



Citizens' Assemblies on Everyone's Lips

How Citizens' Assemblies Can Succeed and Where Their Limits Lie – Experiences from Baden-Württemberg

The Authors



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The "politics of being heard" has become an established part of political culture and administrative practice in Baden-Württemberg. Citizen participation is not a fixed structure but continually adapts to new developments. One participation format now used at the municipal, state, and even federal levels is the citizens' assembly. In Baden-Württemberg, this format is often called a "citizens' forum." A key component of this format is the random selection of citizens. The authors aim to explain why this is so, what steps should be taken toward establishing a citizens' forum, and where the limits of the format lie.

Introduction

There is no doubt that our society today is in a very dynamic phase. The effects of climate change, the impacts of digitalization and AI, the influx of refugees, demographic change, global wars, armed conflicts, and terrorism are just a few indicators of worldwide changes and both real and perceived insecurity. "The world has somehow gone off the rails," said Minister President Winfried Kretschmann in an interview with the *Tagesspiegel* on December 22, 2023.

It is often diagnosed that these changes lead to a division in society—meaning that supporters and opponents stand irreconcilably opposed to each other. Sociologists Steffen Mau, Thomas Lux, and Linus Westheuser also address this in their latest and much-discussed work, highlighting at the outset that "diagnoses of polarization are spreading almost inflationarily" (Mau et al. 2023: 7). However, through their empirical analyses, the researchers conclude that the "picture of a divided society is not accurate" (ibid.).

However, this does not mean that there are no conflicts, inequalities, and associated disputes. Rather, these are the driving force behind development and change. The directions in which these changes will go are still unclear. Currently, our society is in a major negotiation process about where we want to go: discussions are happening about education in the country, agricultural and food policy, infrastructure needs, energy policy—to name just a few areas.

This is precisely where citizen participation connects, in its various formats and levels of impact—whether in the municipal environment, regionally, statewide, or even nationwide. More than ever, citizen participation is in demand for shaping change processes. As part of the "politics of being heard," citizen participation has been a part of the political culture and administrative practice in Baden-Württemberg for more than 10 years. And it has been successful, as shown by multi-year democracy monitoring (see Vetter & Brettschneider 2023: 583-607).

Significant advancements have been made in informal citizen participation, which has been added as an additional cog to the machinery of public administration and politics, supplementing the formal and thus legally prescribed participation. Formal participation requires authorities, under the supremacy of the law, to implement the respective forms of

participation. In the municipal environment, this can be seen in land-use planning, specifically in § 3 of the Federal Building Code (BauGB). In Baden-Württemberg, there is a law on dialogic participation (GBI. 2021, 118), a planning guide (see State Ministry of Baden-Württemberg, 2014), and the decision to conduct citizens' forums for important legislative initiatives. For major infrastructure projects, elements of formal participation are also encountered within the regularly required planning approval process. Here, a hearing procedure is regulated under § 73 of the Administrative Procedure Act (VwVfG).

The "flaw" in formal participation lies in its typically late timing and implementation during the course of planning or a procedure. The affected or interested public is seemingly faced with unchangeable facts. The participation paradox, whereby "in the phase of the process where the greatest influence is possible, there is the least willingness to participate" (Mauch 2014: 129), thus also manifests in formal procedures. The framework of formal participation is very restrictive in terms of timing and methods. This creates significant potential for heated emotions, a lack of perceived self-efficacy, and, ultimately, delays in the actual project. Informal participation, which begins much earlier, offers the possibility of involving the public in administrative actions far more flexibly and either before, at the beginning of, or even in parallel with concrete planning and procedures. Citizens' assemblies are a form of informal participation that allows for negotiation between the state and civil society on specific and often contentious issues.

This article will discuss the possibilities and limitations of citizens' assemblies, as well as the potentially false hopes they may raise. Citizens' assemblies are a method of participation through which politics and administration can shape certain transformation issues and projects in dialogue with society. Nevertheless—and it should be stated in advance—citizens' assemblies are merely one method of participation among many. They are not a panacea and are not suited for everything. The format should be carefully maintained and used wisely to

ensure its effectiveness and acceptance are not lost.

On the Significance of Citizens' Forums

In Baden-Württemberg, citizens' assemblies are called "citizens' forums." Many criticize the term "assembly" because it recalls the council republics that emerged sporadically during the Weimar era. Others are bothered by the term because it might imply an equal status with municipal or county councils. However, this is not the case. Citizens' forums do not make decisions; they provide recommendations and suggestions for decision-making by the legitimate bodies and institutions, such as a municipal council. They serve as a means of understanding the public's views on state and municipal initiatives and their preferences. This provides parliaments with a better basis for decision-making—especially for far-reaching decisions—and can lead to better political outcomes and greater public satisfaction.

At the same time, citizens' forums allow the public to be involved in decisions that affect them, fostering a sense of connection, acceptance, and adherence to these decisions. This strengthens the public's democratic awareness. Trust and understanding of complex decision-making processes are reinforced, which in turn improves the input for decisions. Against this backdrop, citizens' forums can strengthen representative democracy, as the legitimacy of democratic decisions overall is increased.

Legitimacy is an important keyword. It is often questioned what legitimacy citizens' forums have, as they are neither elected nor legally anchored. This is true. Aware of this, they do not carry legal legitimacy but rather legitimacy through process. This means that the legitimacy of their work is ensured through free and independent discussion as well as the highest possible transparency. Through this independence and the discourse based on factual arguments and careful consideration, a citizens' forum gains its legitimacy and legitimizes its outcome. The result is a "well-

considered public opinion" (Lafont 2021: 182). This reflects the real pluralism in our society, demonstrates the complexity of difficult decisions, and aligns with "drilling thick boards" and finding compromises.

Citizens' Forums in Baden-Württemberg – Between the Politics of Being Heard and Practical Consultation

As mentioned earlier, citizen participation has gained significant importance and visibility since the start of the state government under Minister President Winfried Kretschmann. Over the years, it has been institutionally anchored. Initially, a planning guide for a new planning culture was issued along with an administrative regulation in Baden-Württemberg (GBI. 2014: 22-24). This regulation requires the state administration to assess whether and to what extent citizen participation should be implemented in state projects. An evaluation by the German Research Institute for Public Administration found that citizen participation has become an indispensable and standard part of planning and implementing infrastructure projects, such as roads or water projects, as well as other sociopolitically relevant issues (see Keil et al. 2022). Participation processes take place, for example, in the planning of bypasses as well as in the planning of high-speed cycling routes. The latest study by the University of Hohenheim, in collaboration with the consulting firm clavis and led by Prof. Dr. Frank Brettschneider, also confirms the importance of communication and therefore citizen participation from the perspective of project stakeholders (Brettschneider et al. 2024).

This administrative regulation has already been extended once. Additionally, experienced personnel in the regional councils are available to professionally support public participation in state projects. The full toolkit of participation methods is applied here. Citizens' forums are also used, as demonstrated by the citizens' forum on the development of the national park.

But especially on socially controversial topics like COVID measures, migration, and education, citizens' forums with randomly selected participants prove to be a highly effective method of participation. Beyond the polarization seen in the media—whether for or against COVID measures, for or against accepting refugees, or favoring the G8 or G9 education systems—citizens' forums highlight the nuances. Independent of one side or the other, citizens from a broad spectrum of society weigh different arguments and issues against each other, prioritize arguments, expose manipulation or arguments lacking factual basis, and reach a nuanced conclusion.

To harness the advantages of random selection, the Law on Dialogic Citizen Participation (Law Gazette 2021: 118) was passed in Baden-Württemberg in February 2021. Initially, it was intended to close a data protection gap, allowing citizens to be invited to participate through the residents' register. This is addressed in § 3 of the DBG. However, the law also had an impact by encouraging authorities to more confidently conduct citizens' forums on contentious topics, such as changes in the hospital landscape, climate protection measures at the municipal and regional levels, and the construction of commercial and residential areas. The law has provided an additional institutional framework for citizen participation in the state, and for citizens' forums in particular.

In 2022, this framework—comprising the planning guide, the Law on Dialogic Participation, and over ten years of practical experience in the "politics of being heard"—was given an institutional structure. With the establishment of the Agency for Citizen Participation, as a non-legal public institution, the state has created—uniquely in Germany—a consulting and operational institution to implement citizen participation at the state level. However, the main target is the municipal level, as the previous examples demonstrate. Although upheavals and changes occur at all levels of administration, they primarily take place at the municipal level—sometimes quietly, but often very contentiously. It is precisely here that citizens'

forums with randomly selected participants show their greatest strength.

Citizens' Forums – What They Can and Cannot Achieve

Citizen participation only works if there is room for shaping decisions. This foundation is essential for any citizen participation and, therefore, for any citizens' forum. Without options for action, participation becomes a farce or a form of strategic acceptance communication.

Every authority should always aim to inform clearly and transparently. Understandable information and the traceability of data, facts, and procedures are the foundation of comprehension, trust, and acceptance. Nowadays, there are many digital options and virtual spaces available to make this accessible, clear, and impactful. Even when there are no alternatives, authorities can communicate about projects and plans and present facts. However, this should not be done under the guise of citizen participation. This distinction or prerequisite is important: where there is nothing to engage on, it should be clearly stated, and no participation should take place. Citizen dialogues or citizens' forums used as political information or promotion are not participation. Room for shaping decisions and options for action are necessary conditions for successful citizen participation. The absence of alternatives contradicts this purpose.

When participation is promised, it should truly involve participation; that is, a matter or project should be at least somewhat negotiable or, at the very least, open in terms of its implementation. In this way, participation can provide decision-makers with valuable input and lead to better decisions.

A second aspect is the anchoring of citizens' forums. Citizens' forums are participation formats meant to aid decision-making by parliaments and administrations. For the results to be considered and incorporated into the decision-making process, it is essential

that parliaments and administrations feel committed to including the participation results in the decision-making process. This can only happen if they support the process or decide to engage with the results. This is the only way for the outcomes to have an impact. Citizens' forums initiated by civil society often suffer from reduced effectiveness. Therefore, it is important that citizens' forums have a clear mandate from the project owner or a governing body and address a specific and contentious issue. Under these conditions, they are not "wish-fulfillment events" but rather an element of effective and impactful participation.

Why do citizens' forums strengthen political and administrative decisions? Because they do what every decision-maker must do—inform, listen, weigh, and prioritize. It is not uncommon to hear after a citizens' forum: "I didn't realize that politics is so complex and challenging." This process involves hearing pro and con arguments as well as expert inputs, evaluating and balancing them against each other, and setting priorities. In a pluralistic society facing complex issues of change, this is hard work. Project-specific topic maps are just one expression of this diversity and complexity. With the multitude of political and administrative decisions, citizens' forums can help prepare decisions for the elected bodies, which relieves them of some of the burden.

It should be emphasized once again that the final decision ultimately rests with the parliament or the authorities, as they are constitutionally designated for this role. However, by involving citizens and subsequently explaining the decision, this approach strengthens the bond between citizens, parliaments, and the administration.

Five Steps for Implementing Citizens' Forums

To ensure success, particularly in citizens' forums but also in other forms of participation, the following five steps for effective participation have proven to be valuable.

1. The first step should always be a situational analysis. In a situational analysis, the various topics, questions, and arguments are collected in a topic map, and an assessment is made of which stakeholders are clustered around an issue or project (stakeholder map).
2. These drafts are then enriched through participation scoping. Here, stakeholders—such as associations, organizations, initiatives, and groups—are asked if they have additional topics or questions that a citizens' forum should address. This step is extremely important to incorporate the legitimate interests and arguments of associations, initiatives, and institutions into the process. Additionally, the question always arises as to who might serve as the main contributors for a citizens' forum. Often, associations and organizations volunteer themselves, as they typically represent a particular position in the public discourse. It's also clear that they usually possess significant expertise and specialized knowledge. Public awareness of the participation process is especially high during the participation scoping phase. Newspapers report on it, and stakeholders mobilize. This public attention is positive and desired, as it signifies that the issue is important. A citizens' forum is tasked with developing recommendations to assist politicians and the administration in making decisions. Therefore, attention needs to be focused on this participation process. To counter the recurring accusation of it being a "token event," stakeholders and affected parties must transparently accompany the participation process. Accompanying groups made up of stakeholders are valuable bodies for this purpose and should be regularly informed about the work of the citizens' forum.
3. In the third step, the topic map and potential contributors are published online. This is important for gathering additional topics and questions from the public. It allows new perspectives to be heard and considered. However, experience shows that this phase primarily provides the public an opportunity to express their opinions and positions. Publishing on a participation platform helps facilitate easy, low-threshold participation.
4. After the participation scoping, the citizens' forum begins its work. For this, citizens are randomly selected from the residents' register and invited to participate. The residents' register allows an initial representative selection by age, gender, and migration background. All invitees have the opportunity to express their interest in participating. From the pool of interested individuals, a diverse group is assembled, often also considering criteria such as educational background or regional distribution. Thus, citizens' forums represent a broad cross-section of the population, though they are not strictly representative.

The citizens' forum, based on the topic map and stakeholder map, selects topics and speakers for hearings. This ensures that a wide range of arguments and perspectives are included in the discussions. The forum is accompanied and supported by coordinators from the administration and experienced facilitators. They ensure that the discussions and arguments are objective, that citizens can ask

questions and provide comments, and that opinions, arguments, and recommendations can be developed in open discourse. It is important to separate the input phase involving experts, interest groups, or affected parties from the forum's internal consultations. In the first part, experts must always be able to present their input—ideally publicly—and be available for discussions. Following this, there must be an internal consultation phase. What was new and important? What do we, as the citizens' forum, need to take into our internal deliberations and into the final report? Only through ongoing consultations does the forum develop expertise, opinions, and ultimately the recommendations of the citizens' forum.

5. After the hearings and discussions, a citizens' report with recommendations is published and officially presented to the responsible decision-makers. It is important to maintain transparency throughout the entire participation process. This means making presentations publicly available and supporting media coverage, as long as it does not interfere with citizen consultations. Along with the public's awareness of the citizens' forum, this helps ensure that the insights are broadly disseminated.

In the end, a citizens' report is produced to aid in weighing complex questions. The solution to pressing problems is never simple. There are always conflicting objectives, legitimate interests, and compromises. Citizens' forums help to navigate the variety of levels and arguments and to layer them accordingly.

The consideration of the recommendations and the final decision

ultimately rest with the elected or responsible bodies. Reference is made here once again to § 1 of the DBG (Law Gazette 2021: 118).

Outlook

In Baden-Württemberg, citizens' forums have been successfully implemented as a means of citizen participation. Several municipalities are already conducting such processes (Bischweier, Herrenberg, Ostalbkreis, Region Stuttgart, Wernau, Mühlacker, and others). The state government has decided to incorporate citizens' forums as part of the legislative process for important legislative initiatives. This year, a citizens' forum will be implemented for the first time in a legislative project during the revision of the Non-Smoking Protection Act.

With the citizens' forum on the duration of general secondary education, Baden-Württemberg demonstrated that even highly politicized and controversial topics can be discussed and resolved. This offers hope for addressing many other issues, such as land use, the acceptance of refugees, the limits of digitalization, climate protection measures, as well as contentious projects like new developments or flood protection projects.

In closing, it should be noted that citizen participation also costs money. However, this is an investment our democracy is worth—especially since failing to address conflicts would be even more costly, potentially leading to the real division of society.

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