

# Introduction

## Peter Knoepfel's Legacy to Policy Analysis

STÉPHANE NAHRATH & FRÉDÉRIC VARONE

This book was conceived in homage to our colleague and friend Peter Knoepfel who celebrates his 60<sup>th</sup> birthday this year. At this respectable age, it would not be unreasonable for him to be heading towards a state of fulfilled wisdom, serenely distancing himself from (supposedly) new academic debates and the demands of professional life, and making – covertly impatient – plans for a well-earned retirement project.

However, if we take a deliberately selective perspective and consider only Peter Knoepfel's academic career, taking the defence of his doctoral thesis in 1976 as a symbolic point of reference, we are forced to admit that he is, in fact, getting younger. It is the acknowledgment of this dominant aspect of Peter Knoepfel's personality that underpins the initial idea for and the fulfilment of this project.

Nevertheless, it was never our intention to evaluate Peter Knoepfel's research retrospectively or to rationalize it *ex post*. Instead, our aim is to put it into context with a view to identifying the innovative axes of research that Peter Knoepfel, his colleagues and other policy scholars will explore in the years to come.

Thus, the main objective of this introduction is to present five thematic fields that permeate Peter Knoepfel's work and concern: the law as an action resource and corpus of institutional rules; the administration as a central actor of public action; multi-level governance; the issue of sustainable development; and the epistemological and methodological challenges posed by policy analysis.

We would like to begin this introduction with a brief account of the main milestones in Peter Knoepfel's intellectual development, his institutional responsibilities and his political involvement. To do this we adopt a chronological approach that enables us to avoid any cognitive dissonance with the sequential division of the policy cycle which is so dear to him.

## Intellectual and academic development

Peter Knoepfel's initial academic education at the University of Berne was in the law, both private and public. He completed his university studies in 1976 with a doctoral thesis on the question of the democratization of land-use planning as implemented under the first Swiss Federal Act on Land-use Planning (Knoepfel, 1977). Ironically, this law never came into force as it was rejected in a referendum a few years after Knoepfel's defence of his thesis, i.e. as a result of a process that corresponds to a form of democratic expression *par excellence*. While, from a normative perspective, the main recommendations of this thesis were rendered null and void even before it was published, from a conceptual and theoretical perspective, this study remained a central and fundamental text for the remainder of Peter Knoepfel's academic career as it already carried the seed of both the famous "basic triangle" of policy actors, the idea of the significance of federal (sectoral) plans and the theory relating to the determining role of property rights in land-use planning processes.<sup>1</sup> This interest in property rights regimes was not purely academic in nature as Peter Knoepfel was also Secretary of the *Société suisse pour un nouveau droit foncier / Schweizerische Gesellschaft für ein neues Bodenrecht* (Swiss Association for New Land Law) from 1972 to 1977, an association that campaigned for a social justice rather than spatial planning perspective for the socialization of property income and greater social equity in relation to access to land and housing.

In addition to this preoccupation with the structuring effects of property rights on social relations and conflicts, which would be reactivated three decades later in the context of research developed with his colleagues in the field of institutional resource regimes (e.g. Nahrath, 2003; Gerber, 2006; Savary, 2008), Peter Knoepfel also assumed a number of trade-union and political roles. Between 1969 and 1970 he was Secretary of *UNES* (Union of Students in Switzerland). This position would prove to be a turning point in his career path, both in political and academic terms. Having been elected as a representative of the liberal group of the student movement, he emerged one year later and - inspired by intensive reading of Karl Marx's "*Kapital*" - was transformed into a militant socialist who did not hold back in his involvement in the anti-consumer, i.e. anti-capitalist, struggle prompted by the movement of May '68. His involvement in the *UNES* was focused on three issues: i.e. the opposition to the new Act on the Swiss Federal Institutes of Technology, the students' demands in relation to the co-management of university institutes and the establishment of grant systems that would enable students to be truly

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<sup>1</sup> As proof of the permanent place assumed by the issue of property rights in Peter Knoepfel's work, we may mention the fact that while we were compiling this introduction, Peter Knoepfel and Stéphane Nahrath were in the process of writing the final report for a large research study entitled "Land property and sustainable land-use planning. The political and legal strategies of large collective land owners in Switzerland and their effects on the sustainability of land use", which was financed by the Swiss National Science Foundation (SNSF, Division I, grant no 100012-107833), Pro Natura, armasuisse, the Swiss Federal Statistical Office (OFS) and the Federal Office for Spatial Development (ARE).

financially independent of their parents. A member of the Bernese section of the *Swiss Socialist Party* from 1972, he also became involved as a volunteer in further education for workers (*Arbeiterbildungsausschuss*, i.e. Committee for Workers' Education) and contributed to the establishment of trade-union literature.

In 1976 Peter Knoepfel left Berne with his wife Katrin and their first daughter to take up a postdoctoral position at the *Social Science Research Center Berlin* (WZB). He had been awarded a one-year scholarship by the German Academic Exchange Service (DAAD). His initial scientific objective at this point centred on the study of the implications of policy implementation processes for public law (Knoepfel, 1979). He very quickly realized, however, that the research on policy implementation processes ("*Implementationsforschung*") was only in its early stages and that this project, which was essentially developed by political scientists, was more interesting and showed greater potential than the approach he had initially adopted in terms of public law. Thus, he joined the WZB research group led by Renate Mayntz, Fritz Scharpf and Helmut Wollmann, and it was within this group that he came to participate in the establishment of a new research field: environmental policy analysis. The famous SO<sub>2</sub> project<sup>2</sup> enabled him to develop several conceptual and methodological tools in collaboration with Helmut Weidner (Knoepfel & Weidner, 1980), e.g. the political-administrative programme (PAP) and the political-administrative arrangements (PAA), for the empirical analysis of public policies, which constituted a completely innovative research object at the time. It was also at this point that he discovered American policy analysis as a result of a number of exchanges with American scholars (for example P. Sabatier & H. Jenkins-Smith), and gained his first experience in third-level teaching: he was visiting professor at the University of Kassel and lecturer at the Free University Berlin. It was also in the context of the SO<sub>2</sub> project that Peter Knoepfel became acquainted with Bruno Dente (Milano), Hans Bressers (Twente), Michael Hill (Bristol), Kenneth Hanf (Barcelona), Corinne Larrue (Tours) and Martin Jänicke (Berlin). His collaboration with some of these researchers would result in the establishment of a leading European research network (which was completed by the subsequent arrival on the scene of Joan Subirats (Barcelona)), the longevity of which has been absolutely remarkable; this network remains active today.<sup>3</sup> A number of young researchers would later join this centre of excellence to train and, in turn, embark on prominent academic careers (Nuria Font in Barcelona, Frédéric Varone in Louvain, Emmanuel Reynard in Lausanne, Stefan Kuks in Twente, and Ingrid Kissling-Naef in Zurich). This period of five and a half years at the WZB (he returned to Switzerland in 1982) coincided with three fundamental turning points in the early career of Peter Knoepfel: i.e. the shift from legal analysis to political-

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<sup>2</sup> Comparative analysis of the implementation of policies to counteract atmospheric pollution (stationary sources) in five European countries, financed by the Deutsche Forschungsgemeinschaft (DFG) and VW Foundation (total funding: DM 500,000).

<sup>3</sup> The table of contents of this book bears witness to the enduring nature of this European research network.

science analysis, from land-use policies to environmental protection policies, and from national studies to large-scale international comparative studies (clean-air research).

Contacted in 1982 by Raimund Germann, who was in the process of establishing the *Institut de hautes études en administration publique* (IDHEAP; Swiss Graduate School of Public Administration) in Lausanne, Peter Knoepfel decided to return to Switzerland having been won over by the prospective challenge posed by the development of this new institute. Thanks to his successful collaboration with his colleagues Raimund Germann, Wolf Linder, Dieter Freiburghaus and others, he succeeded in establishing the IDHEAP as a centre of Swiss expertise on all questions associated with the administrative sciences and public sector reforms. Peter Knoepfel has trained a significant number of federal and cantonal officials in policy analysis. From a scientific perspective, this period of the foundation of the IDHEAP (1983–1990) coincided with the development of the comparative policy analysis framework and its application to the implementation of the different sectoral (environmental) policies at federal, cantonal and municipal levels. This work was carried out in collaboration with Willi Zimmermann, Daniela Baroni, Rita Imhof, Martin Descloux, Pierre Moor and, again, the members of the *Swiss Commission for Environmental Monitoring*, of which Peter Knoepfel was President. During this period, Peter Knoepfel completed several research projects on the relationships between agriculture and environment (soil and water protection)<sup>4</sup> which gave rise to numerous publications (e.g. Knoepfel & Zimmermann, 1987; Zimmermann & Knoepfel, 1987; Knoepfel, 1990). He also carried out research on clean-air policy (Weidner & Knoepfel, 1984; Knoepfel & Weidner, 1986; Dente et al., 1984; Grant et al., 1999).

The 1990s were a decade characterized by both scientific and institutional consolidation for Peter Knoepfel. During this period he refined his policy analysis approach by conceptualizing, in particular, the action resources at the disposal of policy actors and the influence of institutional rules on the substantive content of non-environmental policies (agriculture, road traffic, military, tourism, land-use planning, energy etc.). He also developed his first studies in the direction of institutional policy analysis, in particular, through

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<sup>4</sup> Environment and agriculture: comparative analysis of legislation in the areas of agriculture, the rural environment and food products, IDHEAP research study (1984–87) (with C. Larrue); environnement and agriculture: analysis of the implementation of programmes targeting the protection of soil and water in the area of agricultural practices: policy implementation in the cantons of Berne, Lucerne and Appenzell Rhodes Ext., SNSF research study co-financed by the station fédérale de recherches agronomiques (Federal Agricultural Research Station) in Berne-Liebefeld, the Federal Office for the Environment and the cantons involved (1985–88) (with W. Zimmermann, P. Fässler and M. Descloux; projet carried out in collaboration with the Social Science Research Center Berlin and other institutes in France, Great Britain and the Netherlands); environnement et agriculture: analysis of programming processes at the federal level in Switzerland, SNSF mandate (1984–87) (with W. Zimmermann and D. Freiburghaus).

several research studies on executive federalism.<sup>5</sup> In the specific area of environmental and spatial policies, he supervised the doctoral theses of Serge Terribilini, Sonja Wälti and Christophe Clivaz and provided support as a mentor or co-supervisor to those of Ingrid Kissling-Naef, Alexandre Flückiger, Peter Glauser, Patrizia Baroni and Emmanuel Reynard. He also co-supervised the postdoctoral theses (habilitation) of Corinne Larrue and Helmut Weidner. This was also the period that saw the completion of the first research studies on the environmental public administrative bodies in Switzerland (i.e. the Federal Office for the Environment, the Environmental Office of the canton of St. Gallen). Moreover, in the context of the emerging debate on New Public Management, Peter Knoepfel developed a critical analysis framework that heralded a number of aporia which have since been largely verified. At the institutional level, he made his mark in two ways. First, he assumed the role of *Director of the IDHEAP from 1994 to 2002*. The main outstanding achievements of his period as Director include: the creation of new chairs (public economics, management of network industries), the establishment of a doctorate in public administration (in collaboration with the University of Lausanne), the reorganization of the curriculum and the development of research, etc. Under his directorship, the IDHEAP underwent considerable expansion in budgetary (from CHF 3 million to CHF 7 million), demographical (students and collaborators) and spatial terms (annexe one rue de la Mouline). Second, he was *President of the Swiss Political Science Association from 1997 to 1999* and, in this capacity, carried on the process of internationalization of the association (e.g. 'Drei Länder Treffen' with German and Austrian colleagues) and assumed the enormous task of the publication of the different successive editions of the 'Handbook of Swiss Politics'. In addition, he completed several important commissions on the reform of administrative structures, for example the transformation of the Federal Office for the Environment, Forests and Landscape (carried out with Willi Zimmermann),<sup>6</sup> and on the evaluation of action programmes, e.g. in the areas of energy policy,<sup>7</sup> nature conservation and land-use management (Knoepfel et al., 1996).

In a return to the political intuitions and scientific questions that lay at the heart of his doctoral thesis, Peter Knoepfel has shifted the focus of his research once again over the past decade (late 1990s to the present day). At a time when the majority of policy-makers think that the question has been settled since the fall of the Berlin Wall, he has rediscovered the central role of the institution of (private) property in the design and implementation of

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<sup>5</sup> Executive federalism in the context of spatially related policies: factors that stabilize/destabilize the relations between the centre and the periphery, study commissioned by the SNSF and the European Commission (UE DG XII) (with K. Horber-Papazian, M. Benninghoff, S. Terribilini and S. Wälti).

<sup>6</sup> Evaluation of the Federal Office for the Environment, Forests and Landscape, study commissioned by the Management Commission of the Swiss National Council (1990 - 91) (with W. Zimmermann, E. Matafora and G. Sailer).

<sup>7</sup> Case studies on the topic of "energy and environment" commissioned by the Federal Personnel Office, the Federal Office for the Environment, Forests and Landscape and the Federal Office of Energy (1993 - 1995).

sustainable development strategy. In response to this, he developed the Institutional Resource Regime (IRR) framework. The latter would be suitable for application to both *natural* resources (soil, forest, water, air and landscape) (Knoepfel et al., 2001; 2003), thanks to several SNSF<sup>8</sup> and European<sup>9</sup> projects, and to *manmade* resources, thanks to other research projects devoted to topics such as the "national memory",<sup>10</sup> housing stocks,<sup>11</sup> and to complex configurations of resources such as the inter-resource-based regulation of forests and water (Alpeau project),<sup>12</sup> the "rural soil" (SYSTERRA-international project<sup>13</sup>), the climate system,<sup>14</sup> heritage resources (in the course of development by Stéphane Boisseaux). Again, Peter Knoepfel's impressive capacity for updating theoretical approaches in the area of policy analysis motivated several young researchers to complete their doctoral theses under his supervision: Stéphane Nahrath on land-use policy (Nahrath, 2003), Jean-David Gerber on landscape management (Gerber, 2006), Jérôme Savary on the management of traffic areas (Savary, 2008), Lee A. Nicol on the sustainable management of housing stocks (Nicol & Knoepfel, 2008), Mirta Olgiati on the management of resource information, Johann Dupuis on the climate system, Johan Imesch on rural soil and Guillaume de Buren on governance of the ecological services of forests. Other theses dealing with manmade resources, for which Peter Knoepfel is acting as co-supervisor, are also currently under way, i.e. those of Patrick Csikos on the impacts of liberalization policies on the infrastructure of network industries (civil aviation and railways) and Christian Bréthaut on governance of water networks in tourist areas.

The extensive number of researchers and teachers trained by Peter Knoepfel and the professional contacts he has maintained with them throughout their careers testify to his exceptional qualities as a teacher and his concern as a researcher to sustain policy analysis in Switzerland while

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<sup>8</sup> Institutional regime for the management of natural resources, SNSF research study (September 1999-September 2002) (with I. Kissling-Naef and F. Varone); institutional regimes of the resource landscape, study commissioned by the SNFS (Div. 1 and PNR 48) (February 2002-August 2005) (with R. Rodewald).

<sup>9</sup> International comparison of the institutional regime for the resource "water" (Euawareness project), commissioned by the European Union – Federal Office for Education and Science (December 1999-February 2002) (with C. Mauch and E. Reynard); The Landscape as a Resource: cooperative Franco-Swiss research project, financed by the French Ministère de l'équipement, carried out in collaboration with J.-D. Gerber (December 2006-late 2008).

<sup>10</sup> "La construction d'une politique fédérale institutionnelle de la mémoire" (The development of an institutional federal memory policy), research financed by the SNSF, Div. I, the Swiss National Library, and the Federal Archives (2003-2009).

<sup>11</sup> "Institutional Regimes for Sustainable Collective Housing Stocks" Research financed by the SNSF, PNR 54, Div.4. with N. Kohler, U. Hassler, C. Ribas, J. Subirats and L. A. Nicol (June 2005-June 2008).

<sup>12</sup> "Projet Alpeau" research financed by the Interreg IV A Program (France and Switzerland) (2007-2013).

<sup>13</sup> "Nouvelle Ruralité/New Rurality" research financed by the French National Research Agency (Agence nationale de la recherche), ANR-08-STRA-09 (2009-2011).

<sup>14</sup> "La gestion durable du système climatique" (Sustainable management of the climate system) research financed by the SNSF, Div. I (100012\_124599 / 1) (2009-2012)

developing it and (re-)integrating it, for example, into concepts borrowed from the law, institutional economics and the administrative sciences. Peter Knoepfel's impressive legacy to policy analysis is obvious to all of those who have collaborated with him. We are all indebted to him for our own academic careers and would like to take this opportunity to express our gratitude to him.

His influence obviously extends beyond the privileged circle which formed, or forms, his research teams and benefited from his astute advice and guidance on a daily basis. We cannot conclude this brief biographical summary without highlighting three additional points. First, Peter Knoepfel is a talented teacher who has spared no effort in his involvement in a significant number of university institutions both in Switzerland (i.e. IDHEAP, University of Lausanne, Swiss Federal Institutes of Technology Lausanne and Zurich) and abroad (University of Kassel, Free University Berlin, Universitat Autònoma de Barcelona, IEP Grenoble, Oniati Conference Center etc.). To this is added, of course, the further training courses on which he lavished his time and talents in the generally comfortable surroundings of the Swiss federal and cantonal administrations and the more arduous ones of their counterparts in Ukraine (Kiev) and Kosovo, and soon, perhaps, also in Vietnam. Second, his publishing record is prolific and sustained. He has authored and co-authored almost 60 books along with 200 scientific articles and chapters in books. Apart from this impressive scientific production, which would be enough to satisfy most people, Peter Knoepfel also played a sometimes unrewarding but nonetheless important role as an academic editor keen on promoting the work of his students, doctoral students and colleagues. He manages, for example, the "*Oekologie & Gesellschaft*" ("Ecology & Society") series at Ruegger and successive editions of the 'Handbook of Swiss Politics' (Klöti et al., 2007). Finally, Peter Knoepfel disseminates the results of his research among policy-makers be it through participation in current debates at the national level (for example on New Public Management) or by assuming electoral mandates at the local level (e.g. the Municipal Council of Crissier, in the canton of Vaud, which provides an inexhaustible source of illustration and inspiration for his teaching).

## Structure and content of the book

Given the originality and variety of Peter Knoepfel's work, it would be foolish to aspire to providing an account of it in its entirety and complexity. Thus we will now present the contents of this book on the basis of five areas studied by Peter Knoepfel without, however, making any claim to covering all of his research axes exhaustively.

### Law as policy resource and institutional rule

The *first section* of this book concentrates on the *law* as one of the *action resources* that policy actors mobilize to assert their interests and values and as the formal basis of several *institutional rules* that frame their individual behaviours and interactions.

Having freed himself from his initial education as a jurist, Peter Knoepfel does not consider the law from a strictly positivist or essentialist perspective. On the contrary, he re-reads legal norms from the perspective of the concrete use made of them by policy actors (Knoepfel et al., 2001). Thus, he adopts a broad perspective on the law. The corpus he considers incorporates public law (i.e. the Constitution, federal acts and decrees, governmental ordinances etc.), which legitimizes the sectoral interventions of the Welfare State; private law (i.e. the Civil Code), which guarantees the property rights of actors; administrative law, which establishes the procedural rules that frame the internal functioning and decision-making of the public administration (i.e. legality, proportionality, fair and non-discriminatory treatment etc.); and jurisprudence (i.e. the judgments of the cantonal and federal courts), which clarifies the interpretation of general and abstract norms and settles the disputes between norms that operate at different levels.

The strategic use of these different legal resources by policy actors does not lead, however, to endless legal relativism and complete unpredictability in the course of public policies; this would, of course, run counter to the principle of legal security or that of the Rule of law (*Etat de droit*). In fact, the further one advances in the policy cycle (agenda setting, formulation, implementation and evaluation), the clearer the rules of the game become. They have tended to rigidify as the range of legal norms – potentially invoked by the policy actors – has gradually been exploited. The legal rules-in-use gradually restrict, however, the potential scope as the substantive content of the policy concretizes.

According to Peter Knoepfel, the law cannot be considered as fossilized and external to the policy actors either. In effect, the latter activate or, conversely, consciously decide not to activate a given legal rule – just as they modify the legal corpus by clarifying the rules of the game inherent to each policy. To this end they negotiate institutional rules among themselves which are specific to a policy, for example the emblematic right of recourse granted to certain NGOs at the national level in Switzerland in matters concerning environmental policy.

Again, certain actors, including public ones, engage in processes of exchange of the resource "law", which strengthens their position, for other resources (for example, time, money or consensus) that they lack to enable the successful implementation of a public policy. From this point of view, the resource "law" always proves to be relational in nature as legal norms are only of value (in the context of a policy) to the extent that the actors are equally dependent on them. In short, the policy analyst endeavours to understand how the policy actors create scope for manoeuvre and affirm their power thanks to the (non-)mobilization of the law in the course of the policy-making process.

Thus, law emerges as an omnipresent force in public policy but in plural forms that have to be decoded conceptually and empirically. The four first contributions in this book embark on such a (re-)examination of the influence of the law on the conduct of public action from complementary analytical perspectives. In his brilliant essay, *Bruno Dente* reminds us of the fundamental distinction, in the continental European tradition at least, between *jus* (*droit*,



*Recht, diritto, derecho*) and *lex* (*lois, Gesetze, legge, ley*). He then identifies various uses of the law – that encompass both *jus* and *lex* – in policy processes and provides us with several examples of how legal resources can be constructed and used for the purpose of changing policy outcomes. Finally, he explains why the concept of resources, in general, and legal resources, in particular, is so central to a "reformist" policy approach. The attempt to discover a conceptual framework that is not only suitable for exploring the complexities of policy-making in theoretical terms, but can also help the policy actors with the actual decision-making and implementation processes, naturally involves a focus on the role of the law. While it is obvious that the law is crucial for public policies in the real world, it is often far from being sufficient to solve all the problems that arise in the context of policies. Thus, it is the specific mix of macro, meso and micro-considerations – or the specific balance of "high theory" and "usable knowledge" in relation to policy-making – that gives the conceptualization of the law as a policy resource the central role it deserves in policy analysis.

*Alexandre Flückiger's* chapter analyses the impacts of "soft law" on the conception and steering of public policies. He sheds new light on one specific aspect of the policy tools implemented by the State with a view to changing the behaviour of target groups. As a matter of fact, policy instruments that are non-compulsory (from a strict legal point of view) but *de facto* compelling (from a political standpoint) are being introduced increasingly into various policy designs. Such non-binding but highly influential and even coercive tools include, for example, recommendations (e.g. the Bologna declaration on higher education), information and persuasion activities (e.g. organ donation campaigns) or gentlemen's agreements (e.g. bank regulation), and charters and incentives (e.g. prizes and awards in the cultural domain). The author demonstrates convincingly that when implementing such policy instruments the State appeals to a greater or lesser extent to the emotions of the target groups (e.g. fear, shame, joy, disgust, empathy, etc.) and tends to manipulate them in some cases. Of course, the ethical basis of such manipulation techniques is highly debatable *per se*. Furthermore, the increasing use of "soft law" in policy-making is problematic insofar as these policy instruments are not systematically subject to the principles of the Rule of law (e.g. legality, action in the public interest, proportionality, prohibition of arbitrary action, etc.). All in all, the strategic use of persuasive policy instruments by public actors to modify social behaviour should be legitimized democratically, even if their formal nature is non-legal *stricto sensu*.

The following two chapters of the book focus on the impacts of referenda and popular initiatives on public policies in Switzerland. These two *direct-democracy instruments* represent general institutional rules (of the policy game) as they are guaranteed by the Federal Constitution and are at the disposal of all actors involved in any public policy. *Wolf Linder* stresses that, with the notable exception of in-depth case studies (some of which were conducted by Peter Knoepfel and his colleagues, for the most part in the environmental sector), the topic of the impacts of direct democracy on public policy has tended to be a concern of political economy. Thus, his chapter presents an

innovative historical perspective by documenting the use of the mandatory and optional referendum as well as the popular initiative in time series from 1875 to 2004. The author analyses the development and levels of success and failure of direct democracy challenges statistically, and their prevalence in the context of all federal policy projects decided on by the Swiss federal chambers. He follows this with a discussion of the permanent extension of the people's right to have their say in important policy issues, and how the risk of defeat in a referendum has prompted the political elites to cooperate with each other and develop power-sharing mechanisms. He concludes that, contrary to expectations, the emergence of the (regulatory) Welfare State after WWII did not result in the increased mobilization of the people against the federal authorities. Furthermore, the people's power of veto has not increased; indeed, Swiss citizens now follow the lead of their elite in various policy sectors more than was previously the case. Finally, Wolf Linder also demonstrates that it is not possible to draw a causal link between the polarization of citizens (according to the classical Swiss divides, i.e. Catholics vs. Protestants, the centre vs. the periphery, urban vs. rural areas and capital vs. labour) and the success or the failure of federal policies.

In his chapter, *Hanspeter Kriesi* analyses in detail, and from both an analytical-empirical and a normative standpoint, the role of the political elite during direct-democratic campaigns on specific policy issues. The starting point of his contribution is the so called "muzzle initiative" which was massively rejected by the Swiss electorate in June 2008. The aim of this initiative was to prevent members of the government and senior officials of the federal administration from intervening in the public debate during political campaigns. It specifically aimed to prohibit them from appearing in the media and participating in public events associated with a popular vote. Based on the referendum against the asylum law (2006), the referendum against the corporate tax law (2008) and the naturalization initiative (2008), the author shows, first, that the heads of the federal departments responsible for these policies (Ch. Blocher, H-R. Merz and E. Widmer-Schlumpf) regularly intervened in the public debate. Furthermore, their interventions benefited from a particular response in the media. He then argues that it is not desirable that the government and its representatives abstain from participating in the process of the formation of public opinion in a direct-democracy campaign. Either the policy proposals to be voted on are sponsored by the government and the parliamentary majority (in the case of a referendum), or the government and the parliamentary majority adopts a clear position with respect to the proposals and may have formulated a counter-proposal (in the case of an initiative). Thus the government will be held accountable by the electorate for the public policies it developed in the legislature at the subsequent elections. From a normative standpoint, it would, therefore, be highly inappropriate if the government did not defend its point of view during the direct-democratic campaigns.

#### **Public administration as policy actor**

The *second section* of this book focuses on *the public administration* as a key actor involved in all policy-making processes. From the very outset of his

career, Peter Knoepfel devoted sustained attention to the analysis of political-administrative arrangements (PAA) for the implementation of public policies. In particular he developed operational dimensions for the empirical characterization of the configuration of public and private actors interacting within a PAA: i.e. the number and types of actors, the degree of both horizontal coordination (i.e. between ministries and administrative departments) and vertical coordination (between levels of power in a federalist polity), the degree of politicization, degree of openness of the PAA towards social actors (e.g. target groups and end beneficiaries of the public policy) and, last but not least, the homogeneity versus heterogeneity of the context defined by other public policies (Knoepfel et al., 2001). In relation to this last point, Peter Knoepfel has stressed the huge difficulties to be overcome in achieving proactive *intra*-policy coordination (e.g. between various environmental policies) and, furthermore, in enhancing *inter*-policy coordination (e.g. between agricultural policy and environmental policies) (see Knoepfel, 1995a).

Both the *governance* and *New Public Management (NPM)* debates presented new inputs and ideas in response to the classical question as to how best to organize a PAA in respect of policy implementation, monitoring and evaluation. The proponents of the governance approach have argued that enlarged policy networks with a less dominant role in public administration are more effective, while supporters of the NPM approach suggest that the introduction of market-based instruments, such as performance contracts and indicators, will improve the steering and controlling of individual administrative agencies. In a nutshell, both of these academic approaches (and their normative implications for politics and policy-making) fundamentally questioned the role of public administration, the superiority of hierarchy as a coordination mechanism and the basic principles of administrative law. Peter Knoepfel was not indifferent to these arguments. On the contrary, he entered the debate by critically discussing the (presumed) added value of a more polycentric organization of the PAA and of new managerial tools for controlling administrative organizations.

Indeed, in a recent article on the challenges of public administration in the 21<sup>st</sup> century, which echoes the two aforementioned debates, he presents several theories on the "Rupture of the State" ("*L'éclatement de l'état*", Knoepfel, 2003). In this article, he confirms an exponential increase in the types of organization with a formal public service mission. As a matter of fact, it is possible to observe the emergence of independent (regulatory) agencies, semi-privatized bodies, administrative bodies with performance contracts and global budgets etc. This has led to a veritable "atomization" of the public administration which is relinquishing its unitary structure and its traditional mode of functioning, which is akin to the Weberian ideal-type. More than the diversity of the new organizational forms, it is above all the "autonomization" vis-à-vis the political power enjoyed by the recently created entities that Peter Knoepfel rightly highlights. This double movement in the transformation of public administrations (i.e. atomization and autonomization) translates ultimately into an inevitable fragmentation of State action. Each policy tends therefore to develop its own network and frame of reference. According to Peter Knoepfel, the outcome here is "policy egoism", a phenomenon that has the desirable

effect of strengthening the force of the resource *consensus* within a policy process but, at the same time, further exacerbates the problems of *intra-policy and inter-policy coordination* which only a strong administration appears capable of promoting precisely, because it is on the interface between several actors.

The four chapters in the second part of the book largely confirm Peter Knoepfel's findings on the basis of very different theoretical frameworks and empirical fields. First, *Helmut Weidner* analyses the overall national capacities for environmental protection and sustainable development on the basis of a cross-national study. He shows that successful policies in these areas depend primarily on a well-resourced and committed public administration. Although the forms of interaction between the main actor groups in these areas have changed over time (usually from hierarchical to cooperative and multi-stakeholder relationships), a strong public agency and the spectre of possible state intervention to ensure sustainable development function as a check to keep policy in line, and constitute a basic precondition for the design and enforcement of policies in the public interest. Briefly stated, "top-down" governance proves to be more important than "governance without government" in areas characterized by conflicting interests on a massive scale. The progress made in the direction of sustainability and the remaining deficits also indicate that the "inter-sectoral integration" of different policies still represents the most challenging issue. The author also notes that environmental and political-administrative reforms are mutually supportive. Democratic structures and institutions constitute a crucial condition for effective environmental policies. Although many countries have been able to achieve environmental gains from new technologies, policies and forms of stakeholder cooperation, even the most advanced need to increase environmental policy and management capacities significantly to meet the continuing challenge of sustainable development. The big challenge for public administrations will be to accept both their own and other capacity increases as a necessary strategic institutional task.

In a similar vein, *Hans Bressers* also concludes that the public administration must take the lead in relation to the multi-actor and multi-level complexities of collaborative governance. The author's empirical study focuses on almost 60 environmental agreements negotiated between the public administration and private industrial firms and on the new paradigm of integrated water management (called "space for rivers") in the Netherlands. He proposes a model for the analysis of the cooperative interaction between policy actors in a networked context. The motives, cognitions and resources of the actors involved are the key factors that explain their relative position and the course and results of the policy-making processes. Thus, Hans Bressers carries out an in-depth analysis of the mutual resource dependencies among actors and how the dependency of some actors on other actors' resources shapes the balance of power. He also stresses that "boundary spanning" (i.e. inter-policy coordination) across various policies implies a very high level of complexity and that the public administration must be able to cope with such complexity. Finally, he identifies various mechanisms of mutual adjustment between actors involved in the inter-policy network. The intensity of network relationships grows as actors together build up a collective resource: i.e. trust.

As *Michael Hill* demonstrates in the following chapter, this resource "confidence" may also be interpreted as a key element that explains the implementation game and the policy outputs. He analyses the complex relationships between political authorities (as principal) and street-level bureaucrats (as agents, SLB) from a resource perspective. Crucial for the key decisions that are taken in the implementation process are institutional arrangements requiring the exercise of discretion, reflecting the power of target groups, the dilemmas of policy agenda setters and programmers, and the professional expertise of SLB. A negotiated implementation process is always a product of the resources possessed by the parties to a policy process. One has thus to focus on the interaction between discretion granted by political authorities and discretion asserted by SLB, making the legitimisation of implementation autonomy a critical issue. Michael Hill concludes that low-trust situations are particularly damaging to the quality of the implementation work done by SLB. If, on the contrary, policy-makers delegate very large discretionary powers to SLB, then new issues related to the accountability of SLB and the legitimacy of the implemented public policy inevitably arise. One particular question, which was also explicitly addressed by Peter Knoepfel (2003), concerns the relative weight of the (primary) legitimacy stemming from the democratic policy formulation and of the (secondary) legitimacy derived from the professional accountability of SLB.

The final chapter of the second section of this book assesses how NPM reforms in Switzerland impact on the management of the public administration in a narrow sense and on substantive public policies in a wider sense. Peter Knoepfel has always been interested in the necessarily complex relations between substantive policies (which attempt to resolve a collective problem), on the one hand, and institutional policies (which aim to alter the internal functioning of the administration), on the other. His productive debates with his late lamented colleague Raimund Germann at the IDHEAP, his warnings on the introduction of NPM in Switzerland (Knoepfel, 1995b; 1996) and, again, the editing of a recent publication on institutional policies (Knoepfel, 2009) bear witness to this. In their article, *Yves Emery, David Giaouque and Adrian Ritz* analyse 12 NPM-like reforms in Switzerland from both a policy cycle and a managerial perspective. They conclude, unsurprisingly, that performance indicators are generally neglected at the outcomes level (as predicted by Peter Knoepfel 15 years ago). The definition of policy goals logically related to the collective problem to be solved takes place; however, virtually none of them are then evaluated using corresponding indicators. Thus, within most NPM steering systems, the causal links between the outputs produced by implementing agencies and the policy outcomes achieved are mainly based on plausibility. Such an over-simplification does not capture the inherent complexity of contemporary policy-making, a phenomenon that was also recognized by traditional policy analysts and by the advocates of networked governance.

#### Federalism and multi-level governance

The *third section* of this book analyses the evolution of the power relationships between various levels of government which jointly participate in

decision-making processes and co-produce policy outputs and outcomes. The challenges of such multi-level governance are addressed in two interrelated ways in the next three chapters: first, from the perspective of the Europeanization of Swiss law and policies and second, from that of the transformation of domestic federalist arrangements.

Peter Knoepfel was himself aware of the challenges posed by vertical coordination within PAAs. In his textbook on policy analysis, he argues that a PAA must be analysed on the basis of the degree of co-operation between the political-administrative levels; for example, the European, federal, cantonal/regional and local authority levels. Federalism in Switzerland has three main characteristics: i.e. the co-existence of three formally different levels, with the lower levels enjoying a significant degree of autonomy in accordance with the principle of subsidiarity; executive federalism as the dominant mode of implementation of federal policies by the cantons and local authorities; and the frequent quest for consensus between the different levels. In short, although considerable differences may be observed between different policies, the Swiss system may nevertheless be described as one of "co-operative federalism". Thus, when analysing a PAA, it is a question of identifying the degree of effective co-ordination between the authorities and services on the various levels of the state system. A PAA will be qualified as intertwined or overlapping if the central state and regional bodies share not only legislative and regulatory, but also implementation competencies. Conversely, a PAA is defined as compartmentalized if the infra-national public bodies have extensive autonomy during policy programming and/or implementation. In the latter case, the regional and local actors may adapt the policy to their own requirements without any need for concern in relation to preliminary or concomitant decisions by actors at higher levels. Research carried out by Peter Knoepfel and his colleagues on policy implementation in Switzerland demonstrates the capacity of certain local actors to appropriate federal policies or use them for ends entirely different to those initially targeted by the national legislator (Knoepfel et al., 2001).

To demonstrate the influence of European policies on domestic policies, Peter Knoepfel has conducted several comparative research projects assessing the impacts of EU directives on the formulation, implementation and effects of national environmental policies. Three representative examples may be mentioned here. First, the *Eurwarness* project (coordinated by Hans Bressers) analysed how the EU Water Framework Directive has been translated into national laws and implemented in six countries (Belgium, France, Italy, the Netherlands, Spain and Switzerland) which have different property rights systems. Second, the *subsidiarity* project (coordinated by Corinne Larrue) studied the institutional conditions in four countries (France, Italy Spain and Switzerland) that allow the effective protection of natural areas, regardless of the national or regional economic issues at stake in these areas. Generally speaking, this research invalidates the "subsidiarity = decentralization = better protection of the environment" equation. The success of the decision-making processes relies far more on the ability of the actors who promote environmental protection to mobilize several levels of government at the same time, on the presence of an intermediary actor capable of fostering the

collaboration of local and national levels, and on a balanced distribution of action resources between actors. In conclusion the authors state that in order to succeed in nature conservation policy, it is important to establish a winning coalition that brings together not only local political and social actors, but also the national ministry or independent agencies in charge of environmental protection, and, if possible, international actors working in the field of nature conservation (Larrue & Knoepfel, 1998). Finally, Peter Knoepfel and Katharina Holzinger addressed the question of whether the flexibility of the *European Union's* environmental policy as part of eastern enlargement is desirable or even unavoidable (Holzinger & Knoepfel, 2000).

The first chapter of this section of the book analyses the impacts of EU legislation on Swiss policies. In a referendum on 6 December 1992, more commonly known as "Black Sunday", the citizens of Switzerland contradicted their government's position and rejected the proposal to join the European Economic Area (EEA) based on the classical four "EC freedoms" (goods, capital, services and people). As a result, Switzerland has found itself at a disadvantage in terms of access to the European internal market as compared to its European Free Trade Association (EFTA) partners. Since taking up membership of either the EEA or the European Union (EU) has proven unviable due to domestic opposition, from early 1993 the government pursued a strategy consisting of the completion of bilateral agreements (so-called "direct Europeanization") with the aim of countering the country's economic isolation. This strategy has been simultaneously complemented by several cases of "autonomous adaptation" of the Swiss legal order and policies to European standards (so-called "indirect Europeanization"). *Astrid Epiney* analyses the various forms of Europeanization of Swiss law from a legal viewpoint and with a special emphasis on environmental policy issues. She concludes her chapter by questioning the relative advantages of the bilateral path in comparison with full accession to the EU. It would appear quite obvious that the broader the scope of current and future bilateral agreements, the more difficult it will be for Switzerland to find a consensus with an enlarged European Union.

The next chapter also focuses on the Europeanization of Swiss politics and policy. *Martin Benninghoff* and *Jean-Philippe Leresche* present the consequences of the decision taken by the European ministers of education in Bologna in 1999 for the configuration of actors involved in Swiss higher education policy. Their case study documents the way a political institution (i.e. federalism) is restructured through a specific policy-making process (i.e. the Bologna Declaration). The authors argue that this international agreement, which is based on non-binding "soft law", led to major changes in the Swiss governance structure and power relationships between policy actors. More specifically, it modifies the modes of coordination between the federal authorities, the cantonal governments and the higher education institutions. As a matter of fact, in this instance the Confederation entered into an international undertaking in an area of competence that was historically the domain of the cantons. This has led to an increasing centralization of the Confederation and, at the same time, to better inter-cantonal coordination and greater cooperation between the universities. This reform was possible because the Bologna

negotiations constituted an international arena where actors, mainly representing the federal government, were able to circumvent domestic coalitions (e.g. no discussion about the signing of the Bologna Declaration within the Swiss Parliament). Furthermore, these actors were also able to use the decisions issuing from an international arena as a resource for the introduction of new rules in their own domestic system which benefits from both European legitimacy and the possibility of shifting the blame for the reform to the Brussels bureaucracy. This kind of "policy rescaling" process is, of course, also observable in other internationalized policy sectors.

The redistribution of policy competences and resources across various levels of power is also at work within federalist political systems. Thus, *Dietmar Braun* proposes a theoretical analysis of such phenomena by looking at the evolution of the three centralized federations of Austria, Germany and Australia, with Switzerland as a contrasting case of decentralized federation. He argues that centralized federations face two major problems in policy-making processes: the overawing of the central state, on the one hand, and free-riding by decentralized entities, on the other. This situation could lead to a "predatory federalism" that induces a gradual monopolization of policy-making prerogatives by the central state and, as a result, a downgrading of decentralized bodies to mere implementing agents. The author concludes that, under specific institutional conditions related to co-decision-making rules (i.e. absence of formal veto powers of the second Chamber), the combination of functional federalism (i.e. division of policy formulation and implementation tasks between different levels of power) and territorial federalism (i.e. decentralized entities not based on cultural divisions) is conducive to predatory tendencies on the part of the central state.

#### Sustainable resources management

The *fourth section* of the book bears witness to a significant moment in Peter Knoepfel's intellectual and scientific – and to a certain extent also political – trajectory as an analyst of public policy in general and environmental policy in particular. What is involved here is the "resource-related turning point" which he initiated in the late 1990s; this would lead, in turn, to the development of the *institutional resource regime (IRR)* framework (Knoepfel et al., 2001b; 2003; Knoepfel et al., 2007; Gerber et al., 2009), which is viewed as a combination of property rights theory, institutional economics and policy analysis. This resource-related turning point has its origins in a critical analysis of both the theoretical and empirical limits of the action models of contemporary environmental policies against the background of the increase in the heuristic power of sustainable development. Peter Knoepfel very quickly adopted the conviction that the debate surrounding sustainability is concerned primarily with the question of the management of systems of resources of all kinds, i.e. not only biophysical resources (i.e. water, air, soil, forest, biomass etc.), but also cultural or "immaterial" (landscape, information) and manmade (housing stocks, network infrastructures, roads, etc.) resources. In effect, as Peter Knoepfel sees it, only the sustainable management of (global) systems of resources is likely to guarantee a sustainable supply of



common-pool goods and services, the *sine qua non* for development that is both economically viable and socially equitable.

This resource-related turning point also corresponded to the – both theoretical and empirical (and one could also say political) – rediscovery by Peter Knoepfel of the potential offered by binding tools with a redistributive aim such as (global and individual) quotas and other binding mechanisms, which alone are capable of balancing and quantifying, i.e. also *limiting* and *redistributing*, the property and use rights of different user groups based on the quantities of units of the resources effectively available within, or reproducible by, a given resource system (see, for example, Knoepfel, 2002). Thus, Peter Knoepfel was one of the first policy analysts to propose the *inversion* of the dominant action logic of spatial and environmental policies. He suggests substituting the approach based on establishing how to enable the continuation of consumption at the same levels (economic and social "sustainability") while reducing (proportionally or absolutely) pollutant emissions and/or the other effects on the environment, with a new approach that is more restrictive and probably the only approach that is actually compatible with the requirements of sustainable development in the broader and complete sense of the term. This new approach is based on an alternative action logic that consists in proportioning or making the different use rights to be authorized or attributed dependent on the number of resource units effectively available in the long term (be it in the form of stock or products). As a political scientist, Peter Knoepfel is obviously well-placed to quantify the problem posed by the political conditions associated with the emergence of such an inversion of the dominant logic of the organization and management of relations between human societies and their environment and the scale of the resulting social, economic and political implications.

For Peter Knoepfel there is little doubt that a change in the course of the development trajectories of our societies towards greater sustainability will not, ultimately, be able to avoid the return of certain quota-based logics and the use of quota-like instruments inspired by the "war economy". This is probably why this resource-based turning point also corresponds to a return to – and, at the same time, strengthening of – his political convictions, which were established during his studies (late 1960s and early 1970s) and the period in which he wrote his doctoral thesis and had remained fundamentally socialist and in certain respects (neo-)Marxist. It is as though Peter Knoepfel's work of the past ten years largely consists of a return to the old questions and old intellectual positions (for example the "old debates" on landed property), the importance and significance of which he and we have been rediscovering.

In their contribution to the book, *Nuria Font and Joan Subirats* testify to this resource-related turning point in the work of Peter Knoepfel and demonstrate it on the basis of the findings of two research projects in which he was involved in recent years: i.e. "European Water Regimes and the Notion of a Sustainable Status (Euwarness)" and "Institutional Regimes for Sustainable Collective Housing Stocks". The authors show, in particular, the relevance of the application of the IRR framework and highlight the analytical added-value it provides in terms of understanding the main challenges and institutional

conditions involved in the sustainable management of resources as varied and different as, in the cases in question, water and housing stocks. In doing this they demonstrate clearly, as does Gerber et al.'s contribution (see below), the applicability of the IRR framework to both natural and manmade resources. On this occasion, the two authors insist not only on the innovative character of this analytical framework but also on the strong explanatory potential of the comparative process involving different types of resources initiated by Peter Knoepfel: "In his approach, Peter Knoepfel tries to go beyond the specificity of sectoral policies and analytically compares, for example, natural habitats, clean air, housing or the cultural heritage. This comparison, which is bold from an analytical standpoint, unquestionably harbours great potential. What are the common patterns in institutional regimes for natural and manmade resources? What, for example, do water resources or the housing stock have to do with each other? In both cases, they are unique resources that generate different goods and services and are used by multiple users. (...) The presence of multiple users vying for a single resource and threatening its reproductive capacity and economic, environmental and social cohesion is the cornerstone of Peter Knoepfel's analytical framework. Identifying common patterns of functioning in the institutional regimes of natural and artificial resources might be a risky analytical challenge, but is also undoubtedly a promising one. The analytical framework of institutional regimes has been applied in numerous studies on the water regime, forest, air, landscape and housing stocks in several European countries. These studies have contributed to a clearer picture of under what conditions institutional regimes are shifted towards more integrative and sustainable management models". In this regard, the authors clearly demonstrate the full importance of achieving a real coordination of the different policies that directly or indirectly affect the management of a particular resource through their role in the attribution of rights of access and use to the different goods and services provided by the resource in question: "If housing stocks are to be an element of a sustainable built environment, they must not only develop sustainably themselves, but their goods and services must be able to be used sustainably by other stakeholders within the system. This means that other stakeholders, practices and policies that are often not considered part of this policy should be included in the scenario of housing policy". Furthermore the authors suggest the extent to which the IRR approach also involves a rupture with the dominant sectoral logic in policy analysis. Finally, their summary of the case studies carried out on the management of two different housing stocks in the suburbs of Barcelona presents an interesting contribution to the discussion of the relationships between formal and informal regulations in that it demonstrates clearly how informal arrangements between the owners and end users of the resource that develop contrary to the formal rules of the IRR framework will hamper its effective implementation and this, in turn, will contribute to the weakening of the capacity of the IRR to guarantee the sustainable development of the stocks of the resource in question.

In their contribution, *Jean-David Gerber, Lee A. Nicol, Mirta Olgiati and Jérôme Savary*, all current or former PhD students of Peter Knoepfel, focus their attention on the contribution of the application of the IRR framework to

the analysis of manmade resources such as housing stocks, landscape, public roads and information. Through the systematic application of the analytical dimensions of the resource concept (i.e. stock, yield, reproducibility, scarcity, rivalry, use conflict and use regulation), they derive several important lessons for anyone who wishes to consider the concept of resources from a comparative perspective. Their contribution also highlights the importance of the not only strictly material but also social and legal structure of all manmade resources. Thus, they show that these resources are constructed not only in the strict sense of the term by "material producers" but also through an intensive process of formalization of the property and use rights that play a far from negligible role in the very definition of the resource. The resources "information" and "landscape" are particularly illustrative in this regard. According to the authors, another distinctive characteristic of the majority of manmade resources is the fact that they are resources that could be described as "composite", a fact that has implications for both the conditions of their reproducibility and the regulation of their uses: "In three of the four examples presented (with the exception of roads), we observe that artificial resources are the result of a superposition of fundamental and secondary resources. This signifies that an important part of their regulation is made in an indirect manner. This characteristic is a distinctive one of artificial resources in contrast to natural resources, explaining therefore their higher degree of complexity". However, what the analyses developed by the authors in their respective thesis also shows, confirming one of the intuitions to which Peter Knoepfel holds the key, is that not only are the uses of these resources increasing in number and intensity on a far greater scale than is generally imagined but, also, that the uses that may be defined as "secondary" or "peripheral", for example the non-residential uses of housing stocks, often occupy the central place in the structure of the use rivalries and need to be taken in hand within the institutional regime with a view to managing the resource in question sustainably.

Overall, the two chapters by *Font and Subirats* and *Gerber et al.* demonstrate exemplarily that the regulation capacity of an IRR depends not only on the extensive and coherent regulation of the main direct uses of the resource but also, and in some cases essentially, on making these rules governing the direct or "central" uses consistent with the regulations for indirect or (apparently) "secondary" uses. The main message here is that only the coordinated regulation of *all* of the different stakeholders (owners, appropriators, end users), including the most indirect and apparently "peripheral" of these, will enable the establishment of a regulatory regime that will result in the sustainable management of the resource system. One of the main findings of these studies consists, therefore, in showing by analogy with the network analyses demonstrating the "strength of weak ties" (Granovetter, 1983), that a veritable "weight of indirect and peripheral uses" exists within IRRs.

In his chapter, *Christophe Clivaz* tackles a different aspect of Peter Knoepfel's contribution to the debates surrounding sustainable development which concerns the challenges associated with the establishment of systems of sustainability indicators (SSI) at the different institutional levels, i.e. varying from international and national to local. Based on the example of Switzerland,

the author attempts to answer the following two questions which had previously been investigated by Peter Knoepfel (see, for example, Knoepfel, 2005): (1) How do the SSIs influence the power relations between actors?; (2) Why and how does such a system become a policy tool that is normative in scope? Based on various empirical surveys carried out in the context of research projects analysing different processes for the development and implementation of SSIs at federal, cantonal and, above all, local level, the author confirms the main reflections, hypotheses and theories defended by Peter Knoepfel on this matter with the help of empirical evidence. He stresses that the establishment of such SSIs contributes to the reinforcement of the power position of the administrative bodies responsible for issues relating to sustainable development (generally new units with a transversal vocation created *ex nihilo* with the sectoral administration) as a result of the concentration of information flows, from which they benefit as the managers of these SSIs. The author also shows how the development and implementation of SSIs goes back to an entire series of rivalries between institutional levels (Confederation versus cities), between public administrations, experts and civil society actors or, again, between general experts and specialists. However, he also notes that the establishment of SSIs, at the local level in particular, sometimes presents an opportunity for extending the circle of actors involved in problem-definition and decision-making processes. Far from being purely technical tools, SSIs constitute fundamentally political phenomena in reality, particularly in view of their multidimensionality; in addition to their normative potential, SSIs contribute to the (re-)definition of policy problems and objectives, they are clearly also a policy tool and they are also mobilized as an evaluative element.

#### Epistemology and methodology of comparative policy analysis

The *fifth and final part* of this book tackles the question of Peter Knoepfel's epistemological and methodological position, in particular from the perspective of comparative policy analysis. This question is not easy to document and discuss in that, in effect, very few explicit indications in this regard can be found in his writings. Peter Knoepfel appears to take a certain pleasure in practising epistemological and methodological deflation. This is not to say, however, that these preoccupations are entirely absent from his work; on the contrary. In effect, all those who have had the good fortune to work with him have been able to discover gradually the existence of an entire series of – for the most part implicit – epistemological and methodological principles that structure and organize his position and style of work in an enduring fashion. Peter Knoepfel is, without doubt, a fervent empiricist who is not fascinated by "big theories". However, behind this apparent lack of interest in the major theoretical debates taking place in the international journals (in which he, nonetheless, published widely in the 1980s) lie two certainties which, paradoxically, are not devoid of theoretical ambition: first, the conviction that the systematic and open-minded observation of empirical reality often teaches us far more than the majority of the great theoretical debates and, second, that the development of a "conceptual imagination" based on these in-depth empirical observations – we are very close to "grounded theory" here – are

more powerful vectors of the production of new and original knowledge of the social world than the infinite duplication of research protocols aimed at systematically testing the same hypotheses from the "classical" worlds of the established theoretical literature. As we can see, Peter Knoepfel is not a *lector* but a creator and conceptual inventor, close to the figure of the *auctor* in the sense employed by Pierre Bourdieu. It is the combination of this extremely fertile "political-scientific imagination" and his extensive academic experience based on the highly robust theoretical foundations laid with Renate Mayntz and Fritz Scharpf at the Social Science Research Center in Berlin in the 1970s and 1980s that forged this "seeker's instinct", and has enabled him not only to take his place among the most productive researchers working in Swiss political science but also to remain at the forefront of innovation in the field. The two contributions in this final section of the book each testify in their own way to this particular and original position.

The aim of *Corinne Larrue and Katia Horber-Papazian's* contribution is to clarify the importance and distinctive nature of the comparative process in the work of Peter Knoepfel. To do this, they examine the role of this methodological approach in three of the four stages of the policy cycle as conceptualized by Peter Knoepfel: i.e. policy programming, policy implementation and policy evaluation. It emerges from this examination that "The prism of implementation orients the comparative analysis of public policy programmes. It is the capacity to frame implementation that is central in the analysis of public policy programmes and therefore implicitly constitutes the comparative structure. The public policy programmes and their production process are not compared in themselves but in relation to what they tell us about the capacity to frame the implementation processes". Thus the two authors also demonstrate that the purpose of comparison in Peter Knoepfel's work is less to produce knowledge about the similarities and differences between sectoral policies and/or countries than to enable the development and strengthening of the robustness of the conceptual framework while recording in the most empirically concrete way possible the dependent and independent variables that are constitutive of his analytical framework. They suggest in this regard that a comparison that is directed at the research of not only similarities but also differences, and even the incommensurable, could also make a beneficial contribution to the development of the analytical framework. It also emerges from this that the preferred scale for comparison is not the nation-state but a more restricted area, i.e. regional or local, within or between different countries which make it possible to demonstrate that the variations in implementation processes may sometimes be more significant between the regions in one and the same country than between regions located in different countries. The authors insist on the need for the establishment of an international network of researchers of maximum stability and endurance to enable the completion of major comparative studies: the composition of the contributors to this book in homage to Peter Knoepfel testifies, in part, to the success of this process. Finally, the authors also present a number of critical reflections on the limits of the comparative process developed by Peter Knoepfel, in particular the contribution of his analytical framework to the evaluation of public policies. In relation to this point they suggest that the

process should not be confined solely to the evaluative process at the end of the policy cycle but, instead, that its varying presence should be acknowledged in all stages of the cycle.

In his excellent contribution *Philippe Warin* presents an extremely detailed and relevant analysis of Peter Knoepfel's epistemological position. This analysis is based on an attentive reading of the latter's work and on several years collaboration with him on a joint seminar staged at the Institut d'Etudes Politiques de Grenoble. The author associates this position with a form of *pragmatic constructivism*, characterized by an approach that is both *systemic* (each stage of a public policy refers not only to a specific equilibrium between the actors but, to a certain extent, is the result of the decisions and activities of the preceding stage) and *non positivist* (policies are the result of explicable processes of construction based on a particular number of variables, of which the configurations are contingent) in terms of the analysis of public policies. However, the strength of Philippe Warin's contribution lies in the demonstration of this dual dimension in Peter Knoepfel's epistemological position: i.e. it is at once clearly constructivist – the definition of public problems, the causal stories and intervention models are obviously social constructs – and at the same time pragmatic – material (nature of the problems, resources at the disposal of the actors) and institutional (possessional and procedural institutional rules) conditions exist that structure, demarcate and limit the process of social construction of the constitutive elements of public policies. The author also shows that when Peter Knoepfel works on the definition of these explanatory variables (actors, resources, institutions) of the substantive content of policies, he remains once again pragmatic as it involves an eventual sociological theory of action: "The pragmatism of the approach is measured, therefore, in terms of the deliberately *a minima* treatment reserved for the actors' personal variables (interests, motivations, intentions, beliefs). These exist and influence the actors' behaviours but they are excluded from the analysis because they are not independent of the actors. Pragmatism here resembles a form of *realism*. The analyst retains only those statements which enable him or her to relate any consideration of the actors and their rationale empirically to the reciprocal conditioning between context (set of resources and rules) and action (interactions between decision and activities). In other words, apart from the observation of this mutual conditioning, nothing can be said about the actors' action from the scientific point of view". In the final part of his contribution, Philippe Warin takes advantage of this reflective exercise, with a certain elegance, by putting his own scientific position into perspective, which he proposes labelling as "pragmatic of democracy": "For all of these reasons, the constructivist pragmatism underpinning Peter Knoepfel's approach is clearly distinguished from policy analysis as '*pragmatic of democracy*', as it appears from the cognitivist perspective (Giraud & Warin, 2008). (...) In other words, these two perspectives do not have the same scientific goal. In the one, policy analysis serves reflection on politics and democracy. In the other, it aims to understand how policies are made – and that is the underlying intention of the approach developed by and around Peter Knoepfel".

## Transverse topics

A transverse reading of the different contributions collected as part of this reflection on the work of Peter Knoepfel allows us to draw a number of general conclusions. We have decided to focus our attention here on *four conclusions* which appear to us to maintain a particular link with the main theses and scientific contributions formulated by Peter Knoepfel throughout his career. In keeping with the spirit of this IDHEAP books collection, these reflective conclusions should be conceived as possible research channels for the future rather than purely retrospective assessment.

### The Rule of law

The first conclusion that may be drawn from the reading of several of the contributions in this volume concerns *the relationship between the Rule of law* and what legal scholars call *soft law*. While the Rule of law constitutes a legal and political principle and, at the same time, an absolutely central scientific topic in Peter Knoepfel's conceptual system and while also confirming the central role of the principle of the Rule of law, some chapters of this book show, however, that soft law, or arrangements and systems of rules whose success and the force of their effects depend paradoxically on their rather informal nature and the fact that they have little or no legally binding force, play an increasingly important role in national and, above all, international regulations. The example of the very structuring effects of the Bologna Declaration, a corpus of non-legally-binding agreements, on the entire systems of higher education in different European countries constitutes a particularly convincing illustration of this phenomenon as clearly demonstrated by Martin Benninghoff and Jean-Philippe Leresche. Everything appears to unfold, in effect, as though the classical legal mechanisms of the Rule of law (i.e. Max Weber's legal-rational domination type) were not always sufficient to underpin the legitimacy of public regulations. This is the case, in particular, when public policies concern new transnational or supranational issues and areas; the latter often necessitate, in effect, the development of new forms and procedures of legitimation, which, as demonstrated by Alexandre Flückiger, are based on other, in particular, emotional motivations, such as fear, shame, joy, surprise, empathy etc., motivations which enable the explanation of our tendency to obey the rules of soft law. These observations invite us therefore to question as Bruno Dente does the role of law – in the double sense of *lex* and *jus* – in policy making processes, while asking ourselves, for example, about the extent to which the emergence of regulations on the mode of soft law refers – or not – in certain societal sectors to a deeper shift in the direction not only of a *soft lex*, but equally and more fundamentally in the direction of a *soft jus* with all of the implications this can have for the principle of the Rule of law and for the (re-)definition of the resource "law" in Peter Knoepfel's conceptual system. In effect, one of the central questions that arise is whether, and if yes, under what conditions, it is legitimate to derogate to certain principles of the Rule of law so as to increase the effectiveness of public action; whether, therefore, it is sometimes desirable to bank on the secondary legitimation of policies (while testifying to their positive effects)

rather than on their primary legitimacy (through the definition and respect of legal rules). This question merits debate to the extent that several empirically observed exchanges of the resource "law" for other resources (money, time and consensus, in particular) and the recourse to soft law, in particular in the course of domestic policy reforms which are initiated by (informal) international norms, are taking place case by case, sector by sector with no theoretical basis or general normative reflection. There can be no doubt that these are questions that Peter Knoepfel's indefatigable "desire for conceptualization" will not fail to explore.

### Substantive and institutional dimensions of public policy

A second conclusion that appears to emerge from this transverse reading, which has links to the first, concerns the relationships – also central within Peter Knoepfel's conceptualization – between *the institutional and substantive elements of policies*. Hence, a number of contributions, such as those by Wolf Linder, Helmut Weidner, Astrid Epiney, Martin Benninghoff and Jean-Philippe Leresche and, to a certain extent, those by Hanspeter Kriesi, Dietmar Braun and Yves Emery, David Giauque and Adrian Ritz, show how, irrespective of whether they are rooted in public or private law, constitutional law, federal public or cantonal law, administrative law or private law, the (changes in) institutional rules have significant effects on the substantive content of public policies in the tradition of Peter Knoepfel's work. However, what Astrid Epiney's contribution on the different forms of relationships between European and Swiss law demonstrates equally well is that what is involved here is not only the structuring effects of European law on Swiss law but also, as clearly demonstrated by the structure of bilateral agreements, the role of the more specifically *sectoral* regulations in the actual establishment of these agreements, which remain fundamentally sectoral in their logic. This example enables us to see how Swiss federal policies have a determining effect on EU-Swiss politics. However, it also enables us to observe a counter effect of EU-Swiss politics on the substantive content of policies in the form of an increase in the relations of interdependence between (the contents of) federal sectoral policies, to the extent that the perpetuation of bilateral agreements (and hence the stabilization of the substantive content of certain policies) depends on the modification of the substantive content of other federal policies (cf., for example, the extension of the policy of free movement of persons to Rumania and Bulgaria so as to save all of the other sectoral agreements in Bilateral Package I). Here too, there is no doubt that these new conclusions concerning the relations between the institutional rules and substantive contents of policies combined with the challenges of multi-level governance, will provide material for new conceptual and theoretical reflections that will enable the refinement of the policy analysis framework developed by Peter Knoepfel and his colleagues over a period of 20 years. In conclusion, the fundamental question raised here, which Peter Knoepfel correctly identified (Knoepfel 2009), does not solely concern intra-policy and inter-policy coordination, factors that are complicated in themselves but have already been thoroughly analysed by policy scholars (see, for example, the contributions of Helmut Weidner and Hans Bressers in this book); instead, it concerns much more the complex links



between polity, politics and policies. Thus the question arises as to how these institutional reforms will impact on the political game and the (substantive and institutional) content of various public policies. The exploration of this question is a priority even if it means abandoning the famous formula "policy determines politics" proposed by the forerunners of policy analysis, in particular Theodore Lowi.

### The power of policy actors

The third conclusion to be drawn consists, in reality, in a question, to which it is not easy to provide a very clear response, as is sometimes suggested between the lines in the contributions of Hans Bressers, Bruno Dente, Michael Hill, Dietmar Braun and Christophe Clivaz: i.e. "*What conception does Peter Knoepfel have of power?*" An initial response consists in noting the predominance of a relational conception of power in his public policy approach. This relational conception is illustrated perfectly by the very figure of the famous "basic actor triangle" and the relationships of interdependence between the political-administrative actors, the target groups and the beneficiary groups (not to speak of the third-party actors), who exchange resources in contexts characterized by both collaboration and confrontation in order to defend their collective or individual interests, values and beliefs. The development of the concept of "policy resources" is totally in keeping, therefore, with this relational interpretation of power. A second response consists in noting the absence of an *a priori* global theoretical conception of power (or, moreover, the conditions of cooperation). In effect, Peter Knoepfel's work does not contain a predetermined conception of the structure of power (or domination) in a given political space but, conversely, the predominance of a pragmatic and empirical conception of power. The latter is based on the analysis of redistribution of conflicts from case to case, whereby the "case" corresponds to the area of the actors who are relevant to given (sectoral) policy. This pragmatic and empirical conception is manifest in the (axiological presumption of the) capacity of actors (target or beneficiary groups, political-administrative actors or third-party groups) to develop strategies – the famous "direct and indirect games" – for all stages in the policy cycle. These strategies enable them to try to (re-)position themselves so that they can influence, to a greater or lesser extent, or actually reverse, the hypotheses that underlie the action logic of the policy and, as a result, structure the policy's actor configuration at a given moment in time. This non-deterministic conception of the power relations between the actors is illustrated in one of Peter Knoepfel's favourite messages presented in the context of his teaching and which consists in noting the extent to which the "actors never let go" (throughout a policy cycle). Finally, we may well ask whether one of the keys to understanding Peter Knoepfel's conception of power is not provided by Philippe Warin when he notes the difference that exists between the objectives and explanatory ambitions of Peter Knoepfel's pragmatic constructivism and axiomatic neutrality and other epistemological postures such as, for example the "pragmatic of democracy", in which Warin recognizes his own position and to whose development he recently contributed with our colleague and friend Olivier Giraud (Giraud & Warin, 2008). Philippe Warin is probably also right

when he refers this difference back to the academic and institutional conditions of Peter Knoepfel's intellectual development: "In the final analysis, the constructivist pragmatism which I see as characterizing the public policy analysis proposed by Peter Knoepfel can probably be explained by his idea of his profession as a university lecturer, researcher, expert and, at the heart of all that, teacher and adviser. The axiomatic neutrality characterizing his approach corresponds to his main objective of equipping analysts, scientists and practitioners with a framework for understanding situations. His scientific contribution lies in the fact of making possible an ethnography of public policies. By being wary of the analyst who has only 'stories to tell', Peter Knoepfel reminds us in a way of an international figure in anthropology, Claude Lévi-Strauss, who started his famous popularized book *Tristes tropiques* ([1955] 1985) with the following incipit: 'I hate journeys and explorers'. Let us therefore dare to compare pragmatic constructivism at the service of a logical reasoning in policy analysis to Lévi-Strauss's break with the travel novel genre, with the aim of establishing an intellectual experience of another kind, that of structural logic. The more fundamental question raised by this third observation is whether this axiological neutrality in relation to power relations does not ultimately overlook the more structural relations of domination in a way that approaches that of democratic pluralism. And is such a position not in contradiction to Peter Knoepfel's political convictions as a citizen and activist. Finally, is this not also paradoxically in contradiction to certain postulates of the IRR analytical framework which insist specifically on the structural inequalities of power between actors generated by the unequal distribution of property and use rights to natural and/or manmade resources?"

#### Time and history

The fourth and final conclusion which we have chosen to focus on concerns Peter Knoepfel's relationship with *temporality and historicity*. It is important to note that he is one of the few (Swiss) political scientists, along with Wolf Linder of course, who has systematically considered that taking into account of *temporal dynamics* in the long term (i.e. in the political-science sense of the term, i.e. a duration of around a century) constitutes an indispensable position and powerful tool for understanding contemporary policy processes. A particularly successful illustration of this both epistemological and theoretical position can be found in the studies that implement the IRR analytical framework, and which is testified to here by the contributions of Nuria Font and Joan Subirats, on the one hand, and Jean-David Gerber, Lee A. Nicol, Mirta Olgiati and Jérôme Savary, on the other. In these studies, the recourse to long-term historical analysis with the help of the "historical screening" method, for example, is explained by the fact that both the regulated elements (for example, systems of biophysical or manmade resources) and regulatory elements constitutive of these regimes, i.e. primarily the property rights, are tools which are based empirically in a long-term temporality. This recourse to the explanatory use of temporality can also be found, however, in the method for the sequentialization of case studies used as far back as the 1980s and 1990s when Peter Knoepfel was working more specifically on environmental

policies and policy comparisons (cf. contribution of Corinne Larrue and Katia Horber-Papazian in this book). In these studies, the comparative strategy was not solely spatial or intersectoral but also temporal (comparison of action logics underlying public policies over time). However, as is the case with the issue of power, the relationship maintained by Peter Knoepfel with the discipline of history, in general, and the question of temporality and historicity, in particular, remains voluntarily characterized by pragmatism. The question concerning the division of cycles or rhythms of temporality is answered on an empirical basis. As opposed to this, in most cases, the criteria used to apportion the sequences or stages within the case studies are defined very clearly and carefully on the basis of the analytical categories employed. In short, Peter Knoepfel essentially considers temporality and diachronous analysis as a methodology rather than an end in themselves. This position is, of course, entirely laudable, particularly in view of the short term view generally adopted in the majority of policy analyses. Nonetheless, in our view, it would gain something if it were accompanied by more extensive reflection on the actual concepts of temporality and historicity themselves. A promising reflective perspective here would consist in a more systematic exploration of the implications for policy analysis of the findings in relation to the existence of variable temporalities both in the different corpuses of institutional rules (property rights enshrined in long-term provisions and policies that change every ten years) and the dynamics of the actor configurations (stable configurations in the long term, varying coalitions in the short term), problems defined in the agenda-setting phase (recurring and long-term problems versus sporadic and short term problems), or, again, action logics developed to resolve them. More concretely, the challenge of such an exploration would consist in reflecting on the theoretical and methodological implications of the integration of variables rooted in different temporal scales into one and the same theoretical framework.

This book would not have been possible without the generous participation of the many authors, whose contributions we have summarized very briefly here and whose outstanding work we invite you to read in full. We would like to thank them most sincerely for their contributions which reflect equally their scientific interest in Peter Knoepfel's work, their former collaboration with him and their friendship with him. In addition we would like to thank Professor Jean-Loup Chappelet, Director of the IDHEAP, for his indispensable support in the publication of this book and, last but not least, Christine Eden of the Institute Universitaire Kurt Bosch (IUKB) who was responsible for the layout and processing of the manuscript.

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