

## **New Horizons in European Studies**

**Aston University, 24-25 April 2014**

Conference papers are works-in-progress - they should not be cited without the author's permission. The views and opinions expressed in this paper are those of the author(s).

**[www.uaces.org](http://www.uaces.org)**

# Understanding lobbying as a deliberative process: Contrasting theoretical approaches to interest group advocacy at the EU-level

---

Helena Seibicke  
ARENA, Centre for European Studies  
University of Oslo, Norway

## **Abstract**

The focus of this paper is to advance the argument that interest group advocacy is an inherently communicative process. Interest group advocates have a factual base for their message but do not depend on facts alone. The facts are accompanied by a set of arguments concerning the rightness, wisdom and justice of each proposed action. This paper argues that analysing interest group advocacy from a communicative perspective can illuminate vital parts of the lobbying process. Determining the influence of certain groups should take into account that communicative interaction can and does exert a causal influence on policy change. Civil society actors are being included into discursive and deliberative practices within the EU's institutional framework. The strength of their ideas and arguments gives them the deliberative power to make their claims vis-à-vis the EU's political institutions. Therefore, this paper investigates how we can understand advocacy as a deliberative process, since the prevalent perspective in advocacy analysis is the resource-focused exchange approach. I contrast rational-choice and deliberative theory and propose to conceptualise advocacy as a process in which interest groups on both sides of the policy issue collect facts and present their most persuasive arguments. In doing so, this paper advances a theoretical explanation for how we can understand interest group advocacy as a deliberative process.

## 1. Introduction

Interest representation is an evolving practice but there are elements that are fundamental to it. I follow Mansbridge's conceptualisation that within the process of lobbying on a policy issue, interest groups on both sides of the policy issue collect facts and present their most persuasive arguments; the argument of one side spurs the other to find new evidence and refine its persuasion position. This is called "competitive deliberation". In this paper, I argue that few scholarly works have recognised that interest groups need to engage in discursive and deliberative practices in order to make their claims vis-à-vis the European Union institutions. Their deliberative power to influence their addressees rests on the strength of their arguments and ideas.

The EU is a political space, yet we may also see it as the junction of a wide range of communication activities, including policy dissemination, lobbying, reporting and commentary. Non-state interests have long been seen by practitioners and analysts alike as playing a key part in the functioning of the EU (Warleigh 2002). Organised non-state interests, or interest groups in the EU have received increased scholarly attention in recent years (Mazey 1993, Greenwood 1998, Mahoney 2004, van Schendelen 2005, Greenwood 2007, Beyers 2008, Kohler-Koch 2011) as the EU's multi-level system creates an opportunity structure with an array of venues for organised interests to influence policy-making. The European Commission has always been an institution open to outside input and has taken steps to increase the participation of civil society organisations in EU policy making by directly financing them through grants (Mahoney 2004) and institutionalising consultation mechanisms. This is due to reasons such as the limited number of Commission staff who are faced with large amounts of policy issues; the technical nature of some policy issues; or the need to involve civil society in decision-making to increase legitimacy and build grass-roots support. Non-state private and public interests can therefore be seen as the 'natural constituency' for the Commission.

Over the years the interest group community has grown and the field is now populated by wide-ranging and opposing interests, resulting in contestation and a vibrant lobbying and advocacy culture, with the ultimate aim to influence the policy-making cycle at one or several stages. It has been argued that the EU resembles an "advocacy democracy, where not individuals as voters or in political parties, but stakeholders and cause groups directly participate in the policy-formation process" (Dalton 2004). However, interest representation so far is mainly analysed using pluralist and neo-corporatist frameworks and more recently with the help of theories such as epistemic communities, advocacy coalitions (Klüver 2011), policy network analysis (Chalmers 2013) and exchange theory, which enlightened certain aspects of the process, such as group strategies and lobbying venues. The question of influence has also received much attention, with quantitative empirical analysis gaining interesting insights as to which actors have the most success in getting their lobbying message across (for examples see (Bouwen 2004) or (Mahoney 2012)).

Civil society actors are being included into discursive and deliberative processes of the EU's institutional framework through institutionalized consultation mechanisms (Agustin 2012), and are drafted into policy processes through a range of consensus-oriented mechanisms for consultation and the elaboration of EU projects. Unlike the decision-making powers of institutions, the power of these organisations is discursive (in terms of definitions, deliberation, agenda-setting, etc.) and lies in communicative interaction. Civil society organisations need to rely on their deliberative power to have an impact. In other words, it is the strength of their arguments and ideas which lends weight to their claims-making vis-à-vis the political institutions (Cohen and Arato 1992 in Agustin, p.24). However, existing studies of EU interest groups and their theoretical frameworks often share a pre-occupation with resources. Following their logic, low-resourced civil society interest groups should not be able to have any influence on policy-making, and therefore have no reason to invest time and effort on lobbying at EU-level.

Moreover, there are contradictory findings when evaluating the lobbying success of different actors at EU-level. On the one hand, scholars have found that the opportunities for groups to influence EU decision-making are clearly in favour of business interests. For example, Bunea (Bunea 2013) finds that concentrated interests are more successful than groups representing diffuse interests. Similarly, Dür (Dür and de Bièvre 2007) shows that while NGOs do better during the agenda-setting stage, business interest are more effective during the important policy formulation stage. On the other hand, there are studies that find no difference between the opportunities and influence of diffuse or concentrated interests. Klüver, for example, finds no bias towards business/industry in lobbying success across interest groups (Klüver 2013). Even NGOs themselves claim to be at least as influential in Brussels as trade associations and businesses<sup>1</sup>. This presents us with a research paradox that existing approaches do not present a satisfying answer to. In order to find an answer to the question of why and how diffuse, low-resource actors mobilise and lobby at EU-level, this paper proposed to change the analytical focus from the outcomes to the process of interaction.

I argue that argumentation is a central element to the lobbying process and needs to receive greater attention if we are to understand this process fully. Determining the influence of certain groups should take into account that communicative interaction can and does exert a causal influence on policy change. Applying a communicative perspective to interest group advocacy gives us the tools to identify these interactions. The analysis of lobbying by means of a communication model presents an alternative perspective which provides new insights on the process and outcome of lobbying. Communication is the only means of influencing or changing a perception; the lobbying processes, therefore, is a communication process (Milbrath 1960). The task of the lobbyist is to figure out how he can handle communications effectively in order to get through to decision makers. Milbrath argues that lobbyist's communications tend to fall in three categories: facts, arguments and power. As merchants

---

<sup>1</sup> "Where do NGOs fit in Europe", NGO-EU Connect webpage, <http://www.ngoeuconnect.ie/content.php?area=13>, accessed 27.02.2014

of information, lobbyists generally have a factual base for their message; especially they provide facts about how a contemplated action will affect the group they represent. Lobbyists, however, do not depend on facts alone; almost invariably the facts are accompanied by a set of arguments concerning the rightness, wisdom, or justice of the proposed action. Most lobbyists readily admit that these arguments usually present only one side of an issue, but they justify this on the ground that the decision-maker knows the source and is likely to get arguments on the other side from opposing groups (Milbrath 1960) p.35). This paper contrasts rational choice theories (thesis) with deliberative theory (antithesis). While both perspective have value when analysing the lobbying process, this paper proposes an alternative view beyond mainstream deliberative theory that bridges the gap between the two (synthesis). With this theory we can conceptualise lobbying as “competitive deliberation” (Mansbridge 1992), which describes a reciprocal exchange of arguments. This analytical lens sheds light on aspects of the advocacy process that are overlooked in the broader, meta-level, quantitative studies. While I argue that a major part of interest group activities is the pursuit of influence on decision-making, this paper focuses on the process by which this influence is sought. This focus is based on the argument that seen in general terms, a process determines an outcome, and that in addition to analysing interest group advocacy through the exchange model we should also view it through the analytical lens of argumentation and deliberation.

The first section of the paper maps existing theoretical approaches to interest group advocacy and traces their origin from US literature to the application in the EU context. I then highlight some of their shortcomings when these approaches are applied to social interest groups. The second part of the paper analyses the contrasting perspective of deliberative theory and investigates how suitable it is to the analysis of interest groups. As both approaches have valuable elements, the third section moves on to discuss the concept of “competitive deliberation” as it bridges the gap between both rational choice and deliberative theory in the context of civil society interest groups advocacy. With the help of this framework I am able to shed light on the fact that interest groups need to argue and deliberate in order to have influence on their addressees. Finally, the concluding section contains a discussion on how the advocacy process is inherently communicative and argues that we overlook important factors that are also relevant if we analyse interest group advocacy in the EU only by means of rational-choice exchange models that focus solely on power, influence and resources.

## **2. Existing theoretical approaches to interest group advocacy**

The analysis of interest groups at EU level has to a large extent focused on empirical studies, namely influence taken and on the efficiency of these routes in terms of influence and power (e.g. Greenwood, Grote et al. 1992; Mazey and Richardson 1993; Van Schendelen 1993; Pedler and Van Schendelen 1994; Greenwood 1995; Aspinwall and Greenwood 1998; Claeys, Gobin et al. 1998; Pedler 2002; Greenwood 2003). Less attention was given to the

development of a theoretical framework for analysing interest group activities and interaction with EU institutions. In recent years, however, EU interest group literature has seen a slight shift from mainly empirically-driven studies devoid of conceptual reflection to a more theory-informed field of empirical political science. Studies try to link theoretical and conceptual developments with empirical hypothesis testing. Our theoretical understanding of interest groups operating at EU-level has been inspired by work on lobbying in the United States. The analysis of the role of interest groups has its root in American political science. While their central role to policy-making led to the quest to understand their roles, motivations and effectiveness, the pitfalls related to these analyses have resulted in many different approaches and often contradictory findings on both side of the Atlantic. The following section will outline the prevailing theoretical approaches to interest groups and the criticisms they have received.

The understanding of interest groups in the USA, and later in the EU, has been significantly influenced by pluralist theory, which assumes that free competition would prevent undue influence of groups. However, Olson (Olson 1965) showed a critical flaw in the pluralist assumption that all potential groups have an equal chance to participate in a political pressure system. Olson's analysis created a new agenda for research on collective action that provided a narrower focus and more deductive framework for enquiry (Mawhinney 2001). There are two fundamental tenets shared by most economic studies of interest groups: methodological individualism and utility maximization. Self-interest provides a powerful incentive and the political system provides a unique institutional setting for interaction. According to Chicago interest group theory, which has at its basis a general economic analysis built on simple supply and demand considerations, "government" is the supplier of regulatory services. In exchange for highly valuable services, the regulated industry can offer legislators campaign contributions, speaking honoraria, and votes of employees and can promise future employment for regulators (Mitchell 1991).

This approach has inspired the most dominant theory in the European interest group literature. The 'exchange model' conceptualizes interest group activities as a process of transaction between interest groups, who provide goods in exchange for access to decision-makers. A prominent example for this approach is Bouwen's "Theory of access", which is based on exchange theory and resource dependence. According to this theory, the interaction of private and public organisations can be conceptualised as a series of inter-organisational exchanges. He argues that the highest degree of access is granted to the private actors that can provide the so-called critical resource of access goods. Bouwen defines three access goods that the EU institutions demand in exchange for access: a) expert knowledge; b) information about European encompassing interests; and c) information about domestic encompassing interests (Bouwen 2002). Another recent example is Klüver, who conceptualises lobbying as an exchange relationship in which the European institutions trade influence for information, citizen support, and economic power. She argues that it is

not the exchange goods of the individual groups that make the difference, but the aggregated amount of goods provided by entire lobbying coalitions (Klüver 2013). However, these approaches do not explain why and how groups that are low on exchange goods lobby or do not act purely out of self-interest. Critics would therefore argue that this approach is too narrow. Michalowitz, for example, states that even though the exchange approach enables the development of a framework for assessing relations between private and public actors in a systematic way, they do not take the agents of lobbying and the impact of their relationship to other actors for lobbying results into account (Michalowitz 2004: 43).

There have also been political-economy approaches put forward to explain interest intermediation (for review of these approaches see Hösli, Nölke and Beyers "Contending political-economy perspectives on European Interest group activity" (Hösli 2004), in Warntjen and Wonka (eds) *Governance in Europe - The Role of Interest Groups*). These approaches "suggest a focus on phenomena that lie at the crossroads of the traditional fields of political science and economics. [They] seek to explain how political power shapes economic outcomes, and how economic forces constrain political action" (Crane and Amawi 1991 in Hosli). Collective action theory, for example, is used by Greenwood and Aspinwall (Greenwood 1998) based on Olson's logic of collective action, which analysed the difficulties to organise collective action and to mobilise the national organisations to participate in EU networks. Critics to this approach (e.g. Roose 2003) argue that it only takes into consideration networks and not the organisations themselves. The critical political economy approach perceives interest groups as representatives of capital and labour classes, arguing that capital is more powerful than labour. This approach sees interest group involvement in EU governance at strengthening the neo-liberal character and capitalist governance of the EU (e.g. Apeldoorn 2002).

At the European level, the idea of corporatism became prevalent, criticising the EU system as too open to business interests. The EU has institutionalised interest group intermediation; therefore neo-corporatist theory focuses on the steering and output side of systems, while pluralist theories focus on the input side. The state takes an active role, as interest groups are incorporated into decision-making rather than just being consulting as outside interests. However, both concepts of pluralism and neo-corporatism have been criticised for the lack of clarity about their function as descriptive or as normative concepts (Michalowitz 2004). Pluralism, just like exchange theory, fails to explain the reasons for counter-interests coming into being, such as the mobilisation of weak interests. Moreover, with the focus on state interest group structures, it does not provide insight into the character of these relations or features of those carrying out the relations. In response to this, several approaches were developed, such as network analysis, and other approaches which focused more on public interest mobilisation. The policy network approach is linked to the debate of pluralism and corporatism. It has been used to establish empirically whether patterns of interest intermediation follow pluralist or corporatist assumptions. The core of this approach is

resource dependency; resources are distributed across private and public actors, forcing them to cooperate if they wish to achieve policy-making effectiveness (Nolke in Hosli). The interests of the actors should be regarded in the context of negotiations and functional problem solving.

As mentioned above, pluralist and political economy approaches failed to explain public interest mobilisation. Therefore scholars have turned to social movement literature in recent years. Public interests were grouped as social movements due to the Olsonian argument that interest groups have to behave rationally. In consequence of this argument, new approaches focused on business interests while public interests were analysed with social movement theory and empirical studies. However, the empirical reality of increasing numbers of NGOs working at the EU level has necessitated a change in the analysis of these actors. An interesting example is Imig and Tarrow's work in "Contentious Europeans". They concentrate on "those forms that reach upward from the grass roots towards the sources of European decision-making: across the member states as Europeans forge alliances with one another; and within Europe's institutions as public interest groups and NGOs try to influence European policies in the name of population groups they claim to represent" (Imig and Tarrow 2001). Discussing the relation between lobbying and social movements, they argue if Europe is becoming a polity, sooner or later citizens turn their claims and their forms of contentious politics beyond their borders towards the European level.

Literature on interest intermediation seems to be divided between focus on empirical research on the one hand and more deductive attempts to develop generalizable theoretical frameworks on the other hand. Theoretical framework conceptions lack the consideration of the detail of empirical observations and changes. Empirical studies attempting to apply certain theoretical frameworks fail in doing so because their research goals change as their empirical insights develop (Michalowitz 2004). Moreover, a common denominator of the aforementioned approaches is their pre-occupation with resources. Following their logic, low-resourced groups should not be able to have any influence on policy-making, and therefore have no reason to invest time and effort on lobbying at EU-level. If we shift the focus to what actually happens in the lobbying process, however, and take a more in-depth look at the interactions through a communicative-theory lens, we can understand their existence and lobbying activities not just as an exchange of resources but as changing their addressees preferences on policies (short-term goals) and convictions or prevailing norms (long-term goals).

### **3. The deliberative-theoretical approach**

The question this paper seeks to answer is how we can analyse interest group advocacy as a communicative/deliberative process. In this section I explore what deliberative theory can contribute to this analysis and asks whether it is a suitable theory with which lobbying can

be analysed. The following section will give an overview of deliberative theory and I will then go on to investigate whether it can be applied to interest groups in the EU.

Deliberative theory stems from 18<sup>th</sup> and 19<sup>th</sup> century (i.e. Mill) and has been developed further by thinkers such as Rawls and Habermas in the last thirty years. The theory was developed as a response to prevailing rational choice approaches which emphasises the interest maximisation of individuals in the political arena. Deliberative theory sees individuals not only as rational actors who make choices based on the pursuit of personal interest, but postulates an ethical and moral agent who reflects and collaborates with others. The key elements of the theory can be summarised as follows: Deliberation is about reasoning, which means providing arguments for one's position. It involves argumentation and persuasion, rather than coercion, manipulation or deception. Deliberation is inclusive, as all parties potentially affected by the decision need to be present and equally able to voice their points of view. Outcomes of deliberative processes are more than cheap talk, decisions are binding. Therefore, the process should be transparent. If all the above criteria have been met, the final result is the creation of legitimate decisions (Tanasescu 2009).

In recent years deliberative democracy has developed from a "theoretical statement" into a "working theory" (Chambers 2003), dubbed the "deliberative turn" in political science. It had been discovered that deliberation is not an alternative to liberal representative democracy but a valuable supplement to it. In the European Union, deliberation is more wide spread than some would imagine. The polycentric nature of the EU system necessitates that actors cooperate in policy-making. Evidence has been found that underlines the fact that political interaction in the EU relies very much on deliberation (Joerges and Neyer 1997, Eder 2000) and uses strategies of bargaining or voting only as instruments of last resort.

However, rational institutionalism describes a European political process that is by and large dominated by self-interested actors who have little regard for the concerns of others (see Moravcsik 1998). Thus deliberation is often viewed as a kind of anomaly that only happens under 'optimal procedural conditions' (Scharpf 1997). In a deliberative process, participants offer reasons and justify their arguments in terms that others can accept and have the autonomy and openness to let reason shift their view.

In response to the criticism that deliberation is a utopian vision that can never materialise in real-world politics, efforts have been made to make the theory more workable (see Bächtiger, Steenbergen and Tschentscher (Bächtiger 2008)). For example, Bächtiger et al. distinguishes between two broad ideal-types, what they label type I and type II deliberation. Type I (strong Habermasian orientation) implies a systematic process of policy-making where actors extensively justify their positions and are willing to yield to the force of the better argument. Type II is made up of a series of independent departures from Habermas. It is conceptually broader, including all activities that function as communicative influence under conditions of conflict. Hendriks offers another understanding of deliberative democracy. She

distinguishes between two divergent streams in the literature on deliberative democracy focusing on the micro and the macro level. Micro-level deliberative theorists concentrate on defining the ideal conditions of a deliberative procedure while macro deliberative theorists emphasise informal discursive forms of deliberation, which take place in the public sphere. Their primary focus is on the unstructured and open conversations outside formal decision-making institutions. The two streams prescribe different roles for civil society, especially regarding the way citizens and groups should relate to the state and whether they should take a communicative or strategic role in deliberative politics. Micro theories suggest that civil society actors should engage in deliberative politics to the extent that they are willing and capable of participating in structured deliberative fora. Macro theories emphasise the informal and unstructured nature of public discussion, where civil society plays a role in informal political activities both outside and against the state. She argues for an integrated deliberative system that accommodates the diversity of civil society by fostering deliberation in a variety of public spaces (Hendriks 2006, Hendriks 2006).

Habermas (1996) attempted to incorporate micro and macro forms of deliberation with his “two-track” model of democracy. He argues that opinions are formed in the public sphere and are then transmitted via ‘currents of public communication’ to the state where more formal deliberation takes place in courts and parliaments for the purpose of ‘will formation’. However, Habermas’ model can be criticised for being particularly vague on the role of specific kinds of society actors, such as interest groups (Hendriks 2006).

### **3.1. The role of arguments**

The argumentative approach draws heavily on Habermas’ critical theory and in critiquing the technocratic resource-exchange approach. It argues that communicative action, like argumentation, persuasion and framing are central elements that are too often overlooked. Despite coming from a political economy background, Giandomenico Majone wrote in “Evidence, Argument and Persuasion in the Policy Process” that public policy is a product of argumentation. “As politicians only know too well but social scientists too often forget, public policy is made of language. Parties, electorate, legislature, executive, media and interest groups engage in a continuous process of debate and reciprocal persuasion” (Majone 1989). From the time Majone wrote this statement, argumentative policy analysis has developed into a competing theoretical perspective to other approaches. From its post-positivist basis, work on discourse analysis, deliberation, deliberative democracy, citizen juries, governance, expertise, participatory inquiry, or the role of the media has been formulated. These works all share that attention is given to communication and argumentation, rejecting the rational assumptions underlying most analytical frameworks in policy analysis. The argumentative approach enables us to take into account the context in which interactions take place as a result of argumentation.

In “The Argumentative Turn Revisited” Fischer and Gottweis challenge the belief that policy analysis can be a value-free, technical and straight forward application of scientific

techniques. Instead of the narrow focus on input and/or outputs this approach takes policy arguments as the starting point of analysis. Without denying the importance of empirical analysis, the argumentative approach seeks to understand the relationship between empirical and normative. It is concerned with the validity of empirical and normative statements, but moves beyond the traditional empirical emphasis in order to examine ways in which they are combined and employed in the policy process (Fischer 2012).

Given the diversity of directions the approach has been taken in, however, the scholarly work in the field is characterised by the use of varying terminology that is often used interchangeably. Related, yet differing terms like discourse, deliberation, rhetoric, argumentation, or persuasion denote key concepts which can be interpreted differently or can be conceptualised to include or exclude each other. The concept of argumentation has traditionally referred to a process through which people seek to reach conclusions through reason. Rhetorical arguments seek to construct a particular representation of reality with which the arguer seeks to persuade the audience to see or understand something one way as opposed to another. Through argumentation actors in the political process advance their goals and objectives. Argumentation draws on discourse but also includes political rhetoric and structured policy deliberation. Nettel and Roque argue that it is important to recognise the differences between argumentation and persuasion. There are argumentative discourses without persuasion and persuasive discourses without argumentation, however, according to them, there is an overlap, something they term “persuasive argumentation” (Nettel 2012).

Most definitions associate argumentation with reason, and persuasion with emotion. An (An, 2011) defines the two concepts in the following way “What is argumentation? Argumentation is the use of crystal clear thinking – logic- and evidence to convince a person to adopt a particular opinion. What is persuasion? If, while trying to provide their point, a person uses emotional language and dramatic appeals to beliefs and values, they are using persuasion.” So this means that argumentation aims at convincing someone of a particular point, while persuasion aims to change someone’s conviction. To that end, persuasion is often associated with manipulation. However, it is difficult to determine where argumentation ends and persuasion begins. While there are certainly instances where one is used without the other, they are not mutually exclusive mechanisms. This overlap can be termed persuasive argumentation. Persuasive argumentation included traits that are common in both concepts. In terms of ends, argumentation aims to give reasons in support of a standpoint; its domain is that of knowledge. Persuasion, on the other hand, engenders the disposition to act when a point has been accepted; its domain is that of seeking action. Persuasion may or may not be successful; therefore it is also useful to distinguish between persuasion as a process and persuasion as a result. Persuasive argumentation combines the aims of argumentation with those of persuasion, since the epistemic aim of argumentation can join up with the pragmatic aim of persuasive effectiveness. Persuasive argumentation combines means such as reasonableness with pathos and ethos and other rhetorical resources (Nettel 2012).

In this section I show that mainstream deliberative theory is not a perfect fit to analyse interest groups as it cannot accommodate organised interests, which participate in policy-making, but are at least to some extent driven by self-interest. Furthermore, deliberation conceptualise communication as a reciprocal dialogue of reason-giving. Interest group advocates, however, represent a certain interest and their work consists of arguing their case. They are less open to changing their position in favour of fair and equal deliberation. Advocacy, despite being communicative, is more uni-directional and strategic than deliberative theory would conceptualise it to be. In the following section I will argue that a way to deal with the strategic elements in communication within the advocacy process is move beyond mainstream deliberative theory and focus on argumentation as competitive deliberation.

#### **4. Interest group theory beyond mainstream approaches**

Third sector organisations based in Brussels work to influence policies and compete to carry out EU-funded projects. Such civil society actors are being included into discursive and deliberative processes of the EU's institutional framework through institutionalized consultation mechanisms (Agustin 2012), and are drafted into non-binding policy processes through a range of consensus-oriented mechanisms for policy consultation and the elaboration of EU projects. However, EU social NGOs are constrained by the significant investment of resources required to cultivate relationships, prepare policy submissions and attend meetings. Research also supports the conclusion that there is a considerable gap between the official EU discourse about its relationship to civil society or civil dialogue and its actual practice of consulting citizens and their representatives in third sector organisations (Cullen 2010). Therefore, civil society organisations need to rely on their deliberative power to have an impact. In other words, it is the strength of their arguments and ideas which lends weight to their claims-making vis-à-vis the political institutions (Cohen and Arato 1992 in Agustin, p.24). Unlike the decision-making powers of institutions, the power of these third sector organisations is discursive (in terms of definitions, deliberation, agenda-setting, etc.) and lies in communicative interaction: "The politics of transnational civil society is largely about questioning, criticizing, and publicizing...But- crucially- these actions can also change the terms of discourse, and the balance of different components in the international constellation of discourses" (Dryzek 2004 in Agustin, p.24).

Mainstream deliberative theory, however, does not accommodate self-interested actors such as those promoting a certain group or cause. Therefore, I propose an alternative perspective to conceptualise the lobbying process as communicative which is a continuation from rational choice and deliberative approaches. It alleviates some of the shortcomings of both approaches by proposing the concept of "competitive deliberation" (Mansbridge). This framework gives us the tools with which we can identify argumentation within the advocacy process. I argue that this approach has the needed explanatory power to shed light on the communicative aspects of the lobbying process. This theoretical approach enables me to

challenge the rational choice approach that is prevalent in the study of interest groups and lobbying, as it moves away from the resource-centric view of lobbying and can therefore help to understand how low-resourced groups lobby at EU-level (in some cases successfully). It is also a good alternative to mainstream deliberative theory, which posits a dialogical/reciprocal process of reason-giving argumentation. Interest group advocacy, however, is more uni-directional and groups less open shifting their preferences or views. The following section will lay out this argument.

Discursive practices cannot be understood without the variable of interests. Interests are expressed through arguments and therefore interest group advocacy should be understood as a communicative interaction. Moreover, determining the influence of certain groups should take into account that communicative interaction can and does exert a causal influence on policy change. Critics of this approach will counter that one can never know whether an argument might be the cause of influence. Certainly, argumentative communication is just one of a number of multiple causes for influence or political change (Vivien Schmidt, 2002). However, it can often be the variable that makes all the difference. It can do so by conceptual reframing of interests to facilitate consensual agreement or through the reframing of institutional rules and cultural norms governing the play of power (Fischer 2012). At this point it is apt to bring in Jane Mansbridge's conceptualisation of interest groups. She claims that interest groups function both to pressure and persuade.

Hendriks has made a very valuable effort of exploring the relationship between deliberative democracy and interest advocacy. Although interest advocacy is prevalent in contemporary politics it is not an obvious fit with the normative ideal of deliberative democracy. Tensions arise between two different models of political communication – those based on deliberative democracy and those based on interest advocacy. Communication under the deliberative model emphasises public reasoning (Drysek 2000). Ideally, deliberators engage in a social process of mutual justification; informed policy arguments are put forward, justified and debated in view of collective outcomes. Deliberators are encouraged to listen and be open to the arguments of others and allow reason to shape their views (Cohen 1997). The ultimate goal is to make a judgement based on a thorough public consideration of relevant issues and their implications (Gastil 2008). Under the advocacy model, organised groups, activists and empowered individuals attempt to influence the policy process and outcomes by articulating a position and putting pressure on decision-makers, institutions and the broader public. This pressure comes in deliberative and non-deliberative forms, for example, persuasion, advising, negotiation, lobbying, mobilising, networking, bargaining, coalition-building, campaigning or protests (Hendriks 2012).

Although interest advocacy is an integral part of today's policy-making (especially in the EU) it does not sit well with the normative ideals of deliberative democracy. As mentioned above, deliberation should be reflective and participants should be open to put their particular interests aside for the greater good, strategic forms of action such as bargaining or lobbying

are eliminated. Interest advocacy, however, is by its very nature shaped by the partiality of actors. It is not dialogical, it is rather a process of trying to convince or influence others of the strength of a particular policy position or proposal using a range of tactics. Some interest advocates may use reasons/arguments to persuade others that their interest is worth supporting, but they themselves are not typically in the business of reconsidering and reflecting their positions, and engaging in a process of mutual justification (Hendriks 2012).

The deliberative view of policy-making is therefore often dismissed when analysing interest advocacy, as it is unclear about the role of interests and actors who do not have the autonomy to shift preferences freely, but are bound by representing a group or cause. Policy actors with vested interests do not feature well or prominently in the stories of deliberative democracy. Indeed, interest-based policy symbolizes much that deliberative procedures seek to overcome- partiality, competitiveness, and bargaining. In contrast, collective decisions under the deliberative model are determined through reflective public reasoning (Hendriks 2006).

In order to accommodate advocacy groups and other political actors, Mansbridge proposes something called 'competitive deliberation'. Competitive deliberation describes a process in which interest groups on both sides of an issue collect facts and present their most persuasive arguments. The arguments of one side spur the other to find new evidence and refine its persuasive position. Citizens and their representatives use the information so generated to decide on public policy. Although information is most likely to get a hearing when it conforms what policymakers already "know" new facts and perspectives can change both elite and public debate. The competitive model, in which interest groups marshal evidence and persuasive arguments for the external public and policymakers, does not require internal preference change among the interest group members. Nor need the groups involved in persuasion be "public interest" groups. Purely self-interested motivation provides sufficient incentive for each interest to invest in collecting and disseminating the information that best makes its case. The model requires what is in fact the case, namely, that both citizens and their representatives can be influenced by arguments about what is in the public interest (Mansbridge 2010).

The concept of competitive deliberation could be criticised for being a contradiction in terms. Strategic elements of argumentation are dismissed under deliberative theory approaches. Strategic manoeuvring cannot be deliberative. Deliberation seeks to promote communicative conditions and minimise strategic forms of action such as bargaining and lobbying (Habermas 1984 in Hendriks 2008). Only the force of the better argument is an acceptable form of power. In contrast interest advocacy is less dialogical; it is about trying to convince or influence others of the strength of a particular policy position or proposal using a range of tactics. "In the political domain, advocacy refers to attempts to influence policy processes and outcomes by articulating a position and putting pressure on decision-makers, institutions and broader publics." (Hendriks,p.20). Furthermore, interest advocates are by

definition committed to a particular interest and are less open to changing their minds through processes of reaching mutual outcomes via reason-giving.

Nonetheless, interest advocacy is a communicative process and a communicative approach allows us to move beyond existing theories in an attempt to explain EU-specific public-private interactions as an argument-based participatory process capable of injecting legitimacy and effectiveness into decision-making. According to argumentation (and deliberative) theory, the role of public authorities is crucial in setting up consultation formats that live up to deliberative requirements in that they are open, transparent, with equal and balanced representation of stakeholders, discussions are argument-based (as opposed to bargaining) and that the deliberative continuum is punctuated by decisions that bind all participants. Given the difficulty to frame theoretically the interaction between the EU and organized civil society groups, a communicative approach focusing on argumentation and competitive deliberation can complement existing models and shed more light on the issue.

Mansbridge describes the process of persuasion as “changing preferences” (Mansbridge 1992). However, in light of what has been discussed above I would argue that interest groups deploy different modes in order to reach different goals. Short-term goals, such as changing preferences of addressees in one instant, can be achieved through argumentation, while long-term goals, such as changing the addressee’s convictions, or even presiding social norms, can be changed through persuasion. However, as noted above, persuasion does not begin where argumentation stops. In lobbying, short-term and long-term goals are also not isolated. Therefore, we can speak of persuasive argumentation, as well as persuasion and argumentation that form the interactions within the “competitive” deliberative process.

As elaborated in part I and II of the paper, interest representation so far has mainly been analysed using pluralist and neo-corporatist frameworks and more recently with the help of theories such as epistemic communities, advocacy coalitions, policy network analysis and exchange theory, which enlightened certain aspects of process, such as group strategies and lobbying venues. Several authors use network analysis or modes of governance but there is need for a normative framework for public authorities- civil society interaction in EU (Tanasescu 2009). Communicative theory, such as argumentation-theory approach, allows researchers to explain EU-specific public-private interactions as an argument-based participatory process capable of injecting legitimacy and effectiveness into decision-making. In addition to the normative framework of EU- civil society relations it can also give tools for understanding what micro-mechanisms are at play in concrete instances of interaction

## 5. Conclusion

The question this paper poses and seeks to answer is how interest group advocacy can be understood as a communicative process. The question is motivated by the observation that most interest group literature overlooks the communicative aspect of lobbying and advocacy. Instead, most research in the field conceptualises the lobbying process as an exchange of resources in order to gain influence on policy outcomes.

The first part of the paper mapped out existing theoretical approaches in the interest group literature. I traced the origin of current theories to the United States, where interest groups were first analysed through institutional and organisational theories and later with collective action and political economy approaches. I then show that these approaches greatly influence the current work on EU interest groups, with exchange theory being the most dominant conceptualisation of the lobbying process. I argue, however, that there are several shortcomings to this approach, as it does not account for low-resourced groups or counter interests lobbying at EU-level. Furthermore, exchange theory's pre-occupation with resources is a rather narrow way of describing the lobbying process.

The second part of the paper investigates whether we can analyse the lobbying process through a deliberative lens. I give an overview of what this theory entails and argue that in its mainstream form it is not a perfect fit to analyse interest groups. This is because deliberative theory is unclear on organised interests and their participation in the EU policy-making process. I argue that lobbying, albeit being communicative, is more uni-directional and strategic than the reciprocal process of reason-giving described in deliberative theory. Nonetheless, the communicative aspect should not be neglected because of these shortcomings.

I then move on to describe why and how the interest group advocacy process, among other perspectives, should be analysed through an argumentative lens. Interest groups use argumentation, persuasion and persuasive argumentation in order to have influence on the policy-making process. Interest groups use persuasive argumentation as a communicational process, in which they, as the persuader, seek to put the persuadee (or addressee of their lobbying message) in a favourable disposition that leads the latter to commit to an action presented as desirable. "This disposition is obtained by a freely consented acceptance that should lead to a change in behaviour. The acceptance results from the examination of the reasons given by the persuader" (Nettel 2012).

While it remains to be seen whether social NGOs can prove themselves capable of securing radical policy shifts, they can be expected to exert modest pressure for policy adjustment, and constitute an arena for projecting voices "which would otherwise be entirely absent from EU policy debates" (Agustin 2012). I follow Mansbridge's concept of "competitive deliberation", which describes interest group advocacy as an ongoing discursive struggle over the definition and conceptual framing of problems, the public understanding of the issues and the shared meanings that motivate policy response. Over time there is dialectical

interaction between social actors and the discourse structure inherent in the process of social or political change. In this process, social agents can themselves influence the content of dominant discourse and communication practices. Agents can bring about gradual changes in discursive practices. This might also be the long term goal of advocacy, along with short-term influence on policy proposals.

Despite the conceptual contrasts between deliberative democracy and interest advocacy there is an interface between public deliberation and interest advocacy. Interest advocates are prevalent and powerful actors in contemporary politics yet they have received remarkably little attention in the growing literature on deliberative democracy. This interface presents an interesting avenue for future research.

## 6. References

Agustin, L. R. (2012). "(Re)defining women's interests? Political struggles over women's collective representation in the context of the European Parliament." European Journal of Women's Studies **19**(1): 23-40.

Beyers, J. (2008). "Policy Issues, Organisational Format and the Political Strategies of Interest Organisations." West European Politics **31**(6): 1188 - 1211.

Bouwen, P. (2002). "Corporate Lobbying in the European Union: The Logic of Access." Journal of European Public Policy **9**(3): 365-390.

Bouwen, P. (2004). "Exchanging access goods for access: A comparative study of business lobbying in the European Union institutions." European Journal of Political Research **43**: 337-369.

Bunea, A. (2013). "Issues, preferences and ties: determinants of interest groups' preference attainment in the EU environmental policy." Journal of European Public Policy **20**(4): 552-570.

Bächtiger, A., Steenbergen, Marco R., Tschentscher, Axel (2008). *Developing Deliberative Democracy: A Research Report and Research Agenda.*

Chalmers, W. (2013). "With a lot of help from their friends: Explaining the social logic of informational lobbying in the European Union." European Union Politics **14**(4): 475-496.

Cullen, P. (2010). "The Platform of European Social NGOs: ideology, division and coalition." Journal of Political Ideologies **15**(3): 317-331.

Dalton, R., Scarrow, Susan, Cain, Bruce (2004). "Advanced Democracies and the New Politics." Journal of Democracy **15**(1): 124-138.

Dür, A. and D. de Bièvre (2007). "Inclusion without Influence? NGOs in European Trade Policy." Journal of Public Policy **27**(1): 79-101.

Fischer, F., Gottweis, Herbert (2012). Introduction The Argumentative Turn Revisited. F. Fischer, Gottweis, Herbert. Durham, Duke University Press: 1-27.

Greenwood, J. (2007). Interest Representation in the European Union. Basingstoke, Palgrave Macmillan.

Greenwood, J., Aspinwall, Mark (1998). Collective Action in the European Union - Interests and the new politics of association. London, Routledge.

Hendriks, C. M. (2006). "Integrated Deliberation: Reconciling Civil Society's Dual Role in Deliberative Democracy." Political Studies **54**: 486-508.

Hendriks, C. M. (2006). "When Forum Meets Interest Politics: Strategic Uses of Public Deliberation." Politics & Society **34**: 571-602.

Hendriks, C. M. (2012). The Politics of Public Deliberation: Citizen Engagement and Interest Advocacy". Basingstoke, Palgrave Macmillan.

Hösli, M., Nölke, Andreas, Beyers, Jan (2004). Contending Political-Economy Perspectives on European Interest Group Activity. Governance in Europe: The Role of Interest Groups. A. Warntjen, Wonka, Arndt. Baden-Baden, Nomos.

Imig, D. and S. Tarrow (2001). Contentious Europeans. Oxford, Rowman & Littlefield Publishers.

Klüver, H. (2011). Lobbying in Coalitions: Interest Group Influence on European Union Policy-Making, Nuffield College Oxford.

Klüver, H. (2013). Lobbying in the European Union. Oxford, Oxford University Press.

Kohler-Koch, B. (2011). Explaining Convergence and Variations in EU Lobbying. 41. Annual UACES Conference "Exchanging Ideas on Europe 2011". Robinson College, Cambridge, UK: 1-20.

Mahoney, C. (2004). "The Power of Institutions: State and Interest Group Activity in the European Union." European Union Politics **5**(4): 441-466.

Mahoney, C., Kluver, Heike (2012). Framing Policy Debates: Measuring Framing Strategies of Interest Groups. Association for Public Policy Analysis & Management Fall Research Conference. Baltimore, USA.

Majone, G. (1989). Evidence, Argument and Persuasion in the Policy Process.

Mansbridge, J. (1992). A Deliberative Theory of Interest Representation. The Politics of Interests. M. P. Petracca. Boulder, CO. USA, Westview Press: 32-57.

Mansbridge, J., Bohman, James, Chambers, Simone, Estlund, David, Føllesdal, Andreas, Fung, Archon, Lafont, Cristina, Manin, Bernard, Marti, Jose Luis (2010). "The Place of Self-Interest and the Role of Power in Deliberative Democracy." The Journal of Political Philosophy **18**(1): 64-100.

Mawhinney, H. (2001). "Theoretical Approaches to Understanding Interest Groups." Educational Policy **15**(1): 187-214.

Mazey, S., Richardson, Jeremy (1993). Lobbying in the European Community. Oxford, Oxford University Press.

Michalowitz, I. (2004). EU Lobbying - Principals, Agents and Targets: Strategic Interest Intermediation in EU policy-making. Munster, LIT Verlag.

Milbrath, L. W. (1960). "Lobbying as a Communication Process." Public Opinion Quarterly **24**(1): 32-53.

Mitchell, W., Munger, Michael (1991). "Economic Models of Interest Groups: An Introductory Survey." American Journal of Political Science, **35**(2): 512-546.

Nettel, A. L., Roque, Georges (2012). "Persuasive Argumentation Versus Manipulation." Argumentation **26** (1)(Special Issue: Persuasion and Argumentation ): 55-69.

Olson, M. (1965). The Logic of Collective Action. Cambridge, MA, Harvard University Press.

Tanasescu, I. (2009). The European Commission and Interest Groups – Towards a Deliberative interpretation of stakeholder involvement in EU policy-making Brussels, VUB Press.

van Schendelen, R. (2005). Machiavelli in Brussels - The Art of Lobbying the EU. Amsterdam, Amsterdam University Press.

Warleigh, A., Fairbrass, Jenny (2002). Influence and Interests in the European Union: The New Politics of Persuasion and Advocacy. London, Europa Publications.