

**Between helpful advice and questionable influence –
Traditional and new actors of political consulting and advising in German federal
politics**

Abstract

In modern European democracies, the task of making policies is not limited to politicians any more. An ever-growing variety of options, risks and possibilities in an era of globalization and Europeanization has created a demand for issue specific information that exceeds the capacities of the legislative and executive decision-makers alone. Special expertise has to be integrated into decision-making processes, provided by external sources. This creates the risk of allowing neatly presented particularistic interests, disguised as objective expertise, to find their way into public policies: Distinguishing *consulting* from *lobbying* has become increasingly difficult. Federal politics in Germany provide an example: During the last decade, a fairly novel scene of information providers has emerged around the federal parliament and administration in Berlin, both offering scientific expertise and advancing individual interests. To find an approach to the assessment of their legitimacy, it is suggested to see *advisors* and *lobbyists* not as two completely different kinds of actors, but as graded elements of a common spectrum of information providers.

1) Better politics by “good advice”: A democratic dilemma, not only during crisis

Rational decision-making requires knowledge, especially concerning issues that touch upon the welfare of an entire society. What appears to be a banal phrase in fact leads to a fundamental and yet unsolved dilemma of modern democratic societies: On one hand, political issues of high complexity and national, transnational and/or global relevance are to be decided with a maximum of rationality and within short timeframes. On the other hand, politicians have to guarantee representativeness and impartiality in their decision-making processes to ensure that it is not just the interests of some minority that it serves, but the balanced wealth of a society as a whole.

The choice in between can be described as *participation-efficiency-dilemma* (Glaab / Kießling 2001). The recent Euro crisis has had some exemplary moments concerning this, as highly specialized expertise in economics was requested from the decision-makers in Brussels and the European capitals: Shall European politicians delegate issues of such elementary relevance to technocratic expert circles, and accept the imminent lack of representativeness in favour of a timely available policy (Habermas 2011; Busch 2009)?

Abraham Lincoln once defined democracy as a government *of the people, for the people and by the people*, indicating that legitimacy of political power comes from more than one source. First and foremost, it is the *government by the people* which separates democracy from autocracy. But democratic government is insufficient if its emerging policies do not serve their purpose of solving societal problems, coordinating interdependencies and distributing wealth among the citizens. Political decisions have to work *for the people* as well. Legitimacy manifests in two dimensions here: *Good* policies in their public acceptance are defined not only by their representativeness in input, but also by their effectiveness in output (Scharpf 1997, 1999).

In an era of globalisation and societal *hypercomplexity*, the variety of decisive issues, interrelations and conceivable interests is extremely broad. Most of the elected politicians in charge are rather generalists than specialists in their respective issues, which means that

extensive expertise needs to be gathered prior to and during their decision-making. In nowadays politics a constantly increasing demand for issue-specific expertise meets a hardly increasable capacity of information processing by the politicians. Because of this, a special kind of *uncertainty* determines their decision strategies when handling political problems (Schimank 2005; Bogner/Torgersen 2005; Benz 2004, 2007; Mayntz 1997, 2009). Politics therefore need to be *advised* to increase the chance for a successful output. This advice is provided mostly by external sources, which in fact means that non-elected actors take a crucial part in public decision-making.

Judging the legitimacy of such cooperation between elected and non-elected actors in policy-making can be controversial. It depends on whether it is viewed from either the latest public management theories or democracy theories. In the recent understanding of *governance* theory, the method of cooperative decision within multilevel arrangements is to be understood not as a threat to its legitimacy, but as the only way to be able to coordinate public policies at all: A truly effective output can be ensured that way only, despite the imminent imbalance in representation it might create. (Benz 2004, 2007; Mayntz 2009). The theory of post-democracy comes to another conclusion: From its point of view, the cooperation of elected and non-elected actors behind closed doors prior to political decisions is a symptom of a hollowing political system, with weak parliaments, lesser participation, lacking transparency and public policies only serving those who are powerful enough to influence them (Crouch 2004; Mouffe 2011).

Anyway, it is the knowledge of few highly specialised experts that in situations of constant pressure must be made utilizable to serve the interests of many. This paper intends to discuss this demand by the example of German federal politics, focussing on the heterogeneous scene of so-called *political advisors* surrounding the Federal Parliament (*Bundestag*), the Federal Government (*Bundesregierung*) and its administrations. These advisors or *consultants* provide the highly valuable resource of issue-specific expert information. Thereby they play a role almost as important as those of the politicians itself, although they are not legitimated by elections.

Concerning the scene of advisors at Berlin of today, two questions are to be asked: What does political consulting in fact mean in the context of contemporary public policy-making? Can there be a distinction between *consulting/advising* and *lobbying* at all?

To answer these questions, research on three rather basic elements of social science, namely *decision*, *knowledge* and *interest*, needs to be taken into consideration. This might even lead to two further questions: Does the consulting of experts during democratic decision-making ensure a constant flow of valuable information from the midst of the society into the political system, in order to maintain its capability of producing suitable outcome in the name of the people? Or does it open a far too wide gate for neatly presented particular interests, just *disguised* as advice?

2) “Is it all just political consulting?” Coping with a lack of definiteness in terminology

In Germany, political consulting (*Politikberatung*) and lobbying have become almost identical in connotation. The explicit question “*Is it all just ‘Politikberatung’?*” has therefore already been asked in social sciences, criticizing the inflationary use of the term (Siefken 2010). For the past ten years, it has indeed gained widespread usage in Berlin, along with an increasing loss of definiteness about the activities designated by it. Its increasing presence has created a broad variety of research, focussed on both scientific advising and lobbying.

Historically, these are indeed two separate streams of social science: Political consulting was in its traditional meaning limited to *scientific consulting*, i.e. the transfer of pure academic knowledge into processes of public decision. *Knowledge* is first and foremost associated with *scientific expertise* – what is scientifically true, cannot be politically wrong and does not need any extra justification.

The pursuit of *interests* is a completely different issue. Since the founding of the Federal Republic in 1949, associations were responsible for bundling the interests of their members and introducing their issue-specific expert knowledge into politics. But with the introduction of multilevel governance structures, Europeanisation, globalisation and vanishing borders, the theoretical concept of *corporatism* going along with it has lost its relevance: The more heterogeneous societal interests have become, the more difficult they are to organize (von Winter 2004).

The term *political consulting* has in Germany meanwhile soaked up both scientific consulting and interest expression, whether the latter is corporative or individual. *Advisor* or *consultant* has become a common designation for a variety of experts, which surround the decision-makers without being immediately legitimated by democratic election. Among those are not only scientific experts anymore, but also several who equal advice with feeding in specific interests for ideational or commercial reasons. Actors of political consulting in such broad sense in Berlin are *scientific experts, associations, think tanks and foundations, non-governmental organisations, public affairs (PA)-agencies, law firms and company representatives*.

While interacting with the politicians, these advisors are very different in their goals, from providing pure scientific knowledge to influencing decision processes in their own or their clients' favour (Falk et al 2006; Bröchler/Schützeichel 2008, Falk/Römmele 2009; Kraul/Stoll 2011; Heinze 2009). Especially the activity of the latter has to be reflected upon critically concerning its democratic legitimation. Unlike e.g. in the US, in Germany every attempt towards democratic decision processes causing the slightest suspicion of lobbyism can be sure to receive a harshly negative echo in media and society. Drawing a clear line between "true" and "false" political consulting seems hardly possible (Sebaldt 1998; Lösche 2007; Kleinfeld/Zimmer/Wilms 2007; Leif/Speth 2006; Köppl 2003). This has some implications for the consultants: Academic advisors, as representatives of scientific truth, might feel a certain downgrading when being equalled to plain interest representatives. Lobbyists on the other hand likely welcome this equalization as a sort of upgrade, as bearing the venerable title of an advisor creates the image of seriousness and legitimacy.

The reason for this reputation lies within the value of science in politics. This special relationship of expert knowledge and justification can be characterized as the *scientization of politics* and *politization of science*: A political output, based on scientific knowledge, is perceived to be of particular quality. This makes it easier to implement and accept it within the society. With that, science becomes a political actor, exposed to the political logic of interest. Even pure academic knowledge, in the truest sense only committed to scientific truth, can in such case become "charged" with interest. (Habermas 1968; Weingart 2001; Grunwald 2008; Stehr/Grundmann 2010; Heidelberger Akademie der Wissenschaften 2006; Steiner 2009).

Surely, there is nothing illegitimate about the organisation and expression of individual interests. It is without any doubt an important element of democratic governance, like the extensive research on German associations intensely discussed (e.g. Eschenburg 1955; Fraenkel 1991; von Alemann 2000; Lösche 2007). But if interests are able to make themselves recognizable as virtually equivalent to scientific knowledge, their chance of consideration in the decision process rises, as they might be perceived as the "ultimate truth" without further demand for verification.

While basing political decisions on profound scientific expertise is desirable, using advice as a *vehicle for particularistic interests* surely is not. The fuzzy demarcation between political consulting and lobbying leads to the remarkable situation of dilemma described above: The higher the issue complexity and the professional uncertainty of the decision-makers are, the higher is their demand for the special expertise of external advisors. Simultaneously, the risk

of serving only the interests of the latter instead of those promising not only particular, but truly public welfare, becomes more imminent.

Remarkably, research about advising and lobbying in Germany has yet focused *either* on scientific consulting (i.e. the engagement of academic experts in government commissions) *or* lobbying as „false“ consulting, driven by ideational or commercial interests. Most of the research on Berlin's political consultants understands both as two largely different phenomena (e.g. Falk et al 2006). An exact turning point between them, where scientific advice might turn into an attempt of intentional particularistic influence, has not yet been precisely defined. But where does consulting end and lobbying begin here? Can political consulting in total, by today's broad sense, really be defined as an act of advice?

3) Separating lobbying from consulting: Two popular myths

In our everyday understanding, separating “true” from “false” advisors seems to be all too easy. Two rather common myths can be identified, which at second glance are not as valid as they seem at first:

Myth No.1 states that “*advisors provide knowledge, while lobbyists deliver interests*”. This implicates a certain kind of neutrality as a quality feature of serious advice: Ideally, a honest advisor reflects both the decisive issue and the decision-maker himself, opening insights to the latter he wouldn't have gained from his perspective alone. An advisor will never actively make decisions himself, or force his client into a certain direction (Steiner 2009). From that point of view, truly scientific experts appear as perfect advisors, as they are only committed to scientific truth beyond any political interest. In reality, this scientific neutrality is apparently limited: Especially within highly controversial issues, like nuclear energy or stem cell research, scientific knowledge is easily assimilated by societal streams of opinion. It will likely be used to give reason to issue-specific reports and counter-reports recommending approval or rejection based on academic research. So there can be more than one scientific truth, depending on interpretation – especially when the sources of it are in whatever way dependent on the goodwill or funding of one of the parties involved in the discussion (Falk et al 2006; Stehr/Grundmann 2010; Busch 2009; Kraul/Stoll 2011).

Recently, several large infrastructural projects in Germany were accompanied by such *battles between expert witnesses*, like those about the central station of Stuttgart and expansion plans of the airports of Berlin and Frankfurt/Main. Surely a scientist advising politics does not instantly become an interest supporter, but his status as scientific expert is no guarantee of neutrality at all.

Myth No.2 deals with interest itself, and with the idea of a differentiation in terms of quality. It seeks to separate “good” public interests from “harmful” individual ones: “*Advisors aim at public interests, while lobbyists aim at particular interests only, in order to gain relative advances*”. But what is “public interest”? A little fictional example shows the difficulties when relying on that term: *Within a structurally weak country region, a political discussion is taking place about the use of a piece of fallow land: Interest group A favours to use it as an environmental protection area, to preserve natural resources and offer a place for recreation for the local residents. Interest group B favours to transform it into a business park instead, in order to attract investments and create public income to be re-invested into local infrastructure, education and development.*

A and B can simultaneously refer to “the public interest” in that situation, which is in both cases logically valid, although their intentions are completely opposite. Apparently there is no institution to define public interest *a priori*. It rather emerges from a balance of particular interests created by political decision (Fraenkel 1991). So attempts to sort interests by means of quality, dividing into good and foul ones, are more or less arbitrary and can not serve as

benchmarks to separate lobbyists from advisors. The only exceptions here might be interests of absolutely obvious harmful and destructive character (Mayntz 1992).

4) Advice and decision: Reducing complexity by the consultation of experts

So apparently, it might be more promising to focus on the decision-makers instead: When facing time-critical issues of high complexity, a decision-maker of political or any other kind can basically follow two strategies. Either he seeks to gain more time in order to improve his specific knowledge, or he seeks to reduce the complexity of the issue to be able to work out an acceptable decision in time.

Cooperation with advisors can be useful especially for the latter strategy. Advice is nothing less than a possible way to make a situation of decision less complex and quicker and easier to handle: For reduced complexity in the *dimension of content*, an advisor can bring in specific knowledge the decision-maker doesn't possess. This is closely linked to the *dimension of time*, as the decision-maker might not be able to gather the necessary information himself timely. Additionally, complexity can be reduced by advice in a *social dimension* as well: As the decision-maker is able to include advice from those who will be affected by his decision at an early stage, he can increase its grade of acceptance and reduce the risk of instant revision and re-decision (Schimank 2005).

Managing situations of decision by reducing their complexity is particularly proven within public policy-making: A strategy seeking to cope with problems by simplifying and mindfully postponing parts of them is *incrementalism* (Lindblom 1965). Especially in multilevel governance arrangements like the German federal republic, the tendency to "muddle through" interlacing decisions in small incremental steps is characteristic (Benz 2007). This is indeed where the roles of scientific experts and interest representatives are merging: For the decision-maker, *both* reduce the complexity of his situation.

Scientific knowledge does so rather in the dimension of content, interests rather in the social dimension, and both in the dimension of time. In order to make a proper decision, *awareness of relevant interests* is in fact as valuable as the *knowledge about contentual aspects* of the decisive issue. So from this perspective, consulting interest representatives can really have an effect comparable to seeking "pure" scientific advice. Based on the effect of reducing complexity they have in common, knowledge *and* interest might be defined as two sub-types of one single politically relevant resource, namely "political knowledge" in a broader understanding. It includes traditionally scientific expertise and also interest awareness as some sort of "practitioner knowledge" (Kraul/Stoll 2011). The possession of both sub-types increases the chance for a workable political solution and is a valid strategy to pursue rationality in situations of high complexity. By such definition, the interaction with lobbyists is clearly included.

So remarkably, the indefinite terminology of political consulting and lobbying appears to be in some ways unintentionally reasonable. The transfer of scientific knowledge and the expression of interest can not be assessed as two completely different phenomena. Apparently, both use the same access channels to public policy-making. It is therefore suggested to take the term "political consulting" at face value and indeed consider *both* scientists and lobbyist as specialized advisors, just as the former seek to avoid and the latter would like it to be. One could assume that, from the perspective of a political decision-maker, both are in fact welcome as *providers of complexity reduction* in his specific situation of decision. Scientific advisory and lobbying therefore should be understood as the farthest boundaries of a common spectrum with several *shades of grey* in between.

5) A first step: Sorting Berlin's scene of political consultants

The former paragraphs showed that any straightforward attempt to separate Berlin's political consultants into the two simple categories of "true" and "false" advisors is likely to be

insufficient. But where exactly do the decision-makers get their knowledge from, and how else could those sources be sorted then? As a first step, the division into three categories is suggested to bring some systematic order into their heterogeneous scene. This division is not based on any arbitrary assessment of legitimacy like the two ones described above, but results from the perspective the decision-maker has towards them instead. That way, the advisors can be sorted just by their “order of appearance”, and thereby classified whether as part of *internal*, *traditional-external* or *new-external* capacities of policy consulting.

The first category consists of the *internal capacities* (IC) of political consulting, i.e. those sources of knowledge that directly surround the decision-makers during their everyday work. Advice of that kind can come from *federal administrations and bureaucracies* on the one hand, from the *parties* on the other. Regarding the former, decision-makers in both executive or legislative institutions can access several sources of issue-specific knowledge. This begins with the expertise of their own staff personnel, administrative research organs (*Ressortforschung*) or the parliamentary research service (*Wissenschaftlicher Dienst des Deutschen Bundestages*). All of these sources are affiliated to the public service. Beyond that, the five parties currently constituting the federal parliament have own referents as experts at their disposal, who can research and deliver operational information to their top representatives whenever necessary (Falk et al 2006; Kraul/Stoll 2011).

The second category consists of *traditional external capacities* (TEC), i.e. *scientific expert commissions*, *think tanks / operative foundations* and *associations*. In common understanding, political consulting does not start until here: Expert commissions and think tanks appear to be the primary sources of academic knowledge for policy-makers. Commissions can be department-specific or issue-specific and be established permanently or ad hoc. They are linked whether to ministries or temporarily linked to the parliament, i.e. to be dismissed latest at the end of the legislative period. Commissions bring together proven experts, members of the parliament or other government affiliates (Falk et al 2006; Bröchler/Schützeichel 2008).

Think Tanks, sometimes described as “universities without students”, and some specialised foundations which can be understood as their close relatives, are not only able to research and prepare demanded knowledge in a way the decision-makers can conveniently handle it. They can also serve as communication platforms for informal and unceremonious exchange between experts, decision-makers and citizens in general. About 150 think tanks of different contentual focus are currently present in Germany (Thunert 2003). In addition, more than 2100 associations, from large industrial-, employers- and employees associations to smaller ones representing highly specialized interests, reside at Berlin. They are among the first to get in contact with the decision-makers whenever policies in the making affect their specific area of interest (Falk et al 2006; Lösche 2007; von Winter 2004; von Alemann 2000).

The third category is made up by *new external capacities* (NEC). This includes all those types of actors who have been rapidly increasing in number just since the government moved from Bonn to Berlin, namely *company representatives*, *Public Affairs (PA)-agencies*, *business consultants*, *law firms* and *NGOs*. Except for most of the NGOs, they are in fact representatives of their own or of their clients’ *commercial* interests, although they still designate themselves consultants. Especially large and potent companies use their departments at Berlin to formulate their own “foreign policy” towards the political decision-makers. By this, they intend to communicate their interests more precisely and effectively than an association could, which at first would mitigate this individual interest by balancing it with the ones of its other members. Company representatives, PA-agencies and lawyers can easily join their forces in short-term issue-specific coalitions: They reach maximum effectiveness in emphasizing shared interests by combining personal contacts and professional media campaigning. Altogether, more than 100 company representations, about 40 specialized PA-agencies and roughly the same amount of relevant law firms are active in what they define

as “political consulting” in Berlin. The whole category is flanked by a number of self employed advisors, mostly former top politicians or administrative officers, who are able to offer their specific experience, knowledge and personal contacts from their period of service for a good price (Falk/Römmele 2009; Leif/Speth 2006; Lösche 2007; Bender/ Reulecke 2004; Kleinfeld/Zimmer/Willems 2007; Falk et al 2006; Bröchler/Schützeichel 2008).

6) The ratio of knowledge and interest in “Political Knowledge”

This broad view upon political consulting might at first glance rather dull than sharpen the analytic focus. But instead of concentrating only exclusively on the two possible activities declared as “political consulting” – *either* transfer of scientific knowledge *or* transfer of interests – it is suggested to accept the simultaneous presence of both and better focus on their *ratio*. Even within those three categories, knowledge and interest can be delivered at the same time.

The “shades of gray” between neutral presentation of knowledge and purely interest-driven activity can thereby be outlined further: Within IC and TEC groups, a transfer of knowledge as well as a transfer of interest takes place, depending on the respective actor involved. Among the IC, those sources that are administrative divisions in the broadest sense are not likely to charge their expertise with interest of any kind. As they are consisting mostly of civil servants, they are committed to serve their superiors without any subjective bias. Unlike them, referents of the parties definitely are affected by interest. They might process scientific knowledge as well, but they are surely biasing it, sorting information by that which is fitting tactically into program and agenda, and which is not.

A similar mixture is recognizable within the TEC: In spite of the involvement of proven academic experts, interest neutrality of commissions is not mandatory, especially in cases of such commissions established to explore possible compromises in highly controversial issues. For example the *Hartz-commission* of 2002, dedicated to the future of the German labour market, was assembled from both scientific experts *and* interest representatives from major associations. Among the think tanks, only few like the SWP (*Stiftung Wissenschaft und Politik*, concerned with questions of foreign and security policy) strictly commit themselves to interest neutrality. Many other German think tanks have a certain dedication to a guiding theme, like liberal economy, workers rights, sustainability, or environmental protection. Even as they work by scientific methods, this dedication is likely to create a certain bias, comparable to that occurring within political parties.

Concerning the associations, a really continuous dedication to interest is clearly detectable. They hereby mark an important turning point in comparison to commissions and think tanks: As the latter are foremost dedicated to the delivery of knowledge, *occasionally more or less* charged with specific interests, they are implemented for the purpose of delivering interests *in the first place*.

That purpose remains the dominating motivation throughout the NEC, as that group consists of interest representatives most obviously. Here, a further sub-division could at most take place by dividing those who aim to benefit from the process of consulting *itself* (PA-agencies, business consultants and law firms) from those who aim to benefit from the *result* of the consulting process (associations, company representatives, NGOs).

Taking all this into consideration, it altogether appears that “political consulting” in Germany can at the moment be of four different kinds, all enhancing the “political knowledge” of the decision-makers (a similar mapping is suggested by Döhler 2012, p.185):

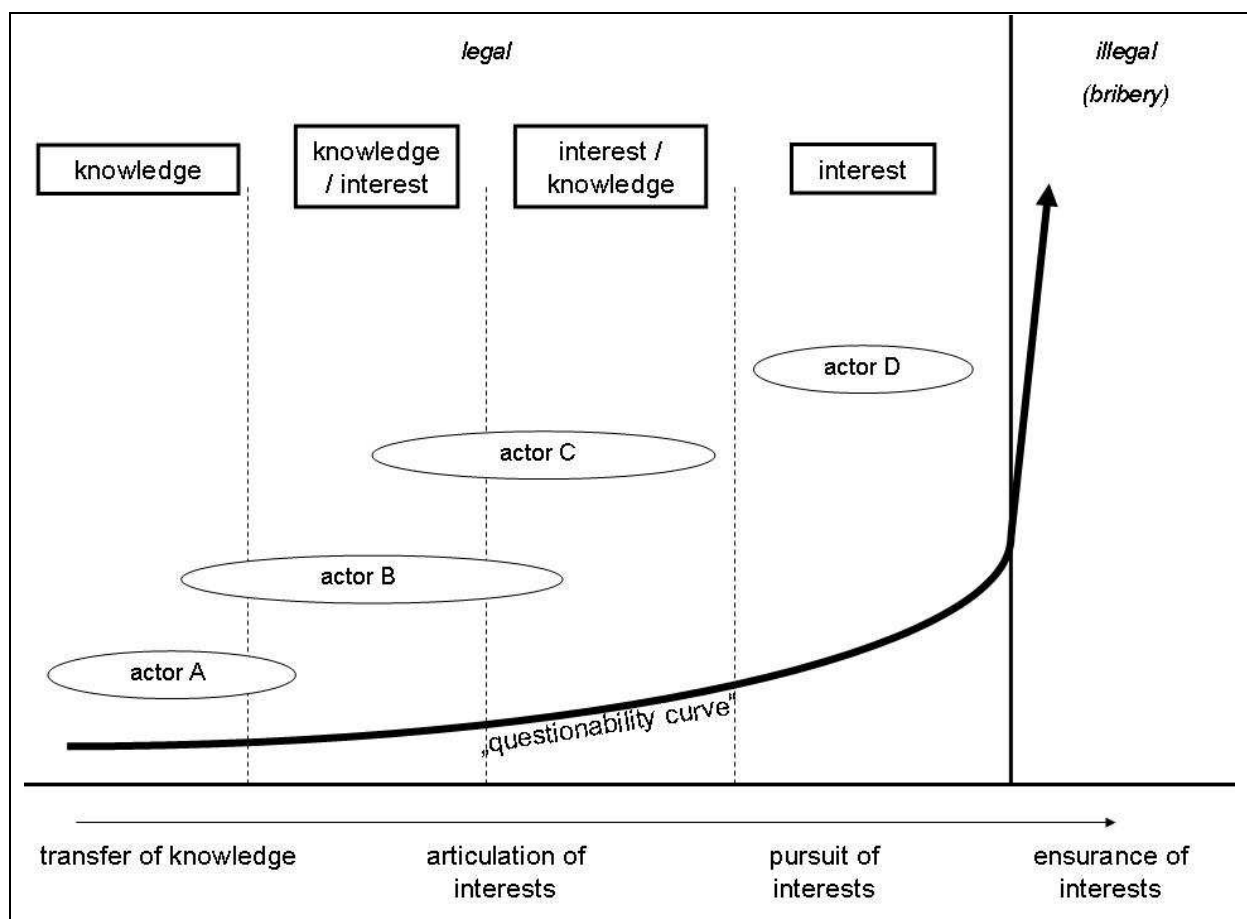
- a) delivery of academic knowledge, *neutral to interest*
- b) delivery of academic knowledge, *gradually charged with interests*
- c) articulation of interests, *gradually combined with academic knowledge*
- d) articulation of interests

A division into these four possible types of advice allows an attempt to arrange the consultants in a sort of ranking: From a) to d), it is not their legality or legitimacy that declines, but their *questionability* that rises, as the incentive for the advisor to use his expertise in favour of his particular goals is rising in the same manner.

7) The “Questionability Curve” of political consulting

Sketched into a scheme, the result is a climbing “questionability curve” of political consulting. Such curve indicates that, within legal boundaries, all four manifestations of political consulting take place in a common spectrum. It illustrates that the higher the percentage of interest is likely to be delivered during consultation, the higher is the demand for vigilance among the advised decision-makers, as well as among society and media monitoring them. Questionable offerings of political advice do not imply particularistic, “post-democratic” policies immediately. But it is increased awareness and care they require.

Beyond the boundaries of interest pursuit, even a fifth kind can be identified here. It is the attempt to persecute interests not only by verbal expression, but by another stimulus beyond the boundaries of legality, or in one word: bribery. Based on these ideas, the whole scenery from good advice to particularistic influence might look as shown below. Further research on the spectrum of German advisors can be integrated when done. The appearance of four overlapping political consultants below, entitled as “actor A – D” is therefore only exemplary:



(Bartsch 2012)

8) Conclusions for discussion and further research

These suggestions for a reflection upon decision-making and political consulting in German federal politics might be of help for further research upon governance, lobbying and post-democratic tendencies. They recommend avoiding any bipolar separation between the transfers of scientific knowledge and interest, as done in popular everyday understanding.

Instead they suggest to perceive both as graded, partially overlapping elements of a common spectrum of “political knowledge”, which is introduced into political decisions by actors not directly legitimated by election.

At least from the perspective of the political decision-maker, almost any source of such knowledge is of “consultative character”, as all of them are in some way helpful to reduce the complexity his decision. Moreover, none of it is illegal or illegitimate at first – transferring a variety of particular societal interest into a balanced public wealth still remains the task of the elected decision-makers alone. So concerning the question “Is all of it political consulting in Germany?”, the answer right now is honestly vague: “Yes, somehow indeed.”

On the other hand, as politization of science might easily take place wherever scientific experts interact with political decision-makers, almost no political consulting is “consulting” in the truest sense. By definition, even the slightest charge of interest already spoils the ideal of flawless advice (Steinert 2009). A lobbyist can therefore in no case be a true source of ideal advice, regardless he might claim so.

This answers the first two of the four questions asked at the beginning. Concerning the third and fourth one, further research needs to be done. The idea of that common spectrum of various “shades of gray” could be used as a starting point to develop a more precise estimation of their legitimacy. A suggestion might be the differentiation between *contentual* and *processual* advising, i.e. between *policy advice* and *political consulting* (Siefken 2010). Other distinctions could be made along the processual direction of action, i.e. if specific knowledge is explicitly requested by the decision-maker, or unsolicitedly pushed forward by the advisor. This could serve as an indication for the true demand for advice in that situation. Altogether, it appears still uncertain if consistent benchmarks for distinction can be found at all. Maybe every judgment on any given act of political consulting in terms of its legitimacy can only be a case of individual analysis.

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