomos, pp. 457-472.
- Kuhlmann, Sabine* 2009. Reforming Local Government in Germany: Institutional Changes and Performance Impacts, *German Politics* 18 (2), pp. 226-245.
- Kuhlmann, Sabine* 2010a. New Public Management for the "Classical continental European administration": Modernization at the local level in Germany, France and Italy, *Public Administration* 88, 4, pp. 1116-1130.
- Kuhlmann, Sabine* 2010b. Between the state and the market: Assessing impacts of local government reforms in Western Europe, *Lex localis – Journal of local self-government* 8, 1, pp. 1-21.
- Kuhlmann, Sabine, Bogumil, Jörg and Grohs, Stephan* 2008. Evaluating administrative modernization in German local governments: success or failure of the "New Steering Model"?, *Public Administration Review* 68 (5), pp. 851-863.
- Kuhlmann, Sabine and Fedele, Paolo* 2010. New public management in continental Europe: local government modernization in Germany, France and Italy from a comparative perspective, in Wollmann, Helmut and Marcou, Gérard (eds.). *The provision of public services in Europe: between state, local government and market*, Cheltenham: Elgar, pp. 49-74.
- Lienert, Jan and Jung, Moo-Kyung* 2004. The legal framework for budget systems – Germany, OECD Journal on Budgeting, special issue, Vol. 4, 3, pp. 219-254 < <http://www.oecd.org/dataoecd/3/28/43487903.pdf>>.
- Lodge, Martin/Stirton, Lindsay* 2010. Accountability in the Regulatory State, in: Baldwin, Robert (ed). *Oxford Handbook of regulation*, Oxford: Oxford University Press, pp. 349-370.
- Loesch, Achim von* 2001. Germany's Publicly Owned Enterprises, in: König, Klaus and Siedentopf, Heinrich (eds.), *Public Administration in Germany*, Baden-Baden: Nomos, pp. 241-253.
- Lynn, Laurence E.* 2001. The Myth of the Bureaucratic Paradigm: What Traditional Public Administration Really Stood For, *Public Administration Review* 61 (2), pp. 144-160.
- Lynn, Laurence E.* 2008a. Bureaucracy and its Critics in America and Germany: In Defense of the "Bureaucratic Paradigm", *Der moderne Staat* 1, pp. 29-48 < <http://www.budrich-journals.de/index.php/dms/article/view/2809/2344>>.
- Lynn, Laurence E.* 2008b. The Study of Public Management in the United States. Management in the New World and a Reflection on Europe, in: Kickert, Walter (ed.), *The Study of Public Management in Europe and the US*, London: Routledge, pp. 233-262.
- Magnette, Paul* 2003. Between parliamentary control and the rule of law: the political role of the Ombudsman in the European Union, in: *Journal of European Public Policy* 10 (5), October 2003, pp. 677-694.
- Majone, Giandomenico* 1996. *Regulating Europe*. London: Routledge.

- Majone, Giandomenico* (ed.) 1990. *Deregulation or re-regulation? Regulatory reform in Europe and United States*, London: Pinter
- Mayntz, Renate and Scharpf, Fritz W.* 1975. *Policy-making in the German Federal Bureaucracy*, Amsterdam: Elsevier.
- Mayntz, Renate* 1984. *German Federal Bureaucrats. A Functional Elite between Politics and Administration*, in: Suleiman, Ezra N. (ed.), *Bureaucrats and Policy Making. A Comparative Overview*, New York: Holmes & Meier, pp. 174-205.
- Meier, K. J. and Bohte, J.* 2007. *Bureaucracy and the Public's Expectations*, in: Meier, K. J. and Bohte, J. *Politics and the Bureaucracy: Policymaking in the Fourth Branch of Government*, 5th ed., Belmont, California: Thomson Wadsworth, pp. 135-178.
- Milakovich, Michael E and /Gordon, George J.* 2009. *Public Administration in America*, 10th ed., Boston: Wadsworth.
- Moe, Terry.* 1989. *The Politics of Bureaucratic Structure*, in: Chubb, John E. and Peterson, Paul E. (eds). *Can the Government Govern?*, Washington, DC: Brookings Institution Press, pp. 267-329.
- Moynihan, D. P.* 2006. *Managing for Results in State Government: Evaluating a Decade of Reform. Public Administration Review*, 66, pp. 77-89.
< <http://www.library.eiu.edu/ersvdocs/4377.pdf>>
- Nassis, Constantino* 2009. *Good administration in the European Union: The role of the European Ombudsman and the European Network of Ombudsmen*, London: Esperia Publ.
- Parker, David and Saal, David* (eds.) 2003. *International Handbook on Privatization*. Cheltenham: Elgar.
- Peters, B. Guy* 2004. *Politicization in the United States*, in: Peters, B. Guy and Pierre, Jon (eds.), *Politicization of the Civil Service in Comparative Perspective*, London: Routledge, pp. 125-138.
- Piotrowski, S. J. and Rosenbloom, D. H.* 2002. *Nonmission-Based Values in Results-Oriented Public Management: The Case of Freedom of Information. Public Administration Review*, 62 (6), pp. 643-657.
- Pollack, Mark A., Wallace, Helen and Young, Alasdair R.* 2010. *EU Policy-Making in Challenging Times*, in: Wallace, Helen/Pollack Mark A., Young, Alasdair R. (eds.), *Policy-Making in the European Union*, 6th ed., Oxford: Oxford University Press, pp. 481-501.
- Pollitt, Geert and Bouckaert, Geert* 2003. *Evaluating public management reforms: An international perspective*, in: Wollmann, Helmut (ed.) *Evaluation in public-sector reform: concepts and practice in international perspective*, Cheltenham: Edward Elgar, pp. 12-35.
- Raadschelders, Jos C. N.* 2000. *Administrative History of the United States: Development and State of the Art, Administration and Society* 32, 5, pp. 499-528.

- Rodden, Jonathan* 2003. Soft Budget Constraints and German Federalism, in: Rodden, Jonathan/Eskeland, Gunnar S./Litrack, Jennie (eds.), *Fiscal Decentralization and the Challenge of Hard Budget Constraints*, Cambridge, MA.
- Rosenbloom, David* 2008. The Politics-Administration Dichotomy in U.S. Historical Context. *Public Administration Review* 68, pp. 57-60.
- Rosenbloom, D. H., Kravchuk, R. S., and Clerkin, R. M.* 2009a. Federalism and Intergovernmental Relations: The Structure of the American Administrative State. In: Rosenbloom, Kravchuk, and Clerkin. *Public Administration: Understanding Management, Politics, and Law in the Public Sector.*, 7th ed. Boston, MA: McGraw Hill, pp. 94-135.
- Rosenbloom, D. H. Kravchuk, R. S., and Clerkin, R. M.* 2009b. Budgeting and the Public Finances. In: Rosenbloom, Kravchuk, and Clerkin. *Public Administration: Understanding Management, Politics, and Law in the Public Sector*, 7th ed., Boston, MA: McGraw Hill, pp. 253-306.
- Schröter, Eckhard* 2004. The Politicization of the German Civil Service. In: B. Guy Peters/Jon Pierre (eds.), *Politicization of the Civil Service in Comparative Perspective*, London: Routledge, pp. 55-80.
- Scott, W. Richard/Davis, Gerald F.* 2007. *Organizations and Organizing. Rational, Natural, and Open Systems*, Upper Saddle River, N.J.: Pearson-Prentice Hall.
- Smith, Melanie* 2009. Centralised enforcement, legitimacy and good governance in the EU, London et al.: Routledge
- Spicer, Michael* 2007. Public Administration. The History of Ideas, and the Reinventing Government Movement, *Public Administration Review*, 67, pp. 353-362
- Steffek, Jens.* 2003. The Legitimation of International Governance. A Discourse Approach. *European Journal of International Relations*, 9, 2, pp. 249-275.
- Stillman, Richard J.* 1999a. Public Administration in the United States. In: Walter J.M. Kickert/ Richard J. Stillman (eds.) *The Modern State and its Study. New Administrative Sciences in a Changing Europe and United States*, Cheltenham: Edward Elgar, pp. 39-79.
- Stillman, Richard J.* 1999b. "Modern Public Administration Theory as a Great State Debate: No State? Bold State? Pre-State? Pro-State?" In: Still. *Preface to Public Administration: A Search for Themes and Direction*, 2nd edn., Burke, Virginia: Chatelaine Press.
- Thatcher, Mark* 2007. Regulatory agencies, the state and markets: a Franco-British comparison, *Journal of European Public Policy* 14 (7), pp. 1028-1047.
- Thompson, F. J.* 2002. Reinvention in the States: Ripple or Tide? *Public Administration Review* 62, 3, pp. 362-367.
- Thompson, J. R.* 2000. Reinventing as Reform: Assessing the National Performance Review, *Public Administration Review* 60, 6: pp. 508-521.
- Toninelli, Pier Angelo* (ed.) 2000. *The Rise and Fall of State-Owned Enterprise in the Western World*, Cambridge: Cambridge University Press.

- Wallace, William* 2005. Post-sovereign Governance: The EU as Partial Polity, in: Helen Wallace/ William Wallace/ Mark A. Pollack (eds.), *Policy-making in the European Union*, Oxford: Oxford University Press, pp. 483-503.
- Warner, Mildred E. and Hefetz, Amir* 2009. Cooperative Competition: Alternative Service Delivery, 2002-2007. In *International City/County Management Association (ICMA). The Municipal Yearbook 2009*. Washington, DC: ICMA.
- Weber, Max* 1978 [1922]. *Economy and Society*, edited by Guenther Roth/ Claus Wittich, 2 volumes, Berkeley: University of California Press.
- Wildavsky, Aaron B./Caiden, Naomi* 2004. *The New Politics of the Budgetary Process*, 5th ed. New York : Pearson/Longman.
- Wilson, Woodrow* 1887. *The Study of Administration*, reprinted in *Political Science Quarterly*, 2: 2, pp. 197-222.
- Wollmann, Helmut* 2003. Evaluation and public-sector reform in Germany: Leaps and lags, in: Wollmann, Helmut (ed.) *Evaluation in public-sector reform: concepts and practice in international perspective*, Cheltenham: Edward Elgar, pp. 12-35.
- Wollmann, Helmut and Marcou, Gérard* (eds.) 2010. *The provision of public services in Europe: between state, local government and market*, Cheltenham: Elgar.
- Wood, B. Dan and John Bohte* 2004. Political Transaction Costs and the Politics of Administrative Design. *Journal of Politics* 66 (1), pp. 176-202.
- [World Bank] *Brown, Ashley C., Stern, Jon, and Tenenbaum, Bernard with Defne Gencer* 2006. *Handbook for Evaluating Infrastructure Regulatory Systems*. Washington, D.C.: THE WORLD BANK.
- Zohlnhöfer, Reimut, Obinger, Herbert and Wolf, Frieder* 2008. Partisan Politics, Globalization and the Determinants of Privatization Proceeds in Advanced Democracies 1990-2000, *Governance* 21, pp. 95-121.
- Zohlnhöfer, Reimut and Obinger, Herbert* 2006. Selling off the "Family Silver". The Politics of Privatization Proceeds in the EU and the OECD 1990-2000, *World Political Science Review* 2 (1), pp. 30-52.

II. European economic integration (Knorr)

Overview

The course of study is designed to familiarize students with the key theoretical and political concepts of European economic integration, its successes and its failures. In order to achieve its objectives, the course is divided into two parts. Part A, conceived as a brief introduction to the field, kicks off with a short history of the integration process, which is followed by an overview of the economic role of the EU in the world, the basic concepts of the Single Market, its major institutions and its principal competences in the field of economic policy. It concludes with a synopsis of the economic theory of regional integration. The focus of Part B will be on the principal areas of European economic integration in practice: the EU's tax harmonization efforts and competition policy, the EU's budget, the Common Agricultural Policy, the Common Transport Policy, the Common Commercial Policy and the European Monetary Union (EMU).

The seminar will be taught by Professor Knorr. The first session is a lecture that introduces the overall topic. The following sessions are composed of a lecture of about 15 min giving a general introduction to the topic, followed by two students' presentations of 30 min with a discussion after each presentation of 30 min.

Topics

Session 1: Introduction to European integration (Prof. Knorr)

Objectives: To understand the historical background of European (economic) integration and its main challenges over the last 50 years as well as the basic concepts of the Single Market, its key elements like the four basic freedoms and the subsidiarity principle. Additionally, the main actors and institutions in the EU along with its current (economic) policy competences are analyzed.

1. History of European integration

Required reading: Bulmer, S. (2007), pp. 5-34.

Recommended reading: t.b.a.

2. The Single Market, institutions and policy competences

Required reading: Neal, L. (2007), pp.128-142 (additionally: 143-170).

Recommended reading: t.b.a.

Session 2: The economics of regional integration

Objectives: To understand the alternative methods and different forms of regional economic integration, to get familiar with the different stages of integration processes and the theory of customs unions.

3. Alternative institutional designs of regional economic integration
Required reading: Pelkmans, J. (2006), pp. 2-17.
Recommended reading: t.b.a.
4. Economic effects of regional economic integration
Required reading: Hitiris, T. (2003), pp. 1-30.
Recommended reading: t.b.a.

Reading Assignments:

- a) The Enlarging European Union: Michalski, A. (2006), pp. 271-294.
- b) The Challenges of Enlargement: Schadler, S. (2007), pp. 375-401

Session 3: The Single Market

Objectives: To understand the pros and cons of tax harmonization as well as the EU's supranational competition policy.

5. Tax harmonization in the Single Market?
Required reading: Ardy, B./El-Agraa, A. (2007), pp. 281-297.
Recommended reading: t.b.a.
6. The EU's supranational competition policy and control of state aids
Required reading: Kemp, J. (2005), pp. 147-173.
Recommended reading: t.b.a.

Session 4: The EU's budget and Common Agricultural Policy

Objectives: To understand the structure of the EU's budget compared to typical national budgets as well as the causes and consequences of budgetary crises. Furthermore, the objectives and instruments of the EU's Common Agricultural Policy and the need for fundamental reform are analyzed.

7. The EU's budget (incl. budgetary crises and reforms)
Required reading: Pelkmans, J. (2006), pp. 411-425.
Recommended reading: t.b.a.
8. Common Agricultural Policy: objectives, policy instruments and the need for fundamental reform
Required reading: Colman, D. (2007), pp. 77-104.
Recommended reading: t.b.a.

Reading Assignments:

- a) Common Transport Policy: Button, K. (2007), pp. 298-313.
- b) Common Commercial Policy: t.b.a.

Session 5: Monetary integration

The introduction of the EURO, the main actors in the area of monetary integration and historical milestones like the "Werner-plan" and "the Stability and Growth Pact"

are discussed. Furthermore, the pros and cons of monetary integration in the EU and the Euro crisis are other focus areas.

Reading Assignments:

a) The road to the EMU: Heisenberg, D. (2006), pp. 233-252.

9. The pros and cons of a common currency

Required reading: Swann, D. (2000), pp. 191-231.

Recommended reading: t.b.a.

10. The Euro crisis: cause and (possible) consequences on the integration process

Required reading: Dadush, U. et al. (2010), pp. 8-21, pp. 79-81, 87-89, pp. 83-85.

Recommended reading: t.b.a.

Bibliography

Ardy, B./El-Agraa, A. (2007), Tax Harmonization, in: El-Agraa, A.M. (2007), The European Union. Economics & Policies, 8th edition, Cambridge et al., pp. 281-297. [Speyer Library: B VII c 766(8)]

Bulmer, S. (2007), History and Institutions, in: Artis, M./Nixson, F. (2007), The Economics of the European Union – Policy and Analysis, 4th edition, Oxford et al., pp. 5-34. [Speyer Library: B VII c 761(4)]

Button, K. (2007), Transport Policy, in: El-Agraa, A.M. (2007), The European Union. Economics & Policies, 8th edition, Cambridge et al., pp. 298-313. [Speyer Library: B VII c 766(8)]

Colman, D. (2007), The Common Agricultural Policy, in: Artis, M./Nixson (2007), The Economics of the European Union – Policy and Analysis, 4th edition, Oxford et al., pp. 77-104. [Speyer Library: B VII c 761(4)]

Heisenberg, D. (2006), From the Single Market to the Single Currency, in: Dinan, D. (2006), Origins and Evolution of the European Union, Oxford, pp. 233-252. [Speyer Library: 68 C 2075]

Hitiris, T. (2003), European Union Economics, Harlow, 5th edition, Harlow et al. [Speyer Library: B VII c 768(5)]
(http://books.google.de/books?id=LIGxNfddAqQC&printsec=frontcover&dq=hitiris+european+union+economics&source=bl&ots=FxAMGXilKb&sig=9DGNBJJbRGdsch23EW2i0FXtl74&hl=de&ei=jlyfS-LAN9qa_QbZzcjaDQ&sa=X&oi=book_result&ct=result&resnum=1&ved=0CA4Q6AEwAA#v=onepage&q=&f=false)

Kemp, J. (2005), Competition Policy in the European Union, in: McDonald, F./Dearden, S. (2005), European Economic Integration, 4th edition, Harlow, London et.al., pp. 147-173. [Speyer Library: B VII c 767(4)]

Michalski, A. (2006), The Enlarging European Union, in: Dinan, D. (2006), Origins and Evolution of the European Union, Oxford, pp. 271-293. [Speyer Library: 68 C 2075]

Neal, L. (2007), The Economics of Europe and the European Union, Cambridge et al. [Speyer Library: B VII c 753]

Pelkmans, J. (2006), European Integration. Methods and Economic Analysis, 3rd edition, Harlow, Munich et al. [Speyer Library: B VII c 750(3)]
([http://books.google.de/books?id=Ls3AeWuFeesC&printsec=frontcover&dq=\):+European+Integration.+Methods+and+Economic+Analysis&cd=1#v=onepage&q=&f=false](http://books.google.de/books?id=Ls3AeWuFeesC&printsec=frontcover&dq=):+European+Integration.+Methods+and+Economic+Analysis&cd=1#v=onepage&q=&f=false))

Schadler, S. (2007), The Challenges of Enlargement, in: Artis, M./Nixson, F. (2007), The Economics of the European Union – Policy and Analysis, 4th edition, Oxford et al., pp. 375-401. [Speyer Library: B VII c 761(4)]

Swann, D. (2000), The Economics of Europe: From Common Market to European Union, 9th edition, London. [Speyer Library: A IV b 6550(9)]

Selected Journals:

- Current Politics and Economics of Europe
- Economic Policy
- European Economic Review
- Journal of Common Market Studies
- Journal of International Economics
- Journal of World Trade
- World Competition
- World Economy

WWW resources:

- | | |
|---|-------------------------|
| http://europa.eu/ | (Homepage of the EU) |
| http://www.ecb.int | (European Central Bank) |

III. Local Government and Administrative Modernization from a comparative perspective (Kuhlmann/Jäkel)

Overview

The course imparts knowledge about local government systems and administrative modernization, particularly at the sub-national level of government, from a cross-country-comparative perspective. Students receive an overview of the institutional structures, the functional responsibilities and the decision-making processes at the local level of government as well as on pertinent conceptual approaches to study comparative local government. Moreover, the course enables students to analyze various reform concepts and results. These include institutional reforms in the multi-level system as well as reforms in service delivery, management and the organization of sub-national administrations. Have the reforms left behind lasting traces in the direction of a new managerial (NPM-)administration? Has a paradigm shift from the “Weberian” bureaucracy to the New Public Management occurred so far? Can we also observe unintended consequences of reform or even a re-emergence of the “Weberian” administration? We will also focus on territorial and functional reforms (decentralization, de-concentration, amalgamation, cooperation, shared services) and participatory reforms, such as the introduction of direct democracy (referenda, direct election of the mayors) and other instruments of citizen involvement (consultation, “user democracy” etc.). Furthermore it is aimed to discuss different approaches of benchmarking and performance measurement that play an increasingly important role as tools for administrative modernization. Benchmarking is often regarded as an instrument to identify “best-practices” but also cutback potential and as a knowledge source to feed legislative adjustments for better policy implementation. In the course, we will examine the various benchmarking activities that have been or are currently being undertaken at the sub-national level of government country-by-country and from a country-comparative perspective. Last but not least, the course will deal with sub-national finances from a comparative point of view. This is justified by the fact that fiscal stress and the financial crises can be considered as important triggers of state and administrative reform. Therefore we will put a particular emphasis on this aspect. Due to extensive fiscal stimulus packages public debt has skyrocketed in most OECD-countries over the last two years. Addressing deteriorating public finances will thus be a key policy challenge in the years to come. The sessions will take a look at budget consolidations at the sub-national level in the OECD-world in the 1990s and 2000s, with a special focus on the German Länder (state level). The key explanatory factors for successful budget consolidation will be outlined.

The course will be taught by Prof. Dr. Sabine Kuhlmann and Dr. Tim Jäkel. Each session is composed of lectures, providing an introduction into the topic, followed by students’ presentations and discussions.

Topics

Session 1: Local Government Systems in Europe

Objectives: An introduction to different local government systems and in concepts of comparative local government studies

1. Traditions and institutional settings of local government in Europe

Required reading: Heinelt/Hlepas 2006, pp. 21-42.

2. Selected country profiles of local government systems

Required reading: Wollmann et al. 2010, pp. 15-48.

Recommended Readings: Baldersheim/Wollmann (eds.) 2006; Denters/Rose (eds.) 2005; Goldsmith/Page 2010

Session 2: Reforming Local Governments

Objectives: Provide an overview on reform concepts for the sub-national level of government, implementation strategies and results. Different country profiles of reforms will be analyzed and compared.

3. Decentralization of administrative tasks from a comparative perspective

Required reading: Reiter et al. 2010, pp. 166-189.

4. New Public Management at the local level from a comparative perspective

Required reading: Kuhlmann 2010a, pp. 1116–1130

Recommended Readings: Kersting/Vetter 2003 (eds.); Wollmann 2004, pp. 639-665.

Session 3: Local Democracy and Participation

Objectives: Examine various forms of local democracy and local political systems from a comparative point of view. The introduction of new participatory elements and their impact on local decision-making will be discussed.

5. Use of referenda and direct citizen participation

Required reading: Vetter 2006, pp. 253-268

6. Direct election of mayors and strengthening local leadership – a new trend in Europe?

Required reading: Wollmann 2008, pp. 279-298

Recommended Readings: Bäck/Heinelt/Magnier (eds.), 2006; Prémat 2005, pp. 185-213; Rao 2003; pp. 1-16.

Session 4: Sub-national Finances compared

Objectives: The session will discuss previous experience with constitutional debt rules. The theoretical and empirical effects of various debts rules on budget consolidation and their implications for sub-national public finances will be analyzed. The session will especially focus on the experiences in US, Switzerland and Germany. Finally the session will discuss the main political-economic obstacles for structural fiscal reforms in the years to come.

7. The theoretical and empirical effects of various debts rules on sovereign debt and budget consolidation

Required reading: Feld/Kirchgässner 2008, pp. 223-255

8. The driving forces and obstacles for structural fiscal reforms

Required reading: Hallerberg/Strauch/Hagen 2009 (Paperback 2010)

Session 5: Benchmarking and Performance information at the sub-national level of government

Objectives: The session will discuss the following questions: Which different benchmarking regimes can be identified in the OECD-world? What are the virtues and flaws of different benchmarking-regimes? And how do cultural, political and economic factors affect the likelihood of a specific benchmarking regime?

9. The political economy of voluntary and mandatory benchmarking in local public sector – the theoretical perspective

Required reading: Wouter van Dooren/Geert Boukaert and John Halligan 2010

10. Virtues and flaws of local benchmarking in Germany, Sweden, England – the empirical evidence

Required reading: Kuhlmann 2010b, 331-345.

Bibliography

- Bäck, H./Heinelt, H./Magnier, A. (eds.), 2006: *The European Mayor*. Wiesbaden.
- Baldersheim, H./Wollmann, H. (eds.), 2006: *The comparative study of local government and politics: overview and synthesis*. Opladen.
- Denters, B./Rose, L. E. (eds.), 2005: *Comparing Local Governance. Trends and Developments*. Houndmills et al.
- Feld, L. P./G. Kirchgässner 2008: *On the Effectiveness of Debt Brakes: The Swiss Experience. Sustainability of Public Debt*. R. Neck and J.-E. Sturm. Cambridge/London, MIT Press: 223 – 255.
- Goldsmith, M.J./Page, E.C., 2010 : *Changing Government Relations in Europe: From Localism to Intergovernmentalism*. London/New York.
- Hallerberg, M./Strauch, R./Hagen, J. v., *Fiscal Governance: Evidence from Europe*. Cambridge: Cambridge University Press, 2009 (Paperback 2010).
- Heinelt, H./Hlepas, N.-K., 2006: *Typologies of Local Government Systems*. In: Bäck, H./Heinelt, H./Magnier, A. (eds.): *The European Mayor*. Wiesbaden, 21-42.
- Kersting, N./Vetter, A., 2003 (eds.): *Reforming Local Government in Europe*. Opladen.
- Kuhlmann, S., 2010a: *New Public Management for the "Classical Continental European Administration": Modernization at the Local Level in Germany, France, and Italy*. In: *Public Administration*. Vol. 88, No. 4, 1116–1130.
- Kuhlmann, S., 2010b: "Performance Measurement in European local governments: a comparative analysis of reform experiences in Great Britain, France, Sweden and Germany." *International Review of Administrative Sciences* 76(2): 331-345.
- Prémat, C., 2005: *The growing use of referenda in local politics: a comparison of France and Germany*, in: H. Reynert et al. (ed.), *Revolution or renovation? Reforming local Politics in Europe*, Brügge, 185-213.
- Rao, N., 2003: *Options for Change: Mayors, Cabinets or the Status Quo?* In: *Local Government Studies*, vol. 29, no. 1, 1-16.
- Reiter, Renate et al., 2010: *Impacts of decentralization: The French experience in a comparative perspective*, in: *French Politics*, vol. 8, no. 2, S. 166-189.
- Vetter, A., 2006: *Modernizing German Local Government: Bringing the People Back in*. In: Hoffmann-Martinot, V./Wollmann, H. (eds.): *State and Local Government Reforms in France and Germany. Divergence and Convergence*. Wiesbaden, 253-268.
- Wollmann, H., 2004: *Local Government Reforms in Great Britain, Sweden, Germany and France: Between Multi-function and Single Purpose Organisations*. In: *Local Government Studies* 20/4, S. 639-665.

- Wollmann, Hellmut, 2008: Reforming Local Leadership and Local Democracy: The Cases of England, Sweden, Germany and France in Comparative Perspective. In: *Local Government Studies*, vol. 34, no. 2, S. 279-298
- Wollmann, H. et al., 2010: The multi-level institutional setting in Germany, Italy, France and the UK: a comparative overview. In: Wollmann, H./Marcou, G. (Hrsg.): *The Provision of Public Services in Europe. Between state, local government and market*. Cheltenham/Northampton: Edward Elgar, pp. 15-48.
- Wouter van Dooren/Geert Boukaert and John Halligan 2010: *Performance Management in the public sector*. Routledge.

IV. Policy-making in the European Union and its effects on member states (Stuchlik)

Overview

This seminar has two main perspectives; one is to look at the every-day life of supranational policy-making of and within the institutions of the European Union. The second aim is to ask what does actually happen when Europe “hits home”? What are the repercussions for the member states themselves regarding their autonomy in terms of legal output and domestic institutions?

Put it differently, during the last decade or so, EU integration theory and the realm of European Union political science have shifted their focus from how to explain European integration from a national perspective rather towards the flipside of the process: to what extent EU politics and institutions really do shape domestic policy-making and trigger domestic change? Labelled as Europeanization, these effects entail many facets and may be addressed in several ways. Thus, the seminar is divided as follows:

First, session 1 will disentangle the political system of the EU in terms of clarifying its governance structure and using some recent examples of EU legal output. The second session will analyse the theoretical background of EU integration and specifically Europeanization research and unfold the respective assumptions made therein. Then, sessions 3, 4, and 5 deploy these assumptions to possibly affected political institutions, political processes as well as selected policy areas of and within the EU member states. During the final and concluding session, the overall scope of Europeanization is discussed.

The seminar will be taught by Dr Andrej Stuchlik. Each session is composed of two lectures of about 25 min each, giving a general introduction to the topic, followed by students' presentations of 20 min and discussions of 20 min.

Topics

Session 1: Policy-making in the European Union

Objectives: An introduction to the political system of the EU in terms of power relations, veto mechanisms, voice opportunities, and the nitty-gritty of drafting legislation.

1. The EU's institutional set-up – a primer

Required reading: Hix/Høyland 2011 (ch. 1)

Recommended reading: Hix 2008, Wallace/Wallace 2007, Wallace et.al. 2010

2. Supranational policy-making – exemplifying the legislative processes

Required reading: Hix/Høyland 2011 (ch. 3)

Recommended reading: König 2008

Session 2: Theorizing regional integration – EU and the US in comparison

Objectives: An introduction to EU integration theory and its links to regionalisation in general. To understand possibilities and pitfalls of different approaches to Europeanization as well as recent refinements in theory building.

3. Regional integration, federalism, and beyond.

Required reading: Rosamond 2007

Recommended reading: t.b.a.

4. From bottom-up to top-down – rivalling approaches in integration theory and Europeanization

Required reading: Börzel/Risse 2007

Recommended reading: Caporaso 2008, Lehmkuhl 2008, Radaelli 2003

Session 3: Impact on Member states' political institutions

Objectives: Regional integration/Europeanization shapes domestic political institutions in many ways and triggers reactions within the domestic arena. With deepening integration being predominantly executive-driven, it is especially national parliaments that seek to rebalance their perceived loss of influence within the EU multi-level system.

5. Adaptation of state structures

Required reading: Anderson 2002

Recommended reading: Bursens 2008

6. Focus: National parliaments in the EU – adapting and bypassing strategies

Required reading: Goetz/Meyer-Sahling 2008

Recommended reading: Auel 2005, Jans/Piedrafita 2009, Raunio 2009

Session 4: Impact on member states' politics

Objectives: The focus of this session is to understand how EU politics impacts on partisan structures (adding to national party cleavages) and to clarify differences between old and new member states. Hence, the first part (I) reveals adaptation strategies of party families. Part two (II) then seeks to focus on bargaining

processes before and after membership in the context of EU's eastward enlargement in 2004.

7. European integration and Domestic Party competition

Required reading: Ladrech 2009

Recommended reading: Hix/Høyland 2011 (ch. 6), Marks et.al. 2006, Vachudova/Hooghe 2009

8. Eastern Enlargement and "accession politics"

Required reading: Sedelmeier 2006

Recommended reading: Falkner/Hartlapp/Treib 2007, Schimmelfennig/Sedelmeier 2008

Session 5: Impact on member states' environmental and social policies

Objectives: The focus of this session is to understand how the EU effects on domestic policy-making processes as well as legislative output: First, we analyse some partly far-reaching restrictions upon national environmental policy. Secondly, we focus on the realm of social policy, which is usually conceived as less prone regarding European integration.

9. Environmental Policy

Required reading: Lenschow 2007

Recommended reading: Jordan/Lenschow 2010, Knill/Liefferink 2007 (ch. 1, 2), Wurzel 2008

10. Social Policy

Required reading: Falkner 2006

Recommended reading: Scharpf 2010, Stuchlík/Kellermann 2009

Bibliography

Anderson, Jeffrey J. 2002. Europeanization and the Transformation of the Democratic Polity,

1945–2000. In: *Journal of Common Market Studies*, Vol. 40, No. 5, pp. 793-822.

Auel, Katrin. 2005. Introduction: The Europeanisation of Parliamentary Democracy. In: *Journal of Legislative Studies*, Vol. 11, No. 3/4, pp. 303-318.

Börzel, Tanja A./Risse, Thomas. 2007. Europeanization: The Domestic Impact of European Union Politics. In: Jørgensen, Knud E./Pollack, Mark/Rosamond, Ben

(eds.): *The SAGE Handbook of European Union Politics*. London: Sage, pp. 483-504.

Bursens, Peter. 2008. State Structures. In: Graziano, Paolo/Vink, Maarten P. (eds.): *Europeanization. New Research Agendas*. Houndmills: Palgrave Macmillan, pp. 115-127.

Caporaso, James A. 2008. Three Worlds of Regional Integration Theory. In: Graziano, Paolo/Vink, Maarten P., (eds.) *Europeanization: new research agendas*. Houndmills: Palgrave Macmillan, pp. 23-34.

Falkner, Gerda. 2008. Social Policy. In: Graziano, Paolo/Vink, Maarten P. (eds.): *Europeanization. New Research Agendas*. Houndmills: Palgrave Macmillan, pp. 253-265.

Falkner, Gerda/Hartlapp, Miriam/Treib, Oliver. 2007. Worlds of Compliance: Why leading approaches to European Union implementation are only 'sometimes-true theories'. In: *European Journal of Political Research*, Vol. 46, No. 3, pp. 395-416.

Goetz, Klaus H./Meyer-Sahling, Jan-Hinrik. 2008. The Europeanisation of national political systems: Parliaments and executives. *Living Rev. Euro. Gov.*, Vol. 3, No. 2. [Online Article] <http://www.livingreviews.org/lreg-2008-2>

Hix, Simon. 2008. The EU as a New Political System. In: Caramani, Daniele (ed.) *Comparative Politics*. Oxford: Oxford University Press, pp. 573-601.

Hix, Simon/Høyland, Bjørn (2011) *The Political System of the European Union*, 3rd ed., Houndmills: Palgrave Macmillan.

Jans, Theo/Piedrafita, Sonia. 2009. The Role of National Parliaments in European Decision-Making. *EIPAscope*, (1), pp. 19-26.
http://www.eipa.eu/files/repository/eipascope/20090709110128_Eipascope2009_01.pdf

Jordan, Andrew/Lenschow, Andrea. 2010. Environmental Policy Integration: a State of the Art Review. In: *Environmental Policy and Governance*, Vol. 20, forthcoming.

Knill, Christoph/Liefferink, Duncan. 2007. *Environmental Politics in the European Union: Policy-making, Implementation and Patterns of Multilevel Governance*. Manchester: Manchester University Press.

König, Thomas. 2008. Analysing the Process of EU Legislative Decision-Making. In: *European Union Politics*, Vol. 9, No. 1, pp. 145-165.

Ladrech, Robert. 2009. Europeanization and political parties, *Living Reviews in European Governance*, Vol. 4, No. 1. [Online Article]:
<http://www.livingreviews.org/lreg-2009-1>

Lehmkuhl, Dirk. 2008. Some Promises and Pitfalls of Europeanization Research. In: Graziano, Paolo/Vink, Maarten P. (eds.): *Europeanization. New Research Agendas*. Houndmills: Palgrave Macmillan, pp. 337-357.

Lenschow, Andrea. 2007. Environmental Policy in the European Union. *Bridging Policy, Politics and Polity Dimensions*, Jørgensen, Knud E./Pollack,

Mark/Rosamond, Ben (eds.): The SAGE Handbook of European Union Politics. London: Sage, pp. 413-431.

Marks, Gary et. al. 2006. Party Competition and European Integration in the East and West. In: Comparative Political Studies, Vol. 39, No. 2, pp. 155-175.

Radaelli, Claudio, 2003. The Europeanization of Public Policy. In: Featherstone, Kevin/Radaelli, Claudio (eds.): The Politics of Europeanization. Oxford: Oxford University Press, pp. 27-56.

Raunio, Tapio. 2009. National Parliaments and European Integration: What We Know and Agenda for Future Research. In: The Journal of Legislative Studies, Vol. 15, No. 4, pp. 317-334.

Rosamond, Ben. 2007. The Political Sciences of European Integration: Disciplinary History and EU Studies. In: Jørgensen, Knud E./Pollack, Mark/Rosamond, Ben (eds.): The SAGE Handbook of European Union Politics. London: Sage, pp. 7-30.

Scharpf, Fritz W. 2010. The asymmetry of European integration, or why the EU cannot be a 'social market economy'. In: Socio-Economic Review Vol. 8, No. 2, pp. 211-250.

Schimmelfennig, Frank/Sedelmeier, Ulrich. 2008. Candidate countries and conditionality. In: Graziano, Paolo/Vink, Maarten P. (eds.): Europeanization: new research agendas. Houndmills: Palgrave Macmillan, pp. 88-101.

Sedelmeier, Ulrich. 2006. Europeanisation in new member and candidate states. Living Rev. Euro. Gov., Vol. 1, No. 3. [Online Article]

<http://www.livingreviews.org/lreg-2006-3> Updated document February '11:

<http://europeangovernance.livingreviews.org/Articles/lreg-2011-1/>

Stuchlík, Andrej/Kellermann, Christian. 2009. Europe on the Way to a Social Union? The EU Social Agenda in the Context of European Welfarism, Friedrich-Ebert-Foundation, [Online Article] <http://library.fes.de/pdf-files/id/ipa/06013.pdf>

Vachudova, Milada A./Hooghe, Liesbet. 2009. Postcommunist Politics in a Magnetic Field: How Transition and EU Accession Structure Party Competition on European Integration. In: Comparative European Politics Vol. 7, No. 2, pp. 179-212.

Wallace, Helen/Wallace, William. 2006. Overview: The European Union, Politics and Policy-Making. In: Jørgensen, Knud E./Pollack, Mark/Rosamond, Ben (eds.): The SAGE Handbook of European Union Politics. London: Sage, pp. 339-358.

Wallace, Helen/Pollack, Mark A./Young, Alasdair R. (eds.). 2010. Policy-Making in the European Union. Oxford: Oxford University Press, 6th ed.

Wurzel, Rüdiger K.W. 2008. European Union Environmental Policy and Natura 2000. In: Keulartz, Jozef/Leistra, Gilbert (eds.): Legitimacy in European Nature Conservation Policy: Case Studies in Multi-Level-Governance. Heidelberg: Springer, pp. 259-282.

V. Environmental Policy and Trade in the WTO (Weiß)

Overview

The course will address issues of environmental policy under the trade regime of the WTO and analyse how domestic or international policies in the area of environment protection can be tailored in a way which is in conformity with trade rules. Domestic and/or international instruments and measures designed for the protection of the environment might collide with WTO disciplines and prompt the challenge of designing them in conformity with the exigencies of WTO rules in order to avoid an allegation of violating international trade rules. The course therefore will first of all familiarize the students with the basic foundational principles of WTO law against which environmental policy measures have to be assessed. Furthermore, six landmark decisions of the WTO dispute settlement system relating to environment protection (in which the WTO judiciary had to take a stance as to a domestic environment measure's conformity with WTO rules) will be analyzed in order to identify the practical consequences of applying WTO rules to environmental measures, to critically review the panels and/or Appellate Body's approach and to assess the implications of these decisions for the WTO member state's remaining domestic regulatory policy space for adopting environmental measures. The final session researches and assesses – in a more generalized perspective – the role of international legal instruments, like the Kyoto protocol or other international environmental treaties, in WTO law since one of the decisive questions in the current debate on environment protection and the WTO is the issue of whether non-WTO rules are capable of justifying a breach of WTO disciplines.

The course consists of five sessions and will be conducted by Professor *Wolfgang Weiß*. The first session gives an introduction to basic WTO rules and their practical application by WTO dispute settlement procedures. This session will be taught by Professor Weiß. The remaining four sessions will consist of two student presentations of app. 20 minutes each, followed by discussion.

The first six of the altogether eight student presentations have to present the facts and main legal arguments of the case, the leading legal arguments presented by the respective panel and Appellate Body decision, and to critically assess and comment on it, and to analyze their practical consequences for domestic measures and the remaining policy space.

The last two student presentations are not case-centred, but have to analyze and critically assess the question posed.

Topics

Session 1: Introduction to WTO law: basic principles and dispute settlement

Required reading:

- 1) P. van den Bossche, *Law and Policy of the WTO*, 2nd edn 2008, pp. 1-59, 75-101, 320-396, 401-422, 444-499, 614-652
- 2) M. Matsushita/T. Schoenbaum/P. Mavroidis, *The World Trade Organization*, 2nd edn 2006, Chapter 4 Dispute Settlement

Session 2: Legal Foundations of WTO/GATT law, part. 1

1. US – Standards for Reformulated and Conventional Gasoline, WT/DS2

Required reading: Appleton, "GATT Article XX's Chapeau: A Disguised 'Necessary' Test?: The WTO Appellate Body's Ruling in United States - Standards for Reformulated and Conventional Gasoline," *Review of European Community & International Environmental Law*, Volume 6, Issue 2, pp. 131-138 (July 1997).

Recommended reading: Charnovitz, "The WTO Panel Decision on U.S. Clean Air Act Regulations," *BNA International Environment Reporter*, March 6, 1996; Mattoo/Mavroidis, "Trade, Environment and the WTO: The Dispute Settlement Practice Relating to Article XX of GATT," in *International Trade Law and the GATT/WTO Dispute Settlement System* (Ernst-Ulrich Petersmann, ed.), 1997, 325; McRae, *GATT Article XX and the WTO Appellate Body*, in *New Directions in International Economic Law* (M. Bronckers and R. Quick, eds.) (Kluwer Law International) (2000).

2. European Communities – Measures Affecting Asbestos and Asbestos Containing Products, WT/DS135

Required reading: Howse/Tuerk, "The WTO Impact on Internal Regulations: A Case Study of the Canada-EC Asbestos dispute," in de Burca/Scott, eds., *The EU and the WTO: Legal and Constitutional Issues*, Hart Publishing, Oxford (2001); Horn/Weiler, "EC - Asbestos," *The WTO Case Law of 2001*, Cambridge Press, 2003, 14-40.

Recommended reading: Choi, "Like Products" in *International Trade Law - Towards a Consistent GATT/WTO Jurisprudence*, Oxford University Press (2003); Cone, "The Asbestos Case and Dispute Settlement in the World Trade

Organization: The Uneasy Relationship Between Panels and the Appellate Body," 23 Michigan Journal of International Law 2001, 103-142; Smith, "The Asbestos Case at the World Trade Organization: The Treatment of Public Health Regulations under the General Agreement on Tariffs and Trade 1994 and the Agreement on Technical Barriers to Trade," 10 Tulsa Journal of Comparative & International Law 2002; Wiers, "Responsible Decision-makers, Do It Yourself: The Panel Report in the Asbestos Case," 28 Legal Issues of Economic Integration 2001, 117-126; Wiers/Mathis, "The Report of the Appellate Body in the Asbestos Dispute," 28 Legal Issues of Economic Integration 2001, 211-225; Zonnekeyn, "The Appellate Body's Communication on Amicus Curiae Briefs in the Asbestos Case: An Echternach Procession?", 35 Journal of World Trade 3 2001, 553-563.

Session 3: Legal Foundations of WTO/GATT law, part. 2

3. US – Import Prohibition of Certain Shrimp and Shrimp Products, WT/DS58

Required reading: Howse/Regan, "The Product/Process Distinction - An Illusory Basis for Disciplining 'Unilateralism' in Trade Policy," 11 EJIL 2000, 249-289; Hudec, The Product-Process Doctrine in GATT/WTO Jurisprudence, in New Directions in International Economic Law (M. Bronckers and R. Quick, eds.) (Kluwer Law International) (2000).

Recommended reading: Appleton, "Shrimp/turtle: Untangling the Nets," 2 JIEL 3, pp. 477-496 (1999); Atik, "Two Hopeful Readings of Shrimp-Turtle," 9 Yearbook Int'l Env't'l L. 6 (1999); Charnovitz, "The Turtle-Shrimp Decision," 19 New York Law School Journal of Int'l and Comp. L. 1 (1999); Cone, "The Appellate Body, the Protection of Sea Turtles and the Technique of 'Completing the Analysis,'" 33 Journal of World Trade 1999/2, 51-61; Howse, "The Turtles Panel: Another Environmental Disaster in Geneva," Journal of World Trade (October 1998); Neuling, "The Shrimp-Turtle Case: Implications for Article XX of GATT and the Trade and Environment Debate," 22 Loy. L.A. Int'l. & Comp. L. Rev. 1, 2 (1999); Jackson, "Comments on Shrimp/Turtle and the Product/Process Distinction," 11 EJIL 2000, 303-307.

4. Brazil – Measures Affecting Imports of Retreaded Tyres, WT/DS332

Required Reading: Bown/Trachtman, "Brazil - Measures Affecting Imports of Retreaded Tyres: A Balancing Act," 8 World Trade Review 1, pp. 85-135 (2009).

Recommended reading: van Calster, "Faites Vos Jeux – Regulatory Autonomy and the World Trade Organisation after Brazil Tyres", 20 Journal of

Environmental Law 1 (2008), 121; Davies, "Interpreting the Chapeau of GATT Article XX in Light of the 'New' Approach in Brazil-Tyres," 43 Journal of World Trade Law 507-540 (2009); Gray, "Case Comment- WTO Appellate Body: Brazil - Tyres Dispute," American Journal of International Law, 610-616 (2008); Ya Qin, "Managing Conflicts between Rulings of WTO and RTA Tribunals: Reflections on the Brazil-Tyres Case," Wayne State University Law School Research Paper No. 09-24 (2009); Ya Qin, "The Mercosur Exemption Reversed – Conflict between WTO and Mercosur Rulings and Its Implications for Environmental Values," ASIL Insights (http://www.asil.org/insights070905_update.cfm); McGrady, "Necessity Exceptions in WTO Law: Retreaded Tyres, Regulatory Purpose and Cumulative Regulatory Measures," Journal of International Economic Law 12(1):153-173 (2009); Morosini, The MERCOSUR and WTO Retreaded Tires Dispute: Rehabilitating Regulatory Competition in International Trade and Environmental Regulation, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1154710; Petersmann, "Administration of Justice in the World Trade Organization : Did the WTO Appellate Body Commit 'Grave Injustice'?", The Law and Practice of International Courts and Tribunals, Volume 8 , Issue 3 , pp. 329-374 (2009); Weiler, "Brazil - Measures Affecting Imports of Retreaded Tyres," 8 World Trade Review 1, 137-144 (2009).

Session 4: Sanitary and Phytosanitary Measures: the SPS and the Precautionary Principle

5. European Communities – Measures Affecting Meat and Meat Products (Hormones), WT/DS26, WT/DS48

Required reading: Dale E. McNiel, "The First Case under the WTO's Sanitary and Phytosanitary Agreement: The European Union's Hormone Ban," 39 Virginia J. Int. Law 89 (1998).

Recommended reading: Carter, "Selling Science under the SPS Agreement: Accommodating Consumer Preference in the Growth Hormones Controversy," 6 Minn. J. Global Trade 625 (1997); Hughes, "Limiting the Jurisdiction of Dispute Settlement Panels: The WTO Appellate Body Beef Hormone Decision," 10 Geo. Int'l Envtl. L. Rev. 915 (1998); Pauwelyn, "The WTO Agreement on Sanitary and Phytosanitary (SPS) Measures as Applied in the First Three SPS Disputes: *EC - Hormones, Australia - Salmon and Japan - Varietals*," 2 JIEL 1999, 641-664; Quick/Blüthner, "Has the Appellate Body Erred? An Appraisal and Criticism of the Ruling in the WTO *Hormones Case*," 2 JIEL 1999, 603-639; Roberts, "Preliminary Assessment of the Effects of the WTO Agreement on Sanitary and Phytosanitary Trade Regulations," 1 JIEL 1998, 377-405.

6. Japan-Measures Affecting the Importation of Apples, WT/DS245

Required Reading: Goh, "Tipping the Apple Cart: The Limits of Science and Law in the SPS Agreement after Japan—Apples," 40 *Journal of World Trade* 4 (2006), 655-686.

Recommended Reading: Foster, "Japan: Measures Affecting the Importation of Apples: Rotten the Core", 25 *Australian Yearbook of International Law* (2006), 309; Neven/Weiler, "Japan: Measures affecting the Importation of Apples: one Bad Apple?: - a comment", in: *The WTO Case Law of 2003*, 280 (Cambridge University Press, 2006).

Session 5: International Environment Protection and WTO law

7. What is the role of international instruments on Environmental Protection in WTO law and WTO Dispute Settlement?

Required Reading: J. Pauwelyn, *Conflict of norms in Public International Law: How WTO Law Relates to other rules of International Law*, 2003; J. Pauwelyn, *How to win a WTO Dispute Based on Non-WTO law?*, in Griller (ed), *The World Trading System and the Doha Round*, 2008, pp 1-53; E Vranes, *Trade and the Environment*, 2009, 353-409.

8. Domestic and international strategies to combat global warming: What are the issues under WTO law?

Required Reading: S. Charnovitz, *The Law of Environmental "PPMs" in the WTO: Debunking the Myth of Illegality*, (2002) *Yale Journal of Int'l Law* 59; Howse/Eliason, *Domestic and international strategies to address climate change: an Overview of the WTO legal issues*, in T Cottier/O Nartova/S Bigdeli (eds) *International Trade Regulation and the Mitigation of Climate Change*, 2009, pp 48-93; E Vranes, *Trade and the Environment*, 2009, 353-409.