# Local Opportunity Structures for Planning-related Protest in Major German Cities

# Helyi lehetőségstruktúrák a tervezéssel kapcsolatos tiltakozások számára német nagyvárosokban

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KEYWORDS: protest; political opportunity structure; local initiative; referendum; borough

ABSTRACT: Urban development in Germany is often challenged by civic protest. This is despite mandatory participation at an early stage of the planning process, a variety of democratic participatory innovations, which differ from one federal state to the other, and informal formats of participation applied at the local level. There is a growing acceptance that protest is a normal form of participation and that planners must extend their repertoire accordingly. In order to identify a typology of planning-related protest based on correlations between different aspects of its framing, its course of action and the planning process to which it relates, the authors undertook a comprehensive survey in major German cities. In this paper, they try to establish, which relations exist between such protest, borough-level representative bodies and direct democratic procedures. Representative bodies and referenda are seen as parts of a local planning-political opportunity structure, a theoretical framework built on Eisinger's political opportunity structures. This approach remains of great relevance to explain political protests and social movements, and helps to understand the different effects and uneven effectiveness of protest in varying contexts.

The paper presents preliminary results from the statistical analysis of the authors' own database created through protest data mining of newspaper archives, online petitions and other public databases along with quantitative analysis of a public database on local initiatives and referendums. It found substantial but uneven levels of support amongst borough-level representatives for civic protest, and correlation between such support and protest effectiveness. The variation can partly be explained with uneven powers, density of representation and modes of election of sub-local councils. There are large differences with regard to the frequency of initiatives that seek a referendum, which reflect different thresholds and restrictions for direct democracy that are established at state level. Nevertheless, activist groups have used referenda to change or even stop unpopular urban projects, to popularise their own agenda and force decision-makers to prioritise alternative visions for urban development. In some cases they also managed to influence spatial planning's own political opportunity structure.



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KULCSSZAVAK: tiltakozás; politikai lehetőségstruktúra; helyi kezdeményezés; népszavazás; kerület

ABSZTRAKT: Németország városainak fejlesztését gyakran nehezítik civil tiltakozások. Ez annak ellenére alakul így, hogy a tervezési folyamat korai szakaszában kötelező a részvétel biztosítása, amit az egyes szövetségi államokban különböző demokratikus részvételi újítások és helyi szinten alkalmazott informális részvételi formák is kiegészítenek. A tiltakozás mint a részvétel normális formája egyre elfogadottabb, és ebből adódóan a tervezőknek is szükséges bővíteniük az eszköztárukat. A tanulmány szerzői azzal a céllal végeztek átfogó felmérést Németország nagyvárosaiban, hogy – keretezésük, cselekvési irányaik és az érintett tervezési folyamatok közötti korrelációkra alapozva – azonosítsák a tervezéssel kapcsolatos tiltakozások típusait. Arra próbálnak választ találni, hogy milyen összefüggések vannak a tiltakozás, a kerületi szintű képviseleti testületek és a közvetlen demokrácia eljárásai között. A képviseleti testületek és a népszavazások a helyi tervezési-politikai lehetőségstruktúra részeiként értelmezhetők. Ez az elméleti keret Peter K. Eisinger politikai lehetőségstruktúra négzelmár épít, mely továbbra is nagy jelentőséggel bír a politikai tiltakozások és társadalmi mozgalmak kutatásában: segít megmagyarázni a tiltakozások különböző feltételek között mutatkozó eltérő hatásait és egyenetlen hatékonyságát.

A tanulmány a szerzők saját adatbázison alapuló statisztikai elemzésének előzetes eredményeit mutatja be. A tiltakozások adatbázisát újságarchívumok, online petíciók és más nyilvános adatbázisok felhasználásával, továbbá egy helyi kezdeményezéseket és népszavazásokat tartalmazó nyilvános adatbázis kvantitatív elemzésével hozták létre. A kutatás a civil tiltakozások jelentős, de egyenetlen mértékű támogatását állapítja meg a kerületi képviselők körében, és összefüggést mutat ki e támogatás és a tiltakozások hatékonysága között. A különbségek részben az egyenetlen hatalmi viszonyokkal, a képviseletek eltérő sűrűségével és az alacsonyabb szintű tanácsok választásának változó módozataival magyarázhatók. A népszavazási kezdeményezések gyakorisága terén mutatkozó nagy különbségek a közvetlen demokrácia gyakorlása kapcsán, szövetségi államok szintjén megállapított küszöbök és korlátozások eltéréseit tükrözik. Ennek ellenére, az aktivista csoportok a népszavazásokat használják a népszerűsítésére. Arra kényszerítik a döntéshozókat, hogy alternatív városfejlesztési víziókat részesítsenek előnyben. Egyes esetekben pedig sikerül befolyásolniuk a térbeli tervezés politikai lehetőségstruktúráját is.

#### Introduction

For almost two generations, western democracies have considered citizen participation at municipal level as an appropriate means for successfully dealing with what were regarded as growing problems of representative democracy: 'unauthorised' demonstrations, occupation of buildings that were earmarked for redevelopment, and other forms of citizen protest (cf. Klages 2015). In particular since the 1990s, Germany has introduced and imported a number of democratic participatory innovations, including referenda at the local level, participatory budgeting and informal formats of participation, and – more recently – various

forms of e-participation (cf. ibid; Kersting 2017, 2021). Yet, if anyone thought this would put an end to civic protest, they have certainly been wrong.

In order to create an empirically sound basis for a stronger integration of the protest perspective into planning theory, the authors examined civic protest in local spatial planning in eight of Germany's largest cities. Berlin, Hamburg, Munich, Cologne, Frankfurt am Main and Stuttgart ranking 1st to 6th in terms of population, and the two largest cities of the former GDR, Leipzig and Dresden, ranking 8th and 12th respectively were investigated. The research project, which covered a 16-year period (2005-2020), was based on a broad concept of planning. In addition to local spatial planning with municipal/urban sectoral planning and land law, it also includes contributions to spatial development by urban policy actors (cf. Bertram, Altrock 2020). It was limited to local planning protests, i.e. protests that are located in a city and where the municipality (or the city-state in the cases of Berlin and Hamburg) is an object of protest; or the addressee is a local legal entity (e.g. a company); or the reasons and/or demands relate to local policies, plans and other norms, situations, institutions, procedures or their intended change.

The project identifies a typology of planning-related protest based on correlations between different aspects of protest framing, its course of action and the planning process to which it relates. For this purpose, the authors carried out protest data mining (PDM) combining an extended protest event analysis (PEA) and internet analysis, using newspaper archives, online petitions and other public databases (cf. Bertram, Kienast 2023). PEA was developed and used during the 1990s to record and analyse supra-local protests in the Federal Republic of Germany (cf. Rucht 2001) but was adapted for this study as PEA's emphasis on individual protest events is unnecessarily detailed for planning research (Bertram 2019). Instead, this study understands each protest as a continuum as long as there are no significant changes to the reason for the protest (e.g. the completion of the project being protested against) or deliberate changes to its central content. The project's code sheet comprises 41 items that characterise the protests, including information on the carriers of protest, their framing and actions, planning process, outcomes and interactions. So far, the research has yielded 3,249 datasets across the eight cities.

In addition, third-party data from a study by political scientists from universities of Wuppertal and Marburg were used to deepen the understanding of the effects of popular initiatives at the local level (*Bürgerbegehren*) on local political opportunity structures (POS).

This paper tries to answer the question, which relations exist between planning-related protest and two specific elements of local political opportunity structures: the borough-level representative bodies and the direct democratic procedures at local level. The paper formulates hypotheses about the effects of these POS on the formation of planning-related protest, compares the effectiveness of protest within these opportunity structures, and attempts to explain the differences between cities. It first presents parts of the theoretical framework for the analysis of the local planning-specific political opportunity structures in which protest takes place. The next section summarises the state of research on local democratic structures and plebiscitary elements in Germany, pointing out the differences between the legal frameworks of the federal states where the major cities are embedded. The paper then presents preliminary results from the statistical analysis of the authors' own database of planning-related protest along with quantitative analysis of a public database on *Bürgerbegehren* and referenda. At the end, some conclusions are drawn and suggestions for further research are made.

## Theoretical framework

#### Political opportunity structures

Since the 1970s, various authors described protest as a political action that arises not from an irrational affect, but from strategic considerations of the opportunities and risks of such engagement. Alongside resource mobilisation and framing, the notion of POS as part of a political process model, first formulated by Eisinger (1973), is still one of the dominant theories in movement research today (Opp 2009). In contrast to resource mobilisation, which focuses on factors internal to the movement, the political opportunity structure approach uses external conditions to study the genesis and development of protest, though in later versions recognises that protest activities may indirectly influence their POS (Kitschelt 1986). Unlike earlier theories, however, it is not about a quasireflexive emergence from social conditions, but about a context for the (rational) action of groups and individuals, from which constraints and possibilities for action, but also potential efficacies of movement action emerge.

The basic model is that external conditions determine the chances of success for protest and that individuals decide to engage in collective political action when success is foreseeable or the incentives for protest action are great enough. Though more implicit than in later approaches, even Eisinger not only observed opportunities but also obstacles and risks (cf. Pollack 2000). POS are mostly regarded as objectively given, but some authors focus on the subjective evaluation of the chances of success by the protesters (e.g. Koopmans 2005).

The relationship between political opportunity and collective political protest action (Figure 1, link 1) arises from the fact that opportunities, together with other factors (2, 6), constitute incentives for individual political action (3a), at least for individuals for whom such incentives already existed beforehand (3b). Accordingly, an indirect effect is created which increases the probability of

political action, which can also lead to a merger (4). Other factors such as resources (McCarthy, Zald 1973) and reactions to the protest (Kriesi 1991) will also affect the incentives or risks towards political action (6). According to Koopmans (2005), agency reacts to structure in an evolutionary manner. As long as political action is not suppressed, there will likely be a wide variety of protests, whose demands and repertoire will change over time and respond to the benefits and sanctions emanating from the POS.



Source: authors' illustration based on Opp (2009, 165).

There has been much debate on what may be considered as part of POS. This can be the stability or divisiveness of elites, the presence or absence of allies among elites, conflict structures, access to the formalised system of political decision-making or repression, chances of success with and without political action, prevailing strategies in dealing with challenges and the configuration of power (Koopmans 2005; Kriesi 1991; Pollack 2000; Tarrow 2012). Kitschelt (1986) differentiates between procedural impact or success (opening of new channels of participation and recognition of protest actors), substantive impact (inducing change in public policies) and structural impact (modifications of the POS itself). Zooming in on POS, Kriesi (1991) distinguishes three aspects: formal institutional structure, informal procedures and prevailing strategies with regard to challengers, and the configuration of power that is relevant for the conflict. Formal institutions include both political input and output structures.

The degree of opportunity described by such dimensions is by no means equated with the emergence of the protest. Eisinger already assumes that not only strongly closed systems prevent protest due to repression, but also extremely open ones tend to assimilate civic political activities. These also prevent protest. In this respect and in a simplified model, a curvilinear relationship is assumed: protest movements benefit most from an intermediate degree of openness or, more precisely, from the simultaneity, indeed the juxtaposition and succession of openness and closure (Figure 2). Although, the figure illustrates the abstract idea rather than a tool to measure a society's or locality's openness or closure, a comparative study of Kriesi (1991) shows that Germany is the second most open among four Western European democracies, with its general setting being characterised as "formalistic inclusion" of citizens.



Source: authors' illustration based on Opp (2009, 163).

#### Local planning-specific political opportunity structures

Within local spatial planning and its scientific investigation, a contextualisation of planning processes by external framework conditions is common. The POS approach is therefore amenable to a planning-scientific investigation and has been further developed into a local planning-specific political opportunity structure (LPPOS; Bertram 2019).

However, there are clear differences to protests at the national level. Local governance is characterised by the participation of different actors in political negotiation processes. Thus, the distance between (potential) protest subjects and objects is relatively small. Most primary planning actors are based at the local planning administration and are thus initially experts acting independently of politics. However, they work within a complex interaction with political decision-makers recruited mainly from laypersons and volunteers. Local spatial planning and its responses to protest are also dependent on the limited

capacities and resources of the primary planning actors. These conditions limit the planning and municipal leeway to act in general as well as in the political competition with protest actors.

As an essential modification of Eisinger's POS, LPPOS is an analytical framework explicitly designed to study specific factors affecting the likeliness of protest in local governance. Only contextual factors that show the disposition of local spatial planning, the local political system and other local actors for protest actions are considered part of the LPPOS. The concept combines factors close to and distant from protest as well as obstacles but excludes framework conditions beyond planning or urban policy regulation in order to be able to depict local multi-level politics and its range of actors. Particular attention is paid to the competing participation strategies that the protest actors could choose instead of the protest strategy. These depend on e.g. the kind of "invited" public consultation in the particular planning procedure (if already started), the formal and informal arenas for debating local issues such as sub-local elected bodies and the availability of direct democratic procedures like Bürgerbegehren and referenda. Yet, LPPOS are embedded in a multi-scalar application of POS. In this respect, there is still a more general, superordinate POS beyond the planning-related LPPOS.

In the context of urban planning, some of these aspects are preconfigurated by e.g. municipal codes and the national political system, but also by local implementation and planning culture (cf. Knieling, Othengrafen 2009; see below). For instance, the national building law provides for public participation within the planning procedure in statutory land-use planning, but there are significant differences in the municipalities' implementation.

## LPPOS in major German cities

## Urban governance in the Federal Republic of Germany

According to the German Basic Law, municipalities are part of the administration of the respective federal state (Land), but their right 'to regulate all local affairs on their own responsibility' is guaranteed (Article 28 (2) sentence 1). Since the term 'local affairs' is interpreted broadly and includes sovereignty of local planning with compulsory municipal tasks such as the provision of school buildings and day-care facilities as well as voluntary tasks such as the maintenance of sports facilities and cultural institutions, social affairs, transportation and recreational facilities, local planning must secure spaces for all of them.

When exercising their planning powers, all municipalities are obliged to follow the Federal Building Code, which requires to involve citizens at an early stage of the planning process. While this is part of the superordinated POS, the LPPOS includes other formal institutions and regulations as well as informal procedures shaped by municipal politics and local planning policies. The influence of the federal states is particularly evident in the distribution of powers between the city council and decision-making bodies at borough level, in the standardisation of participation forms and the elements of direct democracy. Berlin and Hamburg are special cases in this regard, as they are acting both as states and as municipalities (*Kommunen*). Within this framework, local politics and city administrations have room for manoeuvre where optional provisions allow more or less delegation of decisions to the lowest level, more open or more closed forms of participation. While some municipalities do not even properly implement standard procedures (Decker, Selle 2023), other cities have introduced supplementary participation steps.

#### Borough-level representative bodies in eight German cities

The German Basic Law stipulates that people must have freely elected representation in each *Land*, county and municipality (Art. 28 para. 1 GG). The federal state's municipal ordinances, however, differ significantly with regard to sub-local representation, while agreeing on their limited tasks in relation to the municipal council (cf. Kamiya 1992). Still, borough committees differ in their names, sizes, rights and financial resources. The overview of the eight major cities studied in this research also shows differences in graining (Table 1). The boroughs of the city-states Berlin and Hamburg reach the size of a large city themselves, while the boroughs of Munich only compare to a medium-sized city. Accordingly, it can be assumed that the members of Munich's borough committees are able to devote more time to individual local development projects and are more familiar with the respective localities and situations. This applies even more to the smaller cities.

Another important criterion for assessing the LLPOS at borough level is the so-called 'density of representation', i.e. the relationship between the number of inhabitants and the number of elected representatives (cf. Sebaldt 2009). Though different in size, the density in Berlin and Cologne is near equal (about 6,000 inhabitants per councillor). For the other cities, determining the density of representation is more complex, as the number of representatives varies – in some cases considerably. Due to the lower average population of the Stuttgart, Leipzig and Dresden boroughs, a high level of representation can be assumed. However, this does not automatically mean that citizens have more say. The value of representation at borough level also depends on the power of their political output structures.

The boroughs in the city-states Berlin and Hamburg and their elected bodies have much more responsibilities including building, housing and land administration. Berlin's boroughs' rights are even similar to other Länder's municipalities (cf. Deutelmoser 2000). Although a reform in 2006 gave Hamburg's

Federal state	Berlin	Hamburg	Bavaria	North Rhine- Westphalia	Hesse	Baden- Württemberg	Saxony	бис
City	Berlin	Hamburg	Munich	Cologne	Frankfurt am Main	Stuttgart	Leipzig	Dresden
Population	3.7 million	1.8 million	1.5 million	1.1 million	760,000	625,000	600,000	555,000
Rank	1	2	£	4	5	9	ø	12
Number	12	7	25	6	16	23	24	19
of boroughs								
Average borough	306,500	265,000	59,500	119,000	47,500	27,000	25,000	29,000
population								
Elected bodies at	Bezirks-	Bezirks-	Bezirksausschuss	Bezirksvertretung	Ortsbeirat	Bezirks-	Stadtbezi	Stadtbezirksbeirat
borough level	verordneten-	versammlung				beirat	& Ortschaftsrat	haftsrat
	versammlung							
Number	55	45-57	15-45	19	9-19	9-22	8-11	6-25
of members								
Powers	Local	Delegated	Decisions of local	Decisions of local Decisions of local	Right to be	Right to be	Right to be heard, right to	eard, right to
	autonomy	powers that	nature,	nature,	heard, right to	heard, right	proposal, ma	proposal, maintenance of
		can be	delegated	delegated	proposal	to proposal	municipal buildings (except	ldings (except
		withdrawn	powers, right to	powers, right to			schools), prioritisation of public	isation of public
			be heard, right	be heard, right			works	rks
			to proposal	to proposal				
Budget	Significant	Significant	Significant	Significant	Small	Small	Small	Small
Supporting administration	Yes	Yes	Yes	Yes	No	No	Partly	Partly

borough assemblies more room for manoeuvre, they are still not granted their own budgetary sovereignty (Fraude, Lloyd 2010), and the senate is empowered to override resolutions of the borough assemblies if citywide interests are affected. In urban planning issues, 'urgently needed housing construction' is often cited as a justification for the so-called 'evocation' of decisions.

In the six other cities, borough committees can only recommend on statutory land-use plans and decisions are made by the city council. Yet, the actual competences vary. The borough committees of Germany's third-largest metropolis, Munich, can at least take decisions "on a case-by-case basis as to how [local places] should be designed and where [public] facilities are lacking" (LHM 2023). In Cologne, Germany's fourth largest city, the borough councils may only decide in matters such as the maintenance and equipment of schools, social and cultural facilities, the protection of historical monuments and work on existing roads, paths and squares (Municipal Ordinance for North Rhine-Westphalia §37). Hence, their say in planning is even more limited. In accordance with the Hessian Municipal Code, elected local advisory councils in the city of Frankfurt am Main "must be consulted on all important matters affecting the local borough" but they only have "the right to make proposals [... and] to comment on questions submitted to them by the municipal council or the municipal executive board".

Stuttgart, Leipzig and Dresden are all characterised by a dualism of borough and locality (*Stadtbezirk* vs. *Ortschaft*; Schwarz 2007). The two forms of administration differ both in terms of political decision-making and the possibilities for exerting influence: while locality councils (Ortschaftsräte) are elected, the members of the borough committees (*Stadtbezirksbeiräte*) are "appointed" by the municipal council. While the locality councils have been granted decision-making rights regarding "public facilities whose significance does not extend beyond the local area", the borough committees are limited to consultation and proposals, and their meetings are chaired by the mayor or a person whom he appoints (Eberwein 2021). Despite similar municipal ordinances, there is even more variation. Stuttgart is divided into five inner and 18 outer boroughs, each of which has its own borough committee, but borough administrations were only established in the outer boroughs. In the Saxon cities of Dresden and Leipzig, only the areas that were already part of the cities before 1990 were divided into city boroughs. Neighbourhoods that were incorporated later are governed by locality councils.

These conditions show how differently the municipal constitutions are organised and how opening clauses can lead to different LPPOS between the cities within a federal state. From a localist point of view, elected bodies at borough level strengthen the representation of citizens in the political system and therefore lead to greater openness for public participation. Hence, citizens equipped with the opportunity to elect sub-local representative bodies that often even allow for citizens' question time and petitions would in theory have less need to engage in risky protest participation. However, an overview of these bodies in Germany shows that they often have a very limited competence and capacity, which might lead to a low public reputation and the estimation of not being well represented.

### Elements of direct participation in Germany

Due to the bad experiences in the Weimar Republic, the German Basic Law avoided plebiscitary elements (Wehling 2010). However, some federal states provided for referenda from the outset. In the 1990s, the other states introduced plebiscitary elements too and soon referenda at municipal level were allowed as well (Mehr Demokratie e.V. et al. 2023). While there are also other kinds of petitions in German cities (Hadžić 2023; Lübking 2017), Bürgerbegehren (literally meaning 'citizen desires') that are basically formalised applications to hold a referendum, give citizens the opportunity to address their demands to their elected representatives. Such an application is only considered if a minimum number of supporters is reached and therefore requires mobilisation. Firstly, a quorum of signatures must be met to prove that the initiative has sufficient support to justify a citizen referendum (Bürgerentscheid) where all citizens may vote on the subject brought forward. For the referendum to be effective, a higher minimum turnout must be achieved. This must not be confused with the council referendum (Ratsbürgerentscheid) some federal states have introduced. Such referenda do not result from citizens' initiatives but are submitted to the citizens for a vote by council resolution.

Between 1956 and the end of 2022, throughout Germany, there have been almost 7,500 *Bürgerbegehren* (Mehr Demokratie e.V. et al. 2023). As most of their claims are subject of spatial development policy, a large proportion of the *Bürgerbegehren* can also be understood as planning protests. Local referenda differ with regard to the topics that are deemed admissible and the minimum number of supporters that are necessary to initiate and decide on a referendum (Table 2). In Bavaria and Hamburg, particularly user-friendly regulations were pushed through by means of referenda at state level (cf. Brandt 2014; Kost 2013). The small proportion of *Bürgerbegehren* related to land-use planning is in part due to land-use planning being excluded from referenda. In Bavaria, Saxony and the city-states of Berlin and Hamburg, local initiatives on land-use planning are generally permitted. In Baden-Württemberg, Hesse and North Rhine-Westphalia, local initiatives can only intervene in land-use planning at a very early stage by demanding that the decision which initiated the procedure is corrected (Rehmet 2022).

Signature quorums for *Bürgerbegehren* at city level vary between 2% in Hamburg and 5% in the Saxon cities. In Berlin and Hamburg, a distinction must also be made between instruments of direct democracy at borough and city-state level (*Volksbegehren*), for which higher quorums apply (see information in brackets). In Cologne, citizens may also direct *Bürgerbegehren* at borough assemblies and quorums differ depending on the borough's size. In Stuttgart, initiatives need to collect 20,000 signatures; therefore, the quorum decreased with population growth. In Berlin, Munich and Cologne, for a referendum to be approved, an initiative must garner the support of 10% of those eligible to vote. The quorum for approval is 15% in Frankfurt, 20% in Stuttgart, and even 25% in the Saxon cities of Leipzig and Dresden. In Hamburg, the majority of valid votes cast decides without an additional quorum (Table 2).

Giving people the right to bring forward their claims and cast their votes not only on representative bodies but also on material decisions is often perceived as greater openness and therefore leading to a reduction of protest activities. However, if these plebiscitary elements are too limited by quorums and exceptions, they are likely to be less effective for citizens to influence decision-making and other protest strategies will be preferred. More so, instead of channelling public contention, direct participation might become a vehicle for protest. Both quorums and the restrictions on the permissibility of land-use planning as a topic for referenda may help explain the differences between the numbers of *Bürgerbegehren* that have been started, and those that succeeded in forcing a referendum, in each of the cities. The lower the quorums, the fewer the restrictions, the more one would expect protest actors to use these opportunities to press their claims.

In the two city-states, however, LPPOS are not so straightforward as low quorums for *Bürgerbegehren* are relativized by top-down configurations of power between state-level government and elected borough structures. In Hamburg, senators can override *Bürgerbegehren* against urban land-use planning at borough level. In Berlin, in some matters, *Bürgerbegehren* can only recommend or request. In both cities, the senate can assert an 'urgent overall interest' and draw up statutory land-use plans itself. Thus, although both city-states are among the states where *Bürgerbegehren* can call planning into question, it often feels as if this instrument gets knocked out of citizens' hands (cf. Gardiner 2014). In Hamburg, this has led to various attempts to make referenda binding (see Altonaer Manifest 2014; Mehr Demokratie e.V. 2021) and thus, the opportunity structure itself became the subject of civic protest.

Meanwhile, in the other major cities, *Bürgerbegehren* are generally directed at the city council. Here, the potential effect of such an initiative is greater. If it succeeds in triggering a positive decision by the city council or in winning a majority in a referendum, elected representatives and the administration must abide by it. At the same time, however, the number of citizens who need to be won over to support an initiative at city level is significantly larger. This is probably the main reason why such initiatives are so rare (see 4.2). Successful *Bürgerbegehren* require a strong, long-term commitment from a large group of volunteers, organisation and a certain amount of legal know-how. This applies all the more to the popular initiatives and referenda at the (city) state level.

Federal state	Berlin	Hamburg	Bavaria	North Rhine-	Hesse	Baden-	Saxony	упу
				Westphalia		Württemberg		
City	Berlin	Hamburg	Munich	Cologne	Frankfurt am Main	Stuttgart	Leipzig	Dresden
Signature quorum	3% (7%)	2% (5%)	3%	3-6%	3%	20,000 (4.5-5.5%)	5%	5%
Quorum for approval	10% (25%)	No quorum	10%	10%	15%	15%	25%	%
Referenda w.r.t. land-use plan	permissible	permissible	permissible	only at early stage	only at early stage	only at early only at early stage stage	permissible	ssible
Source: authors' compilation based on various sources	ttion based on va	rious sources						

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#### **Empirical findings**

#### Support for planning-related protest in borough committees

To analyse the opportunity structures for protest and other forms of participation created by borough committees, it was determined who supports protest without being the organiser. Distinctions were made between representatives of sub-local, local, state and national politics as well as civil society; support that is certain and support that merely seems possible. The figures show that a considerable proportion of protests use borough committees as a platform and that these committees play an important role in the municipal decision-making process as mediators between citizens' initiatives and the city council. 22% of the 3,249 protests recorded so far were supported by some sub-local political representatives. In an additional 4% of the cases, support seems possible. The highest sum of certain (29%) and possible (8%) support was observed in Frankfurt. Munich follows with 32 to 35% of protests that seem to have been supported. Support achieved the lowest rate in Leipzig at 11 to 13%. Borough representatives in Stuttgart (15 to 21%) and Dresden (19 to 21%) also appear to have provided rather little support for citizen protests (Figure 3).





Source: authors' compilation based on their own data

The top ranking of Munich is plausible due to the small size of the boroughs, the relative power of its borough committees and the low-threshold opportunity to have a say through the annual citizens' assemblies. The fact that the cities whose borough committees have no decision-making powers are at the bottom of the list can be explained based on Kriesi's dissection of POS. It seems obvious that protesters do not involve these bodies as much, as their influence on council decisions is considered too small. Yet, the fact that Frankfurt's local committees play such an active role in supporting protests despite their limited powers is odd. There must be other factors at play. For instance, the statistical analysis shows that city-wide protests are very rarely supported by borough-level politicians and that non-governmental organisations tend to turn directly to the city council rather than to the local committees. Case studies also show that Frankfurt's borough councils tend to oppose city council even if the parties that form a coalition in city council have a majority at the sub-local level, too (Bertram, Altrock 2021).

In the analysis of the planning-related protests, six potential forms of impact can be distinguished. Protests that react to existing planning may succeed to prevent it (1), may cause a delay (2), a change in procedure (3) or a change in content (4). Protests that react to situations, on the other hand, aim at getting the state to take action, i.e. to start planning in the first place (5). This may also have an impact on third parties (6). Unsurprisingly, the statistical analysis shows a positive correlation between the support that the protest enjoys and its effectiveness, regardless of whether planning protests find support in borough committees, in the city council or in civil society. Support from borough committees significantly increases the impacts (43% of protests with support show some impacts as compared to 33% without). The deviation is particularly large when plans are cancelled (14% to 8%) or changed (13% to 9%), but also with regard to planning that is initiated due to protest (30% to 16%). With regard to third parties, on the other hand, an opposite effect is recognisable: if a protest is supported, fewer effects on third parties are known (10% to 15%), presumably because politicians refrain from supporting protests where effects on third parties could arise (Table 3).

The empirical results indicate that borough councils, despite being an elected body strengthening the openness of the political system, can be supportive platforms for protest activities. Especially in relatively small boroughs, councillors at the sub-local level tend to support protests even if they are members of parties forming city government and being targeted by protesters. Here, protesters are able to utilise instabilities of the political elites to form some coalitions. Anticipating the impact of this support, effective borough councils seem to indicate a beneficial POS for at least those kinds of protests that are not controversial or even affective to third parties on borough level.

Impact		Support b	y members of bo	rough council	
		Known support	Indications of support	No known support	All protests
Discontinuation	Effect	14%	14%	8%	11%
	Possible effect	3%	7%	2%	3%
	No known effect	83%	79%	90%	87%
Change of content	Effect	13%	12%	9%	11%
	Possible effect	9%	21%	5%	7%
	No known effect	78%	67%	86%	82%
Begin of planning	Effect	30%	22%	16%	21%
process (initiated by	Possible effect	28%	33%	20%	23%
protest)	No known effect	42%	44%	64%	55%
Effects on third parties	Effect	10%	6%	15%	13%
(by claimed objectives)	Possible effect	6%	19%	3%	5%
	No known effect	85%	75%	81%	82%
Any impact	Effect	43%	32%	33%	37%
	Possible effect	15%	32%	11%	14%
	No known effect	42%	35%	56%	50%

Table 3: Impact of planning protests in correlation to known support by members of borough councils in eight mayor German cities (2005 to 2020) Fejlesztésekkel összefüggő tiltakozások hatása és a kerületi testületi tagok támogatása közötti kapcsolat nyolc német városban (2005 és 2020 között)

Source: authors' compilation based on their own data

### Incidence of planning-related popular initiatives and referenda

To evaluate the relationship between protests and *Bürgerbegehren*, first the role of these procedures in the eight cities is shown by their incidence. This highlights that the variations of legal frameworks result in major differences between the eight cities. Second, to find evidence on whether the different opportunities for direct participation lead to different LPPOS, a basic evaluation of effectiveness and success indicates the limitedness of this participation strategy. A statistical analysis of the *Bürgerbegehren* in the individual cities is not possible due to the small number of cases.

As could be expected due to the low signature quorum and the absence of a quorum for approval, the number of planning-related protests that embark on a *Bürgerbegehren* is higher in Hamburg than in any other of the large cities. The relatively low numbers registered in Stuttgart and the Saxon cities seem to indicate that high thresholds for starting and winning a referendum discourage such initiatives. Yet, that does not have to mean that POS for planning-related protest in these cities are altogether adverse as the numbers merely refer to one aspect of the (political input) structure and, for instance, Dresden and Leipzig have created other channels such as online petitions to channel such critique.

The fact that Dresden registered four times as many *Bürgerbegehren* as Leipzig, although they are subject to the same municipal ordinance, underlines that other incentives for protest participation would need to be discussed in a comprehensive comparison of both cities (Table 4).

The authors' survey of planning-related protests in major German cities also shows that only a small fraction of the protests utilises direct democratic procedures. In most cities, these account for less than 5% of the total protest activity. Only the two city-states show a higher proportion. According to our data, it is 7% in Berlin and up to 25% in Hamburg (Figure 4).

The exceptionally high proportion of protests seeking a direct democratic vote in Hamburg is probably due not only to the low quorum thresholds, but also to 'other factors' in terms of the POS shown in Figure 1, such as a strong civil society lobby in favour of such procedures and accumulated experience concerning direct democracy. These factors are also a resource that is likely to reduce the individual costs of embarking on this kind of political action. Apart from this local phenomenon, figuratively speaking, Bürgerbegehren in most cities appear like the tip of an iceberg of protest, which remains almost completely below the surface. The iceberg metaphor also indicates that under the limited legal conditions of direct democracy in Germany, it might rather be considered a specific activity within the repertoire of contention manifesting the highest possible number of supporters than a competing form of participation. However, that would ignore that Bürgerbegehren even more so when they manage to force referenda – alter the opportunities to demonstrate the causes and claims of protesters. They force potential allies to disclose their support and opponents to enter a debate when their general strategy would be ignorance. It would also overlook how much more resources and capacities protesters need to run such campaigns.





Source: authors' compilation based on their own data

Table 4: Popular initiatives and referenda in eight major cities in the period 2005-2020 Népszerű kezdeményezések és referendumok nyolc nagyvárosban 2005 és 2020 között

City / type of procedure	Berlin	Hamburg	Munich	Berlin Hamburg Munich Cologne Frankfurt Stuttgart Leipzig Dresden am Main	Frankfurt am Main	Stuttgart	Leipzig	Dresden	Sums and averages
Population	3,677,472	1,853,935	3,677,472 1,853,935 1,487,708 1,073,096	1,073,096	759,224	626,275	601,866	555,351	
Number of popular initiatives (2005-2020)	66	82	23	10	11	8	ę	12	215
Per annum	4.1	5.1	1.4	0.6	0.7	0.5	0.2	0.8	1.7
Per 100,000 inhabitants	1.8	4.4	1.5	0.9	1.4	1.3	0.5	2.2	2.0
Number of referenda (2005-2020)	22	12	7	1	ę	0	1	1	41

Source: authors' compilation based on their own data

#### Success and effectiveness of popular initiatives

No matter whether at borough, city or state level, probably only a handful of popular initiatives would ever have taken place, if none or very few of them had ever had success. In terms of the types of impact of social movements defined by Kitschelt (1986; see 2.1), the holding of a referendum can be seen as a procedural impact. A change in public (municipal) policy as intended by the initiative – e.g. the cancellation of an unpopular project – would constitute a substantive impact, and a change in the local POS resulting from the initiative would constitute a structural impact.

For the further evaluation of the *Bürgerbegehren* in the eight sample cities, in addition to our own data, which was presented in Table 3 and Figure 4, we can also make use of third-party data on *Bürgerbegehren* from the Universities of Wuppertal and Marburg and the association of Mehr Demokratie e.V. (Table 5; cf. Bergische Universität Wuppertal n.d.). While this database is not limited to planning issues, there is a high degree of overlap between both datasets when the period 2005 to 2020 is selected, and the online database provides considerable details on both procedural and substantial aspects. According to its result categories, almost two thirds of the Bürgerbegehren launched in the major cities, must be regarded as having failed. More than a third of the initiatives (38%) were not submitted, were withdrawn or, as the Berlin administration put it, 'petered out'. Over a fifth (22%) were categorised as inadmissible by the responsible authorities. However, more than a guarter of the initiatives (67 cases or 28%) were – at least partly – successful, although no referendum was held. They either managed to reach a compromise with the council majority or the council passed a resolution in line with the Bürgerbegehren. Only 31 cases (13%) resulted in a referendum. In three guarters of these votes (specifically 23 cases), the majority of citizens voted in favour of the referendum (Bürgerentscheid). The remaining initiatives failed in the referendum. Either a majority voted against their request (2 cases) or they did not achieve the required quorum (6 cases) (Table 5).

Hamburg stands out again, not only because of the large number of procedures, but also because of the high success rate. Here, in almost half of the cases a compromise was reached, the *Bürgerbegehren* was resolved by a positive local council decision or a referendum was decided in its favour. In Berlin, the rate is only 30%, in Munich only a quarter, and in other cities it is even lower.

Compared to the totality of planning-related protests surveyed by the authors, those that have initiated a *Bürgerbegehren* are more effective. However, the same applies to protests that have sought a legal dispute to achieve their goals and those whose content has become part of election campaigns or party political disputes. In addition, the more comprehensive the repertoire of protest actors, i.e. the more variety in protest actions, the more frequently *Bürgerbegehren* were organised and the more effective was the protest.

Table 5: Results of Bürgerbegehren in eight major cities in the period 2005-2020 A kezdeményezések (Bürgerbeghren) eredményei nyolc nagyvárosban 2005 és 2020 között

City / results	Berlin	Berlin Hamburg Munich Cologne Frankfurt Stuttgart Leipzig Dresden am Main	Munich	Cologne	Frankfurt am Main	Stuttgart	Leipzig	Dresden	Sums
Incomplete	26	25	23	£	8	1	1	3	92
Inadmissible	Ð	27	1	3	4	9	3	4	53
Success without referendum	10	39	9	2	3	4	3	0	67
Success in the referendum	9	12	2	0	0	0	1	2	23
Failed in the referendum	9	1	0	0	1	0	0	0	8
Total	53	104	32	10	16	11	8	6	243

Source: authors' compilation based on Bergische Universität Wuppertal n.d.

However, as with other forms of citizen participation, it requires detailed case studies to understand these dynamics more precisely. A prominent example how a *Bürgerbegehren* can have substantive impact even without completing the procedure is the campaign launched by the *Gesellschaft Historischer Neumarkt* (Society for the Rebuilding of the Historical Neumarkt) in Dresden. Although its original 2003 initiative was declared inadmissible, the local association largely succeeded to promote its vision through intensive public relations work, the support of civil society and entire fractions of the city council (Altrock et al. 2010).

In Hamburg, following the influx of refugees in 2015, local initiatives against the construction of large shelters were treading a fine line between environmental protection, calls for better integration and populism. While *Bürgerbegehren* were declared inadmissible, the senate negotiated for months with the initiatives: the accommodation at specific locations was regulated and sometimes significantly reduced (Arouna et al. 2019; Brigmann, Meyer 2022).

An example of success without referendum of nationwide significance is the 'Bicycle Referendum Initiative'. It was launched in Berlin in 2015 and collected 105,000 valid signatures in less than a month to improve the bicycle infrastructure. After the 2016 state elections, the newly elected government invited representatives of the initiative to collaborate in the elaboration of a mobility law that would regulate and systematically improve not only cycling but also walking and public transportation. In 2018 and 2019, similar *Bürgerbegehren* were launched in Frankfurt, Stuttgart, Hamburg, Munich and dozens of smaller cities. In most cases, city councils adopted the main contents of the initiative without a referendum (Petri 2018).

Popular initiatives against the sale of municipal companies (Leipzig, 2007-08), against the privatisation of municipal hospitals (Dresden, 2007-12), for the disclosure of the partial privatisation contracts of Berlin's water companies (2007-11) and for the remunicipalisation of Hamburg's electricity and gas grids (2010-13) have successfully mobilised a majority of voters against the majority in the city council. These initiatives were changing the boundaries between the state and the market, indirectly referring to planning, demanding that social and ecological problems are made accessible to planning in the first place. Successful *Bürgerbegehren* against the construction of a third runway at Munich Airport (2011-12) and in favour of the partial closure of Munich's coal power plant (2017) are examples of the strong environmental and climate protection movements in the major German cities, although the failure of so-called climate referenda in Hamburg and Berlin in recent years has also led to setbacks.

These effects by no means include all impacts that *Bürgerbegehren* had on the LPPOS of planning protests. But even the very reduced impact assessment and the success rate of about one third represent the chance of influence for citizens using plebiscitary elements. Another aspect might even be more important: as

the tip of the iceberg, success and effectiveness of *Bürgerbegehren* are also a signal to other protests. To potential protesters, these prominent cases (in conjunction with protests in proximity) are the best measure to decide, whether protest participation could be worth the effort.

#### Conclusions

The detailed analysis of the role of borough councils and *Bürgerbegehren* in the LPPOS of eight mayor German cities given above allows for some hypotheses about both localism's and direct democracy's effect on the genesis and – more so – evolution of planning protest.

In general, POS that may encourage or frustrate, channel or absorb collective political action play a more substantial role in a mature democracy like Germany, with relatively many affluent and capable citizens for whom factors like resources, capacities and framing become less relevant than basis for competition between participation strategies and protests. Multi-scalar approaches to POS like the LPPOS are of higher importance in federal systems with relatively strong municipalities. Both experiences lead to limitations to a possible generalisation of the German case study.

The borough-level representative bodies all constitute a limited form of localism, giving their members little competences and capacities. Still, significantly differing in their sizes and powers, it is possible to discuss the effects that different levels of devolution have. An extensive survey of planning-related protest in the eight major cities detected substantial levels of support for civic protest amongst borough-level representatives. It could also be established that this support significantly contributes to protest effectiveness, leading to the cancellation or change of plans or to new plans where citizens made such demands. However, there are big differences between cities, which can partly be explained with the uneven powers, density of representation or mode of election of the representative bodies but may also reflect other factors and thus warrant further investigation. Due to their limitations and local nature, the bodies seem to foster local public opposition instead of embedding citizens into the representative democracy at the higher levels of government.

Limited direct democratic participation in the form of *Bürgerbegehren* must be regarded as a hybrid process as well: it is both part of the LPPOS that might channel contention away from protest (or mark an end to contention if it fails to get a majority) and a specific form of protest activity. As it seldom directs to plebiscite, especially in relation to spatial planning, where obstacles are especially high, it can be interpreted as the tip of the iceberg: the limited, but significant successes and effects of *Bürgerbegehren* and referenda give hope to citizens often personally affected by planning to opt for protest participation. While the number

of planning-related protests per inhabitant in the major cities does not vary greatly, there are large differences in the frequency of *Bürgerbegehren*. The fact that they are used quite often in Hamburg, are fairly common in Berlin and Munich but register less than once a year everywhere else, reflects marked differences in the regulations at state level.

Both borough councils and *Bürgerbegehren* give protesters additional and substantial opportunities for political action. The outcomes of participating in the representative system by lobbying sub-local councillors, speaking to body meetings or even standing for election cannot be measured in a comparative way, but seem much more limited than using the elected body as an arena for protest activities and for building alliances against more potent opponents like city council and/or investors. Statistical analysis showed that the more comprehensive the repertoire of protest actors, the more likely they are to seek a referendum and to have an impact. Activist groups have used referenda to change or even stop unpopular urban projects, to popularise their own agenda and force decision-makers to prioritise alternative visions for urban development. In some cases, they also managed to influence spatial planning's own political opportunity structure. But even, if they are not successful, in acting within these formalised political arenas, challengers can avoid being ignored by political parties and local stakeholders.

Hence, if protesters are equipped with adequate resources and capacities, they can turn borough councils and Bürgerbegehren into effective repertoires of contention. An LPPOS approach can help explain differences of protest repertoire and impact between the cities but does not lend itself to mechanistic explanations as the number of variables inside and outside the opportunity structure is too big to be reduced to one or two criteria. Besides the openness of the formal institutional structure, LPPOS may also differ in terms of the prevailing strategies of local elites with regard to protest, their stability or division (e.g. between city council and the sub-local level), the presence or absence of allies (both inside and outside the institutions, most importantly in the media) and many others. More fine-grained analysis is necessary to determine how specific POS influence similar protests in different cities or whether certain regulations create a bias that favours specific topics or protest actors. Obviously, investigations into planning-related protest in other countries could adopt the same approach. Yet, as the overall POS and thus the scope of local autonomy differ, the LPPOS is likely to include other institutions, detect other strategies and configurations of power as well as different types of demand, a different repertoire and levels of effectiveness of protest actors.

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