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State – Municipality – Citizen. Rational Territorial Reform against Emotional Will of the Citizenry in West Germany?

Sabine Mecking [*]

Abstract: *»Staat – Stadt – Bürger. Rationale Gebietsreform gegen emotionalen Bürgerwillen in Westdeutschland?«.* The 1960s and early 1970s were characterized by planning optimism and major reforms associated with notions of efficiency on the one hand, and a change in political culture on the other. When government bodies in the Federal Republic of Germany initiated in a top-down way a comprehensive territorial reform and intervened into the everyday life of many people this provoked resistance from citizens. Using the example of the municipal territorial reform as carried out in the Federal Republic, the article addresses tensions as well as a governance processes between the representatives of the state, the municipalities and citizens alongside with a fundamental change in political culture during the 1960s and 1970s. The article shows how the local municipalities reacted to territorial and functional reforms elaborated by the federal and state governments and the ministerial bureaucracy of West Germany with a special focus on North Rhine-Westphalia. It sheds light not only on new players in the political arena, municipalities and local citizens' initiatives that were increasingly trying to take an active role in decision-making, but also a general change in political culture. Claims for political and social participation and political transparency, a "vital civic spirit" which opposed state planning optimist approaches – demands that those responsible for the reform had to react on. The article examines the redefinitions of the relationship between state and municipality, and citizens in the course of reform processes and related political debates, and analyses how far decisions-making processes changed.

Keywords: Municipal reorganization, planning optimism, history of Federal Republic of Germany, municipalities, modernization, democratization, administrative reforms, civic engagement.

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1. Introduction: Modernisation and Democratisation in 1960s and 1970s in West Germany

The period of the 1960s and early 1970s certainly marked a turning point towards new forms of governance in Western Europe and especially in West Germany. At that time we observe major shifts in the field of state reform and a strong will of the civil society to participate in the public debates on this reform. As the introduction of this HSR Forum emphasises, federalism can be regarded as a political field in which actors involved faced multiple challenges of Multilevel Governance and used various scalar strategies. As will be shown in this article this was especially the case in the initiative of the governments of the states (*Bundesländer*) for a major territorial and administrative reform from the 1960s onwards. In a perspective of a critical governance analysis the campaign intended to re-arrange the institutional framework of multilevel governance and change power relations between the local and the regional public authorities. At the same time local initiatives developed ambitious scalar strategies to mobilize protest up to the national level of political debate (Bernhardt 2017, in this HSR Forum).

"Modernisation" and "democratisation" are key terms which characterise the diverse social changes and upheavals in (West) Germany in the 1960s and 1970s. In a range of areas the Federal Republic experienced a major planning and reform boom which only began to ebb in the early 1970s. The faith in the opportunities provided by the scientific analyses of complex issues and the resulting possibilities for the generation of long-term prognoses was accompanied by the conviction that the future could be shaped to a high degree using the instrument of "political planning" (van Laak 2010; Ruck 2003; Grüner and Mecking 2017). An example par excellence of the reform spirit of those years with its planning optimism is the administrative reforms based on the territorial and functional reform of the municipalities in the non-city states of the "old" Federal Republic of Germany. Through functional and territorial reorganisation the state, i.e. federal and state governments, the legislative authority, and ministerial bureaucracy, set out to create optimal conditions, both territorially and socially, for the development of the economy and society. Scientific theories about abstract management models were quickly transformed into concrete governmental reform projects. Government and administration were convinced that the establishment of a balanced relationship between area and population, alongside an increased efficiency and simplification of administration and the strengthening of self-government, would also provide impulses for economic growth and the expansion of public and private general services (see Mecking 2012, 2009).

At the same time, since the end of the 1960s at the latest, a change in the predominant understanding of democracy was emerging within society: Claims to political and social participation were increasingly being formulated as a principle of civic self-determination. Demands for increased opportunities for participation, greater political transparency and discursiveness determined the social climate. Authority and hierarchical decision-making processes were increasingly in need of justification (Frese, Paulus and Teppe 2005; Schildt, Siegfried and Lammers 2000; Friedrich-Ebert-Stiftung 2004). Accordingly, in his much quoted government declaration from 1969, the Federal Chancellor Willy Brandt gave a succinct expression to the leitmotif of the new social-liberal government coalition with the words "We must dare more democracy" (Brandt 1969, 252). Shortly thereafter the Federal President Gustav Heinemann would also speak of "empowered citizens" as alert citizens who did not want to be administered or represented by others but who wanted to take an active role in decision-making and acting (Heinemann 1973, 106). However, the challenges which emerged for the state from the new "vital civic spirit" and the phenomena of the discriminating citizen evident since the end of the 1960s could not be overlooked. In turn, in his second government declaration from January 1973, Federal Chancellor Willy Brandt took up the theme of the increasing civic engagement of the population. He expressly emphasised: "We want the citizen, not the bourgeois." At the same time Brandt also noted that: "The citizen's state is not comfortable" (Brandt 1973, 310 et seq.).

Just how uncomfortable the new negotiation process between the state, the municipalities, and citizens could be from the perspective of the institutionalised decision-making bodies and the bureaucracy,[1] will be examined using the example of the municipal territorial reform as carried out in the Federal Republic in the late 1960s and early 1970s. This contribution will address the relation of tension between a hierarchically, i.e. vertically structured governmental and administrative apparatus and local self-government. It will also address the extent to which, against the background of the reorganisation within the multi-level system at the local, regional, and central levels, it is really possible to talk of democratisation and liberalisation processes in the Federal Republic (Demirovic and Walk 2011; Benz 2009), processes which are frequently postulated in research on the 1960s/70s but hardly ever analysed in detail for central areas of policy (Metzler 2004a; Herbert 2003). The aim is to generate insights into the relationship between governmental planning and local obstinacy, between state and municipality, between state and citizen. With a view to the political culture, it will concretely examine the question of when, where and how citizens broke out of the generally asserted "discerning indifference" (Habermas 1987,

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[1] Cf. also *Geschichte in Wissenschaft und Unterricht* 64 (2013), H. 9/10, General topic: Protest in History; and *Geschichte im Westen* 22 (2007), General topic: Protest and Violence in Region.

250) towards the social and political problems of society, as diagnosed by Jürgen Habermas, in order to participate in the reorganization. It will also address how those responsible for the reform within government and administration reacted to the new civic engagement. Consequently, the focus will not be on the legal and economic aspects and difficulties of the territorial reform but on an exploration of the meaning of the reform as an immediate intervention into the living environment of the people.

2. The Reform: Larger Planning Areas and More Efficient Municipalities

Municipal reorganisations are not a new phenomenon specific to the 1960s and 1970s, incorporations and the fusion of cities have a longer history. Following the wave of incorporations at the end of the 19th and the beginning of the 20th century and during the Weimar Republic, there were renewed calls for territorial and functional reform shortly after World War II and at the beginning of the 1950s. The influx of displaced persons and refugees as well as the growing commercial and industrial enterprises led to a reawakening of the desire for an expansion of the urban areas (Krabbe 1989, 78 et seq., 95-8; Zimmermann 2009). However, in light of the central importance of the municipalities for the satisfaction of the needs of the population in the post-war period and their revaluation in the process of creating a democratic state, major incorporation plans were far from opportune at this point in time. During these years the municipality, like the family, was considered an existential basic social institution (Schäfers 1999). Immediately following the war they bore the main responsibility for re-establishing public life (Ellwein 1997, 473-8; Engeli 1981; Wehling 1999).

Only when the so called post-war economic miracle began to show signs of ebbing and the fraying of the cities as a result of the building of housing estates, industrial and commercial zones on their outskirts became increasingly apparent, did the federal and state governments take up the theme of reorganisation again in the mid-1960s (Hockerts 2005). With the new analytic methods of administration science and political planning there now appeared to be suitable instruments at hand to find future-oriented solutions. Municipalities throughout the country were to be restructured on the basis of more "modern," i.e. contemporary findings from the sciences of spatial planning and administration (Leendertz 2008). Larger planning areas and more efficient municipalities and districts were designed to strengthen municipal self-government, facilitating the provision of better services for the population. The financial problems facing the municipalities, the lack of space in the cities, the difficulties in expanding the infrastructure and providing general services in rural

regions were to be resolved along with the structural weaknesses in the economy.

At the federal level the major reform project was prepared through the Regional Planning Act from April 1965 and the promotion of structural improvements in the municipalities.[2] The federal state of Rhineland-Palatinate was the first to present a memorandum and a draft bill on reorganisation (Government bill 1966), and the other federal states quickly followed with corresponding reorganisation measures. Expert commissions for the governmental and municipal reorganisation were established everywhere. In the period from 1965 to 1978 a reorganisation was carried out in all the Federal Republic's non-city states. The number of independent municipalities sank nationally from around 24,300 to almost a third of the original figure. At the same time the number of districts was halved (Thieme and Prillwitz 1981).[3] This entailed large and comprehensive reform projects which dominated the domestic political debate for more than a decade, the results of which had an immediate effect on the living environment of virtually every citizen.

North Rhine-Westphalia, Hesse and Saarland went the furthest in implementing the municipal reorganisation. New, so-called Einheitsgemeinden (unified municipalities) were formed from the old, smaller municipalities (Reuber 1999, 3). Other federal states also allowed for the fusion of local authorities at an intermediary level. In addition to the Einheitsgemeinde, this resulted in the Verwaltungsgemeinschaft (association of administrations) (Baden-Württemberg, Bavaria), the Verbandsgemeinde (association of municipalities) (Rhineland-Palatinate) or the Samtgemeinde (joint municipality) (Lower Saxony). In Schleswig-Holstein the "Amt" (municipalities association) continued in principle to be the administrative body. The various intensities with which the incorporation and fusion policy was implemented in the respective federal states is illustrated by the fact that in Schleswig-Holstein and Rhineland-Palatinate only 17.9 and 20.1 percent of the municipalities respectively relinquished their independence, while in North Rhine-Westphalia, Hesse and Saarland between 82.6 and 85.6 percent of the local authorities and cities suffered this fate. However it was in Bavaria that the largest number of municipalities in absolute terms lost their municipal autonomy (Thieme and Prillwitz 1981).[4]

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[2] See also The Bundesarchiv Koblenz (Federal Archives Koblenz) [BAK], B 167, no. 514, Remarks of Federal Chancellor Konrad Adenauer in the government declaration of land use regulation in German Federal Parliament on February 6, 1963.

[3] Before the reform there were 425 counties and after the reform there were 235 counties. Cf. Thieme and Prillwitz 1981, 75; see also reduction of autonomous cities, ibid., 78 et seq.

[4] The municipalities and cities that maintained their autonomy were Heimbach, Meerbusch, Monheim, Gladbeck/Kirchhellen and Wesseling. Cf. Thieme and Prillwitz 1981, 78. See also reduction of the number of cities and counties in West Germany, ibid., 75, 79.

Alongside the political and structural characteristics in the respective federal states the level at which the reform advocates and opponents met proved to be another decisive factor for the extent of reform, i.e. its enforcement potential. In Schleswig-Holstein for example, the conflict parties faced each other in the state parliament in the form of the government and the opposition so that wide-ranging reorganisations were blocked from the outset. Following the district reform, the legislator hardly intervened in the municipal structure. In contrast, in North Rhine-Westphalia, generous reorganisations were passed in the state parliament by virtue of a form of all-party coalition. All the parties represented in the state parliament spoke in favour of a comprehensive municipal and governmental reorganisation of the state. On the other hand, in Hesse the territorial reorganisation debate centred on weighing up the benefits of the large area solutions, e.g. as implemented in North Rhine-Westphalia and Lower Saxony, and the southern German method with its avoidance of large area fusions. Initially the latter approach was given preference with the measures to be carried out on a voluntary basis. It was only in 1971/72 that the phase of statutory fusions and concrete reorganisation regulations began. However, a highly controversial Hessian "forced marriage" of the cities of Giessen and Wetzlar including a number of surrounding municipalities to form the city of Lahn was reversed by law in 1979 (Mecking and Oebbecke 2009, 14 et seq.).

Efforts of the federal government, i.e. the Federal Ministry of the Interior, to standardise municipal reorganisation in the federal states, e.g. at conferences of the ministers of the interior and in meetings of the working committee "Municipal Affairs" of the Interior Ministers of the Länder quickly reached their limits. The federal states denied federal government any coordination rights and insisted on their exclusive jurisdiction in municipal matters (see Bernstein 2010; Steinbicker 2009; Koenig 2006).[5] In order to gain deeper insights into the course of the reorganisation within the federalist state system and obtain information on how the people affected reacted to this reform the following will focus, in an exemplary fashion, on the west of the Federal Republic. North Rhine-Westphalia, the most populous and densely populated federal state with around 17 million inhabitants, exhibits the major municipal disparities and problems in Germany with its rurally structured regions on the one hand and its pronounced urban conurbations on the other. Although initially the rural regions were primarily affected by the reorganisation and single districts were subject to restructuring, in a second phase at the beginning of the 1970s the reform in North Rhine-Westphalia was carried out in eight reorganisation regions, which with few exceptions, covered the entire state. Within the respective regions so-called Oberzentren (high level centres) were defined, which were assigned Mittelzentren

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[5] BAK, B 134, no.18248, Composition: Basic discussions on the theme: considerations relating to regional planning policy factors on the territorial reform of districts, undated [April 1970], 2 et seq.

(middle level centres) and Unterzentren (low level centres) according to a graduated model (Isbary 1965; Kegler 2015). Building on designated service areas of different sizes and functions, municipalities and districts were to be combined into units so that areas of local integration were no longer dissected by municipal boundaries (von Loebell 1972, 8; Tiggemann 1977).

The state government implemented the reform in a series of stages: First the Ministry of the Interior gained an overview of the situation of the municipalities within the state. It collected local and regional structural data and recorded the arguments of the local administrations through statements, field visits and hearings. Finally, it developed a reform proposal for each of the reorganisation regions. In turn, the affected municipalities and districts had the opportunity to submit a statement on the ministerial proposal. The state government subsequently presented its draft bill for the reorganisation of each of the regions which then passed through the parliamentary legislative procedure (Mecking 2012, 86 et seq.).

In each case, the actual legislative procedure for the major reorganisation bills was thus preceded by an intensive and long-term consultation process consisting of hearings and reorganisation proposals: The intensive discussion and review of the plans was primarily conducted in expert groups, in the state parliamentary committee for administrative reform and in the so-called Zehnerklub (club of ten) where the central reorganisation issues were coordinated on a cross-party basis at an early stage. During both the legislative procedure as well as the parliamentary debate, central points of the reorganisation were discussed within and amongst the parties. The state government and the opposition were in continual contact with respect to the resolution of reorganisation issues. In order to implement the territorial reform as planned it was their "common concern […], to ensure that random majorities in the state parliament did not prevail."6 This cross-party reform coalition in the state parliament, which in principle supported the idea of territorial reform, ensured – despite contentious questions of detail – the necessary parliamentary majorities for the passing of the reorganisation bills.

Although the municipal reorganisation of the late 1960s and early 1970s was ultimately a continuation of the traditional incorporation policy of the cities, the reform was nevertheless on a far larger scale than earlier measures. This applied to both its territorial scope as well as its substantive goal. Incorporation and reorganisation measures were not so much judged in terms of their effect on an single city but on their effect on the region.

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6 Archiv für Christlich-Demokratische Politik der Konrad-Adenauer-Stiftung, St. Augustin, 01-258-014/1, Letter from Heinrich Köpplers to Willi Weyer, Düsseldorf May 18, 1973. The letter was hand annotated as unsent.

3. Protests: Citizens as Advocates for Their Cities and Municipalities

Although the territorial reform was rapidly implemented within the space of a decade, this cannot disguise the great disquiet within the municipal and party political landscape as well as the population itself. Although there was widespread agreement on the necessity for municipal reorganisation within the scientific community, government, administration, and society, its implementation at the local level could be controversial and associated with considerable difficulties. This frequently resulted in strong defensive reactions on the part of those immediately affected by the reform measures. In North Rhine-Westphalia all the political forces within the state parliament – i.e. both the social-liberal government as well as the Christian-democratic opposition – were principally in favour of the territorial reform. However, it was at regional and local level that the actual political conflicts took place. The cities and districts threatened with their loss of autonomy insisted on their economic potential, their longstanding communities and traditions (Mecking 2012, 133 et seq.).

Since the beginning of the 1970s at the latest, residents of cities affected by incorporations and dissolutions in North Rhine-Westphalia also began generating publicity, speaking out against the changes to municipal and district boundaries. In the conflict over the territorial reform historically-evolved, rural, traditional, or economically-determined conditions and local characteristics were counterposed to a functional change in scale directed at improving administrative efficiency. Advocates of the reform argued that the organisation of social life and the problems faced in providing general services could no longer be resolved within administrative borders originating from the age of the stagecoach, while local critics opposed a technocratic administrative reform which merely exhausted itself in an increase in scale. In particular, civic identification with smaller geographical entities was not to be sacrificed to anonymous, gargantuan structures conceived on the drawing board (Zahn 1982, 37-40; Wollersheim 1998; Ipsen 1994). Critics of reorganisation supported their arguments with references to dialect boundaries, differences in religious denomination and mentality, familial relationships, or old trade relations (Mecking 2007). Memories of the territorial reform during the Weimar Republic also played a role, and not least, it was the reference to the negative by-products of earlier reorganisations, such as the lack of integration and the neglect of the city outskirts, which served the critics as arguments against the new incorporations (Hoebink 1990).

The opponents of incorporation organised themselves in action alliances and citizens' initiatives. "Hands off" our municipality could be heard on the ground locally. The population sought to defy the wide-ranging reform plans of the state government and parliament by using slogans such as "against the imperi-

alism of the metropolises," "Biafra in the Ruhr region," or by encouraging cities to "remain firm despite dictatorship." "Flourishing (medium-sized) towns" should not be allowed to become "grey (metropolitan) suburbs," was the message from the citizenry.[7] Disparaging comments, derisive nicknames formed from the first letters of the cities to undergo fusion such as "Glabotki" for the fusion of the cities Gladbeck, Bottrop, and Kirchhellen, were designed to underline the artificiality of the new large municipalities (Fiebig and Weichelt 1989). The protest initiatives which emerged everywhere in opposition to the reorganisation measures tested all forms of protest. Amongst others, these included letters to the editor, petitions, popular festivals, demonstrations, party resignations, etc. The slogans and rallying cries were directed against both the municipal neighbours hungry for territory as well as the political representatives in the state parliament responsible for the reform.

These expressions of displeasure "from below" were now echoed by federal politicians and the highest representatives of the Federal Republic who were not directly responsible for the policies of the federal states. Reform critics saw a special confirmation of their views in the speech of the Federal President Gustav Heinemann "The empowered citizen in state and society," which he gave on February 11, 1973 in Munich. In his opening words Heinemann established that a "transformed type of citizen" had emerged over the recent period. Citizens were becoming increasingly creative and proactive. A "long pent-up desire for personal participation and the active shaping" of political and social developments was becoming evident everywhere (Heinemann 1973, 106 et seq.). Without making explicit reference to the territorial reform, the Federal President conceded that it was not part of "the good tone of contemporary politics" to make "plans while ignoring the interests of those affected." Thus "no planning agency should be annoyed when citizens become uncomfortable" and demand a hearing. In the city of Wattenscheid, a single municipality without subordinate districts, the Federal President was immediately taken at his word and the citizens' initiative critical of the reorganisation requested a meeting with him personally. Here the city's protest was directed against the fusion with the neighbouring city of Bochum which was four times the size of Wattenscheid and designated as the new Oberzentrum. However, Heinemann relayed the message through a staff member that he was "not disposed to attend a meeting." Under constitutional law, so the justification, it was not possible for

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7   Cf. Archiv Heimat- und Bürgerverein Wattenscheid [HBV WAT], Poster of Kettwig "This is about the future of your city"; Flier of citizen's action group for the preservation of the district Moers [March 1972]; Landtag Nordrhein-Westfalen [NRW], A 0303/7/83, vol. 3, Letter from citizen's action group for the independent city Castrop-Rauxel to Minister president Heinz Kühn, Castrop-Rauxel, December 16, 1972.

him to exercise an influence on single reorganisation measures as this was purely a matter for the federal states.[8]

However, in order to obtain a hearing for demands for co-determination and the opportunity to exert a direct influence on decision-making by the population affected by territorial reform, the state-wide Aktion Bürgerwille (civic will initiative) was established in North Rhine-Westphalia in September 1973. The name of the initiative was no accident, it was programmatic: The initiative set out to unite the various action associations and citizens' initiatives opposed to the reorganisation scattered across the state. The inner circle of this protest initiative was occupied, in particular, by committed independent entrepreneurs, management staff, civil servants, or school directors (Kaase 1976, 186 et seq.).[9] The executive committee of the Aktion Bürgerwille coordinated the resistance and intended to exhaust all legal means of opposition to the reform. A citizens' petition and referendum, initiated by the Aktion Bürgerwille, set out to win the direct participation of the municipalities and citizens in the procedure for changing the municipal and district territories. At the same time the highly contentious incorporations in the Ruhr region were to be made superfluous through the creation of an association of the Ruhr region municipalities.[10]

The planned plebiscite was a novelty. It was the first referendum petition in North Rhine-Westphalia. The Aktion Bürgerwille succeeded in rapidly extending its supporting organisation and base of activists, even enlisting the participation of prominent individuals. The artist Joseph Beuys, amongst others, participated in the demonstration against the new "gargantuan cities" in front of the state parliament in Düsseldorf in February 1974.[11] In other federal states the displeasure of the citizenry was also growing in strength. The entertainer and quizmaster Rudi Carrell, who lived in Lower Saxony, campaigned locally for the maintenance of the old district borders. In a reference to his popular Saturday evening show on the ARD channel he announced a "Kampf – am laufenden Band" (struggle: non-stop).[12] And years later, when the historian and writer Golo Mann was asked in a Sunday interview on the ZDF channel why he spent his retirement in Switzerland and not in Germany, he made reference to

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[8] Letter from citizens' action group *"Selbständiges Wattenscheid"* to Federal President Gustav Heinemann, Wattenscheid February 15, 1973. Printed in: *Westdeutsche Allgemeine Zeitung* (WAZ), February 16, 1973; HBV WAT, Bröker, Letter from Federal President to citizens' action group "*Selbständiges Wattenscheid*", Bonn February 27, 1973.

[9] See also work and organisation of *Aktion Bürgerwille*: Benfer 2007.

[10] Cf. HBV WAT, St. 22, Constitution of *Aktion Bürgerwille e.V.*, Wattenscheid September 25, 1973.

[11] Cf. Landesarchiv Nordrhein-Westfalen, Abteilung Westfalen (The State Archives North Rhine-Westphalia, Westphalia) [LA NRW/Westphalia], Sammlung Steilmann, no. 1., Table of protest actions in Wattenscheid, *Ruhr Nachrichten*, May 31, 1973.

[12] *Wirtschaftswoche*, March 11, 1977, 16-22.

the incorporations undertaken against the will of the citizens. For him such measures were unthinkable in Switzerland.[13]

The critics of reorganisation enlisted press and media offices in their struggle against incorporations and municipal fusions. Sessions and working meetings were accompanied by numerous press briefings and press releases. They directed public letters to individual members of the state government and state politicians, with the corresponding responses made public in the daily newspapers. Citizens' surveys, information and advertising campaigns were employed to arouse the population across the state in order to ensure a high participation in the referendum petition. Organisations and associations such as the district associations of the established political parties, the trade unions, the university associations, and in particular the heritage societies, citizens' organisations, and tourist associations were systematically supplied with information material.[14] The Aktion Bürgerwille produced posters, stickers, and balloons with corresponding inscriptions. Appeals to sign the referendum petition were broadcast over loudspeakers in the football stadiums.[15] In addition, the opponents of incorporation staged spectacular actions to draw attention to their cause. During the parliamentary consultations on the reorganisation of the Ruhr region leaflets rained down on the chamber of the state parliament from the public gallery. With this disruption of the work of parliament the opponents of incorporation focused attention on the displeasure of the citizens at the ministerial draft bill (Benfer 2007, 28 et seq.).

4.   The Referendum Petition: Support and Criticism

In the event of a victory for the referendum petition the social-liberal state government would not have been able to continue implementing the territorial reform as planned. Accordingly, the Minister President Heinz Kühn also criticised the citizens' protests and the Aktion Bürgerwille. Minister of the Interior Willi Weyer even denigrated the statements of the reform critics as mere "pamphleteering."[16] Unimpressed by the local cross-party protest initiatives all

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[13] Cf. *Der Wattenscheider* 20 (1995), no. 2, 12.

[14] HBV WAT, St. 23, Protocol of meeting *Aktion Bürgerwille* in Kirchhellen, November 27, 1973.

[15] HBV WAT, St. 23, Protocol of meeting *Aktion Bürgerwille* in Oberhausen, December 18, 1973; Letter from *Aktion Bürgerwille* (Steilmann) to soccer clubs, Wattenscheid January 8, 1974; *Ruhr Nachrichten*, January 8, 1974.

[16] Interior Minister Willi Weyer, in: 2nd reading of the Ruhr law, February 13, 1974, Landtag NRW, 7. WP., Plenarprotokoll 7/94, pp. 3742-86, here p. 3766. See also Landesarchiv Nordrhein-Westfalen, Abteilung Rheinland (The State Archives North Rhine-Westphalia, Rhineland) [LA NRW/Rhineland], NW 484-100, Letter from Interior Minister to Michael Werner and Volker John in Wattenscheid, Düsseldorf April 11, 1973.

the parties in the state parliament (Christian Democratic Union / CDU, Social-Democratic Party / SPD, Liberal Democratic Party / FDP) stuck firmly to the planned territorial reform and insisted that the state government keep to the timetable. The municipal reorganisation should be concluded in the current seventh legislative period. Voices critical of giving too much weight to citizens' surveys and the implied emotional argumentation during the decision-making process in the state parliament were raised in all parliamentary groups.

A greater inclusion of plebiscitary expressions of the will of the citizenry in the decision-making process was rejected with reference to existing parliamentary i.e. representative democracy.[17] In addition to undermining representative democracy it was feared that the citizens' vote would introduce a subjectivity into the reorganisation procedure which was incompatible with the desired objectivity of a reform process with its scientifically founded, rational criteria. Narrow-minded parochial thinking was to be overcome by forward-looking policies and planning.[18]

The planners and reformers saw themselves as non-partisan, rationally calculating experts and problem solvers who stood above any particular interests. For the state government and ministerial bureaucracy a more careful, thorough, and appropriate procedure than that practiced by means of the collection of structural data, hearings, and field visits, etc., was virtually unimaginable. The staff of the reorganisation group within the Ministry of the Interior conducted almost 2,000 official trips in order to gain a picture of the conditions in the localities (Giott 1972; Metzler 2004b; Süß 2004). Furthermore, compensation measures such as the introduction of the Bezirksverfassung (borough constitution) were introduced to strengthen and maintain the social and political integrative power of the new large cities. The division of the new metropolitan areas into boroughs and the establishment of borough administrations and representatives was linked with the expectation that they would compensate for the possible negative by-products of the territorial reform (i.e. loss of identity or democracy) (Antwerpes 1975; Tränhardt 1977; Holler 1977; Kevenörster et al. 1981).

When, towards the end of 1973, the increasing popularity of the Aktion Bürgerwille within the population became apparent, irrespective of party-political preferences, and the reorganisation procedure as conducted to date was called into question by the planned referendum petition, the SPD's state

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[17] Cf. for example HBV WAT, St. 23, Protocol of meeting *Aktion Bürgerwille* in Wattenscheid October 16, 1973; Bewerunge, Lothar. 1973. Kommt ein Volksbegehren in Nordrhein-Westfalen zustande? In *Frankfurter Allgemeine Zeitung*, November 14, 1973, also in: LA NRW/Rhineland, NW 370-600.

[18] LA NRW/Rhineland, NW 370-600, *Auf einen Blick. Landespolitik in den Tageszeitungen*, ed. Landespresse- und Informationsdienst, October 22, 1973, therein: *Münstersche Zeitung*, October 22, 1973.

executive committee reacted nervously. It warned social democratic local politicians and party organisations not to take an active role in the citizens' initiatives. It was unacceptable for Social Democrats to take up position against the state government in the run-up to the municipal and state elections. The "participation of Social Democrats in the Aktion [Bügerwille] is contrary to the SPD led state government."[19] In turn, this attempt on the part of the highest party authority to bring the subordinate organisations into line on the question of the reform issue through disciplinary measures elicited loud protests from the localities. In particular, the cities and municipalities threatened by incorporation refused to tamely acquiesce to the party directives, instead branding them "Democratorship in its purest form."[20] For the affected municipalities the reorganisation (maintaining autonomy, territorial expansion) was generally beyond any party-political considerations. The groups of advocates and opponents extended across all parties.

The Aktion Bürgerwille generally received the critique of the territorial reform now articulated from various sides, together with the associated demonstrations of sympathy for the displeasure of the citizenry, with a sense of gratification – so long as they contributed to strengthening the initiative.

Nevertheless, not every offer of assistance was welcome: The Aktion Bürgerwille also received encouragement for its work from the German Communist Party (DKP). At its conference of district representatives (Bochum / Witten / Wattenscheid) on August 26, 1973 it passed a resolution which rejected the state government's reorganization plans as an "expression of the concrete interests of big business." The communists (Bottrop) declared their support for the opposition to the reorganisation.[21] The executive committee of Aktion Bürgerwille comprising members of the upper middle class, reacted by rejecting and disassociating themselves from this declaration of solidarity. In their view this resolution merely represented an attempt on the part of the communists "to attach themselves to the protest and use it for its own political interests."[22]

Ultimately, the Aktion Bürgerwille was met by various levels of euphoria in each city and municipality. In large cities such as Bochum, Duisburg, Essen, or Cologne the citizens had little interest in changing the reorganisation process.

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[19] Archiv der sozialen Demokratie der Friedrich-Ebert-Stiftung, Bonn [AdsD], LV NRW, no. 17, Letter from social-democratic state board of North Rhine-Westphalia (*SPD Landesvorstand NRW*) to all social-democratic local group (*Bezirke, Unterbezirke*), Düsseldorf November 19, 1973.

[20] AdsD, Bonn, LV NRW, no. 1, Letter from social-democratic local group (*SPD Ortsverein*) Hohenlimburg to social-democratic state board of North Rhine-Westphalia (*SPD Landesvorstand NRW*), Hohenlimburg December 11, 1973.

[21] StdABo, BO 10/416, Resolution of German Communist Party group of Bochum / Witten / Wattenscheid: Reshuffle with Brute Force, August 26, 1973.

[22] HBV WAT, WDR Penner, Handwritten note: Reactions of *Aktion Bürgerwille* to solidary actions of the DKP, undated.

As Oberzentren these cities could look forward to considerable territorial gains and were considered reform winners so that the number of signatures hardly rose above one percent. In rural regions as well as those areas which had already been reorganised at an early stage the referendum petition generally received just as little support. However, in the so-called medium-sized cities which saw themselves threatened by expansion-hungry neighbouring metropolises, the citizens joined the initiative. In Hohenlimburg, Kettwig, Porz, Rheinhausen, Wattenscheid, or Wesseling for example, the signing rate was between 60 and 84 percent (Landesamt für Datenverarbeitung und Statistik Nordrhein-Westfalen 1974). In order for the referendum petition to succeed 2.4 million people, i.e. 20 percent of those eligible to vote in North Rhine-Westphalia would have to sign the lists. However, with just over 720,000 signatures (6 percent) by February 1974 the Aktion Bürgerwille failed to reach the quorum.

The territorial reform could be continued as planned and concluded in parliament. Against the background of the failed referendum petition the state government and parliament now felt it had a strengthened mandate for its reorganization plans and their implementation. In those areas already reorganised such as Bonn, Aachen, and Bielefeld the referendum petition had received little support, although there had also been controversial reform debates on the course of the new municipal and district borders in these areas too. As the Minister of the Interior Weyer happily concluded, although not without a certain surprise, the population, despite its previous reservations, appeared to accept the reorganization as implemented (Thieme and Prillwitz 1981, 78; Tiggemann 1977).[23]

The large number of court cases confirmed that the municipal reorganisation represented an enormous "feat of strength" (Zinnkann 2005), that succeeded only by overcoming significant resistance. In order to avert incorporation, fusion, or dissolution, despite the reorganization bill, the only means at the disposal of the affected municipalities was a constitutional complaint. Numerous municipalities and districts resorted to this ultima ratio. In the period from 1968 to 1978 municipalities threatened with a loss of autonomy submitted more than one hundred complaints to North Rhine-Westphalia's constitutional court in Münster. However, ultimately only five of the complaints were successful (Psyk 2000, 16).[24] While the reorganisation was subject to statutory amendments in federal states such as Lower Saxony, Saarland, Bavaria, or

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[23] LA NRW/Rhineland, NW 370-602, Interior Minister Willi Weyer, WDR, Landesforum March 1, 1974. This reform reduced the number of municipalities in the state of North Rhine-Westphalia from about 2,300 to less than 400.

[24] See also constitutional court of North Rhine-Westphalia (*Verfassungsgerichtshof Nordrhein-Westfalen*) [VerfGH NW] Judgment August 4, 1972, VerfGH 13/71, Judgment December 6, 1975, VerfGH 13/74, Judgment September 13, 1975; Judgment December 6, 1975, VerfGH 62/74; Judgment December 6, 1975, VerfGH 39/74.

Hesse, the legislator in North Rhine-Westphalia saw no need to revise reorganization decisions that had once been made on political grounds. The only exception to this was provided by those cases in which parts of a reorganisation bill were declared unlawful by the courts.

5. Conclusion: Reorganisation *for* and not *with* the Citizens

According to the administration scholar Thomas Ellwein "the territorial reform was a success administratively and politically" (Ellwein 1994, 73). However, the reform did not just bring about a reorganization at the administrative level and a redefinition of the relationship between local self-government and state government bodies, it also changed the longstanding identity of the municipalities and districts as well as that of its citizens.

During the implementation of the municipal reorganization, the political, social, and cultural changes of the 1960s and 1970s in the Federal Republic were clearly manifested in the conflicts over the reform. All forms of protest were tested in the opposition to the changes in the municipal and district boundaries. Beyond the conventional means of expressing displeasure at lecture and discussion evenings, the population increasingly made use of the forms of protest and potential for participation championed by the new social movements. Although there are no national surveys of the number of participants in the initiatives against municipal territorial reform, it is nevertheless possible that the extent of participation exceeded that displayed by such mass movements as the one against the military or peaceful use of atomic energy (Dammann 1980, 198).

The widespread formation of citizens' initiatives at the municipal level witnessed since the beginning of the 1970s, both as a result of the territorial reform and generally, gave occasion for contemporary witnesses to speak of a citizens' initiative movement in the spirit of a social movement (Mayer-Tasch 1985, 13-20, 142-60; Rucht 1983). At the same time, the formation of local citizens' initiatives was frequently viewed as a phenomenon distinct from the established political-administrative systems of a municipality. In this sense, citizens' initiatives generally represented a counterpole to the constitutional institutions which were frequently considered unsuited to tackling the concrete problem (Albertin and von Wersebe 1981, 3 et seq.). In the case of citizens' and protest initiatives directed against single reorganization measures, however, they were less a counterpole to the city administration and city council than a form of support and means of strengthening opposition to the reorganization plans drafted at the state level already articulated by the official municipal representative bodies. Thus the civic protest initiatives generally went hand in

hand with the official protest articulated by the local municipal decision-making committees and city representatives.

Furthermore, the respective parliamentary representatives frequently campaigned energetically for the interests of their municipalities, i.e. constituencies. In the process, politicians at the federal state level and members of the state parliament with a municipal mandate oscillated between local patriotism and obligations to their constituency on the one side, and party-political discipline at the state level on the other. As a consequence, the fronts in the reorganisation battle did not so much run between citizen and constitutionally sanctioned politics or between the political parties, as between the municipal and state levels.

Citizens increasingly assumed a prominent role in the reform process as protagonists and advocates of their municipalities. Ultimately they failed to win the day, however the new civic engagement was not without its consequences. During the course of the reorganisation process the political and administrative representatives, as well as the population, realized that the actively expressed will of the citizens assumed an intrinsic value within the political conflicts over the reform. In contrast to the nebulous "opinion on the street" the expression of popular opinion documented in lists of signatures, citizens' surveys, or attendance lists represented a weighty argument in political discussions. If governments and parliaments wanted to avoid endangering the legitimacy of their decisions, then in future they had to pay increasing notice to the new, clearly articulated will of the citizens.

As a rule the reorganisation was not generally rejected by the affected municipalities and their inhabitants, just the concrete territorial demands of their neighbours. The dissatisfaction with governmental action first gave rise to (unconventional) protest behaviour on the part of citizens when they were directly affected. Accordingly, there was no abstract conflict of values between citizen and state. It was merely a question of averting a concrete "authoritarian" intervention into traditional or socially bound living environments which was perceived as a threat. This represented an intervention in their "home," which is to be understood here as both the individual and collective (self) localisation of people in their place and time. Against this background, references to the advantages of the new, modern *Unter-*, *Mittel-*, and *Oberzentren* were generally met with little enthusiasm by the population. Local interests and concerns about the well-being of one's own city had a greater influence on action than the identification with the region or the federal state. The fear of losing local, identity-generating points of reference was too great. Thus the engagement of the population, alongside the legal-administrative and political definition of the municipality, also gave manifest form to its sociological definition. Accordingly, the municipality is, above all, that which the inhabitants identify with, and less that which federal state policy and ministerial bureaucracy define it to be.

The protests by the citizens of the municipalities affected by dissolution and fusions, referred to longstanding structures and historical affiliations. However, these arguments and statements had to measure themselves against the future-oriented reform goals. Federal state planners and advocates of reorganisation did not deliberately seek to tear apart historical entities, however they accepted it when it appeared necessary for the implementation of the concept as a whole. Ultimately, it was quantifiable criteria such as the tax revenue and economic power of a municipality or commuter traffic between municipalities that were decisive. Integration aspects and arguments with a reference to the past such as a loyalty to place, a sense of community, political participation, historical and traditional ties, had a hard time asserting themselves within a reform process largely concerned with efficiency. Thus the arguments employed by reform advocates and critics during the debate differed in terms of both theme and perspective.

During the practical implementation of the reform the gulf between holistic and individualistic conceptions of society, i.e. representative and participatory understandings of democracy, became apparent. Amongst the ranks of the ministerial functionaries and party politicians the accusation was raised that the citizens' initiatives emotionalised the reorganization. In contemporary "elitist thinking," which, amongst other things, was expressed in a "highly personalized relationship to politics" and faith in the knowledge of experts (Düding 2002, 213), the reform planners within government and administration saw themselves as rational problem solvers. For a majority of the members of state parliament, government and ministerial functionaries, the demands and protest measures in the localities remained incomprehensible. There was also a lack of understanding for the fact that the citizens' associations – in contrast to the established decision makers – relied on a greater appeal to emotions and the motivation of their members and fellow campaigners through actions. Providing information to citizens through leaflets, demonstrations and critical statements as well as the intensive cooperation with the press were indispensable elements of the approach and working methods of the citizens' initiatives (Liehr 2007, 32).

If the territorial reform was also a reform *for* the citizens, it nonetheless failed as a reform *with* the citizens. As a reform introduced "from above" without any active participation "from below," the reorganisation plans would inevitably collide with the new civic spirit and an understanding of the state based on grassroots democracy, which developed within the mobilised population. Initially, daring "more democracy" was generally less the preserve of the constitutionally sanctioned federal state politicians and decision makers than the citizens' initiatives outside of the parliaments.

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