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The "Landkreise" in Baden-Württemberg :
structure, role and significance"

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The roots

Jointly with the municipal authorities the "Landkreise" are the organs of local self-government. They cover an area which includes a fairly large number of municipalities and have elected representatives. Their origin dates back to mediaeval times, when in southern Germany, for example, the term "Stadt und Amt" (the town and its local authority) and in the Brandenburg March the terms "bezirkte Lande" or "Kreise" (regional authorities) were in use. With the early establishment of self-government in the shape of a federalist state, these supra-local self-governing bodies became permanent institutions throughout Germany from the days of Baron von Stein, and at all times they have proved to be a valuable instrument in building up a graded system of self-government at a level subordinate to that of the state. Even in pre-constitutional times their existence gave residents and citizens a relatively high measure of self-determination whilst at the same time imposing limits on the central pull exercised by the State. This point of view was strengthened by the creation of the larger territorial states at the time of Napoleon, but even more so by the reorganisation of the German "Länder" after 1945.

Dual characteristic

This structural peculiarity, which with certain variations has developed in Great Britain and Scandinavia too, embodies an interesting stabilising feature which, so far as I am aware, is not inherent in regional authorities as they exist in France and Italy: by what we may term the "counter-current principle" the German "Landkreise" constitute at the same time the subordinate state functional level. As legal representatives of the Landkreise, the Landräte or district chairmen are thus also subordinate state functionaries. This dual characteristic brings the advantages of the counter-current principle and should be borne in mind in connection with the description that follows.

(a) What is a "Landkreis" in present-day Germany?

(b) What roles does it play?

I would like to illustrate this by reference to my own Land Baden-Württemberg here in south-west Germany and specifically to my own Kreis, Ludwigsburg.

(a) The 35 Landkreise in Baden-Württemberg vary considerably in size and population. In area they range from 50,000 to 185,000 hectares and in population from 83,000 to 450,000. In addition to the 35 Landkreise there are also 9 towns which are independent boroughs and at the same time themselves fulfil the function of a Landkreis as a state agency. A vertical breakdown of the German administrative structure looks like this:

Two state levels, the Federal Government and the Land Governments.

The Kreise, which are supralocal self-governing authorities and at the same time subordinate administrative units.

The "Gemeinden" or municipal authorities which are self-governing bodies.

The two organs of a Landkreis are the district council (Kreistag) and the district chairman (Landrat). The latter is a Landkreis official and is chosen by the district council for a period of eight years. He acts as chairman of the council and at the same time also as local head of the state administration and of the Landkreis as a self-governing authority. He implements the decisions of the district council. The office of the Landrat is the administrative headquarters which deals with both district and central government business. The number of employees serves as a guide to the importance of the authority. The office which I run has a staff of 575, of which 7 per cent are established officials of the Land whilst the remainder are officials, clerical staff and manual workers employed by the Landkreis.

The members of the Kreistag - the district councillors - are originally chosen by direct election for a term of five years: their number depends on the size of the population.

Let me illustrate this body in more detail with reference to Ludwigsburg.

The district council of Ludwigsburg, which with a population of 430,000 is one of the biggest Landkreise in Baden-Württemberg, has 106 members. These are unpaid and their importance can be compared approximately with that of a "conseiller général" in France, although on the average the French départements have larger populations than the German Landkreise. As a rule membership of a district council is the second stage in a political career, the first being that of a municipal councillor or mayor, or engagement in

some kind of party-political work. This explains why the average age of my district councillors is 52. Most of our councillors are master craftsmen, farmers or shopkeepers by trade or practice as architects, lawyers, doctors or engineers; but more and more of them are judges, teachers, mayors or other types of civil servants. This increase in the number of councillors who are established civil servants, by the way, is a development that we notice also in the Bundestag itself as well as in the "Land" parliaments. Very often a councillor acts in two capacities: a district councillor may be also a municipal councillor or mayor. In such cases conflicts of interests are unavoidable but they can be surmounted.

The district council is a reflection of the party system. In Ludwigsburg District Council 44 of the members belong to the CDU (Christian Democratic Union), 33 to the SPD (Social Democratic Party of Germany), 20 are independents and 9 belong to the FDP (Free Democratic Party). The independents, that is to say councillors not belonging to any political party, are to be found only in local assemblies, ie in municipal and district councils. Since they do not have the propaganda machinery of a political party behind them, they are elected very largely on grounds of personality.

The district council lays down the principles governing the municipal policy of the Landkreis and makes decisions on all matters affecting the district except for such as by law come under the jurisdiction of the Landrat. Its functions are executive and legislative at one and the same time. It makes executive decisions, this being its main function; but within the framework of the existing laws it also has normative functions, especially the handing-down of statutory rulings on financial matters. It is the principal budgetary authority for the Landkreis. The size of my own district council, with more than 100 members, causes certain technical and structural problems. Technical problems because we have no assembly hall big enough to hold them all and therefore have to meet in gymnasiums or civic halls in various towns and villages in the surrounding areas. Structural problems because the large number of persons involved often slows down the process of arriving at a decision. Preparations for a meeting therefore create masses of paper in the shape of drafts setting out the facts and suggestions about decisions.

The district council prepares its work through committees. In less fundamental matters these committees can

make decisions themselves, though the council can also insist on taking all decisions itself. In my council 5 committees with decision-making powers have been appointed, each of them consisting of 18 members chosen by the council. The number of members was fixed at this figure so that under the proportional representation system all political parties can be guaranteed at least one seat on a committee. We have one committee each for financial, technical, cultural and educational and social matters. One of the most important committees deals with our hospitals. Last year these committees met 37 times, whilst the council generally meets five times a year. However, preparations for these council and committee meetings are made in turn by numerous gatherings of the political parties on the council or individual working groups within those parties. So there are a vast number of meetings altogether, which naturally make considerable demands on the time of our unpaid councillors, especially when there are financial repercussions on the trade or professions they exercise.

(b) The aforementioned duties of the committees cover the whole field of activity of the Landkreise and are carried out by them on an autonomous basis. Before I clarify this, permit me to comment on the division of responsibility between the self-governing bodies (municipal authorities and Landkreise).

So far as its own area is concerned a Landkreis is solely responsible, unless otherwise laid down by law, for all matters outside the competence of the municipal authorities in that area. It has to confine itself to those matters concerned with the uniform provision of supplies and services needed by the inhabitants of the entire Landkreis or a large part of it. Thus it cannot take over the grammar school in one town without also accepting the same responsibility in other towns. It is also under an obligation to assist the municipal authorities in the performance of their duties. This it may do by providing the "people at the top" with advice or recommendations but also by giving grants for specific projects, such as local youth centres, music schools for young people or adult evening classes ("people's universities"). We also subsidise old buildings that are worth preserving. The Landkreis works in conjunction with the municipal councils. So it rests very largely with the municipal authorities in the area to decide how much they leave to the district authority, ie what matters are to be dealt with jointly. In this respect

a big part is played by the degree of influence exerted by the district councillors, who of course also look upon themselves as representatives of the municipalities in which they themselves reside.

So much for the division of labour between local authorities and district councils. The work to be undertaken by the district council has in part developed historically, as is the case with the hospital service in southern Germany. With the expansion of modern medicine and constantly rising expenditure on the necessary equipment this has become one of the district authority's most onerous tasks. My authority, for instance, runs hospitals with 1370 beds and a staff of 1,700, and during the past ten years has invested 230 million marks in them. The old people's homes are run partly by the district and partly by the local authorities, some of them also by independent charitable associations.

Let me also say something here about the district authorities' social welfare activities which are expanding all the time. Thirty-two per cent of our annual budget is spent on these; in 1977 it amounted to approximately 80 million marks. In the first place there is conventional public assistance, ie financial aid and personal care of underprivileged people. Youth services employ large numbers of staff. The district youth welfare office looks after morally endangered youth and takes over guardianships, but also gives advice to families on bringing up children and promotes youth centres and similar services. There are also psychological advice centres for parents who have difficulties in bringing up their children. Other tasks in the social sphere include the handling of equalisation of burdens (Lastenausgleich) payments for those expelled from their homelands after the Second World War and relief payments and pensions for war victims.

Another main field is that of the schools. The Landkreise are responsible for vocational training and have set up appropriate centres at considerable expense, including agricultural and domestic science schools, vocational training establishments, schools turning out master craftsmen, tradesmen and white-collar workers, colleges of commerce, technical schools and industrial and commercial secondary schools. Between 1970 and 1978 Ludwigsburg district authority has invested a total of 104 million DM in this sector. The wide diversity of modern vocational life calls for the employment of a big staff of teachers whose services can be properly exploited

only if the student catchment area is a large one. Here the choice of location is important: schools must be spread as widely as possible over the whole of the district so that even students from smaller rural communities can make use of them without needing to travel too far.

Besides this, the district authorities run special schools and kindergartens for those who have difficulties in learning owing to mental and physical disabilities. They also encourage adult education and run school hostels in country areas.

In the commercial sector special mention must be made of the savings banks. Ludwigsburg District Savings Bank, which is guaranteed by the Landkreis, currently has an annual balance sheet total of just under 3 thousand million DM. Savings banks were started at the beginning of the 19th century in order to enable the poorer sections of the population to save appreciable sums of money. In these days they perform practically all the functions of an ordinary bank. Their business policy is regulated by administrative boards, two thirds of whose members are district councillors and one third members of the staffs of the savings banks themselves, selected in accordance with the co-determination laws.

Let us turn now to those tasks which have fallen to the Landkreise in recent times as a result of continued technical development and the evolution of society.

In the matter of day-to-day services, refuse disposal was made the responsibility of the Landkreis in 1975. Whereas formerly many municipal refuse dumps existed, the district authorities have now set up their own dumps and other refuse disposal plants adapted to ecological requirements. Thus Ludwigsburg Landkreis now has two central dumps replacing the former 40 municipal plants. This also is a job that can be properly handled only by a supra-local authority.

Everyday services also include investments in undertakings supplying electricity, water and drainage facilities. In addition to the technical arrangements which here also have to be on a supra-local basis, the district authorities also to a certain extent control charges, particularly in the matter of electricity supplies.

The district authorities are responsible for the roads connecting the various towns and villages and in densely populated areas they have recently taken a large share in solving suburban traffic problems.

Adequate suburban traffic systems in densely populated areas can be set up and financed in these times only as the result of co-operation between district authorities, Federal and "Land" governments and municipalities.

In the cultural field I must mention the Kreis-owned libraries and film service units which keep a large selection of films and sound recordings for the use of schools and other organisations. The district authorities also promote theatrical performances and musical events as well as art exhibitions. They also do a great deal for the protection of historical monuments and buildings.

These tasks are financed from various sources. In principle district authorities control their own finances, but a large part of the funds at their disposal is already earmarked for legal commitments (wages and salaries and social insurance contributions) so that the spending-money left over is comparatively small.

A direct source of income, and the most important one, is the district levy, which is a certain percentage of the total taxable capacity of the municipal authorities in the Kreis. The rate is fixed by the district council. Since the contribution of each individual local community is again governed by its total taxable capacity, this instrument also serves as a means of making financial adjustments as between local authorities. In 1977 it accounted for 23 per cent of the income of Ludwigsburg Landkreis. Other direct sources of income for the Kreis are the 7 per cent tax on real estate transactions and hunting and shooting license fees which together make up 5 per cent of my district authority's income. There are also administrative charges (fees and contributions) and business receipts (chiefly charges made for hospital care and accommodation); in 1977 41 per cent of our funds came from these sources. 19 per cent came from grants made by the Federal and Land governments.

Coping with these autonomous tasks is the primary function of the district chairman and his staff. But besides this, the peculiarity of the German Landkreise resides, as I have said, in the fact that they act as subordinate administrative bodies acting for the state in the area they cover.

The office of the Landrat is the body dealing with building regulations for the smaller local authorities; it is responsible for exercising legal supervision over the local authorities in matters of self-government and for technical supervision over the local police. Its duties also include typical matters connected with the maintenance of public order (licensing of motor vehicles, issue of driving licences, traffic offences, nature conservation and preservation of historic monuments and buildings, inspection of rivers and lakes, pollution control, aliens regulations, passports, supervision over trade and industry and the issue of firearms certificates and hunting and shooting licences).

The planning of land use is left to the authorities of the Federation and Länder. The Kreis authorities, on the other hand, are involved in structural planning in accordance with the Land Planning Act. They are required to produce a district development programme, ie a catalogue of municipal investment measures of importance for land use purposes, showing which authority is responsible for organisation and financing.

The changing Landkreise

The operation of services is thus the primary *raison d'être* of the Landkreise.

It may be said that in the past hundred years our conception of the state has changed. Whereas formerly it was regarded, in accordance with the liberalist concept, mainly as a power exercising control over law and order, the modern view is that provision of services viz. social welfare and everyday public utilities is more important. So far as the Landkreise are concerned, their most vital function is to provide these latter services (hospitals, electricity and water supplies and roadmaking). Improvement of the infrastructure of rural areas is a central problem in present-day administration. The fact that provision of services is mainly in the hands of the Kreis authorities has not come about by chance. Primarily it must be guided by human needs and local circumstances. In order to ensure that the funds contributed for this purpose by the general public are properly employed, things have to be organised on the spot. The drawbacks of too much centralisation are of course well known: bureaucratic delays, mistakes due to lack of knowledge of local conditions, and so forth. On the other hand, purely local interests

must not be given too much prominence. A similar requirement naturally applies to local authorities. A further point is that some facilities can only be utilised to the full if they cover a fairly large area. And so for things of this kind the intermediate authority - the Kreis - is the appropriate one.

Allocation of administrative tasks to a body directly elected by the inhabitants of the area concerned encourages the people to take an interest and stimulates them to make efforts themselves. It heightens democratic consciousness. District councillors and the district chairman live in close contact with the people.

In conclusion I would add that the centuries-old tradition of Landkreise proves what an important link they are in our country's administrative structure. Although, in accordance with the conception of the state ruling at any particular time, as for example under absolutism or in more recent times under the domination of National Socialism repeated attempts have been made to bring the district authorities under the immediate control of the state, they have still managed to preserve their independence. Their functions have changed but the need for action taken on their own responsibility at grass-roots level has remained.