

NINE

Local policy processes: economisation, professionalisation, democratisation

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This chapter examines how public policies are designed and implemented at the municipal level. The characteristics of municipal decision-making processes are analysed on the basis of the general institutional setting. The concepts of consociational and competitive democracy are essential to understand variance at the municipal level and to allow a structured comparison of local decision-making processes in the different German *Länder*. In the following, we concentrate on the central modernisation impulses since the 1990s, which can be attributed to two somewhat contradictory trends: economisation and participation. Regarding economisation, we distinguish:

- administrative modernisation through elements of new public management (NPM), in particular the German ‘new steering model’ and ‘new financial management’;
- cost-saving programmes in the context of the current municipal budgetary crisis.

Regarding participation, we focus on:

- amendments of the respective municipal constitutions, in particular, strengthening the role of the mayor and integrating more elements of direct democracy;
- the renaissance of civic participation and the ‘discovery’ of active citizenship, that means the concept of a ‘citizens’ community’.

The guiding question for our analysis concerns the way in which municipal politics takes up these measures, and whether changes in municipal decision-making processes have been brought about. Against the backdrop of these considerations, the last part of this chapter focuses on the further advancement of municipal democratisation.

Local policy processes: a complex institutional framework¹

The approximately 11,300 German municipalities vary enormously in size. While reforms of the municipal territories have reduced the number of municipalities and augmented their size in order to achieve more efficient administration units, these reforms have been carried out quite differently in the German *Länder*. In North Rhine-Westphalia (396 municipalities) and the new *Länder* of the former German Democratic Republic (GDR) (220-907 municipalities) in particular the number of municipalities was reduced. Rhineland-Palatinate (2,306 municipalities), Bavaria (2,056 municipalities), Schleswig-Holstein (1,116 municipalities) and Baden-Württemberg (1,101 municipalities), however, still have a high number of small and very small municipalities.

Municipalities in the legal state structure

As well as the federal state and the German *Länder*, the German municipalities are constitutionally guaranteed (Article 28 II of the *Grundgesetz* [GG], or Constitution) self-governing bodies. As such, they are a separate level in the administrative architecture of the federal state organisation. Judicially, however, they are part of the *Länder* and therefore subject to their regulatory law and decisional authority. The specific configuration of municipal functions, powers and structures is defined by the respective state constitution (*Landesverfassung*) and by the state-authored municipal constitutions (*Gemeindeordnung*). As well as self-administration, the municipalities exercise general state functions delegated to them. These contain mainly tasks in social welfare, public health, economic promotion, transport and public facilities. Hence, the room for manoeuvre to control municipal revenues is extremely limited.

Municipal responsibilities

The municipalities mainly exercise functions of inner administration and general state functions, social welfare, public health, economic promotion, transport and public infrastructure and facilities. As such, municipalities and municipal associations administer a big part of public tasks. On the one hand they exercise functions of the federal state and the *Länder* as lower administrative units (delegated functions according to Article 83 ff GG). On the other hand they can exercise quite a number of self-administrative tasks under their own responsibility, according to Article 28 GG. Those tasks of self-administration can be differentiated between obligatory and voluntary functions. With regard to contents functions of organisation, services and planning can be distinguished (Bogumil, 2005).

Delegated functions

Among the delegated functions are registration, building inspection, foreigners' affairs, civil defence and regulatory law; main tasks include vehicle registration, residence authorisation, passport and registration affairs, foodstuffs control, school supervision and industrial and trade law. In this domain municipalities have no room for manoeuvre in exercising their functions. The functions delegated by the federal state in particular are characterised by a comprehensive directive authority of the state. The controlling authorities (*Länder* ministries, district administration) exercise legal and substantive supervision (Bogumil, 2005).

Functions of self-administration (obligatory and voluntary)

Regarding the self-administrative tasks, obligatory and voluntary tasks have to be distinguished. Table 9.1 summarises the relevant functions of self-administration.

Table 9.1: Functions of self-administration

Voluntary functions	Obligatory functions
Public parks	Municipal streets
Museums	Development plans
Public pools	Building planning
Theatres	Childcare
Sports facilities	Youth welfare
Youth facilities	Housing allowance
Public libraries	School administration
Gatherings for older people	Adult education centres
Economic promotion	Rubbish disposal
Town twinning	Promotion of housing construction

Source: Bogumil and Holtkamp (2013, p 18)

Regarding the self-administrative functions the municipal council is the responsible omnicompetent authority. The state level only exercises legal supervision, supervising if the municipalities are not violating the law in fulfilling their tasks. However, the voluntary part of municipal functions has been constantly diminishing due to the further contraction of already tight municipal budgets and the legal requirements of the European Union (EU), the state and the *Länder* regarding the establishment of equal living conditions (Bogumil, 2005).

Between consociational and competitive democracy

Municipal decision-making processes depend on many independent variables, among which are municipal size, institutional arrangements of the municipal constitutions, local political culture and staff constellations. General characteristics of local policy processes are the dominance of administration, a high interdependence of politics and administration as well as the existence of informal pre-decision committees. Research in general focuses mainly on the institutional arrangements of the municipal constitutions. The link between the decision-making structure (framed by the municipal constitution) and the decision-making processes is beyond dispute and unfolds as the different rules (for example, electoral system, competences of the mayor, elements of direct democracy) change the characteristics of the decision-making processes (Bogumil, 2001).

The other central variable to explain local policy processes has received far less attention: municipal size. In our opinion this has the most important effect on municipal politics – bigger municipalities have complex professionalised decision-making structures, more difficult coordination tasks and a higher conflict potential. But most importantly, the extent of party competition increases equally with the size of the municipality (Ellwein and Zoll, 1982; Hennecke, 1999). In larger rather than in smaller structures politics is separated from the social structures and develops a life of its own. Here, local politics is no longer perceived as an apolitical sphere, in reach of the citizens and not separated from daily societal life. Local politics in smaller municipalities has no sphere of its own. Citizens do not need parties for orientation because they can evaluate the actual situation by themselves or trust the personally

known local dignitaries to judge. In smaller cities, too, local politics mainly has the function of representing different social groups rather than making decisions, as local affairs are perceived as rather technical issues. With increasing size, however, the circumstances become more unclear, the awareness of own political competences decreases, and personal knowledge of local politicians diminishes. In this case, parties exercise an orientation function (Bogumil, 2010).

Thus, it is not surprising, that in North Rhine-Westphalia, with many big cities and few smaller municipalities, party competition has always played a bigger role. Since the 1990s, however, municipal institutions have been subject to reform: municipal constitutions have been amended, the 'new steering model' introduced, elements of direct democracy and other forms of citizens' participation have been fostered, and public services have been liberalised and privatised. Those reforms also touch the role of parties at the local level as there has been a new arrangement of elements of consociational and competitive democracy (Bogumil, 2001). The notions of consociational and competitive democracy here refer only to partisan consociation and competition, meaning the interrelations between political parties. The central difference, also at the local level, is amicable settlement of conflicts for consociational democracy versus conflicts between majority and opposition for competitive democracy (Lehmbruch, 1967). The level of party competition is defined by the degree to which local parties can monopolise municipal politics regarding staff, contents and procedures (Wehling, 1991).

In contrast to the classic notions of comparative government (parliamentarianism, presidentialism), the notion of municipal consociational and competitive democracy does not refer to formal institutions. It is, rather, a tool to describe patterns of behaviour, norms and influences. Municipal consociational democracy is characterised by only marginal party competition of local parliament and mayors in the phases of nomination, campaign and ruling. Nevertheless, the position of the mayor is dominating. Municipal competitive democracy, however, is characterised by a pronounced party competition in all phases and a less influential mayor (Holtkamp, 2008). Especially in the northern *Länder*, but also in other big cities, competitive democracy, existing as such since the 1970s, has come under pressure through increasing elements of consociational democracy. The dominance of parties is declining as the structures of democratic interest regulation are diversifying. Representative decision-making structures are enhanced by direct and cooperative elements (Bogumil, 2010). The two ideal cases of municipal competitive and consociational democracy, with the latter having a more important tradition in the southern *Länder*, can be used to classify decision-making processes.

Nevertheless, since 1945 this trend has rather favoured consociational democracy. But still, in North Rhine-Westphalia, competitive democracy with important party competition prevails, which is not only due to the size of the municipalities, but also due to the different frameworks provided by municipal law in the different *Länder*. The previously mentioned trend will, however, keep stable in small and middle-sized German municipalities. This is not surprising if one takes into account the decreasing size of party members in relation to the considerable number of seats in local parliaments (Holtkamp, 2006, 2008).

Trends and constraints

Direct democracy

Starting in Eastern Germany, a trend to reform municipal constitutions has developed since 1991. The model was the south German Council-Mayor Constitution of Baden-Württemberg, with a directly elected major and citizens' initiatives and referenda. Citizens' initiatives and referenda were implemented in Schleswig-Holstein (1990), Hesse (1993), Rhineland-Palatinate (1993), North Rhine-Westphalia (1994), Bremen (1994), Bavaria (1995), Lower Saxony (1996), Saarland (1997) and Hamburg (1998), following the example of Baden-Württemberg (1956) and the new *Länder*. Since then, details of the municipal constitutions have changed. After 40 years of representative democracy, democratic decision-making has been complemented through elements of direct democracy. While differences still persist, municipal constitutions are experiencing unexpected harmonisation. Since the competence for municipal constitutions lies at the *Länder* level, this is especially notable (Holtkamp, 2005; Gabriel and Walter-Rogg, 2006).

Empirical research on utilisation shows considerable variance regarding the employment of citizens' initiatives and referenda (Rehmet and Mittendorf, 2008). The research centre Citizens' Participation and Direct Democracy of the University of Marburg has collected over 7,000 direct democratic procedures (citizens' initiatives and citizens' and council referenda) over the last 15 years (Rehmet and Mittendorf, 2008) (see Table 9.2).

Independent variables that explain the frequency of utilisation of direct democratic procedures are legal requirements regarding permissible issues and the required quorum of signatures as well as municipal size. Experiences from Bavaria show clearly that lower institutional obstacles increase the frequency of use. As all *Länder* have lowered those obstacles continuously during the last few years, a further increase in use is to be expected; the success rate of direct democratic procedures is about 40 per cent (Rehmet and Mittendorf, 2008; www.datenbank-buergerbegehren.de, 15 March 2012; Bogumil and Holtkamp, 2012).

'New steering model' and 'new financial management'

For a long time German administration used to be seen as exemplary in international comparison. It was the German sociologist Max Weber who described it as prototype of bureaucracy. It has been – and largely still is – characterised through hierarchy, division of labour, fixed competencies and expert training. Local administration in Germany was also framed by these principles. The structure of local administrations was quite uniformly shaped after the plan for administrative structuring developed by the *Kommunale Gemeinschaftsstelle* (KGst, Municipal Association for the Modernisation of Administration) in the 1950s. Local administration was based on a strict division of labour and strong hierarchies (Bogumil et al, 2007).

Since the 1980s, however, this well-ordered administrative organisation has increasingly attracted criticism. It is now seen as being too complicated, expansive and inflexible. Critics asked for a reduction of bureaucracy and more public responsiveness, while, in comparison to other countries, efforts to reform stayed in containable limits. The NPM debate only came to Germany in the 1990s due to German reunification

Table 9.2: Frequency of citizens' initiatives and council referenda by *Länder*

Land	Municipalities	Since	BB	BE	RR	Total/ year	Total/ municipality
NW	426	1994	539	154	9	43.9	1.6
BY	2,057	1995	1,759	995	77	188.7	1.4
HE	426	1993	322	108	0	25.3	1.0
BW	1,146	1956	485	367	91	17.5	0.8
BB	450	1993	102	130	99	19.5	0.7
SN	547	1990	196	131	47	18.7	0.7
SH	1,135	1990	275	126	16	20.9	0.4
ST	1,215	1990	127	155	91	18.7	0.3
SL	58	1997	14	0	0	1.1	0.2
NI	1,201	1996	212	69	2	20.2	0.2
MV	976	1993	77	39	26	8.4	0.1
TH	1,006	1993	86	25	0	6.5	0.1
RP	2,493	1994	134	50	0	11.5	0.1
Total	13,136		4,328	2,349	458		

Source: www.mehr-demokratie.de; authors' own calculations, 2010

Notes: NW = North Rhine-Westphalia, BY = Bavaria, HE = Hesse, BW = Baden-Württemberg, BB = Brandenburg, SN = Saxony, SH = Schleswig-Holstein, ST = Saxony-Anhalt, SL = Saarland, NI = Lower Saxony, MV = Mecklenburg-West Pomerania, TH = Thuringia, RP = Rhineland-Palatinate.

BB = citizens' initiative; BE = citizens' referendum; RR = council referendum.

and the emerging budgetary crisis. The KGst rejected the administrative structure it developed as too bureaucratic, stating that bureaucratic centralism should be replaced by a lean, customer-oriented administration acting more like a company (Banner, 1991). The central claim of the 'new steering model' has accordingly been that the classic bureaucratic steering involved dysfunctional outcomes and that modern concepts of economic management could be successfully transferred to public administration. The now negatively connoted and even caricatured model of centralised and bureaucratic steering was contrasted with a new model of transparent, decentralised and outcome-oriented steering, involving motivation instead of alienation for employees, individual responsibility instead of hierarchy for the organisation, results instead of rules for procedures, and costing or double bookkeeping instead of cameralistics for the budget (Banner, 1991).

Main elements of the 'new steering model' are:

- contract management between the political and the administrative sphere, meaning that politicians content themselves with defining goals while concrete implementation is left to the administration;
- budgeting, meaning the combination of responsibility for tasks and budgets in the different departments;

- output control through a general division of the budget into products and costing;
- installation of a central administrative unit for general steering and controlling tasks.

Furthermore, these new administrative structures are to be fostered by an increased customer orientation and intermunicipal benchmarking processes (Bogumil and Holtkamp, 2013).

Since the 1990s, many municipalities used the ‘new steering model’ as a template hoping to be able to face the emerging budgetary crisis. But only a few years later, quite a few municipalities filed the ‘new steering model’ away. In contrast to the model, local politics still concentrate on detailed intervention (‘how’), not truly integrating the idea of output control (‘what’), which is so central to the ‘new steering model’. Budgeting is only partly implemented because experience showed that too strong a decentralisation of financial responsibility could be disadvantageous to budget consolidation. Furthermore, the development of products and costing used quite a large amount of personal resources, sometimes only to be withdrawn a few years later. For many administrators, the initial reform euphoria soon turned into disenchantment and general scepticism. Only customer orientation has a thoroughly positive assessment. Some elements of customer orientation had already been developed earlier, but through the ‘new steering model’ they diffused widely in the whole republic. Processing of citizens’ inquiries shortened, service quality and customer satisfaction increased. Active complaint management and one-stop agencies for citizens’ concerns were the most successful instruments, and are a matter of course in most municipalities today (Bogumil et al, 2007; Kuhlmann et al, 2009).

During the implementation of the ‘new steering model’ in the mid-1990s, the municipalities used intensive consulting by KGst and management consultancies. As most municipalities did not perceive the advice as useful, this trend decreased strongly in the following years. Consultancy from policy analysis itself is not very common. It mostly refers to participation and direct democracy and to the organisation of the municipal constitutions. There is, however, no systematic knowledge about the extent and effects of this consulting.

Most recently, central elements of the ‘new steering model’ have become legally binding through the new municipal budget law, or *Neues Kommunales Finanzmanagement* (NKF, new municipal financial management). The binding implementation of double bookkeeping or costing was attached to similar expectations as the ‘new steering model’. For the first time, municipal assets and liabilities that were only inadequately integrated in cameralistics have to be systematically integrated into municipal budgets. Furthermore, the municipalities were obligated to implement further elements of the ‘new steering model’ (for example, output control, controlling, reporting). Nevertheless, implementation problems are also present for the second attempt to systematically reform municipal administrations. Regarding management by objectives, for example, decision-makers do not provide clear hierarchies of goals so that measurement of target achievement is very difficult. Moreover, the effects of the ‘new financial management’ are unclear due to transaction costs and selective appropriation by the administrative personnel. Path dependence of formal institutions and informal routines further reduces the impact of binding modernisations (Bogumil et al, 2011).

'Citizens' community'

The 'citizens' community' (*Bürgerkommune*) is among the most popular of concepts in municipal politics – through a higher participation of citizens, local politicians hope to reduce disenchantment in politics in order to foster civic engagement and to diminish severe budgetary stress. The idea of a customer-oriented administration is central to the concept of 'citizens' community', and depends on the conveyance of civic engagement and participation in the municipal planning processes. It thus adjusts the triangle of forces between citizens, administration and local parliaments. While the 'new steering model' focuses mainly on the inner modernisation of administration (except for customer-orientation), the concept of 'citizens' community' is based on a recalibration of the interrelations between politics, administration *and* citizens. The concept is often used, however, but quite differently interpreted and implemented. Nevertheless, five goals are essential to practitioners and scientists (Bogumil and Holtkamp, 2011):

- *Acceptance*: higher satisfaction with local services and projects
- *Democratisation*: higher participation in municipal decision-making processes
- *Solidarity*: support of local assistance networks
- *Efficiency*: relief of municipal budgets
- *Effectiveness*: improved political outcomes with regard to political goals

These ambitious goals are difficult to implement all at the same time. To optimise goal attainment, politicians choose a multidimensional approach that integrates the advancement of citizens' roles as customers, participators and contractors. Regarding the role as contractor, the phases of policy formulation and planning are concerned (for instance, round tables); regarding the role as participators and customers, the phase of policy implementation is concerned. While the role as customer can be understood as the rather passive evaluation of the municipal output (for example, active complaint management, customer surveys), the role as participator is characterised by active co-creation of municipal output (for example, maintenance of sports facilities by associations) (Holtkamp et al, 2006).

These three pillars of the 'citizens' community' contribute, to a different extent, to the above-mentioned goals of the concept. While the role as participator is suitable to foster efficiency (for example, transfer of tasks to associations) and solidarity (for instance, self-help, civic engagement and neighbourly help), the role as contractor is especially appropriate to reactivate local democracy. Thus, if politicians do not want to play the different roles off against each other, all three citizens' roles are to be advanced equally. In order to unfold the maximum possible benefit, a 'citizens' community' has to be founded on four elements (Bogumil and Holtkamp, 2011):

- *Comprehensive policy coordination*: citizens only have limited sympathy for and comprehension of departmental limits and constraints and prefer their problems to be treated holistically. Under ideal circumstances, participating citizens have only one central contact person (for example, a so-called 'citizens' officer') in order to prevent them from having to go through countless municipal officials (one-stop participation). This requires new organisational structures.

- *Participation management*: municipal decision-makers should give thought to the questions, when, where, how and which issues citizens are to be consulted with before using the different instruments inconsiderately. Thus, participation management under equal participation of majoritarian and oppositional factions assures the continuity of the 'citizens' community' regardless of changing political majorities.
- *Delegation of responsibility*: delegation of competencies to the district level increases incentives for citizens to engage in planning and implementation of local policies. Doing so, citizens become aware that their participation determines the results. Free-riding is limited due to higher social control.
- *Cultural change*: collective learning is necessary so that municipal decision-makers approach citizens directly and appreciate their participation as enrichment rather than as a disturbance of their routines or a retrenchment of their competencies.

The concept of a 'citizens' community' has been criticised for being too state-centred. While projects are often initiated by societal actors, participation management can quench initiative and self-reliance, and municipal steering can be perceived as illegitimate interference. As the idea has been explicitly developed as a reform concept for local administrations, the autonomous achievements of actors from civil society are, in many cases, rather untended (Bogumil and Holtkamp, 2013).

Another challenge for the implementation of a 'citizens' community' is the tight financial situation of many municipalities. Research shows that in North Rhine-Westphalia, with a very tight budgetary situation, far less possibilities for participation can be implemented than in Baden-Württemberg, where the financial situation of the municipalities is more relaxed.

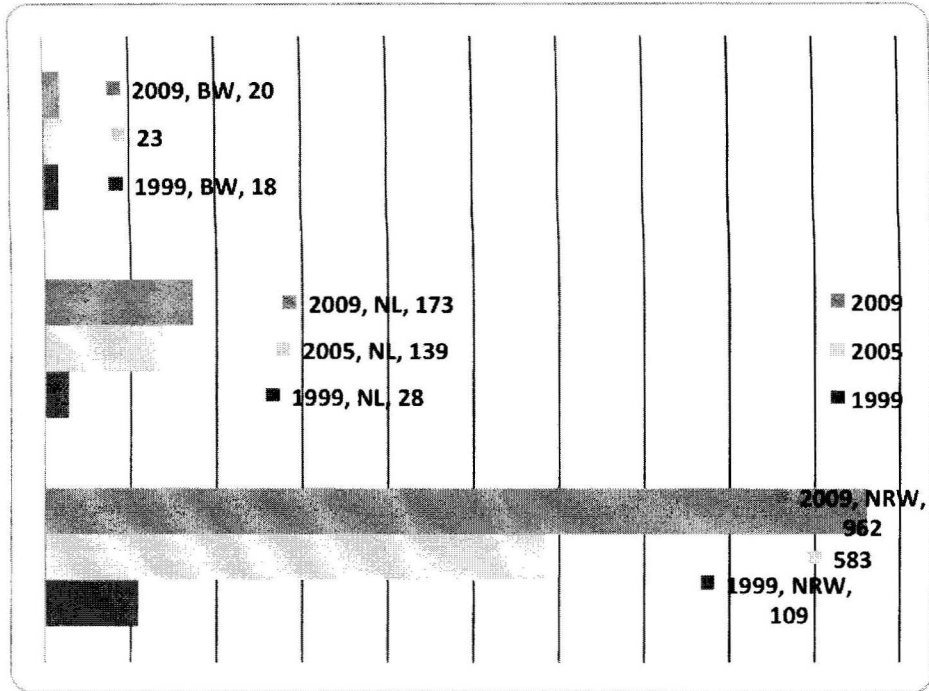
Limited financial room for manoeuvre

A high number of German municipalities are now experiencing severe budgetary crisis. The continuous compensation for financial shortfalls through borrowing (called 'liquidity protection credits' since the introduction of double bookkeeping) has even become a mass phenomenon. From 1997 to 2009 the total amount of those cash credits increased by more than six-fold, from €5.2 billion to €40.5 billion. This extreme progression is classified as the biggest problem of municipal budgetary policy (Boettcher and Junkernheinrich, 2009).

However, not all municipalities are equally concerned by the budgetary crisis. Some have managed to balance their budgets without credits, even in times of adverse economic development. Regardless of the average rising indebtedness, the budgetary situation of the German municipalities is characterised by considerable variance. The German *Länder* are not concerned to the same extent. While in North Rhine-Westphalia municipalities have used cash credits for years, the municipalities in other *Länder* have not been struck by severe budgetary stress. The allocation of cash credits per inhabitant shows that municipalities in Baden-Württemberg do not have significant financial problems. Even municipalities in the five *Länder* of the former GDR have only quite low cash credits per inhabitant. The most difficult situation can be found in North Rhine-Westphalia and Rhineland-Palatinate. Nearly half of all cash credits, meaning nearly €20 billion, are accumulating in the municipalities in North Rhine-Westphalia. But even there cash credits have been quite unequally allocated,

with the municipalities from the Ruhr area deviating from the other municipalities to an important and increasing extent since the turn of the millennium (Holtkamp, 2010) (see Figure 9.1).

Figure 9.1: Cash credits per inhabitant (€) in North Rhine-Westphalia (NRW), the new Länder (NL) and Baden-Württemberg (BW)



Source: Junkernheinrich and Micosatt (2008); Holtkamp (2012)

Causes for the tight budgetary situation are manifold, and the literature distinguishes exogenous (socioeconomic and demographic situation, structure of urban development and municipal capital and resources) and endogenous (institutional and actor-centred) causes (Bogumil et al, 2011).

- *Socioeconomic situation*: the situation of the local economy and population is the basis for the municipalities' financial situation. While the performance of local businesses is vital for the revenue side (for instance, from taxes and fees), the social structural circumstances of the population (for example, education, income, unemployment) has a big influence on (social) expenditure.
- *Demographic situation*: population decrease in particular can open out into financial problems as expenditure on infrastructure cannot be decreased proportionally to the decline in population. This is especially relevant for bigger cities with an accordingly extensive supply in infrastructure.
- *Structure of urban development*: urban areas provide a considerable range of functions and services for the periphery. Those are usually cost-intensive and come along

with high expenditure regarding social security, culture and recreation, public transport and street maintenance as well as environmental protection.

- *Municipal capital and resources*: the distribution of functions and expenditure between *Länder* and municipalities as well as municipal financial equalisation influences the indebtedness of the municipalities. There is probably a high variance depending on the different *Länder*. Furthermore, the credits of *Länder* and respective municipalities are like communicating pipes, so that municipal indebtedness might also depend on the indebtedness of the respective *Land*.
- *Institutional variables*: fiscal law and the shifting of functions as well as emergency budget regimes are possibly limiting the scope of municipal action. The municipal oversight might interfere and demand a budget consolidation concept or the appointment of a so-called 'savings commissioner'. Research shows that the depth of engagement varies considerably between the *Länder* (Geißler, 2009; Timm-Arnold, 2010).
- *Actor-centred variables*: among the actor-centred variables are the governing party and the difference between consociational and competitive democracy. While change of power has not proved to have had a significant effect on municipal debt (Gabriel et al, 1994; Wagschal, 1996; Holtkamp, 2000), consociational and competitive democracy are connected with another hypothesis. While in consociational contexts efficiency might play a bigger role, in competitive circumstances with high party competition, efforts for consolidation are expected to be less consistent (Holtkamp, 2010; Timm-Arnold, 2010).

To sum up, the municipal financial situation is a result of a complex interaction of exogenous parameters, endogenous preconditions and decisions in the municipality. The respective shares of the different factors are currently being scrutinised in a project funded by the German Research Foundation and led by Jörg Bogumil, Lars Holtkamp, Uwe Wagschal and Martin Junkernheinrich (www.sowi.rub.de/regionalpolitik/forschung/Haushaltsdefizite.html.de).

Summary and perspectives

All in all, ambivalent trends are observable at the municipal level, which refer to the known effectiveness–legitimacy dilemma. On the one hand economisation at the municipal level increases. On the other hand there are clear trends of democratisation. Research on local politics has generally focused on problematic developments in the municipalities. In the face of budgetary crisis, the interference of budgetary authorities and privatisation, several authors have stated a massive loss of municipal freedom of action or even the end of municipal self-administration (Wohlfahrt and Zühlke, 2005). It is indeed true that some municipalities, as, for example, in North Rhine-Westphalia, have been limited in their options for action due to the budgetary crisis. It is also correct that the federal state and *Länder* have significantly pushed this negative trend by shifting financial problems and costs to the municipal level. However, this alarmist perspective ignores the persisting advantages and functions municipal self-administration is still exercising for the political system of the Federal Republic of Germany and which can partly be used in spite of difficult circumstances.

In the light of a growing disenchantment with politics and politicians, and an increasing scepticism towards a purely representative democracy, especially at the

local level, new forms of democracy can be implemented. To a certain extent the democratic deficits on the federal level can be compensated (Dahl, 1992, p 33; Crouch, 2004, p 145; Vetter, 2011). Furthermore, municipal self-administration is an important experimental ground. Municipalities are currently putting new offers for participation and forms of democracy to the test that the federal state and *Länder* can learn from.

The problem remains that input and output legitimacy only seldom increase at the same time. But with a 'citizens' community' and a committed civil society it seems at least locally possible to generate a sufficient democratic legitimation to accommodate the tight municipal room for manoeuvre. Taken as a whole, these functions of municipal self-administration support the idea of more democratic experiments for municipally implementable reforms as well as for those that are only performable at a higher level.

On the basis of this discussion we propose additional possibilities for further democratising bottom-up democracy (Bogumil and Holtkamp, 2013).

- *Extension of presidential democracy*: a perspective of output legitimacy could favour the promotion of consociational democracy in those *Länder* with a rather competitive tradition such as North Rhine-Westphalia. The municipal constitutions could assign more legal competencies to the mayor so that he or she can act more independently from the majorities in the local parliaments. Furthermore, vote splitting between political parties would foster personalisation of electoral law and diminish party discipline and disputes between the majority and opposition. This way mayors could more easily organise their majorities in local parliament to break up political blockades, in particular, in cohabitational constellations.
- *Professional democracy*: parliamentary seats and faction leadership are strictly defined as honorary activities and can therefore not be formally regarded as a profession. Nevertheless, especially in cities with more than 100,000 inhabitants, processes of informal professionalisation of local politics can be observed (Reiser, 2006, p 61). These are fostered on the one hand by posts in partly privatised municipal enterprises or, on the other hand by corporations (such as housing companies, welfare organisations or construction companies) that are interested in having a council member in their midst (Reiser, 2006, p 167). But informal professionalisation is linked to a strong lack of transparency and partly with political corruption. It seems to make sense to increase parliamentary allowances considerably, especially for faction leaders in big cities. Considering the budgetary crisis, this stronger professionalisation could be financed by a measurable reduction in the number of parliamentary seats.
- *Gender democracy*: women are still under-represented in local politics in Germany, reflecting the diverse structures of inequality and discrimination. The French case shows that gender parity can easily be achieved, on the condition that appropriate institutional parameters are enforced (Holtkamp and Schnittke, 2010). In Germany the advancement of women is institutionally still underdeveloped. Only some parties have prescribed female quotas for the municipal level with, however, only limited impact, especially in smaller municipalities (Holtkamp and Schnittke, 2010). Legal candidate quotas might be an adequate corrective.
- *Democracy by lot*: from 1996 to 2012 municipal voter participation has decreased from 71 to 49 per cent in the 'old' *Länder* (of the Federal Republic of Germany), while voter participation at the federal level has remained constant. Nearly half

the population does not participate in municipal parliaments, without identifiably hampering the work of the political parties. One possibility in reacting to these challenges could be to recruit an equivalent part of local parliamentarians by lottery from the registers of the local residents' registration office. Equivalent to empirical social research an albeit smaller random sample is drawn to guarantee a recruitment independent from political parties. By doing so, citizens characterised by disaffection with politicians and parties could be more easily included. First experiences with democracy by lot show that drawn citizens show a high orientation towards public and social goods (Leggewie, 2011, p 164) and take their role as representatives of the citizenship very seriously.

Decision-makers should consider the variance between municipalities regarding their institutional and socioeconomic structures while implementing these reform options (see Table 9.3).

Table 9.3: Types of bottom-up democratisation

	Goals	Relevant for
Presidential democracy	<ul style="list-style-type: none"> - Democratic control and responsivity through voting out - Diminish blockades in the case of cohabitation 	All municipalities
Professional democracy	<ul style="list-style-type: none"> - Reduction of corruption - Increased capacity to act by a weaker fragmentation of parliaments 	Big cities
Gender democracy	<ul style="list-style-type: none"> - Gender parity - Renewal of political parties - Cooperative leadership 	All municipalities except the very small ones
Democracy by lot	<ul style="list-style-type: none"> - Participation of non-organised citizens - Incentive for parties to foster participation 	Small and middle-sized municipalities

Source: Bogumil and Holtkamp (2013, p 212)

There is no single best way to democratise democracies, but municipalities can be an experimental ground to try out different forms of democracy. Where else can democracy be tested if not in municipalities characterised by a relatively strong proximity to their citizens and only limited risks of a potentially too strong democratisation? The limited room for manoeuvre of the municipalities, their inclusion into federal coordination processes and common standards of service supply do not have to be interpreted detrimentally. They allow a quite low-risk democratisation on little questions and the direct environment of citizens in contrast to general standards in social and environmental policy or civil rights.

Note

¹ See Gunlicks (1986) for a comprehensive but unfortunately not completely up-to-date overview in English.

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