



Common Ground

Country Report: Germany

The Significance of Citizen Participation in Politics and Society

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1. Understanding of Citizen Participation

1.1 What is meant by citizen participation in politics and society in Germany? What are the most common forms of citizen participation in the country, and how do historical and cultural factors shape the societal understanding of citizen participation?

This paper focuses on deliberative and direct democratic processes in Germany and not on formal citizen participation, though the shift from traditional formal citizen participation as a right to object towards more deliberative early participation to deliberate alternatives and solutions is addressed.

1.2 Planning Cells and Citizens' Assemblies

Germany was the first country in the world to test deliberative democracy with sortition-based citizens selection, when Peter Dienel invented and introduced his Planning Cells (Planungszellen) in articles as early as 1971 and ran the first local Planning Cells in Hagen-Haspe in 1974. The American sociologist Ned Crosby invented his citizens juries shortly thereafter independently. The two protagonists of deliberative democracy only came to know about each other in 1980 and became close friends.

Peter Dienel published his monography about Planning Cells as an “alternative to establishment-democracy“ in 1978. His work was acknowledged by the growing number of researchers on deliberative democracy worldwide, but as he never translated his book into English, he mainly had an indirect influence through the articles of other authors, namely John Gastil, Lyn Carson, Janette Hartz-Karp, John S. Dryzek and others.

While the number of Planning cells in Germany remained rather small up to his death in 2006 (see a database of all runs: <https://pzdb.nexusinstitut.de/cells>), he influenced the citizens jury hype in the United Kingdom during the Blair administration (Anne Coote, Claire Delap) and especially the Shimi-Kogi-Tai in Japan, a compact model of Planning Cells, with about 500 runs until now.

The longer history of Planning Cells in Germany facilitated the discussion and introduction of citizens' assemblies after 2016 and supported a detailed discussion on quality standards. All evaluators of the recent national citizens' assemblies in Germany (Hans J. Lietzmann, Ortwin Renn, Brigitte Geissel) were familiar with Planning Cells and had published about them.

1.3 Direct Democracy

The German defacto constitution (Grundgesetz) of 1949 mentions referendums as part of democratic decision-making, but does not allow referendums on the national level (with one exception: a referendum on a new constitution after reunification, which never took place). Until 1988 (the foundation of „Mehr Demokratie“ s.b.), there were not many referendums on the local level and nearly none on the “Länder“-level. But, since 1990, the situation has changed. Meanwhile, almost 10.000 referendums on the local level, with a strong focus on Bavaria (Bürgerbegehren) (databank: <https://idpf.uni-wuppertal.de/de/projekte/datenbank-buergerbegehren/>) and more than 100 referendums on the level of „Länder“ (Volksbegehren) have taken place in Germany (List: <https://www.mehr-demokratie.de/mehr-wissen/volksbegehren-in-den-laendern/bisherige-verfahren>).

There are two main reasons for this change: a) the broad civil society movement for more referendums and b) the legal and administrative changes to allow referendums. These highly disputed changes were mainly about minimum quora for the two-step referendum process. The first step (Bürgerbegehren on the local level, Volksbegehren on the Länder level) had modest quora (different from state to state), and can lead to the binding second step (Bürgerentscheid on the local level, Volksentscheid on the Länder level). These quora are changing (actual list: Wikipedia Bürgerentscheid). At the moment there is a fierce debate about raising quora in Schleswig-Holstein, which might prevent referendums on the Länder level there in the future.

The main civil society movement in Germany for direct democracy is the association „Mehr Demokratie“, which was founded in 1988. At the moment, it has more than 10.000 members and more than 200.000 supporters. Until 2015, its main target was to establish referendums on the national level, which still do not exist in Germany. Only after 2015, it changed its policy more toward fighting for more deliberative democracy, too, and supported and organized citizens' assemblies in Germany. In Germany, referendums are part of democratic decision-making only on the level of the states (Länder) and on the municipal level.

The support of referendums is not limited to one side of the political spectrum. While some consider them to be leftist, most local referendums have taken place in conservative Bavaria. However, when the new right-wing party AfD (Alternative for Germany) demanded referendums on the national level in its party program in 2016, some protagonists of direct democracy, in order not to be blamed as right wing, opened their policies for deliberative democracy. Political parties deleted their former demand for direct democracy from their party program.

2. Legal Framework and Institutional Structures

2.1 What laws and regulations are in place in Germany to promote deliberative citizen participation?

During the 1970s, public participation of stakeholders (Anlieger) became part of spatial planning regulations in all German local communities. This participation, which in fact was the right of stakeholders for information and objection, is called “formal participation”, for it was legally codified and became obligatory. During the 1990s and after the turn of the millennium, these legal rights to object were greatly expanded: Associations were granted the right to object, even if they were not direct stakeholders. The so-called “Verbandsklage” facilitated legal objections against planning processes e. g. to defend nature. The rights to object prevented many planning projects, and substantially slowed down the planning process for all others. Meanwhile, the societal and political debate in Germany has somewhat changed and emphasises the negative effects of bureaucratisation of these formalized processes. Many voices demand acceleration of decision-making processes.

It therefore was no surprise that a more constructive early citizen' participation within planning, rather than against ready plans, emerged after the turn of the millennium. Since 2002, these still “informal” (voluntary) forms of citizen participation have migrated into the legislative process, e. g. into the “Gemeindeordnungen” (a law on the Länder level). This development has supported the growth of deliberative democracy, as it is well suited for early public

participation to discuss alternatives and recommend solutions for the best of all instead of defending individual, egoistic interests against the “bonum commune” or common good. With this development, the difference between formal and informal participation has disappeared, for the former informal processes have become legally binding and have partly replaced the old (and still necessary, though to a lesser extent) “right to say no”. To give one example: There is a societal agreement that Germany needs more wind energy power plants. However, nearly every construction of a turbine was fiercely objected by some stakeholders. The time frame of planning and erecting a turbine is definitely too long in Germany. Early deliberative processes can lead to much faster and better compromises than the old formal participation. Germany is under way for a new equilibrium of planning and participation. However, the legal requirements for (early) citizen involvement in planning processes are often circumvented or not taken seriously. Comprehensive consultation processes like in Switzerland (Vernehmlassungsverfahren) are still far from being the norm in Germany.

2.2 Are there specific guidelines or initiatives that support deliberative citizen participation in politics and society?

On the local level, many municipalities/communities have decided to establish guidelines for local participation. Since 2012, well over 200 communities in Germany have established such a guideline. In an overview by the Netzwerk Bürgerbeteiligung, one can access around 100 guidelines (see: <https://www.netzwerk-buergerbeteiligung.de/kommunale-beteiligungs-politik/sammlung-kommunale-leitlinien/>). The guideline process in Heidelberg 2011–2012 served as a model for many communities after 2012. But now the development of guidelines is in full swing. The true value of these guidelines becomes apparent when the attitude towards citizen participation changes, for instance, when a mayor, who is critical of participation, comes into office in the municipality. Bonn was such a case, which underlined the importance of binding guidelines. Guidelines are not laws, but they have a binding function for the quality, standards and funding of deliberative processes on the local level.

On the level of industrial and infrastructural planning processes, the VDI Guideline 7000 and 7001 of 2014 were a milestone in Germany (see: <https://www.vdi.de/richtlinien/unsere-richtlinien-highlights/vdi-7001>). The Association of German Engineers VDI is the largest engineering association in Europe. The two Guidelines of 2014 defined a new “state of the art” for early citizen’ participation in industrial and infrastructural planning processes. It was a breakthrough, for companies now turned to a positive handling of citizen participation, and for many years these guidelines were the most sold guidelines of VDI. Since 2014, VDI has been offering regular training courses.

2.3 Are there specific policies that hinder deliberative citizen participation in politics and society?

As long as deliberative citizen participation is voluntary and not formally required, it is difficult for local communities to raise the necessary funds for these processes. In Germany, quite a number of municipalities are placed under curators (they have gone bankrupt) and are not allowed to spend money for processes, which are not legally demanded. This prevents cities from starting non-obligatory deliberative processes. Therefore, it is necessary to transform the formal citizen participation of stakeholders, which was legally implemented in the 1970–90s (right to say no) into deliberative citizen participation at a more early stage, in order to consult planning and recommend solutions. This requires a legal change, a change of mind,

sufficient funding and probably the establishment of new public agencies in charge for respective processes. The implementation of the legal, financial and institutional foundation can lead to an acceleration of planning processes and a raise of system trust in democratic decision-making.

2.4 What institutional structures exist to promote deliberative citizen participation on the national, regional and/or local level? How effective are these structures? Are there any obstacles or bottlenecks that limit their effectiveness?

Whereas 30 years ago almost no city had an office for deliberative citizen participation, today almost no large city (= "Großstadt", in Germany this is a term, which is used for cities with more than 100.000 inhabitants) does not have such an office. The NEKOPA-network (Netzwerk kommunaler Partizipationsbeauftragte) at the moment has 115 members from 95 cities. The upper map shows the members. On the web, you can find their coordinates by clicking on their flags (<https://www.netzwerk-buergerbeteiligung.de/kommunale-beteiligungspolitik/netzwerk-kommunale-partizipationsbeauftragte-nekopa/>)

The lower map presents around 1000 members of the Netzwerk Bürgerbeteiligung: Researchers, planners, civil society organisations and other interested members. (see: <https://www.netzwerk-buergerbeteiligung.de/netzwerkkarte/>). There is a short cv behind every flag.

Most Länder and many cities meanwhile offer an online platform for citizen participation, which facilitates the process. Some Länder introduced programs to support (and refund) still voluntary deliberative participation. It is not exaggerating to assess this development as a fundamental change. Deliberative participation has become almost standard – at least in the political rhetoric. (Re-)funding schemes, platforms, guidelines, and local administrative units for deliberative democracy are emerging. A new profession is forming that takes a seat on both sides of the table: local administrative units on one side and planning offices and process facilitators on the other. Some universities offer special master programs for this qualification, such as the master program "Planning and Participation" at the University of Stuttgart (see: <https://www.uni-stuttgart.de/studium/studienangebot/Planung-und-Partizipation-M.Sc./>)



3. Significant Citizen Participation Projects

3.1 What significant citizen participation projects or initiatives have been carried out in Germany in recent years?

There are 14 universities (plus some non-university research centers) and 13 facilitator-companies which are dominating the field at the moment. However, the field is rapidly growing. New actors enter the growing market of deliberative citizen participation, such as large management consultancies and survey companies. They used to offer traditional expert reports or surveys so far and now react on a changing demand of local communities and Länder. This is a good sign. One can compare the situation to the wind energy market around 2000, when large energy companies (such as Siemens) took over the market from small alternative businesses.

With the advent of Citizens' Assemblies in 2019, the professional and public perception of deliberative participation has definitely changed. More than 50% of the German population

can now answer the question: What is a Citizens' Assembly? Five years ago, this figure would have been below 5%. Within the professional community, the long-term discussion on Planning Cells in Germany since the 1970s has played a role too to open minds for deliberative processes. The Bürgerrat-platform of "Mehr Demokratie" lists new citizens' assemblies somewhere in Germany every second week (see: www.buergerrat.de), mostly on the local level, often as climate assemblies. But, the thematic scope is unlimited, and more and more citizens' assemblies take place on the Länder and even the national level.

3.2 To what extent have they influenced the social and political discourse on deliberative citizen participation?

The advent of citizens' assemblies has changed the political discourse on the future of democracy in Germany. All political parties had to develop an position.

The German Parliament currently has a red-green-yellow coalition. Therefore, although CDU titan Wolfgang Schäuble (died on December 23, 2023) had paved the way for the citizens' assemblies in the German parliament, his party, now in opposition, has to criticise the citizens' assemblies now, just following the unwritten rules of party democracy. On the Länder and local level, the CDU is often supporting or calling for citizens' assemblies.

Direct democracy and the demand for referendums on the national level have suffered from support for the right-wing party AfD, which is currently the only party to call for national referendums in its party program. All other parties are now somewhat hesitant because of this positioning by the AfD. For example, the Green party removed its former demand for referendums at the national level from its program.

The future of national referendums is likely to depend on a combination of deliberative and direct democracy. For example, if citizens' assemblies define the question of referendums, the danger or risk of purely obstructionist referendums may decrease. And citizens' assemblies have the potential to enhance public deliberation on the topic of the referendum, which ensures more sophisticated voting decisions.

4. Significance of Citizen Participation

4.1 Political perspectives: How is deliberative citizen participation discussed and perceived in the political arena? Is it widely accepted or are there controversial views? What are the positions of relevant political actors on the issue of citizen participation? How has the significance/status of deliberative citizen participation in politics developed in recent years? Has there been a shift in perception?

Citizens' assemblies are still discussed controversially, but less controversial than e. g. national referendums. The hope predominates that citizens' assemblies can contribute to overcome the democratic governance deficits. The last citizens' assemblies had a tremendous public attention with hundreds of thousands of social media contributions, thousands of articles and hundreds of TV reports. (see e. g. <https://demokratie.buergerrat.de/presse/pressespiegel/> and <https://deutschlands-rolle.buergerrat.de/presse/pressespiegel/>). Public expectations on deliberative democracy are high, but can easily turn into disappointment if the necessary further developments (described below, see challenges) are not executed.

4.2 Perspectives from society: How is deliberative citizen participation discussed and perceived in society? Is it widely accepted or are there controversial views? What are the positions of relevant civil society actors on the issue of citizen participation? How has the significance/status of deliberative citizen participation in society developed in recent years? Has there been a shift in perception?

When we compare the societal perspectives on deliberative citizen participation of the times of Peter Dienel with today, there is a fundamental change. While he was a “lone voice crying in the wilderness” who might have come too early, an avant-garde, the preparedness of many societal actors to hope for deliberative democracy has grown tremendously. While Peter Dienel, in the board of trustees of “Mehr Demokratie” was a lonely and often silenced voice for deliberative democracy (as he told me), the author of this text and actual member of the board of trustees as Crème de la Crème of direct democracy experiences a completely changed situation: interest, openness and willingness to act to promote deliberative democracy and a combination of deliberative, direct and parliamentary democracy. The distrust of the protagonists of parliamentary democracy and direct democracy against deliberative democracy has largely melted away, while the distrust of parliamentary democracy protagonists against direct democracy has remained.

5. Challenges and Barriers

5.1 What are the challenges that hinder the development of deliberative citizen participation in Germany?

At the moment, the growing market for deliberative democracy processes underlines the great expectations that these democratic tools can overcome deficits in Germany’s democratic decision-making and control system, increase system trust in democracy as such, accelerate decision-making processes and overcome the unpleasant polarization of society. This hype, however, can collapse and turn into a huge frustration, if deliberative processes do not solve some basic deficits, they still carry within themselves. The main deficits concern the start and the end of deliberative processes, while the processes itself meanwhile have been optimized but not standardized. It is absolutely necessary to set binding qualitative standards and to come to a standardization of processes. The election in parliamentary democracy is a model for this: the process is standardized and quality controlled. Deliberative processes need a similar standardization in order to produce a desirable democratic legitimation.

Secondly, it is not yet defined, how deliberative processes should start. Who defines the thematic scope? The client alone? The clients of a couple of citizens’ assemblies deliberately tailored the thematic topics in such a way that the effect was lost. It is necessary to define, who is authorized to tailor the topic. In East-Belgium a sortition-based council decides about topics and then hands over the topic to a citizens’ assembly.

The other deficit concerns how processes end. How binding are the recommendations? Is the public reporting of the clients on the (non-)implementation of recommendations an integral part of the process? Many scholars as well as citizens fear that citizens’ assemblies end up as window dressing and fig leaves. If this fear turns out to be true, citizens’ assemblies will only increase political distrust and dissatisfaction. Only the development of minimum standards

for the start and end of citizens' assemblies will lead to a further institutionalization and implementation of deliberative democracy in parliamentary democracy.

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