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# Commentary

## EU LOBBYING: A VIEW FROM THE US

Frank R. Baumgartner

**ABSTRACT** The complexities of multi-level advocacy within the EU create a number of challenges and opportunities for research. Here I focus on three issues: Advocacy, venues, and framing. Scholars investigating lobbying in the EU have made great strides and are now fully integrated into an international community of scholarship, more so than in previous decades. Being clear about the wide range of actors, including government officials, who may play the role of advocates, understanding the complexities of the various venues of policy-making within the EU, and studying framing processes systematically are important challenges as the literature continues to move forward.

**KEY WORDS** European Union; framing; interest groups; issue-definition; lobbying; policy processes; venue shopping.

### INTRODUCTION

The papers included in this volume illustrate the vitality of a generation of scholars investigating fundamental issues of lobbying, advocacy, and policy-making within the European Union (EU) and doing so, significantly more than previous generations, within a theoretical framework fully integrated within an international community of scholarship. In this short essay, I provide one outside perspective. I focus on three themes within the broader topic of looking at advocacy within a complex multi-level system: Advocacy, venues, and frames. I conclude with suggestions about future research directions.

### THE COMPLEXITIES OF MULTI-LEVEL ADVOCACY

Multi-level governance is a term rarely seen in the US literature but the complications of the federal system are certainly familiar to Americans. Governors, mayors, and other local and regional officials are common advocates in Washington. Venue shopping, intergovernmental lobbying, and the dynamics

of federalism are staples of US policy studies. A great number of important questions are related to the question of levels of governance, but all are associated with a simple observation: Different policy institutions, or levels of government, may be differentially congenial to different interests. Government officials from those institutions often work as allies of private interest groups who share the same goals. Similarly, different arguments find greater acceptance among different groups – framing differs by venue. And, finally, the complex institutional structures of the EU create the opportunity (but by no means guarantee the success) of venue shopping. I focus on these three elements here.

### Advocacy, not lobbying

We often err by maintaining too strict a definition of an ‘interest group.’ Many of those acting as policy advocates are in fact government officials themselves, acting as allies of others and sharing their interests. Many official actors within the EU, such as national representatives acting through the Council, are in effect working as allies of individual interests clearly associated with a particular point of view.

In our study of advocacy in the US, we enumerated over 2,000 individual advocates who played a major role in pushing public policy in one direction or another in our sample of 98 issues on which lobbyists were active at the federal level in the US (see Baumgartner *et al.* 2006). About one-third of these ‘advocates’ were government officials, not outside actors. Almost every lobbyist active in our sample of issues could point to a ‘governmentally’ who shared their view and was active in pushing others to adopt it (Baumgartner and Mahoney 2002). This might be a peculiarity of the US system; we do not know. Schneider *et al.* (2007), besides offering a cautionary tale about the value of country-level generalizations, make clear the often fundamental role of state actors in EU advocacy. They are the *prime inter pares* of advocates, and we need to treat them as such.

Multi-level advocacy requiring simultaneous lobbying strategies at many levels may increase barriers to entry, excluding smaller actors. Diverse institutional venues within the EU may well provide advantages to certain actors over others. Eising (2007) describes systematic differences in access by EU associations, firms, and national associations and Beyers and Kerremans (2007) show that different groups are systematically more likely to ‘go European’ than others – there are clear systematic biases. On the other hand, just as in the US, increasing the scope of the political system also increases the diversity of the interests present. Industrial or sectoral interests that dominate within smaller, even national, venues may not dominate in the larger scale of the EU. In *The Federalist Papers*, Madison discussed the larger scope of the US federal government as an antidote to the powers of faction and parochial local majorities. Tobacco interests or automobile manufacturers that might dominate a single state would be less likely to dominate the entire federal government, for example. These factors emphasize the need to study the mobilization of

bias and to note the common alliances among private interests and public representatives. Integrating the study of groups with that of government advocates is an important research challenge.

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### **Venue shopping, with restrictions**

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Each level of government, each decision-making body, each bureaucratic jurisdiction, each Parliamentary commission, each institutional setting harbors its own bias – none reflects perfectly the mix of opinions that may obtain in the broader political system. These facts create incentives for advocates to push issues toward the venue with the greatest receptivity to their own point of view. These dynamics are made clear by the studies of Bouwen and McCown (2007) who show clearly that advocates move from venue to venue in response to systematic factors, and by that of Broscheid and Coen (2007) who show that different institutional venues create different political opportunity structures, thus affecting the nature of the lobbying environment they face.

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Venue shopping is closely related to issue-framing, for two reasons: First, issues may be assigned to one venue rather than another because of how they are framed; and second, different venues reinforce different ways of considering the issue. An agriculture venue may see genetically modified crops quite differently than an ethics panel might. Depending on the geographic distributions of jobs, firms, and agricultural practices, officials representing different areas may have different views on the issue as well. Initial venue assignments, while not necessarily permanent, can have long-lasting policy consequences as they give special advantage to those with greater access in that forum and to those ideas most easily accepted within it.

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Venues, like frames, have tremendous policy consequences. Venue shopping, like reframing, however, may be easier said than done. Those unhappy with the assignment of an issue to a given directorate general(DG) within the Commission cannot simply ask and have it assigned to another. There are two sides to the venue-shopping coin, just as is the case with framing. For most issues, most of the time, venues appear quite fixed. However, initial assignments for new issues may be quite malleable or unclear, even if they are sticky once established. Similarly, issues initially assigned to one venue are not guaranteed to be ‘owned’ by that institution, perpetually and monopolistically. In a punctuated-equilibrium perspective on policy processes, venue assignments play a key role both in establishing the structures that create the policy equilibria for most issues most of the time, and in facilitating occasional dramatic changes when the structures fall apart or are replaced by others. Venues work both ways. They are not only a cause of change; they are more often in fact a cause of stability and frustration to those who are left out.

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A number of research challenges relate to the study of venues within the EU context. One is very simple: One cannot simply study one venue. While there is value, of course, in knowing the characteristics of each agency and institutional

venue within the EU governance structure, in order to understand the impact of these institutional structures on policy issues we have to trace the issues, not the venues. This simply means research projects that include many issues so that researchers trace as a finding, not as an assumption, which venues deal with which issues. Second, some simple mapping and documenting of which venues are, in fact, involved in which issues is fundamental. As the EU continues to gain competencies, increasingly reaching into a wider range of policy areas, more and more institutional overlap would appear inevitable, just as has occurred in the US and in other nations over the past 50 years.

### **Framing, reframing, and failing**

Linking the literature on framing and issue-definition to the study of lobbying must be a key goal of all of us who study lobbying. Lobbyists are framers. They spend much of their time attempting to convince others that their issue should be seen in a particular light. The typical issue on which government policy-makers are actively working has many underlying dimensions, even if only a few are the object of much discussion. On the other hand, those they are attempting to convince were not typically born yesterday and they are often fully aware of the various possible dimensions of evaluation. Struggles over issue-definition are at the heart of many policy disputes, especially as issues emerge from technocratic decision-making structures and gain greater political visibility. Integrating the literature on lobbying with that on issue-definition allows some significant improvements in both. Frames are sticky, and the resistance of the political system to adopt a new frame or issue-definition may be one of the most important causes of the status quo bias or the incremental nature of most policies most of the time. But they do change occasionally, and this process is poorly understood.

The links between framing and venues are clear at many levels. In our study of US lobbying we have noted that lobbyists often make arguments concerning the geographic impact of various policies (see Baumgartner *et al.* 2006). This makes sense because of the geographic basis of congressional representation: Place matters. In the EU, because of the history of 'market integration' as a driving force, terminology associated with harmonization and free exchange may more often find its way into the policy process. So one level for the study of framing is to compare entire political systems: What frames or arguments are most often used in EU lobbying and how do they differ from those used in the US or in other political systems?

Different institutional venues within any system may be receptive to different types of arguments, whether this has to do with technical arguments of concern within individual DGs, political or geographic impact arguments in the Council, or ideological arguments in the European Parliament. But advocates do not have the luxury of changing their arguments to fit the listener; they have to be consistent because others will point out contradictions and communications are often widely shared in the advocacy process. Framing can be studied at the level of indi-

vidual advocates who may attempt to push one frame over another (generally without success), but it may be more fruitful to study framing as a collective process. That is, we need to understand over time how given issues come to be framed by everyone concerned with them, and how these collectively defined frames change over time. A frame is only effective when others pick it up. Tracing how issues come to be framed is a major challenge but it may allow us to explain government response much better than a focus on individual lobbying tactics. A wide range of hypotheses can be developed about how various decision-making structures, ideological cleavage structures, or path-dependent venue assignments promote or inhibit various frames. These in turn may explain the direction of public policy. In any case, lobbyists are framers so studies of lobbying must incorporate studies of framing, including its limits.

## CHALLENGES FOR THE FUTURE

Beth Leech and I argued that the US literature on interest groups had positioned itself into a position of ‘elegant irrelevance’ through its extensive focus on the membership calculus within voluntary associations and lack of attention to policy impact (Baumgartner and Leech 1998). There is no danger of this within the European context. The literature on groups is firmly rooted in the study of policy processes. But the points I have made here about advocacy, framing, and venue shopping raise a number of important questions. Many of the contributions in this volume illustrate useful ways of investigating individual questions, or the limits of current approaches. In these last paragraphs, I focus just on three questions.

First, studies of lobbying have not typically been studies of advocacy. We have drawn firm distinctions about contract lobbyists, trade associations, corporations, and other types of actors, attempting to understand their activities. A broader view would use the concept of an ‘advocate’ to mean anyone playing the role of attempting to push public policy in one direction or another. Then it would be an empirical question, rather than an assumption, to know how many were corporations, citizen groups, or public officials themselves. Many groups work in tight concert with allies within government, but not all groups do so; exploring these links in detail requires a research approach that treats all advocates equally.

Second, the locus of decision-making in the complex multi-level environment of the EU must be treated empirically rather than through assumption. In our large study of US lobbying, the vast bulk of the issues centered on legislative rather than regulatory matters (see Baumgartner *et al.* 2006). Mahoney’s (2007a, 2007b) study in the EU found, by contrast, a heavy preponderance of lobbying in the Commission. Mahoney also reported a second substantial difference between US and EU policy-making: The regulatory process in the EU almost always eventually produces a policy (even though it may take years or decades), whereas the most common outcome of policy proposals in the US is failure. This important difference merits considerable

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further study. While it is no surprise that the EU features a more regulatory focus, a key element of Mahoney's finding is that it was indeed a finding rather than an assumption built into the research design. This allows her to estimate the degree to which systematic differences are due to this factor and for future scholars to compare findings at some future date to those she found in 2005, as institutional procedures change over time.

We need to move toward creating sampling procedures focusing first on a broad sample of policy-makers at all levels of EU policy-making and asking them about their current activities. Such a design, followed by snow-ball sampling techniques to follow up on this initial random sample of EU policy activities, would allow identification of issues at all levels and at all stages of the policy process, but it would require first that we establish a list of EU policy-makers, weighted by their degree of involvement in the process. This has not yet been done (and it will be difficult). Considering the importance of venues, ironically the worst possible research strategy would seem to be the most obvious one: Pick a venue or a series of venues and study those. Rather, we need to study issues and leave it as an empirical matter to find out which venues deal with them.

The final element of a new literature on lobbying would be more systematic attention to framing. It is clear that advocates attempt to frame issues, but it is equally clear that they typically fail. What determines the ability of an advocate to affect the eventual frame of an issue? Considering that virtually all issues within government are continuing issues rather than new ones, how can existing understandings of the issue be overturned? How do supporters of the existing frame fight back to protect their own interests?

No single research project is likely to incorporate the elements I lay out here. The contributions in this volume illustrate how many of these issues can be addressed, one part at a time. By raising the issues of advocacy, venues, and frames as the most important challenges for future scholars to address, I mean only to bring these into the sharpest light, not to suggest that we are not already making substantial progress. Indeed, as these papers show, the literature on EU lobbying is in good hands and scholars are already making important strides.

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## REFERENCES

- Baumgartner, F. and Mahoney, C. (2002) 'Gaining government allies: groups, officials, and alliance behavior'. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago.
- 275 Baumgartner, F., Berry, J., Hojnacki, M., Leech, B. and Kimball, D. (2006) 'The structure of policy conflict'. Paper presented at the annual meetings of the Midwest Political Science Association, Chicago.
- Beyers, J. and Kerremans, B. (2007) 'Critical resource dependencies and the europ-  
280 eanization of domestic interest group', *Journal of European Public Policy* 14(3): 00–00.
- Bouwen, P. and McCown, M. (2007) 'Lobbying versus litigation: political and legal  
strategies of interest representation in the european union', *Journal of European  
Public Policy* 14(3): 00–00.
- Broscheid, A. and Coen, D. (2007) 'Lobbying activity and fora creation in the EU:  
empirically exploring the nature of the policy good'. *Journal of European Public  
Policy* 14(3): 00–00.
- 285 Eising, R. (2007) 'The access of business interests to EU political institutions: towards  
élite pluralism?', *Journal of European Public Policy* 14(3): 00–00.
- Mahoney, C. (2007a) 'Networking vs. allying: the decision of interest groups to join  
coalitions in the US and the EU', *Journal of European Public Policy* 14(3): 00–00.
- Mahoney, C. (2007b) *Advocacy in the United States and the European Union*,  
Washington, DC: Georgetown University Press, forthcoming.
- 290 Schneider, G., Finke, D. and Baltz, K. (2007) 'With a little help from the state: interest  
intermediation in the domestic pnegotiations of EU legislation'. *Journal of  
European Public Policy* 14(3): 00–00.

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