

# Does Informality Matter in German Local Policy Making?<sup>1</sup>

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## **Abstract**

Close Proximity between actors is a typical characteristic of local level politics. Citizens are directly affected by political issues and the distances between actors from the local public administration, the elected officials, and members of organized civil society are much shorter than at the state or federal level. These aspects raise the question as to the role of informal political communication in local politics as well as to its importance. From a local governance perspective, this article aims to analyze the extent to which elements of local informal communication between actors from the local public administration, the municipal council, and organized civil society can be identified in processes of policy making. The main argument, supported by this analysis, is that informal political communication is important in processes of policy making. It provides a complementary role to any formal communication. There is empirical evidence that informal political communication serves mainly as a proscenium in formal processes of policy making at the local level. The results are illustrated by a case study about informal political communication patterns between the local public administration, the municipal council, and organized civil society in the field of environmental policy in the city of Münster (Germany). The study is based on thirteen expert interviews.

## **Zusammenfassung**

„Nähe“ gilt als zentrales Merkmal lokaler Politik. Bürger sind von politischen Entscheidungen direkt betroffen, die Distanz zwischen den handelnden Akteuren, konkret zwischen Kommunalverwaltung, Lokalpolitikern und zivilgesellschaftlichen Organisationen ist kürzer als auf Landes- oder Bundesebene. Dies legt die Frage nahe, ob Informalität in Prozessen lokaler Politikgestaltung eine Rolle spielt. Der Beitrag zielt darauf ab, unter einer Local-Governance-Perspektive zu untersuchen, inwiefern sich informelle Kommunikation zwischen Akteuren aus Verwaltung, Politik und organisierter Zivilgesellschaft in lokaler Politikgestaltung identifizieren lässt und

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welche Funktion sie hat. Auf der empirischen Basis von dreizehn qualitativen Interviews mit Vertretern aus Verwaltung, Politik und Vereinen und Verbänden im Feld Umweltpolitik einer ausgewählten Kommune in NRW (Münster) kommt der Artikel zu dem Ergebnis, dass informelle Kommunikation in der Interaktion zwischen Kommunalverwaltung, Lokalpolitik und organisierter Zivilgesellschaft regelmäßig und in unterschiedlicher Ausprägung vorkommt und ihr dabei eine ergänzende Funktion zur formellen politischen Kommunikation zukommt. Die Ergebnisse legen den Schluss nahe, dass informelle politische Kommunikation auf kommunaler Ebene primär als „Vorbühne“ des formellen Politikgestaltungsprozesses dient.

## 1 Introduction

Policy making at the local level differs from policy making at the federal or state level in two main aspects: First, from a legal perspective, the local level is not an independent policy area. As the lowest level of public administration in Germany, the municipalities are under the direct jurisdiction of the state level (German *Länder*) (Article 83 Basic Law). However, the system of local self-government (*Kommunale Selbstverwaltung*) allows the municipalities to run their administrative affairs on their own. This system of self-government is constitutionally guaranteed (Basic Law, Article 28 No. 2). Second, close proximity is a typical characteristic of local level politics. The distance between citizens and policy makers is much shorter than at the federal or state level. Citizens are directly affected by political issues (Andersen 1998: 17) and communication often takes place in a personal way between the actors.

But who are the policy makers at the local level, and how do they interact with each other? There are three main groups: the staff of the local public administration, the elected officials, and the actors from civil society. The members of the municipal council and the actors from the local public administration are the established policy makers. While the elected officials make decisions about concrete issues at the municipal council, the staff of the local public administration leads the whole process of policy making by preparing and implementing the policies. Also, according to Bogumil (2002), citizens are not only the addressees of local politics. In addition to these established positions, citi-

zens and civil society organizations perform an active role as policy makers as well.

The “political potential of civil society” for local politics has been systematically analyzed by German local politics researchers since the early 1990s (Heinelt and Mayer 2003: 43). Because of reforms for increased participatory opportunities since the 1970s, the involvement of civil society has become more relevant (Vetter 2008: 11). Research about procedures of citizens’ participation as an instrument for strengthening local democracy has been very popular since the 2000s (e.g. participatory budgeting or e-democracy) (Kersting 2008).

By investigating local policy making as a governance process (Benz, 2007b), characterized by the interaction of actors from the local public administration, the municipal council, and organized civil society, and by understanding this interaction as kind of (political) communication, questions arise regarding the role of informality within these processes: Does informality play any role in the everyday business of the policy makers? Furthermore, what is the meaning of informal local political communication? To what extent are those concerned involved in the informal parts of the processes? To answer these questions, an analysis of the so-called “proscenium” or “backstage” area is in order.

The interaction of informal and formal political communication, which includes the role of informality in processes of policy making at the local level, has not yet been explored in political science, not even in local politics research. Studies on informal political communication from a political science perspective mostly address the mechanisms of the federal or state government (Florack and Grunden 2011). This article argues that the phenomenon of informality at the local level can be made visible by the approach of local governance as well as that informality has a special meaning in processes of local policy making. In particular, this article specifies the role of informal local political communication, focusing specifically on the relationship between actors from the local public administration, the municipal council, and organized civil society from both theoretical and empirical perspectives. However, to confirm this thesis, this article focuses on these main questions:

1. What is the importance of informality in processes of policy making at the local level?
2. To what extent can elements of local informal communication between actors from local public administrations, local politics (municipal councils) and organized civil society be identified in processes of policy making? This is linked to a wider question: How can informality be conceptualized and analyzed for the field of local politics and especially for processes of policy making?

Chapter 2 tries first to answer the second question by explaining why informality is a characteristic in processes of policy making and in political communication at the local level. Therefore, the mechanisms of local policy making are explained from a theoretical perspective (local governance as defined by Benz 2007) as well as from an empirical perspective. This article develops a working definition of policy making and identifies concrete forms of policy making in the field of local environmental policy. Furthermore, this chapter discusses the term “informality” and develops a valid framework for analysis.

Chapter 3 analyzes the patterns of interaction between actors from the local public administration, local politics, and organized civil society. The analysis shows that, in addition to elements of formal political communication, there are informal elements as well. The results are subsequently discussed from a theoretical and a practical perspective. This discussion focuses on reflecting informality as a conceptual design and on its meaning for local policy making. Finally, Chapter 4 draws a conclusion which confirms the argument that informal political communication is important in processes of policy making by providing a complementary role for any formal communication.

## **2 Informality as a Characteristic of Local Policy Making**

This chapter explains the linkage between informality and policy making. Informality is first introduced as a process characteristic of policy making at the local level (according to the theoretical

approach of local governance). Based on a document analysis for the selected policy field of local environmental policy, concrete forms of policy making are identified in the following Sub-Chapter 2.1. In the end, a working definition of informality in local level politics and a framework for analysis are developed.

### ***2.1 From Local Governance as a Theoretical Approach to Concrete Forms of Policy Making at the Local Level***

Governance is an established theoretical approach in political science used to analyze the process of policy making. Local politics research began in the 1990s with the aim of analyzing the “forms of societal coordination beyond the government through forms of governance” (Heinelt and Mayer 2003: 40). Step by step, governance has entered all disciplines of political science and has asserted itself at the local level – under the label “local governance”. In particular, governance is an important approach for local level politics to investigate processes of citizen participation, which has spread since the 2000s.

But, the increasing cooperation by private actors and organized civil society at all political levels lets governance become a relevant approach not only for local politics, but for larger level politics as well. The approach should answer the following questions in global, national, regional, and local perspectives: Why do public and civil actors interact? How do they interact (what role do institutions play)? And, what are the effects of this interaction on the process of policy making? Because of this high theoretical demand, and the new perspective of policy making associated with governance (changing from steering to governance mechanisms), governance is often called a “magic word” (Schuppert 2006: 53), (Schwalb and Walk 2007: 7). Looking at it negatively, governance remains an undetermined term in political science (Blumenthal 2005). The criticism of the governance approach as well as the vivid debate about this approach in political science cannot be represented in all segments. The term “governance” is very broad, so a working definition of the term for the following analysis is quite necessary. According to the new Oxford American Dictionary, governance means “the action or manner of gov-

erning a state, organization, etc.” (Stevenson 2011 n.p.). This definition highlights the process-dimension as well as the manner of interaction.

Actually, this approach assumes that the established actors (the elected officials as well as the staff of the local public administration) don't govern from a top down perspective, but that there is a (horizontal) interaction between public and civil actors. A characteristic of the governance concept is that it resigns hierarchy structures (Rhodes 1997). Benz refers to this understanding of governance, namely that it is a shift from government to governance, as a “narrow understanding of governance” (Benz 2004b: 17f.).

According to Benz, the analytic understanding of governance provides a framework which allows a description of the interaction. This framework for analyzing governance (governance mode) consists of forms and mechanisms (Benz 2007a: 19). Governance mechanisms explain the manner of interaction: For example, public and civil actors can interact in hierarchy structures (governance by government), networks (governance without government) or in hearings (governance with government). The governance mechanisms are determined by constitutive rules like informal canons and formal standards. Here, the close link to informality as a relevant characteristic in processes of policy making is obvious. Informal and formal elements exist in all governance mechanisms (Benz 2004a; Schwab and Walk, 2007: 9). But, the term “informality” also remains broad. This article applies an empirical analysis in order to explain informality in concrete terms. The governance forms are used here to translate the theoretical approach into political practice. These forms describe visible processes of policy making at the local level.

But what does the term “policy making” concretely mean? While governance focuses on political interaction (who is involved and in which way), this term focuses on the whole process (the action) and not merely on the involved actors and institutions. According to Scharpf, policy making is a sequential process. Conflicting situations are pointed out, political goals are formulated, and alternative courses of action are developed. The

aim of the process is to coordinate binding agreements (Scharpf 1973: 15). This understanding raises an analytical disjunction of the three dimensions: policy (when does a policy become a policy), polity (which institutions/actors are involved) and politics (which characteristics form the process). Although the understanding of policy making as a sequential process was founded by Lasswell in the 1950s (Jann 2009:78), Scharpf's definition is especially important because of his revised understanding of public administration's role as a performer, not merely a facilitator in politics (Jann 2009: 77). At the same time, organized civil society has a multifunctional role in local politics as stakeholders as well as experts. According to Zimmer et al., local associations determine local politics as so-called "pre-decision makers" (Zimmer, Hallmann, and Schwalb 2007: 81). Therefore, the local level can be realized as an arena for public and civil actors to engage in their interests. In this context, Naßmacher and Naßmacher characterized the term "arena of political decision making" (Naßmacher and Naßmacher 2007: 13).

Still, policy making doesn't only focus on the process of decision-making. It also includes preparing decisions, monitoring policies, defining common goals, and initiating future policy projects. The process ranges from agenda setting to policy evaluation and policy redefinition.

In conclusion, the process of policy making at the local level is marked by the following characteristics:

- the interaction of civil and public actors, cf. governance approach (Benz 2004b),
- the opportunity for the staff of the local public administration, the members of the municipal council, and the actors from organized civil society to perform policies (and not only to implement policies),
- the understanding of local politics as a sequential process, cf. policy cycle (Jann and Wegrich 2009),
- the understanding that policy making always aims to improve the living situation at the local level.

Finally, the term “political communication” must also be defined. According to the governance approach, policy making can be seen as a process of interaction between civil and public actors. This interaction is a form of political communication. Sarcinelli connects political communication with Scharpf’s approach of “actor-centered institutionalism” Scharpf (1997), which was developed out of the governance approach. Because the institutional context does matter in processes of policy making, he claims that the focus must be on the process character of political communication and that the several political levels must be distinguished (Sarcinelli 2009: 31). While governance focuses on institutions, actor-centered institutionalism combines the perspective of actors and institutions and puts them in an analytical framework (Scharpf 1997). The (personal) interaction is seen by Scharpf and Mayntz as a result of individual, corporative, or collective actors (Scharpf 2000: 17): in concrete terms, this refers to citizens, organized civil society, actors from the local public administration, and the elected officials. At the same time, the interaction is influenced by the existing (formal) institutions and structures (like given local standards). The working definition of local political communication in this article is based on Sarcinelli’s understanding of this term as the personal interaction of public and civil actors including the specific institutions at the local level.

The next step is to translate the theoretical understanding of policy making and political communication into practice. Using the example of a policy field (local environmental policy<sup>2</sup>) of a selected major city in Germany (city of Münster in North-Rhine Westphalia), concrete forms of policy making can be identified by the above-mentioned criteria. This stock-taking exercise of the

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<sup>2</sup> The field of environmental politics was selected for the empirical study for two reasons: (1) It’s one of the established fields in local politics. Since the 1970s, environmental policy developed as its own policy field in German municipalities. The policy field consists of its own committees, environmental spokesmen of the political parties, and environmental services departments. (2) Usually, the organized civil society is numerous and strong in the field of environmental policy. There are many forms of commitment for civil society (e.g. citizens’ initiatives or public oppositions).

potential of policy making in local politics is based on a document analysis<sup>3</sup>:

**Table 1:** *Forms of interaction between public and civil actors in processes of policy making at the local level (includes forms of participation as well as involvement (bottom up as well as top down)).*

Forms of policy making	Is it a legal based form of policy making?	Which actors are allowed to initiate?	In which phase does policy making take place?
<b>Legal based opportunities for civil society to participate in local politics</b>	Yes, it is based on §§ 23-26 GO NRW	(organized) civil society	agenda setting
<b>Cooperation in a municipal committee as a 'qualified inhabitant'</b>	Yes, it is based on § 58 No.4 GO NRW	formal agreement	agenda setting, policy definition
<b>Dialogue processes</b>	No, it is not a legally based form	local public administration (by initiative of the municipal council or civil society)	definition
<b>Permanent working groups (e.g. advisory committees)</b>	No, it is not a legally based form	local public administration (by initiative of civil society or the municipal council)	agenda setting, policy evaluation

policy Source: *My own listing*

*Table 1* shows the identified forms in which actors from organized civil society, the local public administration, and the municipal council interact in processes of policy making. These forms of policy making differ in three main aspects: (1) the specific purpose, (2) the opportunity to initialize the forms and (3) the phase of localization within the policy process (most forms are located in the phase of agenda setting and policy definition). The identified forms of policy making and their specific purposes shall be explained in more detail in the following.

<sup>3</sup> The document analysis includes 41 protocols of the meetings from the municipal council, the environment committee and involved advisory committees, the annual statistics of the local public administration (environmental services department), and the web presences of selected actors from organized civil society. All dates are based on the reporting year 2011.

Citizens, as well as members of organized civil society, are allowed to make appeals and proposals to the municipal council (§ 24 GO NRW, *Anregungen und Beschwerden*). This allowance is one of the democratic innovations brought about after municipal law was reformed in 1994 (Kost 2010: 251). Using this section of the law is very popular because the municipal council has to review the appeals and proposals. Eventually the council also has to formulate a response. This process can start public debates. Sometimes the appeals concern very practical issues, like a broken street lamp, but the issues can also be as significant as determining how to handle the transport of radioactive materials. The proposals and appeals therefore serve as valuable hints for the local politicians, enabling them to decipher the needs for subsequent modifications at the local level. At the same time, the proposals and appeals can be quite difficult to deal with if their addressee is regularly the same person.

§ 26 GO NRW (*Bürgerbegehren und Bürgerentscheid*) enables the citizens to apply for political decision-making on their own (citizens' initiative). If the citizens' initiative is successful, and the municipal council approves the application, then a referendum will be held. Moreover, citizens are allowed to encourage the municipal council to decide about a certain issue (§ 25 GO NRW, *Einwohnerantrag*).

The municipal council is the authority for decision making at the local level and it consists of various committees. Organized civil society is allowed to cooperate in the responsible committee as a 'qualified inhabitant' (§ 58 No. 4 GO NRW, *Sachkundiger Einwohner*). Originally, this institution was set up to empower foreign citizens to participate in local politics, but the committees also demand representatives from organized civil society as 'qualified inhabitants' to serve as experts in their particular interest fields; they have an advisory role. But unlike the other committee members, they are the only ones without voting rights.

Dialogue processes have been around since the 1990s and have experienced a boom since the 2000s. They are also a product of local level reform efforts. Bogumil and Holtkamp summarize these informal procedures for strengthening local democracy by their concept of "cooperative democracy" (Holtkamp, Bogumil,

and Kißler 2006). They characterize dialogue processes by voluntariness; a focus on dialogue as well as on problem-solving in a cooperative way (Bogumil 2002: 13) with reference to (Bogumil 2001: 212). In practice, these processes aim to discuss pertinent topics, synchronize know-how, and develop innovative ideas. Communication between the actors is mostly face to face. The goal is regularly to develop an argumentation basis for further discussion at the municipal council. The processes are not required by law (cf. the description of procedures of citizens' participation above). Dialogue processes are organized by the local public administration, but they can be initiated by actors from the local public administration, members of the municipal council, as well as from civil society. Dialogue processes differ among themselves in implementation and the dimension of time. That's one reason why a fixed term describing this type of process was only recently created. Examples of dialogue processes include future workshops, district conferences, round tables, or participatory budgeting (Walk 2008: 220).

Permanent working groups act as authorities for advice or evaluation in the given policy field and can give valuable stimuli in discussions. One of the most important groups in most policy fields is the advisory committee (*Kommunaler Beirat*). Its main task is to continually review the action of the political and administrative actors in their respective policy fields. In the investigated field of local environmental policy, there are various types of advisory committees: for example, committees for climate change, urban development, or local development cooperation. They are not political committees; instead, they consist exclusively of members from organized civil society. Local politicians are only allowed to participate as guests. The actors from the local public administration coordinate the affairs. The implementation of permanent working groups can go back to civil society, the municipal council, or the local public administration. Other committees serve as networks or forums on special issues.

## ***2.2 What is Meant by Informality in Local Politics and Local Political Communication? Creating a Valid Framework for Analysis***

Defining informality from a political science perspective is not easy. This term often remains nebulous in spite of the fact that it is not a new phenomenon. Because of its unclear definition, it is often associated with terms such as corruption, illegality (Höf-  
fling 2002), (Lauth 1999) or political clique (Überall 2007). In the early 1990s, the political science mainstream focused, for the first time, on the role of informality in processes of policy making, especially on the aspects of functionality and effectiveness. Although the phenomenon of informality is highly relevant for political science, we still lack an analytical approach to informality (Pannes 2011: 35).

Based on selected studies from several sub-disciplines, it is apparent that informality has been researched by political scientists, but not as thoroughly as necessary. For example, research on political elites focuses on informality as a characteristic of interaction between exposed actors. The balances of power between the members from municipal councils and the local public administrations are explained by informal networks (Naßmacher 1998: 132). In this context, community-power-studies are very important. They show the (informal) balances of power between local elites from a sociological perspective. A prominent example for analyzing informality in processes of political decision making is the *Wertheim Studie*. According to Ellwein und Zoll (1982), informality in local power structures is hard to identify because it is quite difficult for the researcher to get information from inside politics (Ellwein and Zoll 1982: 220). Studies on informal political communication from a political science perspective mostly address the mechanisms of federal or state governments. The relevant questions guiding these studies center on the role of informality for preparing political decisions and its meaning for organizing political majorities (Rudzio 2005). Furthermore, these studies show that informality not only plays a crucial role in governance processes, but also in government settings. Prominent examples are informal relationships or secret agree-

ments between the public administration and the governing politicians. Florack & Grunden (2011) analyzed these “parallel structures” in centers of government for the German state level.

Informality in local politics research has only been marginally analyzed. This is particularly true for informality as a process characteristic. In particular, the research on participation focuses on informal forms of participation at the local level (Bogumil & Holtkamp, 2006). According to Walk, these forms of politics are unique processes that are not required by law, and that are influenced by dialogues and cooperative problem-solving methods (Walk 2008: 220). Examples for these forms are given in the paragraph about dialogue processes.

In order to conceptualize informality and informal political communication from a political science perspective, there must be a dichotomy established between informality and formality. Both are different sides of the same coin. Determining the formal framework is the first step in identifying informal action, informal networks, and informal communication. The starting point is always the formal structure. That is why the jurisprudence defines informality as a deviation from laws and provisions (Wewer 1991: 10). Mayntz developed a more specific definition of informality that has been especially relevant for the social sciences. According to her, formality doesn't mean legally structured provisions; rather, formality is merely when an authorized institution defines a provision (Mayntz 1998: 31). Generally, the studies about informality in political science demonstrate that being in close proximity is a characteristic of political communication. It seems as if personal contact plays an important role for (informal) political communication.

But how can informal communication be identified in concrete situations? The concept of informality has to be defined before a concrete analysis can be carried out. According to Kastning (1991), informality as characteristic of policy making can be operationalized for the local level by five questions which build up a continuum between formality and informality. He developed a continuum approach in order to analyze informality (Kastning, 1991: 71).

**Table 2:** *The continuum approach by Kastning transferred to local politics as a valid framework for analyzing informality at the local level.*

FORMALITY ←————→ INFORMALITY				
<b>Formal Agreements</b>	Non-institutional Agreements	Regular Expectations	Observable Regularities	Behavior Patterns in Certain Situations
<b>Operationalization of Informality in Processes of Local Policy Making</b>				
<b>Which formal agreements are relevant for the interaction between the local public administration, the municipal council, and organized civil society?</b>	How do actors make decisions concerning non-institutional agreements?	What are the regular expectations of the actors and can some kind of rituals or unwritten rules be identified?	Which regularities can be observed in processes of policy making (e.g. an unconscious action)?	Can a behavior pattern be identified in certain situations?

Source: My own listing according to the continuum approach of Kastning (1991: 71)

*Table 2* explains the transition from formality to informality at the local level as a continuum with five steps (which range from legal agreements to behavior in certain situations). The schema obtains the function of a heuristic for the following empirical analysis.

Formal agreements are the legal framework for policy making. They build up the formal structure for the interaction of organized civil society and local politicians. Non-institutional agreements focus on agreements in the context of formal structures. They are not legally based, but they are established in a transparent process by civil and public actors. The term “regular expectations” includes all the forms of action which are known by the actors but which are not documented in writing (an unwritten rule). Observable regularities direct the viewer's gaze to the political practice. The aim is to identify observable processes of which actors usually are unconscious. Last but not least, informality is explained by behavior patterns in certain situations. This phase focuses on actions and activities which are probably due to the everyday business of local politics.

### **3 Does Informality Matter in German Local Policy-Making?**

Since the theoretical approach to informality as a characteristic of processes of policy making as well as a framework for analysis for identifying elements of informality have been presented, this chapter focuses on analyzing informality in a practical perspective. Based on an empirical study<sup>4</sup>, the following chapter will go on to describe the formal and informal patterns of communication between actors from the local public administration, the municipal council, and organized civil society (3.1), and will discuss the meaning of the empirical findings. The results will also be reflected with regard to the role perceptions of the actors, the possibility of creating a conceptual design of informality, and the meaning of informality for the process of policy making (3.2).

#### ***3.1 Formal and Informal Patterns of Political Interaction between Actors from the Local Public Administration, the Municipal Council, and Organized Civil Society***

Analyzing processes of political communication always entails analyzing the relationship between the actors. To understand the meaning of informality in processes of local policy making, the collective role perception of actors from the local public administration, the municipal council, and organized civil society must be determined.

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<sup>4</sup> The analysis is based on thirteen expert interviews conducted with one scientist as well as with actors from the local public administration (representatives of different hierarchical levels), the municipal council (representatives of the major local parties), and from organized civil society (representatives from associations which are positioned in the field of local environmental politics and who participate in the identified forms of policy making). The schedule based interviews were recorded and translated for the process of analysis. The generated data was systematically structured by a set of variables and categories. The relevant information was extracted from the data in order to prepare the interpretation of the textual data. The main categories were called “understanding of policy making”, “expectations”, “formal agreements”, “non-institutional agreements”, “role perceptions”, “observed regularities”, “behavior patterns” and “meaning of conflicts”.

Actors from the local public administration understand their role as supporters (VW1)<sup>5</sup> by creating a complete opinion profile (VW2, VW3) and giving stimuli for new ideas (VW4). Although they explicitly distance themselves from elected policy makers, they point out that they make policy by preparing politics. They are aware of the fact that they have the ability to govern politics in a special direction (VW2, VW4, VW5); their relationship to the local politicians is seen by everyone as clearly regulated. The actors of the local public administration have to fulfill the work orders which result from the decision making processes at the municipal council. If there is no political majority at the municipal council, the work order is not quite easy to identify. Therefore, failing political majorities provide the local public administration more flexibility and political power (VW4). Organized civil society becomes important for the staff of the local public administration in two main aspects: representatives of organizations serve as experts in their fields, and in this role, the local public administration depends on them and their willingness to implement local projects effectively. In the field of environmental policy, these organizations are called *NABU* and *BUND*, or *Greenpeace*. At the same time, the staff of the local public administration recognizes organizations as lobbyists or interest groups who seek to advance their own particular interests as much as possible.

Local politicians understand themselves as local mediators (PO2). They want to mediate between the different interests within the field of civil society as well as between organized civil society and the staff of the local public administration. Therefore, half of policy making is seen as reconstructing the involved positions and the other half is seen as shaping politics (PO3). The members of the municipal council are aware of the political po-

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<sup>5</sup> VW1 is used as an acronym for the first interviewed representative from the field *Verwaltung* (local public administration). Furthermore, W1 stands for *Wissenschaft* (Public Administration Sciences), ZG for *Zivilgesellschaft* (organized civil society) and PO stands for *Politik* (local politicians). Thirteen expert interviews were conducted (October 2011 till March 2012): one in the field *W*, five in the field *VW*, four in the field *ZG*, and three in the field *PO*.

tential of the local public administration to govern politics in a special direction (PO2). Similar to the representatives of the local public administration, the interviewed politicians perceive organized civil society on the one hand as excellent experts in their fields, and on the other as demanding lobbyists (PO3).

The organized civil society is aware of its double role and possible mutual dependencies: Implementation of their projects appears hardly possible without the financial support of the local public administration (ZG4). But at the same time, the active participation of environmental organizations is an essential pillar to keep the field of local environmental policy alive and competitive. For example, the organizations offer a wide range of advisory services (ZG1) and the website of the local public administration advertises the projects which are implemented by the organized civil society (ZG3). Policy making for them includes two aspects: they want to help improve the objectives of environmental policy (ZG1, ZG3). Concurrently, they search for close proximity to the policy makers to enforce their special interests (ZG4, ZG3).

Since the collective role perceptions have been described, the following section will go on to describe the informal and formal patterns of interaction between the triangle of actors.

**Formal agreements:** The main formal agreement for policy making at the local level is the municipal code of North-Rhine Westphalia (*Gemeindeordnung NRW*) in connection with the Basic Law (Article 28 refers to the system of local self-government). The municipal code structures the process of policy making at the local level and includes the basic duties and responsibilities of the politicians (the mayor and the municipal councilors) as well as gives the actors of the local public administration a structured framework. With regard to the identified forms of policy making, the municipal code provides several opportunities for civil society to participate in local politics. For example, citizens are allowed to direct administrative proposals and appeals to the municipal council (§ 24 GO NRW). Citizens are given the chance to direct an appeal to the municipal council for support in emergency situations. The proposals are used by

citizens as well as by organized civil society. One interviewee explains that § 24 GO NRW had always been a legal instrument with a political meaning. This section of the code offers organized interests the chance to post their request directly to the municipal council (W1). The proposals were most often used by organized civil society in budgetary affairs. The advantage is seen by a representative from civil society in informing the council about the financial assets at an early stage as well as in starting a formal procedure (ZG1). Furthermore, the citizens are allowed to demand information about significant local issues from the municipal council (§ 23 GO NRW, *Unterrichtung der Einwohner*). However, sections 25 and 26 of the municipal code of NRW do not become important in practice. A possible reason for this seems to be the necessary amount of supporters for a citizens' initiative (§ 26 GO NRW). In reality, in most forms of policy making, organized civil society is not capable of performing. One actor of the local public administration assumes that the opportunity citizens have to encourage the municipal council to decide about a certain issue (§ 24 GO NRW) is probably too unknown (VW4). Furthermore, an important formal agreement for the process of policy making, which includes the interests of organized civil society, is in section 58 No. 4 GO NRW. According to this section, members of organized civil society are allowed to attend the advisory committees of the municipal council as so-called 'qualified inhabitants' (*Sachkundige Einwohner*). While the positions of the so-called 'qualified citizens' (*Sachkundige Bürger*) are mostly filled by members of the political parties (as a kind of recruiting strategy according to VW4), the representatives from the civil society are able to act as qualified inhabitants to introduce the perspective of their organizations. Interestingly, the non-existing voting right is not seen by them as a problem. The representatives of the organized civil society refer to the existing representative democracy and argue that the responsibility should remain with the politicians (ZG2) and that a voting right would ensure a minority faction (ZG4).

Non-institutional agreements: There are different forms of non-institutional agreements at the local level, including target

agreements, voluntary agreements on project implementation, and development plans. Most of them aim to give legal standards on local policy a concrete shape. Furthermore, agreements are intended to determine the direction of development in a selected policy field or to define the duties and responsibilities of the actors.

The empirical analysis illustrates that such agreements are often developed in dialogue processes. Here are two examples: In the first example<sup>6</sup>, the implemented dialogue process in the investigated major city aims to develop a master plan for the future use of a harbor area near the city center. Such a master plan consists of concrete development goals, but it is (still) not standard. Actually, it is an “informal plan”<sup>7</sup> (VW3) without a direct effect on citizens. To improve the quality of life in the mentioned harbor area, the department for urban development invited all the organizations and associations which were directly involved with this issue to the dialogue process, such as the cultural groups and restaurateurs. For over 18 months, representatives from the local public administration, local politicians, and the organized civil society met in discussions or in on-site visits.

In the second example, the implemented dialogue process aimed to develop an utilization plan of a city lake. This time the initiative for the implementation process resulted in half a dozen or more proposals from the political parties. The proposals concerned questions about dining, leisure activities, cleanliness, and urban planning. In order to develop answers, the environmental services department invited all involved departments of the local public administration (the departments for marketing, urban development, and sports services) as well as the representatives of the political parties. Furthermore, the environmental services department invited representatives of organized civil society from the fields of sports, environmental issues, the fisheries, gastron-

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<sup>6</sup> Both descriptions of the presented examples are based on the interview data with VW2 and VW3.

<sup>7</sup> All quoted interview segments throughout this article are my own translations.

omy, etc. In conclusion, everyone agreed that the utilization plan did not need any significant change apart from minor changes.

The major advantages which are seen by implementing these dialogue processes are that civil society is involved with their expertise at an early stage of policy making (VW4). Pros and cons could be discussed in a direct and transparent way (VW3). In particular, the actors of the local public administration are given the chance to underline their point of view and to focus publicly on opportunities as well as financial restrictions (VW2). The politicians emphasize these aspects to prevent criticism at an early stage (PO1) and to achieve sustainable political decisions (PO2). Concurrently, such processes are seen by the involved representatives as a time and cost-intensive procedure (PO3).

Another example of non-institutional agreements is the subsequent breaking down of EU directives. The Water Framework Directive is a quite formal instrument which includes environmental policy requirements about the development of bodies of water. To apply this directive to local level politics, there must be a discussion about its concrete meaning for the individual citizen, in particular for the farmers. Therefore, the local public administration interacts intensively with the environmental groups who are experts in this field. They can assess the circumstances of this issue. A representative of the local public administration explains that this was “a quite normal process for us to bring politicians and citizens together” (VW2).

Regular expectations: Forms of regular expectations can be identified with regard to the selection process of representatives from organized civil society in processes of policy making. For example, the so-called qualified inhabitants or the members of advisory committees are nominated by local organizations in the way of non-formal agreements. At the beginning of the present legislative period, the municipal council decides upon the number and the fields of environmental policy (for example energy and climate) and then the organizations can decide for themselves who joins the municipal committee as qualified inhabitants. Finally, the selected candidates are elected by the municipal council in a pro forma process.

These cases illustrate how certain issues and processes are perceived as a kind of unwritten law<sup>8</sup>. Actually, the selection process of representatives for dialogue processes differs. For example, by selecting the representatives for the dialogue process on the utilization plan (see above), the local public administration demands that the actors of organized civil society participate in a personal way (ZG4). The responsible department rejected the idea put forward by organized civil society to send an additional representative of another special interest group to this dialogue process, confirming that the working capability of the dialogue process could be quite limited (ZG1).

Observable regularities: Based on the empirical analysis, three types of observable regularities can be identified: First, there are regular forms of non-formal meetings between representatives from the local public administration, local politics, and organized civil society. The actors of the local public administration participated in their meetings if they were required to do so by the different political working groups on environmental policy (VW2). Therefore, the politicians are given the chance to clarify final questions or to convince the representatives from the local public administration of their positions and political proposals. The representatives of the local public administration can also participate in the regular meetings of the council factions (VW2).

Second, if issues are discussed in a conflicting or technically controversial way, the local public administration will outsource them, beyond the formal process of policy making. These issues could be addressed in special working groups, e.g., an intergroup of the municipal council. In this case, the issue is taken out of the municipal council (and the respective committee). The intergroup, existing of representatives from each council faction and

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<sup>8</sup> As a representative of local politics put it: "It is clear that they [the qualified inhabitants, the authors note] have to be voted on by the municipal council. There exists a respective council document. Also, the members of the municipal committees have to be voted on by the municipal council. But if it is not a particularly delicate and bold case, the council members will not even discuss it. It is assumed that this lies within the responsibility of the respective institution, whether a political party, an environmental organization, or someone else." (PO1)

representatives from the local public administration, provides the possibility to discuss the issue in all its facets. This allows the politicians to see the respective benefits that these processes provide. They gain a better understanding of the positions of the local public administration and learn more about effective working processes (PO1).

The implementation of a dialogue process is another means to forge an effective consensus despite controversial issues (cf. the introduced utilization plan of the city lake). For example, if there are many proposals from political parties and/or organized civil society (cf. section 24) about the same issue, it is quite easy for the local public administration to initiate a dialogue process in order to handle the proposals. By integrating all interests, the process of policy making can be harmonized at an early stage.<sup>9</sup>

Third, the empirical analysis shows that council documents, according to section 24, are regularly discussed with local politicians and/or the local public administration shortly before civil society officially introduces them at the municipal council. Thus, the actors of organized civil society do not have to worry that their proposal will be put off or forgotten about altogether. Instead, they receive feedback at an early stage on the proposals that were accepted by the politicians and are told which aspects should be modified and which proposals have received the agreement of the council factions (ZG1, ZG3, ZG4).<sup>10</sup> These discussions lead up to the formal process seen by organized civil society as a possibility to exert political influence and as a means to put their own view of the matter forward (ZG2). A representative of the environmental services department says that he would

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<sup>9</sup> As a representative of the local public administration explains: “[...] it is helpful to harmonize the process and thus to avoid potential conflicts subsequently by integrating all interests. Being integrated at an early stage gives one the feeling of not being taken for a ride. As well, he is not rolled over by too many facts at a later stage.” (VW4)

<sup>10</sup> As a representative of an environmental organization stated: “If you really want to reach something, you will have to meet the council factions and conduct personal conversations. Until the voting at the municipal council, the whole matter should be cut and dry.” (ZG4)

prefer personal communication in addition to the formal proposal to explain negative decisions.<sup>11</sup>

Behavior patterns in certain situations: Furthermore, there are a wide range of informal personal contacts between actors of the local public administration, local politics, and organized civil society. As compared with the described interaction processes (see above the introduction of council documents), these interactions are characterized by their missing systematics. Rather, this kind of communication is the result of certain circumstances. Phoning with representatives of the local public administration is seen by a politician as his “daily bread”, or the most basic aspect of his job (PO1). With regard to the empirical analysis, personal communication is particularly important a) if there are special requests concerning council documents, b) if conflicting situations<sup>12</sup> arise or c) if new contacts have to be installed.

First, personal contacts can become important if a member of the municipal council has a short comprehension question with regard to a special council document or if the political majority seems to become instable. Then personal communication means mainly fast communication. Second, conflicting situations need personal communication. A politician illustrates this aspect with the following real-life example of a communication problem: A member of his political faction had posed some questions about a citizens’ initiative project in a council document. Some of the questions were very poorly formulated, causing irritation amongst the other members. To clarify the position of his council faction, the politician suggested an on-site visit with the involved actors. Locally, the communication problem could be solved.<sup>13</sup>

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<sup>11</sup> As the mentioned representative of the local public administration stated: “Perhaps, I have to take quite another argument to the outside world than I would have taken in a conversation face to face.” (VW5)

<sup>12</sup> Conflicts in processes of policy making are seen by the actors of civil society, the local public administration, and local politics when special interests dominate (VW1), when projects are not implemented in a responsible manner (VW5), or when there is an objective disagreement about a political issue (ZG1), (ZG3), (PO1), (PO3), (VW3).

<sup>13</sup> As the representative of one political faction emphasizes: “There are situations where you just have to meet the involved persons and you have to conduct a private conversation with these partners.” (PO1)

Third, generating new contacts and developing new networks for local projects or special issues is part of the daily business of the local public administration, local politics, and organized civil society. New contacts regularly result from existing networks and relationships. This works according to the motto: Who knows whom? (VW2).

In general, for the daily business of local policy making, personal communication is seen as very important. Eye to eye contact and the tone and loudness of the voice are quite helpful for organizing majorities or dealing with conflicting situations (PO1). In conclusion, the transition between observable regularities and behavior patterns is fluent. But, these kinds of interactions are strongly dependent on the personal relationship of the involved actors.

### ***3.2 Reflecting Informality in Local Political Communication: Conceptual Design and Functionality***

The empirical analysis has demonstrated that the interaction of the local public administration, organized civil society, and local politics in the field of local environmental policy is characterized by formal and informal patterns. There is empirical evidence that local policy making takes places in a continuum between formality and informality. This sub-chapter will go on to structure the elaborated patterns of interactions and will explain the functionality of each continuum section.

According to the Sub-Chapter 3.1, formal agreements structure the process of policy making at the local level. The municipal code is the framework for the actions of the actors. By regarding the duties of political and administrative actors and the opportunities for civil society to participate in processes of policy making (cf. sections 23 through 26), the dependence on the state law becomes obvious because every state law is different (cf. the reform of the municipal code in 1994).

Non-institutional agreements give the formal agreements a concrete shape. Target agreements, voluntary agreements on project implementation, and development plans structure the individual process of policy making at the local level. In contrast to

the formal agreements, these are regularly conducted by public and civil actors, for example in the context of a dialogue process.

Regular expectations ensure that the responsibility in policy making processes is shared between the involved actors. For example, the organized civil society is allowed to select their representatives for the municipal committee (qualified inhabitant) and for the advisory committees by itself. The selected candidates are regularly elected by the municipal council without any comments by the politicians. In this way, the participatory potential of local organized interests is strengthened.

Observable regularities, like non-formal meetings, have two main functions: first, they help the actors to achieve political majorities. For example, before a proposal is directed to the municipal council, the actors of organized civil society discuss the proposals with the representatives of the political parties. Second, observable regularities ensure that the local consensus between the public and civil actors remains stable (e.g., conflicting issues are outsourced by the municipal council to a newly constructed working group).

Conflicting issues, ad-hoc decision-making, as well as the development of new contacts are typical situations when actors from organized civil society, local politics, and the local public administration prefer personal communication. These behavior patterns are based on a shortage of time and an improved chance to interpret the statements and arguments.

**Table 3:** *Conceptual design of informality in local policy making.*

<b>FORMALITY - INFORMALITY - FUNCTIONALITY</b>				
<b>Formal Agreements</b>	Non-institutional Agreements	Regular Expectations	Observable Regularities	Behavior Patterns in Certain Situations
<b>Conceptualization of Informality in Processes of Local Policy Making</b>				
<b>...structure the process of local policy making (with regard to the applicable law)</b>	...structure the individual process of local policy making (including civil and public actors)	...support the participation of organized interests  ...split up political responsibility amongst civil and public actors	...enable the achievement of political majorities  ...enable the strengthening of local cooperative democracy	...are important in conflicting situations, ad-hoc decision-making, and developing new contacts (personal communication)
<b>Formality as given structure at the local level</b>	Informality as complementary instrument to the given formal structure	Informality as instrument to improve the participation of the civil actors	Informality as strategic instrument for shaping local policy making	Informality as instrument to sustain the day-to-day operations

Source: My own listing.

*Table 3* shows the development of a conceptual design of informality in local policy making which is based on the empirical analysis. As already explained, informality has different meanings in the process of policy making. To work out the functionality of informality will be the last step within the conceptualization of informality in local level politics.

Beginning with formality, the given legal structure forms the solid basis for any form of local policy making. With the proposals, according to section 24 and the institution of qualified inhabitants, two main processes of local policy making have their origin in the municipal code. In the form of non-institutional agreements, informality is a kind of complementary instrument to the given formal structure. Also, informality can serve as an instrument to improve the involvement of the stakeholders in the process of local policy making. Furthermore, informality also has a strategic dimension which enables the public and civil actors to shape the process of policy making in their own way. Last but

not least, informality serves as an instrument to sustain the day-to-day operations (if ad-hoc-policy becomes necessary). Personal communication is particularly important in conflicting situations.

With regard to the functionality of informality in local policy making, the empirical analysis produced two main results. First, there are two types of informality at the local level of politics: Informal forms of policy making and informality as a process characteristic. Dialogue processes and permanent working groups are types of informal governance forms. They do not have a formal origin. They are regularly the result of non-institutional agreements (council documents) and refer to the initiative of actors from the local public administration, civil society, or the political parties.

Informality as a process characteristic becomes relevant if the process of policy making needs to be structured in advance. For example, this is necessary for the organization of political majorities and their political proposals or for the handling of objective disagreements on local issues. Informality starts by shaping the framework for the living situation at the local level (e.g. target agreements or development plans) and preparing the decision making process (e.g. by working groups or dialogue processes) and ends by handling concrete conflicts (in personal communication).

Generally, informality can be seen as a complementary element to formality in shaping the process of policy making at the local level. Informality in its presented forms offers the local policy makers a proscenium. This proscenium can be used for preparing the actual process of political decision-making, which takes place at the municipal council. The empirical analysis illustrates that informality (according to the working definition of this article, see above Chapter 2.2) is not used to make political decisions in a backstage area beyond formal structures. Rather, the identified spectrum of opportunities within the proscenium of the decision making process enables the actors to shape politics in advance.

## 4 Conclusion

In conclusion, yes – informality matters in processes of policy making! The empirical analysis in the field of local environmental politics of a selected major city in Germany (city of Münster) has shown that informality is an important process characteristic.

According to the theoretical approach of local governance (Benz 2004a), which is explained in Chapter 2, an empirical perspective demonstrates that the interaction of public and civil actors is characterized by informal and formal elements. Four main forms of policy making in the field of local environmental policy of the investigated major city – based on a documental analysis – were identified: (1) Participation in the municipal council (as qualified inhabitant according to § 58 No. 4 GO NRW); (2) legally based instruments like directing proposals to the council according to § 24 GO NRW (both are formal-based forms of policy making); (3) permanent working groups; (4) and the implementation of dialogue processes (both are informal-based forms of policy making). These forms differ in their respective purposes and meanings for the process of policy making. For example, the proposals are used for setting issues on the political agenda, and the main task of the municipal committees is to monitor and evaluate politics at the local level. Thereby informality becomes relevant as a process characteristic. Using the continuum approach by Kastning (1991: 71) as a framework for analysis, various types of informality with specific functions could be identified: informality can be seen as an instrument for structuring processes, for improving the participation of the stakeholders, for strategically shaping local policy making, and for sustaining the day-to-day operations. Therefore, a conceptual design for informality in local policy making has been created for the first time (cf. Chapter 3.2).

The following examples of outsourcing conflicting issues in working groups and organizing political majorities in regular meetings between the actors illustrate that the process of political decision making is pre-structured by informality. Here, informality serves a strategic dimension to shape policy making at an early stage. But, informality also becomes relevant if conflicting

situations arise or if there are difficult decisions to make. In such cases, personal communication (face to face) is necessary, to prevent potential conflicts between the involved actors, for example.

On the whole, the empirical results enable conceptual conclusions concerning the meaning of informality: informal political communication serves mainly as a proscenium in formal processes of policy making at the local level. The informal elements do not lead to an outsourcing of the process of political decision making in a backstage area (this aspect can be demonstrated by the dialogue processes: the decision making process always takes place at the municipal council). Concurrently, the wide spectrum of opportunities for participation enables actors of civil society to shape local politics at an early stage.

This is most important for the actors of organized civil society who are not involved in the actual process of decision making, but rather influence local politics as so-called “pre-decision makers” (Zimmer et al. 2007: 81). To enforce their interests, they simultaneously use the variety of formal and informal forms of policy making (for example, proposals according to section 24 GO NRW as well as face to face conversation).

These findings illustrate that informality in local level politics is quite different from political cliques or illegality. Rather, informality has a functional role by completing the formal process of policy making. Decision making can only work efficiently if policy making can be prepared at an earlier stage.<sup>14</sup>

But, informality should also be critically scrutinized. According to the continuum approach, informality seems to be an obvious instrument for the actors involved in day-to-day operations. However, informality is less predictable for outside observers. Those who have already established a working network of representatives from the local public administration, local politics, and civil society regularly profit in processes of personal communication. To consider the functionality of informality in more detail,

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<sup>14</sup> The effectiveness of this proscenium can be seen from the fact that 90 percent of the council decisions in the investigated major city are adopted unanimously (VW3).

these results require more empirical analysis from other policy fields at the local level. However, this study was able to identify the specific meaning of informality in processes of local policy making in an empirical instance.

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