

Introduction

The German state and its public administration face new challenges. Following the processes of EU integration and internationalization as well as conflicts on an unprecedented scale in decades, the existing performance of state tasks and functions has become increasingly dependent on supranational structures. Managing national administration is part of Europe's multi-level system, and its effects remain to be seen in the future and are difficult to assess today. The privatization of public policy tasks, new political patterns in state management and the spread of profit-oriented concepts in public administration have sparked discussion about the need to redefine the tasks of the German state, as well as to modernize the entire public sector. As a hybrid combining politics and society, the public administration has become a center for seeking reforms that may provide answers to many nagging questions, for example: where is the boundary and where are the new opportunities in the division of labor between politics, administration and the private sector? How can work processes in the public sector be made more efficient? How are the framework conditions for democratic legitimacy and political control of administrative proceedings changing?¹

Also, the current situation related to the corona-virus pandemic (SARS-Cov-2) and the war in Ukraine requires the state to be particularly committed to reorganizing the hierarchy of tasks at hand. Citizen protection aimed at ensuring the health and safety of citizens involves, for example, the safety of remote work necessary during a pandemic, the security of transmitted data, and making sure that cyberattacks and cybercrime are fended off by the state agencies. Public authorities must operate quickly and decisively.

In the Federal Republic of Germany (FRG), the accepted term "science of administration" (*Verwaltungswissenschaft*) or in plural "administrative sciences" (*Verwaltungswissenschaften*), oriented towards political science with which

¹ J. Bogumil, W. Jann, *Verwaltung und Verwaltungswissenschaft in Deutschland. Einführung in die Verwaltungswissenschaft*, 2 völlig überarbeitete Auflage, VS Verlag für Sozialwissenschaften, Wiesbaden 2009, p. 7.

public policy sciences should be combined, has undergone significant changes and development processes in recent decades. The origins are the virtually unexamined bureaucratic and hierarchical perspective of the “democratic rule of law” of the 1960s. Then came a discussion of planning and the “active state” and related research and guided theory in the 1970s. The next stage was geared toward management and economic calculation, linked to the concept of the “frugal state” in the 1980s. Nowadays, we see a modern discourse of governance and institutional change combined with the concepts of “activist state”.

Research by administrative science and public policy does not isolate itself from other fields that deal with administration, but here, too, there are close connections with current legal, economic and sociological discourse. Before resuming the discussion of the interdisciplinary status of administrative science and public policy science, one should first try to take stock of the research in this field in recent years². In general, in Germany, unlike the US³, a scientific approach to “public administration” and “public policy” prevails. Attempts were made to establish a separate field of public policy science, but it was eventually decided to open up it in an interdisciplinary manner to other sciences such as economics, law and sociology⁴. It has been recognized that the analysis of public administration and public policy requires an interdisciplinary perspective⁵. In economics, under the banner of *Public Management* there is an opening to the economic and sociological perspective of institutions⁶. Public administration

² Cf. J. Bogumil, W. Jann, F. Nullmeier, *Politik und Verwaltung*, PVS-Sonderheft, Vol. 37, 2006, p. 305.

³ In the U.S., on the other hand, study offerings are defined by the performance of public tasks rather than by academic subjects (e.g., administrative organization, public regulation, budgeting, personnel management), although there, too, the problem is always the disciplinary link between these study offerings. Cf. K. Koenig, *Zur Professionalisierung eines Graduiertenstudiums im Bereich Politik und Verwaltung*, [in:] J. Bogumil, W. Jann, F. Nullmeier, *Politik und Verwaltung*, PVS-Sonderheft, Vol. 37, 2006, pp. 527–538.

⁴ Cf. K. Koenig, *Zum Standort der Verwaltungswissenschaft*, [in:] DÖV, Heft 8, 1990, pp. 305–310; K. Koenig, *Zur Professionalisierung eines Graduiertenstudiums...*, pp. 527–538; W. Jann, *Verwaltungswissenschaft und Managementlehre*, [in:] S. von Bandemer, *Handbuch zur Verwaltungsreform*, Opladen 2005, 3. Aufl., pp. 50–60; A. Benz, *Status und Perspektiven der politikwissenschaftlichen Verwaltungsforschung*, [in:] *Verwaltung*, Heft 3, 2003, pp. 361–388; J. Bogumil, *On the Relationship between Political Science and Administration Science in Germany*, [in:] *Public Administration*, Vol. 83, No. 3, 2005, pp. 669–684.

⁵ Cf. e.g. W. Thieme, *Verwaltungslehre*, 4. erweiterte. u. völlig neubearbeitete. Auflage, Köln 1984.

⁶ Cf. Ch. Reichard, *Betriebswirtschaftslehre der öffentlichen Verwaltung*, Berlin, New York 1977; K. Schedler, I. Proeller, *New public management*, Bern 2006; W. Jann, M. Röber, H. Wollmann, *Public Management: Grundlagen, Wirkungen, Kritik*, Berlin 2006.

and public policy occupy a lot of space in German sociology⁷, also showing numerous connections with the field of political science⁸. Until 2005, there was no textbook on administrative science or public policy science available in German in political science, unlike in Anglo-Saxon or Scandinavian countries, even though it is administrative science and public policy science that are among the most productive areas of German political science⁹.

Public policy and its sectoral policies in the application dimension are related to the implementation of tasks and functions that face the state and its bodies. Therefore, public tasks refer to an important aspect of the functioning of public administration and the public policies implemented, describing substantively the objectives of administrative actions and the objectives of the policy itself also in the sectoral dimension. Public tasks and their nature can be empirically observed, analytically explained or normatively postulated¹⁰. The ordering of existing public tasks is done either according to specific criteria, such as budget systematics, criteria for contacting citizens or obligated entities (federation, states unions, municipalities), or analytically, either constitutionally (by trying to derive public tasks from the constitution), according to systems theory (based on society-wide needs for control), or economically (based on an economic model of public tasks). Thus, public tasks can be defined as those that private entities will not take over, for whatever reason (e.g., due to lack of market outlets), or normatively as tasks related to the general welfare. Examples include public education or elements of public infrastructure.

German reunification posed a major challenge for public administration and public policy. The solution that was adopted in the reunification of the German state was to extend to the “annexed territory” the institutions, mechanisms and objectives pursued in public policy by the existing and proven institutions in the Federal Republic of Germany. This phenomenon is referred to in the literature as the export of rules and institutions in connection with unification understood as annexation. In particular, under the unification treaty, the entire constitutional and legal system of the former Federal Republic was transferred to the new states during one “logical second”. This transfer of West German institutions did

⁷ Cf. E. Pankoke, H. Nokielski, *Verwaltungssoziologie. Eine Einführung in die Probleme der öffentlichen Verwaltung*, Stuttgart 1977.

⁸ In a strict sense, this book provides more of a sociological perspective, as the author herself notes (1978, p. 2), which is evident in its structure – separate chapters have been devoted to administration and politics and to issues of ministerial administration.

⁹ Cf. J. Bogumil, W. Jann, F. Nullmeier, *Politik und Verwaltung...*

¹⁰ Cf. G. F. Schuppert, *Die öffentliche Aufgabe als Schlüsselbegriff der Verwaltungswissenschaft*, “Verwaltungsarchiv”, 22. Jahrgang, Heft 4, 1980, p. 310.

not begin only with the reunification treaty, but immediately after the peaceful revolution in the fall of 1989. However, the process was not a subordinate copying of West German institutions. It was rather characterized by fully independent decisions with significant consequences for the further development of the new federal states¹¹.

Among the institutions that have been transferred and transformed in this sense were the institutions of the market economy (property laws, the banking system, currency, etc.), the welfare state (social security, unemployment and sickness insurance system, the health and education system, the third sector), interest representation (pluralism, corporatism, freedom of the press) and political institutions in the narrower sense (e.g., elections, parties, the system of parliamentary government, federalism, local governments), and finally the administrative institutions of the narrower government-administrative system. At the same time, all public policies implemented both sectorally and comprehensively in terms of tools, methods, institutions, priorities and local, regional and federal goals were transferred.

In addition to internal conditions, which in the case of Germany were, as already indicated, quite complicated, the shape and implementation of public policy has been also significantly influenced by international conditions and changes that are taking place in the political and other environments. The literature largely agrees that the modern state in the first half of the 21st century faces new challenges, the reasons for which are to be found in changed social conditions. Internationalization and globalization processes are considered significant challenges¹². This means extending the processes of communication and interaction beyond one's own state and eliminating territorial political, economic and social organization. Thus, in order to ensure the implementation of complex public tasks, public policy, including German policy, must respond to these challenges, adapt to new conditions and perhaps influence the shape and nature of these processes in order to achieve advantages over other actors. A huge challenge for the state is, for example, the current situation with the coronavirus pandemic and the war in Ukraine. Public authorities must act quickly and decisively to be able to effectively protect their citizens. Due to the pandemic and the spread of the SARS-Cov-2 virus, Germany's Federal Ministry

¹¹ On the concept of institutional transfer, cf: G. Lehbruch, *Zur politischen Logik der Verwaltungsintegration in Deutschland*, Baden-Baden 1993, pp. 41–66; on institution building in the eastern part of Germany, cf: H. Wollmann, *Institutionenbildung in Ostdeutschland*, Opladen 1996, pp. 43–139.

¹² Cf: A. Benz, *Der moderne Staat. Grundlagen der politologischen Analyse*, München/Wien 2001, 2. Auflage 2008.

of Health has imposed numerous bans and orders on the citizens, but has also provided money to ensure their health¹³.

The processes of individualization, i.e., signs of dissolution of social communities and ties to specific organizations, as well as the expansion of personal freedoms and the proliferation of values, lifestyles and opinions, are also considered new challenges for state activities and implemented public policies. With regard to the central elements of the modern state and also the public policies carried out at the level of the states, problems arise from this with regard to the principle of territoriality and nationality and the implementation of public policies that move from the scope of the states' constitutions to forms of governance that are not defined by the constitution¹⁴. According to Arthur Benz, outside the modern state, there has been an intensification of international or transnational politics of such intensity and quality as has not been observed in previous history. Many national actors are linked to structures of cross-border or transnational interaction, which are becoming increasingly important for the performance of state tasks and functions through public policy¹⁵.

With these changes in mind, it seems particularly important to understand the essence of the functioning of public policy, which can respond more flexibly than formal institutional and organizational structures to the changes taking place. It is most commonly accepted that "public policy is the totality of decisions, activities, and organizational and executive actions taken by the public authority (on its behalf by various public and private entities) aimed at achieving defined development goals at various levels of the state, beneficial due to the state's obligation to create optimal conditions for the civilizational development of a given society."¹⁶ Public policy is implemented with the help of a number of specific tools, such as: regulation (legal, but also self-regulation of various groups of citizens or business), cooperation, education, informing, arguing, debating, researching, shaping incentives to adopt expected attitudes, performance indicators, evaluation, expertise (*policy analysis*), and institutions (public offices and networks of social organizations).¹⁷ Therefore, it can be said that public policy is comprehensive and is carried out in very many areas of

¹³ www.bundesgesundheitsministerium.de Gesetze und Verordnungen (accessed 5.07.2020).

¹⁴ Cf. A. Benz, *Governance. Regieren in komplexen Regelsystemen*, Wiesbaden 2004, pp. 215–232.

¹⁵ A. Benz, *Der moderne Staat...*, p. 254.

¹⁶ *Public Policy in the Modern State*, academic ed. by J. Osinski, Oficyna Wydawnicza Szkoła Główna Handlowa w Warszawie, Warsaw 2014, p. 7.

¹⁷ A. Zybala, *State and Society in Action. Polityki publiczne wobec potrzeb modernizacji państwa i społeczeństwa*, Difin, Warsaw 2013, p. 9.

political, economic or social life. This is because it refers to the implementation of the functions and tasks that are incumbent on the modern state and its bodies. The relevance and importance of these tasks is not uniform. Therefore, for the purpose of this book, public policy will be analyzed in terms of sectoral policies.

One of the sectoral public policies pursued by modern governments is security policy. State security means striving to reduce both external and internal threats. The mere occurrence of a threat does not equate to insecurity, as having sufficient capabilities can deter a potential aggressor¹⁸. State security policy includes the actions of public authorities in areas such as state defence strategy, the armed forces and their equipment, the definition of the defence budget, the arms industry, arms exports and imports.

The above-mentioned area of activity applies to virtually every country, although, of course, to varying degrees. Due to high costs and oligopolistic structures in the arms market, this policy very often boils down to obtaining public funds for the purchase of armaments on the international market through a legally prescribed procedure. However, there are states and economic entities located on their territory, very often financed or co-financed by public funds, which are leading players in the arms market, both domestic and international, and which determine the level of security not only locally or regionally, but even globally. In the case of these countries, as part of their public policy, in addition to security policy, industrial policy, which in Europe is most often identified with innovation policy, should be included in the analysis. Given the latest trends and past experience, the arms industry, which is an integral part of industrial policy, can be considered as a factor supporting the modernization of the economy in the context of innovation. This is because it is no coincidence that the commercialization or marketing of inventions initiated in the defence industry creates competitive advantages and is a driving factor in technical progress and the growth of innovation in the economy. Although the scope and priorities related to industrial policy, including mainly armaments policy, differ from country to country, these divergences are virtually non-existent with regard to security policy. Also in the new geopolitical environment, we can observe the pursuit of multi-factor security in both domestic and international contexts. On the other hand, the tools that are supposed to allow this goal to be realized are sometimes different. With this in mind and also because of its importance in the modern world economy, its political conditions and assets, as well as because of its neighborhood with Poland and the war in Ukraine, the scope

¹⁸ Cf. J. Dyduch, P. Mikiewicz, S. Rzeszółtko, *Critical Introduction to the Theory of International Relations*, Oficyna Wydawnicza Arboretum, Wrocław 2006, p. 95.

of analysis in this book will be German public policy in sectoral terms and, above all, industrial policy in the arms industry. In summary, the state is the most advanced form of organization of society that is functional in nature, and is also the most dynamic participant and actor in international relations, exercising direct or indirect control over other non-state participants. Taking care of the state's internal and external security is one of its essential functions. Therefore, security policy should be implemented through public policy, including but not limited to influencing the development and health of the arms industry.

The issue, which is the research area of this study, is very important in both theoretical and applied dimensions. Germany's economy is one of the leading ones in the modern world economy although it is currently experiencing signs of crisis. This nonetheless favorable assessment was and is significantly influenced by the situation in the German arms industry. Indeed, it should be noted that in Germany, the arms industry is defined as the part of the industry that produces for security and defence, both civil security needs, such as systems that improve the security of public places, borders, critical infrastructure, and military needs (armaments and military equipment). "Arms industry in Germany means all production plants and enterprises within Germany that offer military products or services. This definition includes all enterprises, including system corporations (i.e., those that produce almost everything), but also their sub-suppliers, companies that produce only certain components, and suppliers that offer products modified for military purposes and companies that are strategic for Germany."¹⁹ The industry is divided into sub-industries, consisting of "aerospace" and "security and defence" (for this purpose, it includes car and tank construction, naval shipbuilding, UAVs and guided missiles, the electronics industry, and arms and munitions).

The "aerospace" industry employs the most workforce and generates the highest revenue among other partial industries²⁰. In this industry, it is not possible to clearly distinguish between civilian or military parts as aircraft components and engines can be used in both civilian and military aviation. In Germany, most companies in the arms industry are affiliated with the BDLI Association, and some are also affiliated with the BDSV Association (Union), which was established later in 2009. Although the first is called the Aerospace Industry Association (ger. Bundesverband der Deutschen Luft-und Raumfahrtindustrie), it also includes companies whose production only partially covers this industry²¹.

¹⁹ [www.bmwi.de/Redaktion/Sicherheits-und Verteidigungsindustrie.pdf](http://www.bmwi.de/Redaktion/Sicherheits-und_Verteidigungsindustrie.pdf), November 2015 (accessed 7.07.2020) (author's own translation).

²⁰ Ibid.

²¹ www.bdli.de (accessed 31.07.2020).