

# Lobbying Success in the United States and the European Union

CHRISTINE MAHONEY *Moynihan Institute of Global Affairs,  
Syracuse University*

## ABSTRACT

Scholars have avoided studying interest group influence because of the difficulty operationalising the concept. The research presented here introduces a new way of measuring lobbying success and lays out a model of its determinants. To understand why interest groups sometimes succeed and at other times fail, we must consider the institutional structure of the political system within which the advocates are operating; the characteristics of the issue at hand; and finally the characteristics of the interest group itself and their lobbying strategy. I test these factors with original data based on interviews with 149 advocates in Washington D.C. and Brussels active on a random sample of 47 policy issues. From the results, issue context emerges as a much more important determinant of lobbying success than institutional differences. The institutional differences that do emerge suggest that direct elections coupled with private campaign finance lead to winner-take-all outcomes biased in favour of wealthier business interests, while the lack of these institutional characteristics leads to more balanced policy compromises with more advocates achieving some of their policy goals.

---

## *Introduction*

The aim of lobbying, or advocacy,<sup>1</sup> is to influence public policy; thus it is natural that political scientists study lobbyists' ability to achieve influence. As natural as it may seem, however, group scholars have not, by and large, studied lobbying influence. Instead they have avoided it at all costs, troubling as it is to measure the concept quantitatively. In both the United States and the European Union (EU), scholars have focused on a whole host of lobbying-related phenomena – formation, organisation, access, activity – but not influence. This is especially ironic, since the question of influence is the first thing that comes to mind when anyone considers lobbying in a transatlantic comparison.

Dür and De Bièvre (2007) provide a comprehensive review of the reasons why scholars have avoided the concept of influence. They also note that the U.S. and EU interest group literature provides a number of hypotheses regarding the relationship of contextual factors and interest group influence. While previous work has suggested certain factors may have a role in the relative power of societal actors vis-à-vis state actors (i.e. electoral accountability, access to courts, and open markets) or vis-à-vis other societal actors (i.e. resources, legitimacy, access) no single factor can explain interest group influence (Dür 2005).

To understand lobbying influence it is necessary to consider advocates in their broader context, and to reify that context into manageable components. In addition, in order that the components should be precise enough so that their relationship to influence can be demonstrated quantitatively. I argue that to understand lobbying influence we must consider factors at three critical levels. Institutional, issue-specific and interest group factors combine to determine whether a lobbyist is successful or not.

This research draws on 149 in-depth interviews conducted with advocates in Washington and Brussels concerned with a random sample of 47 policy issues. The first section discusses the difficulty of measuring lobbying influence and introduces the method employed to code lobbying success. This section also lays out the theoretical expectations of how factors at each of the three levels affect lobbying success. The second section lays out the research design and the data collection process. The third section presents the empirical analysis relating institutional, issue and interest group factors to lobbying success. The findings show that while institutional factors do lead to slight differences in lobbying success patterns, whether advocates do or do not attain their lobbying goals is driven much more by issue context and their own characteristics as the conclusion showed.

### *Identifying determinants of influence*

As Dür and De Bièvre (2007) point out, there is a great number of system-level or macro factors that play a role in the power of societal actors, such as international negotiations, the freedom of markets and the existence of war. In addition to these highly macro factors, when we focus on the interest group universe and the activity therein, there are additional factors affecting the relative power of societal actors including collective action problems, mobilisation bias, internal disputes within societal organisations, and the ability of groups to wield the second face of power – the ability to set the political agenda (Bachrach & Baratz 1962).

In an attempt to gain some leverage on the question of influence, I constrain my study to those societal actors that have overcome the collective action problem, mobilized as an organized interest and are engaged with policymakers on issues that have received some attention on the political agenda. This includes trade, professional, and business associations, citizen groups, individual corporations and firms as well as government officials that have fought for a specific position on an issue within the lobbying communities of Washington and Brussels. There is still difficulty measuring influence in this constrained realm. Even knowing groups' stated objectives and policy outcomes, we may still not have enough information for correct coding. If they get nothing but prevented something worse, have they succeeded? If they got some of what they wanted but not all, have they failed?

When discussing interest group influence, scholars often slip into a simplistic discussion that suggests a zero-sum game in which policy outcomes are winner-take-all. In fact, the opposite is much more common – non-zero-sum games with some type of compromise emerging as the end result.<sup>2</sup> In policymaking multiple players can win (or lose). Envision an environmental regulation proposal; environmental groups are mobilized for the debate, they are fighting the industry representatives hard who are trying to minimize the financial damage of the proposal. The end result is that a regulation gets passed, but it is watered down. The environmental groups gained some ground, because a regulation now exists that did not before. The industry groups won as well, because they saved millions in revenue from some of the amendments they proposed. However, from an outsider's vantage point with a winner-take-all perspective, it is difficult to assess who won. This is because a zero-sum game is not the format of the exchange. When assessing interest group lobbying success we must consider what they sought and what they got, allowing room for degrees of success.

Comparing the objectives of interest groups – from their stated goals, triangulated with contextual issue information and interviews with other actors active on the issue – with final outcomes makes it possible to assess lobbying success. It can be measured on an ordinal scale of: attained none of their objective, attained some of their objective, fully attained their goal. I refer to this as *lobbying success* to be precise and draw a distinction between this measure and the broader concept of interest group influence. Interest groups can wield influence through mobilisation, agenda setting, electoral support of political candidates (in certain political systems), among others. Measuring lobbying success however and analyzing its determinants can provide us with a better understanding of one aspect of the influence process.

This is just what I am able to do with data on the 149 advocates I interviewed. By conducting small-scale case studies on each of my 47 issues, I am able to avoid the difficulty of advocates over-stating their goals and research the objective outcomes of the issue a year after the field work was conducted. By studying a large number of cases, being debated in numerous institutions, across policy areas, with variation in issue characteristics involving the full range of actor types, I am able to investigate how a number of factors influence lobbying success.

Even if social scientists are never able to pinpoint precisely the true goals of advocates, or identify every possible factor driving influence, we can still achieve a better understanding of the effect of lobbying on public policy through the method described here: drawing a random sample of issues, interviewing those involved on all sides, asking them what they were trying to make happen, and then seeing what actually occurred. Some might get lucky and see their goal attained through no action of their own, some might do everything right but still not succeed through no fault of their own, but across many issues and hundreds of actors the ‘noise’ will wash out and the signal will emerge. We will come to understand what factors on average lead to lobbying success, and which tend toward failure.

*Institutions, issues and interests: the factors determining lobbying success*

The degree of democratic accountability of a political system should have an impact on the level of lobbying success a civil society organisation can achieve. Policymakers that are accountable to the public should be more responsive to civil society organisations since they are reliant on the public for re-election and organized interests represent citizen interests. Political systems that are not electorally accountable may be less responsive to the pressure of civil society lobbying – since policymakers will retain their positions with or without the support of the public. Whether it is efficiency, good public policy or personal interests that drive them, non-elected policymakers should be less responsive to organized interests and thus advocates should be less likely to attain lobbying success.

The policymakers of the EU institutions, as the vast literature on the democratic deficit points out, are not held accountable through direct elections (Weiler et al. 1995; Scharpf 1999; Moravcsik 2002; Follesdal & Hix 2006). The officials of the Commission and Council are appointed and the Members of the European Parliament (while it varies some from member state to member state) are in reality held accountable only to their national party leadership, not the public (Kreppel 2001; Marks et al 2002). Policymakers in the U.S. on the other hand, as shown by Mayhew

(1974), Schlesinger (1966), and the large literature on the Congress, are keenly aware of their electoral vulnerability and strongly driven by the re-election motive. The expectation then is that re-election minded policymakers in the U.S. will be more responsive to advocates, resulting in higher levels of lobbying success when compared to the EU, where policymakers are protected from electoral threat and thus respond less readily to advocates pressing their case.

However, democratic accountability does not always work as forefathers envisioned. An alternative hypothesis is also plausible: while the expectation for the EU remains the same – that non-elected policymakers will be less responsive to advocates, leading to less lobbying success by advocates; in the U.S. policymakers may show biased responsiveness. That is, in a democratically accountable system with direct elections that are privately funded, policymakers may be responsive but only to the wealthiest of advocates. Thus it is important to look at average levels of lobbying success in the U.S. and the EU, but also at who is and is not succeeding within the two systems.

While the accountability of policymakers should be a fundamentally important factor in determining lobbying success, there is another major difference between the U.S. and EU systems that could also play a role and must therefore be taken into consideration: The rules surrounding the policymaking process which, in turn, affect the length of the policymaking process (Mahoney 2005). In brief, the U.S. and the EU differ in the rules surrounding the policymaking process: in the EU the Commission has sole right of initiative, there are no absolute limits or deadlines on the policymaking process (though there are deadlines for stages within the process) and once the Commission begins the process it almost invariably, ultimately leads to a policy outcome. In the U.S. on the other hand any Member of Congress may propose an initiative, thus hundreds more initiatives are launched every year. However, when a proposal is tabled, it can be killed at the sub-committee stage, at the committee stage, at the floor stage, at the veto stage and if the proposal did not move forward in the two year Congressional session, it is automatically killed and must be re-introduced. These differences lead to different likelihoods of policy change – in the U.S. policy change is less likely, in the EU it is more likely. Since policy change is nearly inevitable once the process begins in the EU, advocates are forced to work to modify the proposal. Thus EU advocates should be more likely to attain partial lobbying success. In the U.S. it is possible to kill proposals, and thus advocates that oppose an initiative work to do so. If they achieve their goal, they wind up absolute winners and the proponents of the proposal attain none of their goal (for a more detailed discussion see Mahoney 2005).

The institutional context however is not the only consideration; issue level factors are also critical components in understanding when a civil society organisation is likely to be successful in its lobbying activities. Advocates should be less likely to succeed in their lobbying goals the larger the scope of the issue they are active on, that is, issues having far reaching policy implications (Browne 1990). Since large scope issues involve a larger number of vested interests and large portions of the general public, policymakers dealing with a large scope issue would not be well-advised to follow the lead of a single special interest.

This is related to another important contextual factor in determining lobbying success: the presence of countervailing forces. Highly conflictual issues, with opposing camps battling it out, present a very different lobbying environment than issues in which only one perspective is promoting its policymaking vision unopposed (Salisbury et al 1987). Civil society organisations are less likely to be successful in their lobbying goals if they are engaged on a highly conflictual issue than if they are active on an issue where they are up against no opposition.

Highly salient issues are hypothesized to exhibit a similar pattern – the more salient, the less successful individual advocates should be in their lobbying. If a topic is of interest to a large proportion of the public, policymakers should be less likely to take the advice of a single advocate regardless of the actual scope of the issue. Even an issue like human cloning – which does not have a real world effect on a large number of people – still interests a great many citizens, forcing policymakers to take public opinion into consideration. It should be noted that this variable can be somewhat influenced by the activity of advocates. If an advocate pursues a rigorous outside lobbying strategy she may be able to increase the public interest in the issue. The hope is that the organisation's activities will influence public opinion in its favour and against other positions on this issue. However, ironically, if public interest in the issue is increased, and if the above expectation holds true, the advocate may decrease her chances of a policymaker taking her advice.

Whether a focusing event occurred on an issue can also play a role in the likelihood of lobbying success. Kingdon (1995) shows how focusing events can alert policymakers and the public to a policy problem. However, the effect of a focusing event on lobbying success depends on what perspective a group has on an issue and if the event galvanized support in their favour. For example, in a debate about increased anti-terrorism measures, a terrorist attack works in the favour of proponents of more stringent anti-terrorism laws and against advocates arguing for less expansive regulations. Thus whether a focusing event occurred on an issue and whether it was in an advocate's favour must

both be taken into consideration when investigating the relationship to lobbying success.

These issue characteristics combine to create either an environment in which an advocate is more likely to succeed – a situation where few other parties are involved or invested allowing an advocate to advance their goals with little opposition, or an environment where they are less likely to succeed – a situation where large numbers of interests are also mobilized for the debate, some actors are actively fighting against them, and the public is scrutinizing the case as it unfolds.

The characteristics of the advocate itself can also play a role in their chances of lobbying success. First is the level of their financial resources. Groups that are well endowed are able to put more resources into each issue, engage in more tactics, and devote more man power to the topic; considering this, they should be more likely to succeed in their lobbying activities (McCarthy & Zald 1978). Staff size is a good indicator of the level of financial resources an advocate controls as establishing a capital office (DC or Brussels), and staffing it are expensive undertakings. Staff has also been shown to highly correlate with other, more difficult to gather indicators of financial resources like annual budget or money spent on lobbying (Berry 1989). Second is membership size. Larger groups convey some degree of legitimacy to policymakers and should be more likely to attain lobbying success than organisations that cannot claim to represent a large group of citizens. Third, the advocate type, namely whether a group represents the interests of citizens, professionals, industry, unions, or an individual corporation, should play a role in lobbying success. One expectation is that policymakers are more responsive to citizen groups than business interests in systems where they are democratically accountable.

In addition to the permanent characteristics of the advocate, also important at the interest-group level is the position of the advocate on that case and the tactics the advocate employs during the given lobbying campaign. Regarding the first, whether an advocate is pushing for the status quo or promoting a new policy which would change the current regulatory environment should have an impact on their lobbying success. Due to institutional stickiness it is easier to stay still than move to a new policy equilibrium (Jones & Baumgartner 2005). Thus advocates who are fighting for the status quo should be more likely to attain their lobbying goals than those that are pushing for a policy change.

Finally, although nearly every advocate engages in some type of direct lobbying, not all advocates engage in some of the more specialized lobbying techniques like hiring a consultant, working through a coalition, or employing outside lobbying. The additional techniques are expected

to be helpful to lobbyists, as is suggested by previous research (consultancies: Lahusen 2002; coalitions: Hojnacki 1997, Hula 1999; outside lobbying: Kollman 1998, Kriesi et al 2005) and thus the expectation is that those that use them should be more likely to attain their lobbying goals.

### *Research design and data*

The data presented in this paper stem from a larger project aimed at analyzing the determinants of each of the stages of the entire advocacy process.<sup>3</sup> The sample of American lobbyists was drawn from a database created from the Lobbying Disclosure Reports for 1996 that were filed with the Secretary of the Senate and compiled by Baumgartner and Leech (2001). In the European arena, a sampling frame was developed from the 2004 Registry of the European Parliament, the 2004 Commission registry of civil society organisations (CONECCS) and the 2004 *European Public Affairs Directory*.

The design consisted of randomly drawing the samples of advocates from the respective universes of advocates. These randomly selected actors were then interviewed and asked to identify the issue they were most recently working on, forming the random sample of cases. Respondents were also asked to identify the other major players on the issue, who were also interviewed forming the snowball portion of the sampling procedure. Other major actors could be any type of actor, thus the sample includes a wide range of actor types in both politics including citizen groups, trade and professional associations, business groups, lobbying, PR and law firms, institutions, individual corporations, and even policymakers. Policymakers were included as advocates if they were fighting for a certain position on an issue, and engaging in advocacy activities to build support for their view. This was more often the case in the U.S. where Members of Congress often become champions for a specific position. Congressional champions often hold press conferences, write op-eds, support and sign on to issue advertisements, organize coalitions of interest groups, devise argumentation strategies, among many other advocacy tactics, therefore it is important to investigate their activities as advocates. This data collection process led to a random sample of 21 issues in the U.S. and 26 issues in the EU. Interviewees were also asked about the background of the issue they were working on, their goals for policy change, the tactics they were engaging in, coalition participation, the arguments they were employing, the opposition they were facing, and the allies they found to support their cause.

*Additional data collection from publicly available sources*

In addition to data collected through the in-person interviews, information was also collected on the individual organisations and issues. In the U.S. information was gathered on group type, founding date, membership size, membership type, staff size, and annual budget from *Associations Unlimited*, an online directory of Washington organisations. For groups in the EU, similar information was gathered including group type, founding date, type of membership, and membership size from their websites.

On issues, in the U.S., I monitored *Roll Call* and the *Washington Post* and conducted research on the websites of the House of Representatives, Senate, administration, any relevant agencies and the Library of Congress' legislative tracking system. In the EU, I monitored the *European Voice* and *Euractive* weekly as well as researched the issues on the relevant Commission DG sites, the Legislative Observatory of the European Parliament as well as the database on inter-institutional procedures, Pre-LEX. This issue research was the basis for the coding of the issue variables of Scope (coded: 0-impacts small sector, 1-impacts large economic sector, 2-impacts multiple sectors and 3-has pan-EU or pan-U.S. impact); Conflict (coded: 0-only one perspective or view point on issue, 1-multiple viewpoints but not directly opposed, and 2-directly opposing viewpoints); and Presence of a focusing event (0-absence, 1-presence).

A measure of public salience was collected for each issue by assessing the amount of news coverage from a major paper in each sphere. In the U.S., salience is indicated by the number of *New York Times* articles on the issue in the two year period of research. This variable was collected through Lexis-Nexis searches. Searches were limited to the two year time span of the 107th Congress (1 January 2001–31 December 2002), during which the U.S. interviews were conducted. For a salience measure of the EU issues, I conducted Lexis-Nexis searches of the *Financial Times*. Searches were similarly limited to a two year time span surrounding the time period I conducted my EU fieldwork (June 1, 2003–June 1, 2005); this insures comparability between the U.S. and EU media coverage measures. The expectation is that the more salient the issue to the public, as indicated by news coverage, the more likely it is that advocates will engage in outside lobbying on the topic. It should be noted that this is somewhat endogenous. Since advocates can engage in outside lobbying tactics that are aimed at the media, their activity can increase the coverage of the issue in the news and the salience of the issue to the public. However it cannot be guaranteed; advocates can attempt to promote attention to their cause but the media and public may not be interested. It is important to investigate if the levels of public interest

influence outside lobbying, recognizing that there could be a positive feedback process at play.

### *Empirical analysis*

The coding of the interviewed lobbyists' success forms the dependent variable of the analysis in this paper. This was coded by considering the description of their objectives for the lobbying campaign, informed by the other interviews on the issue and the case research and the actual outcome of the issue at the end of the Congress in the U.S. case (roughly a year after the interviewing period) and roughly a year after the interviewing in the EU case (since no official institutional time-limit exists). The degree of lobbying success is measured: 0-did not attain objective at all; 1-attained some portion of their objective; and 2-fully attained objective.

Lobbying success does not prove influence. An advocate could see an outcome on their issue that is in line with their preferences but may have done nothing to bring about that outcome. Similarly an advocate may have had some influence on policymakers but other contextual factors resulted in an issue outcome that they fought hard to prevent. While lobbying success is not the same as influence, studying it can give us a sense of who is winning and losing in policy debates, and allow us to get a handle on why this is so. Some of the relationships between the factors at the institutional, issue and interest group levels and lobbying success are first explored through bivariate analyses, which are then followed by a multivariate ordinal logit analysis.

### *Institutions*

Considering lobbying success in transatlantic comparison reveals that the two systems do not differ dramatically but they do tend toward different outcomes: EU policymaking leads to more compromise with all parties achieving some level of success while the U.S. policymaking system tends toward winner-take-all outcomes. Thus, we see the opposite of the first hypothesized relationship: policymakers appear to be more responsive to the views of organized interests in the less electorally accountable system.

In 28.6 per cent of the U.S. cases (6 out of 21) a compromise was reached, while in the EU that figure was 46.15 per cent (or 12 out of 26). This pattern can also be seen at the advocate level; in the U.S. more advocates attained either all or nothing compared to their counterparts in the EU. As seen in Table 1, more U.S. lobbyists, at 23 per cent, attained all of their lobbying goals compared to the EU figure of 17 per cent, and

more U.S. lobbyists at 46 per cent attained none of their lobbying goals compared to those in Europe where only 39 per cent attained nothing. While only 31 per cent of U.S. lobbyists attained a compromised success, in the EU that figure was 43 per cent. On average, therefore, EU lobbyists are more likely to attain lobbying success, but a compromised success – a type of success that comes from policy resolutions where everyone wins, at least a little.

These numbers, along with the advocates' descriptions of deliberations on these issues, indicate that the EU system may result in outcomes that strike a balance between competing advocates, leading to more interests seeing some of their preferences incorporated into the final outcome. In the U.S., rather than drawing from all the vested interests engaged on a policy debate and working toward a compromise, the U.S. system tends toward absolute victories for some and absolute losses for others.

Thus, we do not see higher levels of lobbying success in the U.S. compared to the EU. In fact, more advocates are not successful (46%) in the U.S. compared to the EU (39%) and therefore the first hypothesis does not receive support. We may be seeing evidence supporting the hypothesis related to the second aspect of the institutional system – the rules surrounding the policymaking process and the related likelihood of policy change. Lobbyists in the EU, working in a system where policy change is more likely, are more often attaining compromised successes. U.S. advocates, operating in an environment in which policy change is less assured, attain more clear wins or losses. Investigation of the alternative hypothesis related to democratic accountability – that re-election motives coupled with privately funded elections may be leading to biased responsiveness in the U.S. – will be addressed when we turn to look at the effect of interest-group factors on lobbying success.

Before turning to the issue-level factors, looking at some of the cases in more detail can clarify the difference in lobbying success patterns in the two systems. The issue of Clean Air for Europe (CAFE) is an example where the outcome resulted in compromised success – that is, advocates achieved some of their goals but not all – for both sides of the debate.

TABLE 1. Lobbying success in the U.S. and the EU

	U.S.		EU	
	N	Percent	N	Percent
Did not attain	30	46%	32	39%
Partially attained	20	31%	36	43%
Fully attained goal	15	23%	14	17%
Total	65	100%	82	100%

CAFE was an issue where industry representatives arguing for regulatory moderation were pitted against environmental advocates fighting for tougher standards on emissions. In the end stricter regulations were approved that would help clean up Europe's air but the rules were not as far-reaching as initially proposed. As the *Financial Times* reported on 21 September 2005:

Controversial plans to improve Europe's air quality have been diluted by the European Commission following protests from industry, reducing projected annual compliance costs from Euro12bn to Euro7.1bn. The proposal, expected to be approved by the EU executive today, aims to reduce the number of premature deaths caused by pollution in the EU from 370,000 a year to 225,000 by 2020. It would introduce tougher controls on particulate matter, or fine dust, which accounts for most premature deaths.

Environmentalists won because they had been pushing for stricter controls on particulate matter (PM) emitted from plants, cars and industry. Industry won because they succeeded in tempering the Commission's original proposals, paring back the 12 billion Euro price tag to 7.1 billion Euro. Granted, both sides released statements following the law's passage indicating they were displeased with the outcome. The European Environmental Bureau released a statement saying that they were 'very disappointed that the European Commission's Thematic Strategy on air pollution published today does not go far enough in improving Europe's air quality' (EEB Press Release, 21 September 2005). One of the leading industry trade associations also released a statement arguing that 'the proposed ambition levels are not cost-effective since the levels set are in the steeply-rising part of the cost curves where incremental costs outweigh incremental changes in air quality' (Eurelectric Press Release, 2 December 2005). While both groups may have left this debate displeased, objectively they did both win . . . a little. Indeed, *Euractive's* headline read: 'Clean air strategy seeks balance between health and business concerns' (21 September 2005).

Similar outcomes could be seen on the issue of alcohol advertising, where the alcoholic beverage industry and the alcohol-related-harm advocacy groups saw a compromised outcome, as well as the case of live animal transportation, where both the meat traders and animal rights activists realized some of their goals but not all.

In the U.S. we see less compromise and more 'winner-take-all' outcomes and the winners, more often than not, are industry representatives (which will be discussed in more detail below). The over-the-counter derivative case is one example. Advocates pushing for regulation of these financial instruments in the wake of the Enron scandal found their initiative crushed under heavy lobbying by the financial services

industry. Similarly, advocates for stricter regulations of fuel economy – the Corporate Average Fuel Economy (CAFE) case – found steady lobbying by auto manufactures stave off any advancement toward their goals. Another initiative coming off the heels of the Enron scandal was a push for stock option expensing. Advocates for stock option expensing argued that forcing publicly held companies to expense, or include stock options in their financial reports, would hold companies accountable for their stock option issuing and be more transparent for investors, ultimately preventing future scandals. These advocates also found themselves achieving none of their goals as the major Fortune 500 and tech companies blocked the proposal.

The winner-take-all scenarios are not always pro-industry; there are exceptions. The case of modification of the Food Quality Protection Act concluded in favour of public health and the Environmental Protection Agency (EPA). Industry representatives did not achieve their goals of changing the screening process for pesticides. Another case that saw citizen groups win the day was the issue of development aid for basic education. Advocates pushing for higher rates of funding for basic education in developing countries were overwhelmingly successful in their fight – while they could always hope for even higher levels of funding, the advocates pushing for this increase were extremely pleased with the result.

Thus, institutional design emerges as a factor in understanding lobbying success. In the U.S. we see debates that more often play out resulting in clear winners and losers. In the EU we see the policymaking process lead more often to compromised conclusions allowing all sides to achieve some of their goals. However, these patterns are tendencies not absolutes; differences between the two systems in levels of lobbying success are not massive. This finding suggests that other factors, such as issue and interest group characteristics are needed to explain variation in lobbying success.

### *Issue characteristics*

The nature of the issue at hand plays a significant role in the likelihood that advocates will succeed or fail in their lobbying efforts. I consider a number of aspects here: the scope of the issue, the level of conflict on an issue, the presence of a focusing event on the case and the salience of the issue to the public.

In the U.S., as expected, the size of the issue matters. Figure 1 shows that as issue scope increases the likelihood of fully attaining your goal decreases dramatically from 60 per cent of advocates fully attaining their goal on niche issues, to 33 per cent on larger-sector issues, and dropping to 7 per cent for system-wide issues.

In the EU, the exact same pattern is evident. As the scope of the issue increases, the percentage of advocates fully attaining their goal steadily decreases from 57 per cent on niche issues, 28 per cent on large-sector issues, to 14 per cent on multiple-sector issues and 0 per cent on system-wide issues. In the EU the pattern holds for compromise success as well. The percentage of advocates attaining some but not all of their goals, decreases as the issue gets larger, steadily dropping from 33 per cent on niche issues, to 28 per cent , to 25 per cent and finally to 14 per cent on the biggest issues. Thus, we see evidence that as issues get bigger, and their outcomes will impact larger and larger sections of the population, the likelihood of lobbying success declines since policymakers need to take into account the full range of interests.

The likelihood of not attaining your goal increases as the conflict on an issue rises, as seen in Table 2; in the U.S. 30 per cent of advocates failed to attain any of their goal on issues with no conflict, but that figure more than doubled to 70 per cent on issues with directly opposing camps. The expectation is also borne out on partially attaining your goal: U.S. advocates are more likely to achieve only some of their goal as the conflict increases.

Considering the data a different way, namely by conflict type rather than lobbying success, we see a similar pattern in the EU. If an advocate is active on an issue with no conflict, 75 per cent attain some level of success. If they are active on an issue with multiple perspectives that were not in direct opposition, 100 per cent attaining some level of success. And if they are active on an issue with directly competing perspectives they are most likely to achieve none of their lobbying goals.

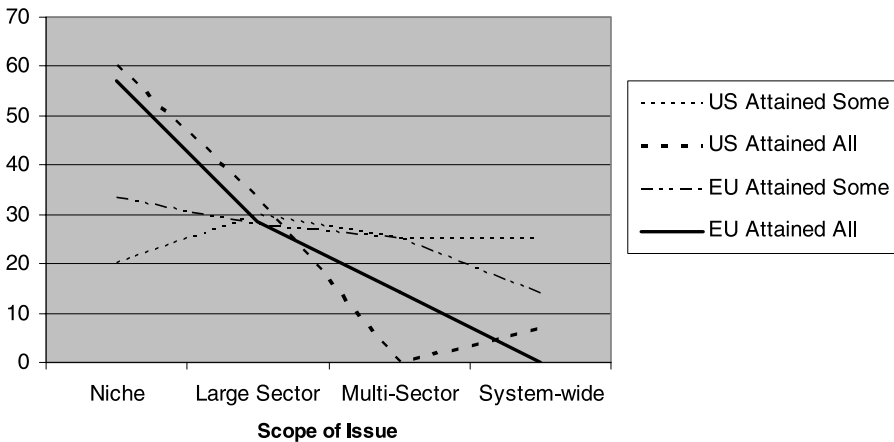


FIGURE 1. *Relationship between Lobbying Success and Issue Scope*

At times high conflict and large scope coincide but a small-scope issue with two staunchly opposed groups, or a policy proposal with massive reach on which everyone agrees are also possible. The important point is that the constellation of actors engaged on an issue, and their positions on the debate, have a fundamental impact on the probability of an advocate achieving their lobbying goals.

The data on salience is ambiguous in the U.S. As the salience of an issue to the public increases, the percentage of advocates fully attaining their goal decreases, but for the other levels of lobbying success there is no pattern or it is reversed.

In the EU however the hypothesized pattern emerges: as public salience increases, the percentage of EU advocates fully attaining their

TABLE 2. Lobbying success in the U.S. and the EU by degree of conflict

	No opposition	Multiple positions	Directly opposing	N	%
U.S.					
Did not attain	30%	0%	70%	30	46%
Partially attained	25%	15%	60%	20	31%
Fully attained goal	47%	0%	53%	15	23%
Total N	21	3	41	65	100%
EU					
Did not attain	13%	0%	88%	32	39%
Partially attained	33%	11%	56%	36	44%
Fully attained goal	0%	21%	79%	14	17%
Total N	16	7	59	82	100%

TABLE 3. Lobbying success in the U.S. and the EU by public salience

	0 stories	1-5 stories	6-50 stories	51 or more	N	%
U.S.						
Did not attain	63%	17%	10%	10%	30	46%
Partially attained	25%	15%	25%	35%	20	31%
Fully attained goal	40%	40%	20%	0%	15	23%
Total N	30	14	11	10	65	100%
EU						
Did not attain		16%	22%	63%	32	39%
Partially attained		50%	25%	25%	36	44%
Fully attained goal		64%	29%	7%	14	17%
Total N		32	20	30	82	100%

goals or partially attaining their goals steadily decreases while the percentage of those attaining nothing steadily increases.

In the U.S., the data does not follow the expectation that a focusing event in an advocate's favour will increase their chances of success. In the Derivative case discussed above, the Enron scandal in which corporate executives misrepresented their account balances was a focusing event in favour of the regulators, yet industry won the debate. In the Stock option case, the same focusing event was in favour of the regulators, yet again industry won the debate. In the Anti-cloning debate, the focusing event was in favour of legislating against cloning, yet the status quo won out, meaning again, that those who had a focusing event working in their favour did not succeed. In the Anti-terrorism legislation case, the focusing event was in favour of the regulators, but this case led to a compromise between strict crackdown measures and more moderate approaches to anti-terrorism. Finally, the Affiliate relationships case, which would have regulated the communications between subunits of a massive company if those entities were operating at different stages on the energy production supply chain, was impacted by the Enron focusing event, but deadlock in the case led to no victory on either side – the regulators or industry.

In the EU, on the one issue where a focusing event occurred the effect played out in the expected direction. The Madrid train bombings focused attention on the need for Data retention regulations and were used in the argumentation of pro-regulators; they won the day with industry being forced to store volumes of data for months with no compensation. The European Parliament passed the regulation in December 2005, as *Euractive* reported:

The vote means that member states will have to impose on internet service providers and telecommunication operators an obligation to store all traffic and location data for fixed and mobile telephony as well as e-mail, web-browsing, instant messaging and other internet services. The data will have to be stored for a period of six to 24 months and must be made accessible to authorities investigating on non-specified 'serious crimes'. When first proposed after the 11 March 2004 Madrid bombings, the proposal had been justified through the fight against terrorism. (14 December 2005)

Thus, we see evidence of focusing events aiding advocates, but there are also instances, as seen in the U.S. cases, where other factors are of major importance as well.

Regardless of the political system an advocate is working within, the characteristics of the issue on which the advocate is active have a significant impact on their probability of achieving lobbying success. Most clearly, the larger an issue is in scope and salience, and the higher the level of conflict, the less likely lobbyists are to achieve their aims, a pattern that is even stronger in the EU than in the U.S.

*Interest group characteristics and strategies*

Who the advocate is and what they do was also expected to matter. However the empirical evidence is spotty – some factors seem to matter while others do not. The resources of an advocate, both financial and membership exhibit no clear relationship to lobbying success. Also, the specialized tactics an advocate chooses to use also do not seem to have a consistent impact on lobbying success – neither the use of a consultant nor activity in a coalition exhibited a relationship to lobbying success in either bivariate analysis or when included in the multivariate model. Outside lobbying did have a significant impact in both the U.S. and the EU, but in both cases use of outside lobbying techniques leads to a decrease in lobbying success as discussed below. This finding is understandable in light of the data presented above – as salience increases the likelihood of lobbying success decreases.

The type of advocate does appear to have an impact on the likelihood of succeeding in lobbying goals and this speaks to the alternative hypothesis related to democratic accountability. For simplicity, I have collapsed the independent variable here to a dichotomous one: attained no success or attained any level of success.

The differences between the U.S. and the EU are stark: In the U.S., citizen groups and foundations are much more likely to attain none of their goals, while trade/ business associations and corporations are much more likely to attain some level of success (with 89% of corporations attaining some level of success). In the EU citizen groups and foundations are more likely to attain some level of success, but so are trade/business

TABLE 4. Lobbying success in the U.S. and the EU by group type and position

U.S.	No success	Any success	N	EU	No success	Any success	N
Citizen	60%	40%	10	Citizen	44%	56%	16
Foundations	63%	38%	8	Foundation	33%	67%	3
Trade	47%	53%	19	Trade	39%	61%	46
Corporation	11%	89%	9	Hired	43%	57%	7
Government	47%	53%	19	Government	30%	70%	10
Total N	30	35	65	Total N	32	50	82
Total %	46%	54%		Total %	39%	61%	
For:				For:			
Status quo	19%	81%	21	Status quo	31%	69%	26
Change	59%	41%	44	Change	43%	57%	56
Total N	30	35	65	Total N	32	50	82
Total %	46%	54%		Total %	39%	61%	

associations and hired consultants. This evidence provides support for the alternative hypothesis related to democratic accountability: the U.S. system, with direct elections that are privately funded, biases responsiveness in favour of wealthier advocates. EU policymakers that do not face elections and who do not need to fundraise for those elections do not have the same incentives to favour wealthy advocates. As a result, their responsiveness is more balanced, with a wider range of advocate types attaining some level of lobbying success.

Also notable, governmental advocates are more likely to attain some level of success in both systems but the pattern is even stronger in the EU where 70 per cent of governmental advocates were successful compared the parallel figures in the U.S. where 52 per cent of governmental advocates attaining their goals. Another interest group characteristic that shows a strong relationship to lobbying success is the position of the advocate. Lobbyists that are fighting for the status quo are more likely to succeed. In the U.S., 81 per cent of advocates for the status quo succeeded in some of their goals and in the EU 69 per cent of advocates for the status quo achieved some level of success. This is in line with theories of institutional stickiness (Jones & Baumgartner 2005); governments are often more likely to remain stationary rather than muster the resources and political will that are required to make a policy change.

Turning to the multivariate ordinal logit analysis we see that both issue-level and interest-group-level independent variables are significant determinants of the level of lobbying success.

Table 5 reports the findings for the Ordinal Logits in both systems. As suggested by the bivariate analysis, advocates fighting for the status quo are more likely to achieve their goals; and advocates that engage in

TABLE 5. Ordered logit models predicting lobbying success in the U.S. and the EU

	U.S. coef.	Std. err.	P>z	EU coef.	Std. err.	P>z
Business	0.424	0.574	0.460	- 0.423	0.528	0.423
For status quo	1.603	0.630	0.011*	1.322	0.593	0.026*
Outside lobbying	- 1.451	0.565	0.010*	- 1.584	0.644	0.014*
Conflict	- 0.691	0.346	0.046*	0.010	0.315	0.974
Salience	0.633	0.294	0.031*	- 0.384	0.358	0.284
Scope	- 0.229	0.266	0.389	- 0.709	0.278	0.011*
	Log likelihood = - 57.448			Log likelihood = - 68.671		
	N = 65			N = 82		
	LR $\chi^2(7) = 22.63$			LR $\chi^2(7) = 31.65$		
	Pseudo R <sup>2</sup> = 1646			Pseudo R <sup>2</sup> = 1873		

\*Note: The independent variables that were significant at the 0.1 level are denoted with a \*.

outside lobbying are less likely to achieve their lobbying aims, and these patterns hold in both systems.

This second relationship is counter intuitive and contrary to the hypothesis that more sophisticated lobbying techniques should aid an advocate in their fight. It is especially surprising considering the significant finding on the issue-level variable of salience in the U.S. case: As the salience of the issue increases in the U.S. the likelihood of lobbying success also increases. However this does not hold for the EU case. Moreover, as noted during the discussion of bivariate analysis, the relationship between salience and success was mixed in the U.S., but the percentage of advocates fully attaining their goal decreased as salience increased. This pattern held for all three categories of lobbying success in the EU: the more salient an issue became the less likely an advocate would attain lobbying success.

So are advocates that 'go public' with outside lobbying tactics behaving irrationally? As the salience of an issue increases, policymakers are forced to take more viewpoints into consideration and the advocate therefore is less likely to attain lobbying success. It may be that advocates decide to 'go outside' to promote their position vis-à-vis their opponents, but often the opponents respond by also going outside. As more and more advocates flood the policy space with their outside lobbying communications the likelihood of any single advocate achieving their goals decreases. It may also be the case that advocates go outside on particularly difficult issues as a last resort. Finally, it is possible that groups go public to signal to their membership that they are doing something, while not expecting outside lobbying to achieve their goal. In any case, the fact that outside lobbying is related to lower levels of lobbying success may explain why groups almost always combine both inside and outside lobbying strategies as Beyers (2004) finds in his study of European interest associations.

Turning back to the multivariate ordinal logit estimation for the U.S. case, the model also shows advocates active on high conflict issues are less likely to succeed, in line with the bivariate analysis. In the EU only one issue level factor is significantly related to lobbying success controlling for other factors: advocates active on large scope issues are less likely to achieve their lobbying goals. This again is inline with the bivariate finding. This multivariate analysis shows that, controlling for a number of factors, variables at both the issue and interest levels matter when we seek to explain lobbying success.

### *Conclusion*

The U.S. system fails to reach compromise nearly 75 per cent of the time. More often than not absolute winners dominate clear losers, and on

average those winners are industry. In the EU, industry wins too but so do citizen groups and foundations. The EU system negotiates compromises which allow more advocates to attain their goals. Ironically, thus, the less democratically accountable system may be more responsive to a broader range of interests. The more democratically accountable system also appears biased in its responsiveness and that bias is pro-business. The EU on the other hand, from this data, exhibits a higher capacity to fuse competing interests into policy compromises that allow everyone to see at least some of their goals realized. Lacking direct elections, the system finds itself also free from exploitation of the electoral process by moneyed interests.

Of course, this is only an initial investigation, analyzing lobbying success of only 149 advocates on 47 issues. Larger studies will be needed to further support or question these findings and expand the analysis to investigate a larger number of contextual factors. First, it will be important to consider the position of governmental officials (Michalowitz 2004). If policymakers in a powerful Directorate General, or executive bureau are pushing for the same objective as an interest group it could make their fight much easier. Similarly, if large numbers of Members of the European Parliament or members of Congress (or committee chair etc.) have lined up behind a certain position on an issue, that support will be important in the ultimate outcome. Understanding where the preponderance of government support lies may be very important in understanding when lobbyists succeed and when they fail.

This is related to another important factor: non-governmental allies. Whether an advocate is alone or there are hundreds of groups standing with them should affect whether they are successful or not in their lobbying goals. These advocates need not be allied in an official ad hoc coalition, they may not even be communicating, but if all are pushing in the same direction, it should make a difference in whether they attain their goals in the final outcome. Future research projects collecting data on the full universe of groups mobilizing for a political debate, and collecting information on their positions, would allow social scientists to study the relationship between the number of groups that have positions aligned with an advocate and the ability of an advocate to achieve their lobbying goals.

A third factor is time. Especially in the EU where the policy process can be extremely long, future studies could be designed to cover a longer expanse of time, better assessing if advocates truly ever achieved their goals. Some fights take decades, but long term successes would not have registered in my study which covered a shorter time period. Devising a study with a starting point ten years ago would add to our understanding of lobbying influence.

This analysis has made clear a few points that should be kept in mind when we consider interest group influence. First, the design of the political system has implications for the responsiveness of politicians; this in turn fundamentally affects who succeeds and who does not. Specifically the coupling of direct elections and private funding of elections in the U.S. leads to a system with incentives for elected officials to be more responsive to wealthier actors. Second, issue context is critical and plays a large role in lobbying success. Advocates that are lobbying in a niche, where there are no competing advocates or public scrutiny, are at an advantage. Finally, many of the factors that lobbyists believe make or break their strategy – like hiring a professional lobbyist or joining an ad hoc issue coalition – have no effect at all. Other activities like outside lobbying can actually hurt their cause, as can their position on a given issue – fighting to bring about a change is more difficult than fighting for the status quo.

## NOTES

1. Due to the negative connotations of the terms ‘lobbying’ and ‘lobbyist’ in both the U.S. and the EU, many working to influence public policy prefer the terms ‘advocate’ and ‘advocacy’ – I therefore use this terminology.
2. I use ‘compromise’ and ‘compromised outcomes’ following the *Oxford English Dictionary* to mean ‘A coming to terms, or arrangement of a dispute, by concessions on both sides; partial surrender of one’s position, for the sake of coming to terms’. Thus the term should not connote a necessarily negative or positive outcome.
3. I conducted the U.S. interviews in 2002 under the Baumgartner, Berry, Hojnacki, Leech, and Kimball Advocacy & Public Policymaking Project – U.S. National Science Foundation grants #SES-0111224 and SBR-9905195. I conducted the EU interviews in 2004-5 supported by a Fulbright Fellowship to the European Union, a RGSO Fellowship and an affiliation with the Vrije Universiteit Brussel.

## REFERENCES

- Bachrach, P. and Baratz, M. (1962) ‘The Two Faces of Power’, *American Political Science Review*, 56, 947–52.
- Baumgartner, F. and Leech, B. (2001) ‘Issue Niches and Policy Bandwagons: Patterns of Interest Group Involvement in National Politics’, *Journal of Politics*, 63, 1191–213.
- Berry, J.M. (1989) *The Interest Group Society*, 2nd ed. (New York: HarperCollins).
- Beyers, J. (2004) ‘Voice and Access: Political Practices of European Interest Associations’, *European Union Politics*, 5, 211–40.
- Browne, W.P. (1990) ‘Organized Interests and Their Issue Niches: A Search for Pluralism in a Policy Domain’, *Journal of Politics*, 52, 477–509.
- Dür, A. (2005) ‘How to assess power and influence? Paper presented at the CONNEX research group 4 Civil society and interest representation in EU-governance’, Leiden, NL, 14–16 April 2005.
- Dür, A. and De Bièvre, D. (2007) ‘Introduction: Researching Interest Group Influence on Policymaking in Europe and the United States’, *Journal of Public Policy*.
- Euractiv* (2005) ‘Data Retention: Parliament caves in to Council pressure’, 14 December 2005, <<http://www.euractiv.com/en/infosociety/data-retention-parliament-caves-council-pressure/article-150891>>.
- Euractiv* (2005) ‘Clean air strategy seeks balance between health and business concerns’, 21 September 2005, <<http://www.euractiv.com/en/environment/clean-air-strategy-seeks-balance-health-business-concerns/article-144604>>.

- Eurelectric (2005) 'Press Release. EURELECTRIC Takes Issue With Elements Of EU Thematic Strategy On Air Pollution And Legislative Proposal On Air Quality', 2 December 2005.
- European Environmental Bureau (2005) 'Press Release. Air Thematic Strategy is far too weak, says EEB', 21 September 2005.
- Follesdal, A. and Hix, S. (2006) 'Why there is a Democratic Deficit in the EU: A Response to Majone and Moravcsik', *Journal of Common Market Studies*, 44, 3, 533–62.
- Hula, K.W. (1999) *Lobbying Together: Interest Group Coalitions in Legislative Politics* (Washington, D.C.: Georgetown University Press).
- Hojnacki, M. (1997) 'Interest Groups' Decisions to Join Alliances or Work Alone', *American Journal of Political Science*, 41, 61–87.
- Jones, B.D. and Baumgartner, F.R. (2005) *The Politics of Attention: How Government Prioritizes Problems* (Chicago: University of Chicago Press).
- Kingdon, J.W. (1995) *Agendas, Alternatives, and Public Policies*, 2nd ed. (New York NY: HarperCollins).
- Kollman, K. (1998) *Outside Lobbying: Public Opinion and Interest Group Strategies* (Princeton: Princeton University Press).
- Kreppel, A. (2001) *The European Parliament and Supranational Party System* (Cambridge: Cambridge University Press).
- Kriesi, H., Jochuma, M. and Tresch, A. (2005) 'Going Public in the EU. Changing Strategies of Western European Collective Political Actors', Unpublished working paper.
- Lahusen, C. (2002) 'Commercial consultancies in the European Union: the shape and structure of professional interest intermediation', *Journal of European Public Policy*, 9, 695–714.
- Mayhew, D. (1974) *Congress: The Electoral Connection* (New Haven, Conn: Yale University Press).
- Mahoney, C. (2005) 'Killing or Compromising?: How the potential for policy change effects lobbying positions in the US and the EU', Paper presented at the Annual Meeting of the American Political Science Association, Washington D.C., 1–4 September 2005.
- Marks, G., Wilson, C.J. and Ray, L. (2002) 'National Political Parties and European Integration', *American Journal of Political Science*, 46, 3, 585–94.
- McCarthy, J.D. and Zald, M.N. (1978) 'Resource Mobilisation and Social Movements: A Partial Theory', *American Journal of Sociology*, 82, 1212–41.
- Michalowitz, I. (2004) *EU Lobbying – Principals, Agents and Targets: Strategic interest intermediation in EU policy-making* (Munster: Lit Verlag).
- Moravcsik, A. (2002) 'In Defense of the "Democratic Deficit": Reassessing the Legitimacy of the European Union', *Journal of Common Market Studies*, 40, 4, 603–34.
- Salisbury, R.H., Heinz, J.P., Laumann, E.O. and Nelson, R.L. (1987) 'Who Works With Whom? Interest Group Alliances and Opposition', *American Political Science Review*, 81, 1211–34.
- Scharpf, F.W. (1999) *Governing in Europe: Effective and Democratic?* (Oxford: Oxford University Press).
- Schlesinger, J. (1966) *Ambition and Politics* (Chicago: Rand McNally).
- Watson, R. and Shackleton, M. (2003) 'Organized Interests and Lobbying in the EU. In E. Bomberg and A. Stubb (eds.), *The European Union: How Does it Work?* (Oxford: Oxford University Press).
- Weiler, J.H.H., Haltern, U.R. and Mayer, F.C. (1995) 'European Democracy and its Critique', *West European Politics*, 18, 3, 4–39.

CHRISTINE MAHONEY

*Center for European Studies & the Maxwell European Union Center*

*Moynihan Institute of Global Affairs*

*The Maxwell School of Syracuse University*

*Syracuse, NY 13244*

*ChristineMahoney04@fulbrightweb.org*