

## Planning for transition and the multiple perspectives on democratic legitimacy

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**Abstract:** Connecting transition processes to participation and community planning implies the search for possibilities to reconcile the knowledge driven transition goals with democratic legitimacy. If we understand planning processes as multilateral communication processes we discover multiple interactions of diverse actors, which do not necessarily belong to a definable local community. The actors create a complex network of interdependencies with symmetric and asymmetric power relations.

This paper shows in reference to a case study the different approaches and expectations involved actors have towards planning outcomes and decision-making in a planning process. Within complex actors constellations the legitimacy of representing public interest is claimed by various actors in a field of conflict. These claims are related to diverging conceptions of democracy that co-exist in daily political practice. Besides of turning legitimacy into a negotiable aspect the claim on legitimacy interferes also into conflict about the contents of planning. Referring on case study results this paper shows how several actors promote divergent goals claiming to defend public interests and the needed interventions for a future transition.

Complexity of transition needs lead to the integration of phases for collective learning and qualification into planning processes in order to facilitate an adequate debate on desired planning outcomes. Nevertheless expert knowledge remains a controversial field when it comes to define the type or place of an intervention. This paper reflects on the role of different actors' perspectives for rationalizations about planning outcomes within the discourse of transition.

**Keywords:** legitimacy; actors' perspectives; planning conflicts; planning for transition

### Introduction

Transition and the implementation of related planning goals becomes a disputed issue in planning processes. The increasing role of public participation and communication in planning turns the legitimacy of planning interventions and the actors promoting them into an essential base to facilitate the implementation of planning.

Planning projects that aim on envisioning transition goals are mostly driven by expert knowledge. But this knowledge does not generate a democratic legitimacy for planning outcomes or the processes to define them. Opposing actors dispute on planning goals and claim to defend the public well. They refer on divergent aspects of legitimacy to claim their own or to put into the others legitimacy. This entwining of goals and legitimacy happens on base of divergent actors' perspectives on democratic legitimacy.

This paper will revise these issues on base of a case study in Bremen (Germany) studied in parallel to the planning process. Rationalisations of the involved actors' within a conflict about mobility issues is analysed.



The arguments of actors generate an own narrative about relevance and interdependence of specific planning goals. Actors refer on divergent guiding principles for planning.

The article illustrates on base of the case study how the narratives of actors relate the conflict on planning goals to legitimacy of the actors' themselves. Legitimacy is negotiated along the conflicts about planning. In the course of debate actors refer on divergent sources of legitimacy and balance them to paths of decision-making and planning goals. Throughout the paper it becomes visible which are the sources of legitimacy that are applied to foster transition oriented planning goals and how they relate to other sources of legitimacy.

The conclusions reflect on the relation of these negotiations of legitimacy towards transition oriented planning. Planning for transition in many cases suggests an urgency to prioritize certain planning goals. Depending on who defends these goals - citizen, politicians or planners - the paths to generate legitimacy in the discourse about planning decisions vary.

### **Neues Hulsbergviertel and its planning conflicts**

The case study is about a new neighbourhood, Neues Hulsbergviertel; in Bremen (Germany) created by conversion of a former hospital into a mixed neighbourhood.

The project is considered a model case in terms of planning goals and process design. The Bremen Parliament defined that the project had to aim on sustainability (in terms of construction, transport, energy and environment), a mix of uses, the promotion of varied types of property and dwelling (such as cooperative housing), and an intense citizens' participation within the planning process (Bremische Bürgerschaft, 2010, p.2).

These planning goals can be considered key issues of currently formulated goals of urban transition to face climate change, challenges of social inclusion and citizens' engagement.

As the planning goals were determined by the Bremen Parliament they are backed by representative democracy. At the same time the aim to create an extended process of citizens' participation longs to acquire additional legitimacy by consulting citizens and fostering deliberative processes.

As the 14 ha sized plot is now in use for a hospital and has no current inhabitants there is no 'natural' community to be consulted. The citizens who engaged in the process were dwellers from adjacent neighbourhoods, persons and groups interested in a future living on the area, groups willing to promote certain urban developments, and some other individuals interested in planning process and outcomes.

The current owner of the plot is the public hospital company (Gesundheit Nord, hereinafter: GeNo) who expects to refund part of their deficit by the sales revenues of the plot.

Main stakeholders in the political arena are the senator for finances (A senator in Bremen is equivalent to a minister.); the senator for environment, building and transport; Bremen Parliament (Bremer Bürgerschaft) and its planning commission (Baudeputation); and as well the borough council (Beirat).

The planning process is handled by the local planning department (SUBV). In charge for the development of the area is the state owned property development company (hereinafter: GEG). These both actors jointly coordinate the public participation events.

From the beginning there was a high proximity between the actors concerning the general planning goals formulated in the prior political decision. This fact distinguished the Neues Hulsbergviertel from several other planning projects. For example in projects for new neighbourhoods on inner-urban voids or in projects concerning the implantation of highways, high-voltage lines, etc. the conflict often begins from scratch in questioning the plausibility of a need for the proposed planning project.

Nevertheless balancing conflictive goals and detailing plans led to evident conflicts within the planning process for the Neues Hulsbergviertel. These conflicts show elements that can be seen as characteristic for planning for transition. When transition becomes a motor of planning it is justified by expert knowledge perspectives, such as knowledge about causes and effects of climate change. Expert knowledge gives legitimacy to planning. On the other hand transition towards a more inclusive society requires legitimacy by democracy. This involves a scope of divergent concepts of democracy, fostering participative elements or highlighting the values of representative democracy.

The case study in Bremen was analysed on base of Interviews with several actors, participant observation and document analysis. Within this material it becomes obvious that actors' discourses about planning contents are set into rationalizations that refer on different guiding principles.

Based on the results of political decisions, several public assemblies and previous expert evaluations the award documents for an urban planning competition were defined. According to the award- winning plan the new neighbourhood would be built around a central green area, the buildings would be organized in city blocks, and the most emblematic of the existing buildings would be preserved.

The planning department elaborated consequently a binding land-use-plan. It was developed on base of the previous decisions and due to further political debate, citizens' claims in public assemblies and internal processes of balancing and negotiation between planning department and other actors. Key issues were:

A portion of 25% of housing is planned to be social housing and an additional 20% is foreseen for joint building ventures and cooperatives.

A mobility concept was developed in order to reduce drastically the motorised private transport and accordingly the space reserved for parking. Walking, cycling and car sharing should be fostered in change. The number of required parking spaces was reduced to 0.4 spots per housing unit, instead of 0.8 as it is the common local legacy. These parking spaces should be located in the perimeter of the neighbourhood in order to reduce internal car circulation.

While the planning department was elaborating the legal-land-use plan and an additional urban development contract the debates between the several actors on detailing regulations continued.

### **Constructing argumentations**

This article illustrates an entwined discourse between content related rationalizations and legitimacy. As mobility was a largely discussed topic during the planning process I will pick the debate on parking garages to show how several actors promote divergent goals claiming to defend public interests and the needed interventions for a future transition.

In the original urban plan there were no underground parking spaces beneath the building blocks instead there were only collective parking spaces in multi-storey car parks. During the revision process the planning department decided to insert three underground parking car parks. The debate about the underground parking spaces and the impacts for the neighbourhood and its mobility concept took place in public assemblies, direct actors negotiations and in meetings of political boards. The narratives of the different actors about the issues could be found in interviews, on the projects websites, in press releases and other published statements of citizens' groups, and of proceeding and documents of political boards.

The arguments on the issue are conducted very differently by the different actors, and each actor treats the issue associated to other thematic contexts.

The arguments about mobility can be assigned to five different contexts:

1. Planning approach
2. Expectation on sales revenues upon the plots
3. Creating a socially mixed neighbourhood (social inclusion and justice)
4. Quality of urban design
5. Ecological sustainability

Based on this, on these topics two basic argumentative groups can be identified (see also Table 1). The decisive key issue is the planning approach that defines the guiding principle of each argument:

**Balanced Approach (Argument A):** The balanced approach sets as a guiding principle the argument of a balanced sound planning that accomplishes to carry out all aspects of the original political decision. The goal of reducing the motorized private transport must be balanced against another with complementary considerations and goals to develop a more down-to-earth option referring to the mobility concept. The key argument is **BALANCING DIVERGENT PLANNING GOALS (1A)**. This argumentation is applied to the question of underground car parks. Above all, the maximization of sales revenue (2A) and the quality of urban design (4A) determine the patterns of this argumentation. A common reference to support these arguments are the planning goals defined by the Bremen Parliament in 2010, especially referring on the needed sales revenues.

**Committed Approach (Argument B):** The guiding principle in the committed approach is to assure that planning is envisioning the future, especially focusing on ecological sustainability and social justice. The commitment is to foster the transition oriented aspects of the original political decision and to preserve the outcomes of the first phase of public participation. The key argument is the **COMMITMENT TO ECOLOGICAL SUSTAINABILITY AND SOCIAL PLANNING GOALS (1B)**. This argument is also applied to the question of underground car parks. While the parking space key itself represents a tolerable compromise, the aims of mobility concept are frustrated by the construction of underground car parks. Assuring a socially mixed neighbourhood (3B) and preventing negative effects on ecological sustainability (5B) determine the patterns of argumentation. In addition, it is argued that reducing car traffic significantly increases the attractiveness of public spaces (5B). A common reference to support these arguments is the Bremen Parliament resolution of 2010, assigning the status of a model case to the planning for the Neues Hulsbergviertel and highlighting in particular the aspects of ecological sustainability and social mix. In addition, the argument refers on political resolutions of a Bremen Alliance for Housing and subsequent policy guideline on social housing.

In the synopsis, the arguments are not only thematically linked to different contexts but also the references that support and justify the argument vary. These references are used as an argumentative background to underpin one's own position.

Four such types of references can be identified:

- Compliance with the political decisions (documents)
- Compliance with the results of public participation
- Commitment to political goals / transition (social justice, ecological sustainability)
- Professional criteria (based on professional experience): sales revenues for certain types of housing, quality of urban design, sound transport planning

Table 1: ARGUMENTATIONS

A. BALANCED APPROACH (accomplishing equally all political demands)

	STATEMENT	SUPPOSED EFFECTS	REFERENCES
1 A	Planning for Neues Hulsbergviertel has to be sound and all criteria of the prior political decisions on planning goals have to be balanced and accomplished equally.	Balancing all planning goals allows to accomplish all criteria equally.	Resolutions of Senate and Bremen Parliament (2010)
2A	Housing with assigned underground parking spaces is a standardised product on real-estate market and fosters successful sales of apartments.	Generates increased sales revenues on assigned plots.	Resolutions of Senate (2010) claims maximisation of sales revenues. Supported by expert statements of real-estates professionals
2/4A	Multi storey car parks in the perimeter reduce the attractiveness of the neighbourhood. The underground car parks could substitute some of them.	Generates increased sales revenues for the entire neighbourhood.	Resolutions of Senate (2010) claims maximisation of sales revenues. Supported by expert statements of real-estates professionals
3A	To offer apartments with assigned underground parking spaces attracts clients with an affinity to car use.	Creates a neighbourhood for everybody according to the existence of diverse demands within society.	Fits in with resolution of Bremen Parliament (2010) that claim diversity of types of dwelling. Covered by the documented results of participation.
4A	The underground car parks could substitute some of the multi storey car parks in the perimeter.	Improves quality of urban design and attractiveness.	Supported by expert statements of planning professionals.

Lower ranking aspect: ecological sustainability (5)

The referenced political resolutions are: Senate in June 2010, Bremen Parliament (Bürgerschaft) in December 2010; Bremen Alliance for Housing (Bündnis für Wohnen) and subsequently the housing programme (Wohnraumförderprogramm) in 2012/13, and the policy guideline on 25% social housing for areas with new land-use plans in 2013.

B. COMMITTED APPROACH (ecological sustainability, social justice)

	STATEMENT	SUPPOSED EFFECTS	REFERENCES
1 B	Planning for Neues Hulsbergviertel has to be a model case.	Ecological sustainability, social justice and public participation are fostered.	Bremen Parliament resolution (2010) ; Bremen Alliance for Housing, housing programme (2012/13) and the policy guideline on 25% social housing for areas with new land-use (2013)  Needed to accomplish the results of public participation.
3B	To offer apartments with assigned underground parking spaces attracts wealthy citizens who “expect to have their SUV next to their apartment”.	The social mix of the neighbourhood shifts. Because of the currently high prices on real estate market even a slight shift could cause the exclusion of citizen with lower or middle incomes.	Endangers goals of resolution of Bremen Parliament (2010) which claims diversity of types of property and dwelling, including cooperative dwelling projects and innovative housing types.  Conflicts goals of Bremen Alliance for Housing that aims to foster affordable housing.  Endangers the results of public participation.  Contradicts committed approach (social justice)
5B	To offer apartments with assigned underground parking spaces attracts wealthy citizens who “expect to have their SUV next to their apartment”.	Accessibility of a car so close to the apartment will increase the use of cars.  Property on cars contradicts intentions of ecological sustainability.  Entrances of underground car parks will boost car traffic within the neighbourhood and affect the attractiveness of public spaces.	Endangers goals of resolution of Bremen Parliament (2010) which claims ecological sustainability also in terms of transport.  Contradicts expert statements of planning professionals.  Endangers the results of public participation.  Contradicts committed approach (ecological sustainability)
5B	Underground car parks can't be eliminated easily when not needed anymore due to future reduction of individual car use. Multi storey car parks can be demolished more easily to open up space for other uses in a future.	Construction of underground car parks does not open up possibilities for an adaption to future developments.	Endangers goals of resolution of Bremen Parliament (2010) which claims ecological sustainability also in terms of transport.  Endangers the results of public participation.  Contradicts committed approach (ecological sustainability)

Lower ranking aspects: Maximising sales revenues (2) and Quality of Urban Design (4)

During debates on planning goals on the Neues Hulsbergviertel actors have formed varied issue related alliances. These alliances vary even within this limited field of conflict about the underground car parks. But in general terms, the two Arguments (A and B) can be assigned to the different actors.

The balanced approach can be assigned to the property development company (GEG) and the Planning administration (SUBV) claiming that balancing planning goals is part of taking care of the common well. This approach is (in the background of public debates) also supported by the hospital company (GeNo) and the senator of finance, showing a clear inclination of giving the balance an inclination towards the maximisation of sales revenues. As well in conflict between GEG and SUBV the GEG tends to incline argument toward sales revenues.

The committed approach can be assigned to the citizens' action group (BIA) whose members defend ecological sustainability and social justice as commitments that derive from common well and the compromise for transition. In these concerns they get support of NGOs that are engaging for environmental issues or affordable housing. Furthermore, the BIA claims on defending the results of the first phase of public participation. This aspect is used by planners in public administration (SUBV) in conflicts with GEG to support their professional convictions about transition oriented planning.

Political boards as Senate, Bremen Parliament and its commissions took decisions according to a balanced approach referring on the compromise to public well. Nevertheless, clear inclinations to one or the other side of the balance could be observed according to political affiliation or political charge. The borough council, despite of some internal political differences, inclined their decisions more towards the committed approach. But they began to balance when these goals seemed to conflict other issues they felt compromised to. Like as considering the possibility that an extreme reduction of parking spaces in the new neighbourhood could possibly affect the surrounding neighbourhoods, or the aspect that financial difficulties of the hospital company (GeNo) could endanger employment. Thus, being the elected political representatives of the neighbourhood and its particular interests took a clear influence on the political decisions taken.

Simplifying the arguments it can be stated that the expectation on sales revenues upon the plots is opposing the commitment to foster the ecological sustainability of cities and to create a socially mixed neighbourhood that facilitates social inclusion and justice.

Bremen's permanent budget deficit is known by all actors. So in a certain way the need for sales revenues is accepted by everybody involved. Nevertheless, defenders of argument A accept it as a dictum while the defenders of argument B see the commitment for transition the prominent aspect to envision the future.

### **Legitimacy**

All involved actors claim legitimacy by relating their argument to public well. But during the debate they question each other's legitimacy and alter reasons for their own legitimacy.

The legitimacy refers to divergent dimensions which depending on context support or contradict each other. The legitimacy of government in representative democracy is based on input legitimacy assured by constitutionally guaranteed free elections that define political boards. Scharpf (Scharpf, 1998, p. 3) calls this input-oriented legitimacy the "government by the people" referring on Abraham Lincoln's Gettysburg Address. He concludes that "Government, in other words, is meant to be self-government, and compliance can be expected because the laws are self-determined, rather than imposed by an exogenous will" (Scharpf, 1998, p. 3).

The output-oriented legitimacy he describes in change as "government for the people" referring to consequences of decisions to assure issues of common interest. In this case legitimacy is given "because collective fate control is increased when the powers of government can be employed to deal with those problems that the members of

the collectivity cannot solve either individually, or through market interactions, or through voluntary cooperation” (Scharpf, 1998, p. 3).

Within this output-oriented concept of legitimacy knowledge has an important role. Accessibility of expert analysis generates a knowledge base that allows a projection about the effects of planning.

These two forms to acquire legitimacy focus on the persons that are legitimized and on the type of decision that can be considered legitimized. But as well the process of decision-making itself generates democratic legitimacy: Throughput oriented legitimacy refers on the quality of governance processes and can be understood as “government with the people” (Schmidt, 2013, p. 3).

[In an] ideational and discursive construction (...) throughput legitimacy involves the ideas and deliberative interactions of the agents involved in the wide range of governance processes [...], and how these promote efficacy, accountability, transparency, inclusiveness and access to civil society (Schmidt, 2013, p. 7).

The concept of throughput-oriented legitimacy shows that legitimacy does not only result from institutional attributes of government. Being based on democratic decision making processes and fostering public well does not lead automatically to citizens’ approval or obedience. Decision making processes are object of discourses that influence on citizens’ confidence on legitimacy and lead to corresponding attitudes. (Schneider, 2012, p. 188)

These discourses can be found in the debates on planning processes where claims and doubts about legitimacy become a relevant aspect of actors’ rationalizations. “Legitimacy claims and assessments establish a link between regimes and their institutions on the one hand, and normative benchmarks on the other” (Haunss and Schneider, 2013, p. 1).

Analysing the case study of the planning process for the Neues Hulsbergviertel we can observe how the rationalizations about planning contents in debates about the planning issues become entwined with legitimacy. Actors claim legitimacy for themselves or put into doubt the legitimacy of others. This does not mean that any of the actors would not accept the input legitimacy of political bodies in general but it shows how legitimacy is reassured and negotiated as strategic part of discourse.

The local planning department (SUBV) earns its task from the decisions of political boards. So the planners acquire the input legitimacy. At the same time the involved planners at SUBV claim output legitimacy justified by their professional knowledge. They interact and negotiate directly with all other actors and balance the input of these actors’ claims. The rationalizations about possible planning decisions given in the debates with other actors acquire relevance by the professional expertise of the planners. Nevertheless, in case of conflict they refer additionally on the citizens’ demands that are registered as results of public participation to claim a throughput legitimacy for planning decisions that fit to their professional approach. This applies in special to the conflict with GEG about maximising the sales revenues by inserting underground parking spaces and additional densification. But as soon as agreements are found and presented to the political boards GEG and SUBV suggest a lack of legitimacy to certain demands of the citizens’ action group (BIA). This argument is sustained by the assumption that BIA would establish their legitimacy only on base of representativeness for the citizen of Bremen. This is supposed of not to apply to the group as is not a huge movement or represents an average citizens opinion.

The property development company (GEG) claims legitimacy by the political mission of the company to develop and sell the plot ensuring appropriate sales revenues. So GEG supposes that the input legitimacy of representative democracy is transferred to the company in order to implement the political decisions. The GEG also interacts and negotiates to all other actors. GEG aims on the development of a positive urban development balancing the diverse goals but showing a strong compromise to real-estate issues. This fact leads other actors -

like planners and citizens - to questions the extent of legitimacy given to the property development company. As GEG contracted a project developer as sub-agent they also claim a professional expertise to support their legitimacy.

The citizens' action group (BIA) claims the throughput legitimacy for defending the results of public participation. And they claim on an output legitimacy for defending efficient policies for social justice and ecological sustainability as aims of public well that are needed to face transition and to envision the future. The demand of political boards to take these guiding principles as a base of political decisions. They suppose that those politicians in charge who give value to these principles would need the support of citizen groups to defend their legitimacy.

The borough council claims the input legitimacy for being the elected representatives. On this base they defend the interest of citizen' on affordable housing and a vivid mixed neighbourhood against the interests of profit. Thus, on the same base they object on supporting BIA with their claim for a further reduction of parking spaces. They refer on defending the interests of the adjacent neighbourhoods which would possibly invaded by visitors of the new neighbourhood and hospital. Towards the citywide political boards the borough council claims a throughput legitimacy as a favourable vote of the council gives legitimacy to the further decision on Bremen Parliament.

This variance of legitimacy claims show the complexity within the negotiation of legitimacy for planning. The different sources of legitimacy complement each other or compete on priority. Planning processes are multilateral communication processes within a complex network of interdependencies with symmetric and asymmetric power relations. These actors' relations interfere with the perceived legitimacy of planning. Neither can we identify a definable local community that becomes a legitimate subject of planning decisions nor can we argue that planners' knowledge or political decisions guarantee legitimate planning outcomes.

## **Conclusions**

The claims and doubts about legitimacy become a relevant part of planning processes since planning is seen as a communicative process. When it comes to planning for transition the balance of transition goals with other divergent planning goals are an inevitable part of debate. So if planning goals have to be balanced one could reconsider the need for a deliberative discourse based on principles of free speech and rational argument (Healey, 1997; Fischer and Forester, 1996; Forester, 1999). But of course the weight of rationalizations within the debate is connected to power (Flyvbjerg, 2012; Forester, 2010).

On one hand rationalizations about planning for transition are connected to the experts' knowledge. So if this knowledge is allied to the planning institutions and political boards the rationalizations might lead to the intended planning outcomes. Depending on the course of debates this can be understood as a legitimate planning intervention or be questioned for a lack of throughput legitimacy.

Richardson in his article about environmental assessment concludes that revealing authorship of the evaluations relevant for statements about planning and making explicit the paths of decision-making would contribute to solve conflicts on planning. He states that in times of extended public debates a story-telling is needed, right as making visible the ethical nature of the judgements may help to build legitimacy (2005, pp. 362–363).

But what if the argument prioritizing transition goals is maintained by citizens' groups? This is the case in the Neues Hulsbergviertel but can also be observed in other contexts. Lately the students' movement 'Fridays for Future' has been claiming to prioritize the ecological transition goals. So despite they can be considered a type of citizens' movement they claim on the output legitimacy for future policies that prevent climate-change. They base their demands on scientific research results but apparently their position against established political forces

is weak. This relationship can be described referring on Flyvberg (1998) by saying that the less power an actor has the more rationality has to be applied in arguments.

What can be learnt is that legitimacy of planning is built in discourse and connects to the intended goals of planning. In the best case the complexity of transition needs lead to the integration of phases for collective learning and qualification into planning processes in order to facilitate an adequate debate on desired planning outcomes.

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