

Switzerland: the politics of PA in a multi-party semi-direct consensus democracy

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INTRODUCTION

Switzerland has a well-functioning administration; citizens are satisfied with the facilities and services provided by the state. There is no spoils system where higher civil servants are systematically replaced, but closeness to a party can be important when filling top administrative posts and it is not uncommon for successful applicants to belong to the personal political network of the politicians in office. Only at the local level, some of the communal secretaries (*Gemeindeschreiber*), the highest civil servant at the local level, are still elected.

Being a federalist country with a strong intermediate level and very autonomous municipalities, most services and facilities are offered by the lower levels through employees of the cantons and the municipalities. The federal government is active in terms of regulation and strategic decisions, and when it comes to joint tasks and intergovernmental cooperation, to some extent through the funding of the implementation. Unlike in dualist systems, national civil servants are hardly present in the cantons.

The civil service consists of public employees with competitive salaries and additional amenities (Emery 2013: 484ff.). Due to the non-professional politico-administrative system, there are – apart from the members of the national government, the cantonal governments and the larger cities – no full-time politicians with a specific curriculum or training. This can be quite advantageous for the administration since they are better informed and politically more skillful than their political masters. Hence, they might be tempted to lead and decide more often as they are supposed to.

This chapter gives an overview of the structure and the function of the national political administration and their performance in more detail. It discusses the impact of the particularities of the Swiss political systems on the politicization of the administration and their influence on political decisions, and concludes with some remarks on deficits and future reforms.

STRUCTURE AND ORGANIZATION OF THE NATIONAL ADMINISTRATION¹

Compared to the ministries found in other countries, the number of departments in the Swiss national government and its administration is rather small. The departments are directly related to the number of Federal Councilors (*Bundesräte*), the national executive. The Federal Council (or *Bundesrat*), has consisted of seven members since 1848, and the number of departments in the national administration has remained unchanged ever since. The seven departments are: Foreign Affairs (FDFA), Home Affairs (FDHA), Justice and Police (FDJP), Defense, Civil Protection and Sports (DDPS), Finance (FDF), Economic Affairs, Education, and Research

(EAER), and Environment, Transportation, Energy, and Communications (DETEC). Some of the departments are quite large and heterogeneous; the head of the DETEC Department, for example, is simultaneously Minister for Transportation, Minister for Energy, Minister for Communications, and Minister for the Environment, and in international negotiations, depending on the subject area, must deal with numerous different colleagues. The departments have General Secretariats – four also have State Secretariats – and a variety of offices and other units below them. In addition to the departments is the Federal Chancellery (FCh) that is the staff of the Federal Council who coordinates the Federal administration. Due to increasingly transversal problems, the FCh has gained in importance since the 2000s.

The real backbone of the national administration is found in the offices and other units associated with a given department (Grisel 1984: 213). The departments themselves are relatively immobile, so governmental activities occur at these lower levels; in most departments, the number of such offices and other units have grown in the last century. Only in the DDPS, despite its size, can one see a countertendency owing to recent changes and reorganization efforts. Due to their expertise, the federal offices play an important role in the pre-parliamentarian process of policy-making.

The General Secretariats are of significant importance in the individual departments. They coordinate the administrative work with the Swiss parliament and the Federal Council and serve as the interface between the various offices in a department and the respective Federal Councilor. They undertake planning, coordination, consulting, and controlling or monitoring tasks, exert influence on personnel and finances, and communicate externally. The individual General Secretariats also provide other partly department-specific services.

Certain areas not directly under the respective departments follow a different organizational logic. This includes institutions and enterprises located farther afield as well as the non-professional administration. In the case of the former, we find enterprises, institutes, or agencies under public law which belong entirely to the Swiss Confederation, some of which may be separate legal entities (e.g., the Swiss Institute for Intellectual Property, the two Federal Institutes of Technology (ETH) and the Federal Pension Fund (Publica)). Further from the center, one finds enterprises under public law or under special provisions in which the national government is the sole or majority owner. This includes former state monopolies, such as the Swiss Federal Railways (SBB), the Swiss National Accident Insurance Fund (SUVA), Swisscom, and the Swiss Post, among others (Pasquier and Fivat 2013: 192). This

segment of the Swiss public administration has gradually opened to greater competition. They are not counted as part of the national administration in a narrower sense.

Extra-parliamentary commissions, brought to life by the Federal Council or by individual departments to carry out certain public tasks, are counted as part of the non-professional administrative system. Examples of such commissions give an idea of how broad the range of issues of this “militia administration” is. They include the Anti-Racism Commission, the Commission for Women’s Issues, the Tobacco Control Commission, the Consumer Affairs Commission, and the Regional Planning Council, among others. Their members are mostly not federal civil servants but rather experts, and they are asked to address a large range of political and policy tasks. A commission might take the form of a board of experts or consultants who offer advice to federal administrators or help with the preliminary work for proposed laws. They might also be those parties interested and involved in implementing specific policies. One study found 223 commissions of this kind in 2010 (Rebmann and Mach 2013: 167, 170). The direct and factual influence of these commissions varies but remains rather limited.

Due to Swiss consociationalism, decision-making aims at finding political compromises that prevent popular referendums from organized interests. Expertise and evidence consequently play a minor role in federal decision-making (Ledermann 2014).

Over time, the work of some of these commissions can result in creating independent regulatory agencies (IRAs) which themselves may come to play significant roles in the nation’s administration. Prominent examples include the Competition Commission (under the EAER), the Communications Commission (under DETEC), Swiss Financial Market Supervisory Authority (FINMA) (under the FDF), the Electricity Commission (independent of both the DETEC and the Federal Council), or the Swiss Agency for Therapeutic Products (affiliated with the FDHA) (Gilardi et al. 2013: 203).

Due to an extended federalism which is characteristic of the Swiss political system, the cantonal administrations play a highly political role as the cantons implement federal law. Cantonal administrations have a strong influence on member state implementation that consequently differs among the 26 Swiss cantons (Sager and Thomann 2017; Sager et al. 2017a). In spatial terms, cantonal administrations can be counted as part of decentralized administration – at least for those public administration tasks which are carried out in common. This category also includes deconcentrated services provided by the national level, for example the customs directorate.

The proportion of Swiss public sector employees is markedly lower than in most other comparable countries, especially the Nordic countries. It lies just behind Germany and well below the OECD average. As of 2015, the Swiss public sector comprised about 575,000 full-time positions, or about 15 percent of all full-time positions. Just under two-thirds of these positions were in the public administrations, and a little more than a third were in public enterprises. In the case of the former, the largest share, at a little more than half, is accounted for by cantonal public administrations. About one-quarter of these positions are in the communities, and

about 10 percent work on the national level. Among the public enterprises, the largest share by far are positions in the public institutions, followed by the cantons and the communities.

Taken all together, the national civil service counts about 36,000 employees (core bureaucracy). The DDPS (Defense), at 30 percent in 2015, accounts for the largest share, followed by the FDF (Finance) at about 25 percent, and the FDFA (Foreign Affairs) at about 15 percent. The other four departments all have less, though the number of employees is not directly related to how much that department spends. Thus, the FDHA (Home Affairs), at about one-quarter, has the largest share, closely followed by the FDF (Finance); the share of the DDPS (Defense), however, has shrunk and stands at less than 8 percent. Entities with large degrees of autonomy (the ETHs formally under the FDHA, FINMA under the FDF, or the Competition Commission under the EAER) are not included here.

FUNCTIONING AND PERFORMANCE OF THE ADMINISTRATION

The organization and the functioning of the Swiss administration follows the organization of the Swiss political system. Swiss federalism – in accordance with the country's bottom-up state building – leaves a considerable amount of activities and competences in the hands of the lower-level units. The high degrees of sovereignty and local autonomy not only lead to an impressive diversity in the way public policies are organized but allows each level to provide or fulfill with its own administration the tasks it is responsible for (Sager et al. 2017a). This prevents the country from having a single, homogeneous administration but rather a high number of different and sometimes competing administrations.

The leading principle to allocate the performance of state tasks follows the idea of subsidiarity (Art. 5a of the Federal Constitution) according to which the Confederation only performs tasks that the cantons are unable to perform or which require uniform regulation by the Confederation (Art. 43a of the Federal Constitution). Similar provisions also exist between the cantons and their municipalities. Another leading principle is the idea of fiscal equivalence which links deciding about a task to the funding of this task (Art. 43 of the Federal Constitution). Municipalities and cantons finance the biggest part of their activities through tax money (on income and wealth) and not through transfers from higher levels. This gives them – provided they can generate the tax income needed – additional autonomy within the multi-level state. Not all units are able to generate the necessary funding through tax money and not all tasks can be attributed to one level only. In these cases, an equalization system comes into application and there are different forms of vertical collaboration between the different levels with additional financial transfers.

Financial autonomy and self-reliance have also to be discussed in the context of direct democracy. On lower levels, expenditures above a certain amount need the consent of the citizens through a popular vote, and the citizens have the possibilities to increase or stop existing activities. Activities have thus to be justified in front of the citizens. The administration is not only confronted with their politicians but also with their funding providers and clients, the citizens.

The degree of bureaucratization in Switzerland remains relatively low, and the various public administrations are generally not perceived as authoritarian, superordinate powers one must submit to. At the cantonal level, administrations often closely interact with elected government incumbents who usually lack the necessary expertise to run their directions when they enter office. This close collaboration oscillates between political and substantial reasoning with both sides sometimes dominating, sometimes conceding. However, the administration is an important actor in cantonal decision-making and has a considerable political influence on both cantonal policies and implementation of federal policies (Sager et al. 2019).

At the community level, people see exactly what is done with their taxes, and they have quite direct ways to influence not only policies but also – and in particular – the expenditures of the local authorities. They do so with full knowledge that it is through their taxes that these expenditures will be financed. Correspondingly, they do not just let themselves be “managed” or “administered” but expect good quality, efficiently delivered services from “their” community and “their” community employees. Local politicians and administrators take this seriously and make considerable efforts to be both transparent and accessible, and this seems to work extremely well. Residents in Switzerland, especially when compared with other wealthy nation-states like Denmark, Norway, or the Netherlands, are not only happier with the avenues open to them to influence policy locally, but are also happier with the local provision of services (see Denters et al. 2016).

THE NON-PROFESSIONAL ADMINISTRATIVE SYSTEM AND MULTI-PARTY GOVERNMENT

The Swiss political system is – according to Lijphart (1999) – a model case of a consensus democracy which is based on the principle of power sharing. Responsible for this is the strong degree of federalism and decentralization on the one hand, and the multi-party government arrangements on the other hand. Both have an influence on the administration. The strong degree of decentralization shifts the power to the lower units and allows for diversity, which gives leeway to the administrations on lower levels, whereas the multi-party aspect integrates different political positions into the administration, increases the complexity they have to deal with, and raises the awareness that there are different ways to tackle a problem.

The Swiss political system therefore does not distinguish between parties in government and parties in opposition, ready to assume power if the party in government fails, and prepared to replace the top-level administrators after a successful election, as it is the case in the US. The party affiliation of top administrators plays a quite small role in Switzerland, allowing for greater continuity over time as well as more focus on the subject (Krumm 2013: 230). At most, members of the Federal Council might select their personal staff, or the directors of certain offices based on their political preferences or from their personal network.

Since the four most important political parties are all permanently represented in the national executive, these parties are also represented in key offices in the national administration. For many years the Liberals (FDP, *Die Liberalen*) dominated the administrative posts, but this party also dominated Swiss politics for a long time. Recently, its predominant position has weakened, so both the left-wing Social

Democratic Party (SP) as well as the Christian Democratic People's Party (Mitte), today have numerous officials in important civil service positions. Only the right-wing Swiss People's Party (SVP), whose rise to prominence and power (from 12 percent in 1991 to nearly 30 percent by 2015) has been relatively recent, is underrepresented in top administrative posts.

Diverging political preferences are generally well represented in the administration or – at least – the civil servants are quite aware of the different standpoints. There is a political consciousness among the people working for the state which exceeds the simple execution of rules and orders. At the very best, higher civil servants present different scenarios and let the politicians decide; at the worst, they become themselves politically active supporting solutions in accordance to their preferences or pursue them with more sophisticated methods.

Because of the strong decentralization of the central state and because the lower units are rather small there is not a sufficient workload for professional full-time politicians. A huge majority of the members of local governments and the members of parliament at the cantonal level are lay politicians (Steiner et al. 2021) doing their political mandate on a voluntary basis in addition to their main professional occupation. Even at the national level, the members of parliament are part-time politicians having additionally another job outside politics or in policy-related domains.

Advantages of this system can be a certain political pragmatism and possible synergies between their occupation and their mandate. Possible disadvantages are lobbying in the domain they are professionally active which might be to the detriment of their voters. Quite often, the administration takes an advantage out of this situation since they are more knowledgeable. And finally, civil servants remain in office regardless of the outcome of elections.

Once the necessary professional qualifications are granted, the civil servants should represent the population in the best possible way. This particularly concerns gender issues where there are still deficits among the highly ranked civil servants, and – for the national administrations – it also concerns representatives from the French- and Italian-speaking part (see Kübler et al. 2020). There are commonly agreed upon policies to increase the percentage of women and linguistic minorities among the top-level civil servants at the national level. At the lower level, language is not an issue since the cantons are linguistically more homogeneous and the administration commonly uses the language of the population. Nearly all communities in the country are monolingual and the administration speaks either German, French, or Italian.

POLITICIZATION OF THE ADMINISTRATION

The selection and the employment of civil servants – apart from a very limited number of top-level civil servants close to their ministers – takes place according to the qualifications of the applicants and without any political obligations. Characteristic of administrations in Switzerland is their permeability with respect to the private sector, along with the now nearly obsolete status of permanent civil servants (*Beamtenstatus*). There is no particular examination that needs to be

passed to become a civil servant, and the often life-long guarantee of continued employment government officials enjoy in many countries is an exception in Switzerland.

Most cantons and communities, as well as the national administration, employ or employed a system of appointment to office for a specified length of time. According to Germann (2011), this reflects a pronounced republicanism, as well as the direct democratic tradition, alien to the professionalized civil services which emerged out of monarchical court administration in other countries.

With the new Federal Employment Law, in effect since 2002, the system changed from one in which civil servants were employed for four-year, renewable periods to one with open-ended employment. With few exceptions (e.g., employees in judicial capacities), all those who work at the national level are employed with individual contracts under public law which can be canceled by either party. During the 1990s, numerous communities and cantons switched to employment relations under public law.

Nevertheless, in Switzerland, as elsewhere, there is critique of the bureaucratic mentality thought to be found among government employees, and critique of increasing bureaucratization (Ritz et al. 2019). The state sector is accused of regulating life more and more with the help of a mighty administration dictating what the country's residents have to do. Overall, though, residents do not have an antagonistic relationship to administrators per se, and also do not perceive them as an authority deserving excessive respect. The strong degree of decentralization in the country and the traditions of direct democracy, coupled with fiscal sovereignty at each political level, result in a rather different relationship of citizen to state and public administration, which does not seem to be the case in other countries.

In the 1990s, a wave of New Public Management (NPM) reforms swept the country (Lienhard et al. 2005). These reforms changed, on the one hand, the organization and the processes of the administration (see Kuhlmann and Bouckaert 2016: 4), and on the other hand, the responsibilities for the provision of public tasks. NPM definitely influenced the functioning of the administration by adapting concepts of the private sector to the public sector (see Chapter 4 by Christensen and Lægreid and Chapter 12 by Bogumil and Kuhlmann in this volume). Empirical evidence suggests that it was mainly the outcome orientation that left a mark on Swiss administrations while the separation between steering and rowing did not prevail in the participatory Swiss system where politics is inclined to intervene at the micro level just as administration plays a fundamental role in policy-making (e.g. Ladner et al. 2007; Ritz and Sager 2010).

Importantly in Switzerland, the interventionist and performance-oriented state model was replaced through a "guaranteeing" state notion. This was not fundamentally new to Switzerland, nor was the suggestion of these NPM and governance models that public service and tasks could or ought to be provided through a greater private sector involvement. In fact, many smaller nation-states have traditions of public-private cooperation and negotiating political solutions across party lines (Lijphart 1999; Van Kersbergen and Van Waarden 2004). Noteworthy in Switzerland are the mixed or para-state solutions governments find, making the state appear quite lean despite the density of public services provided.

The Swiss state and its administration are certainly liberal in the classical sense, but it has little in common with the minimalist state. It is not that governmental tasks are not carried out. They are rather carried out in other ways, and most particularly not with the help of a huge central state apparatus. As history shows, this is not just the product of a consciously chosen strategy, but was in the end, and given the country's cultural differences and the absence of strong, centralized power, the only way a national Swiss state could emerge. This was supported by appropriate political institutions with power sharing both between the cantons and between the cantons and the Confederation (federalism), between the parties ("concordance"), and between the people and the political authorities (direct democracy). All these elements make it difficult to engage in grand and transformative political or administrative acts. The reforms the international literature calls for, however, are not completely unfamiliar to the Swiss administrative system. With its traditionally decentralized form and in light of the services already provided in partnership with the private sector, Swiss public administration is more modern than is often thought.

INFLUENCE OF THE ADMINISTRATION ON POLITICAL DECISIONS

Swiss political administration is not apolitical but it is not (party) politicized. There is a political awareness of the issues at stake and the administration has a certain influence on political decisions. This is particularly due to rather weak and unprofessional politicians and political parties. There is a knowledge gap between the administration and the politicians. In the best case the administration uses its knowledge to help the political masters to decide in the light of all the pros and cons of a decision; in the worst case, they use their privileged position to bring the decisions into their direction.

Apart from mobilizing the constitutional and legal obligations, to tackle a problem in a certain manner, the administration frequently relies on studies and the advice of external consultants. With the advent of evidence-based policy-making, the administration more frequently relies on external studies guiding them through the different decisional steps needed to come to the desired result. As stated, policy bureaucracy plays an important role in spite of a policy-making system that is not prone to expertise. Administrations at all levels play a more important role in the implementation of public policies where they use their discretion

to modify and adapt policies to real life conditions. In this process, the federal administration includes evidence gained from policy evaluations to correct deficits (Sager et al. 2017b) while the cantonal administration customizes policies to their social and political terrain conditions (Sager et al. 2017a). Federal and cantonal administrations also engage in vertical coordination that impacts decision-making on both levels (Mavrot and Sager 2018).

It is not only domestic public administration that influences political decisions but also international administrations (see Chapter 7 by Ege in this volume and Benz et al. 2016 on multi-level governance and multi-level administration). Examples are the OECD, the World Bank, NGOs like Transparency International, or the Council of Europe and agencies of the UN. They promote specific forms of market regulation

and guarantees of competition, fight against corruption, and encourage other features of good governance. Information in these country reports and their respective shortcomings not only stem from external review panels but also and importantly from the administration of the country under scrutiny which organizes and coordinates these review processes. Through the conclusions and the recommendations of these reports to which they have contributed, and which are presented as the advice of international, humanitarian, or economic experts, the national administration exerts a certain influence on political decisions.

The more coordination and joint activities on higher levels are needed, the more the administration becomes a political broker with quite some political influence. They prepare the agendas, gather the information, and invite experts who also have an impact on the decisions but most importantly, it is the civil servants who have the necessary factual knowledge to negotiate the actions that have to be taken. This means that important political decisions are taken on the level of the administration.

The more multi-level policy-making moves from a clearly structured top-down process to a form of New Public Governance (Stremlow 2019), dominated by non-hierarchical networks of actors from the public and the private sector as well as from different state levels, and the more decision-making is based on negotiating and consensus finding among these actors, the greater are the possibilities that the administration plays an important but somewhat hidden political role.

CONCLUSION

We have seen throughout this chapter that the organization of the Swiss public administration depends on the country's political institutions and some specific political values. The administration is not apolitical but it is quite aware of the political issues it is confronted with. Their political masters come from a wide spectrum and have to serve different political parties as well as the citizens. Given the accumulated knowledge and the weak parties and their politicians the administration is quite powerful despite its rather small size.

There are a couple of factors which arguably increase the power of the administration in the years to come. The growing complexity of politics and the need for cooperation are likely to shift additional power to the administrations, be it in relation to domestic or international coordination.

It remains to be seen to what extent politicians can keep up with increasingly specialized policy knowledge from within the administration. Legitimacy within the democratic process has an output- and an input-related component. Civil servants are well-advised to be aware of their field of operation and of what has to be left to the politicians.

NOTE

1. Some parts of this chapter are based on Ladner (2013), Germann and Ladner (2014), Ladner (2019), Varone (2013), and Sager and Humi (2013).

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