12 Hidden in Plain Sight How Lobby Organisations Undermine Democracy

Phil Parvin

What role, if any, should lobbyists play in a democracy? More specifically, how much power should unelected individuals and organisations have to influence the course of politics in democratic states? The question is crucial and urgent: the story we are used to telling ourselves about democracy is simplistic and untrue. According to that story, power is held by citizens who voluntarily entrust it to professional representatives who wield it on their behalf through institutions bound by constitutional rules which hold them in check. In reality, vast power is held by unelected organisations which exist beyond the scope of democratic checks and balances and scrutiny. Democratic institutions were primarily designed to scrutinise and regulate the exercise of a certain kind of power: power which is unitary, legitimated through democratic mechanisms like the vote, and exercised by elected politicians. They were not designed to police the exercise of power which is disaggregated across numerous majoritarian and non-majoritarian institutions, not legitimated by votes, and not exercised by politicians. They were not designed to curb the kind of power held by unelected organisations that can, over the long term, warp our democratic norms in ways which concentrate power and influence among the wealthy, structurally entrench social and economic inequalities, and stifle opposition.

But this is what has happened in democracies across the world. If we adopt Chari and Kritzinger's standard definition of a lobbying organisation, 'whether motivated by economic, professional, or public concerns, as 'any group, or set of actors, that has common interests and seeks to influence the policy making process in such a way as their interests are reflected in public policy outcomes,' we can see just how widespread the practice is (Chari et al. 2019, 3). There has been an explosion in the number and influence of lobby groups in the UK and elsewhere over the past half-century, and a concurrent explosion in the amount that these organisations spend on influencing decision-makers. In 2002, Google spent less than \$50,000 on lobbying Washington. 15 years later, in 2017, they spent \$18 million, more than any other organisation in the world. In 2018, they spent \$21 million lobbying Washington, and a further

€6 million lobbying EU institutions. Similar rises are visible across all sectors, across a diverse and growing range of issues, from energy, to healthcare, to financial and technology regulation, and beyond. In the decade from 2010 to 2020, organisations in the USA spent in excess of \$37 billion dollars on lobbying Congress and federal agencies (OpenSecrets.org 2021). Organisations representing corporate interests account for the vast majority of this figure. In 2015, organisations representing business interests in the USA spent 34 times as much on lobbying as labour unions and public interest groups *combined* (Drutman 2015). Between 2010 and 2020, the US Chamber of Commerce alone spent \$1 billion lobbying for business interests, and in 2019, the ten biggest spenders on lobbying in the USA – all of whom represent private sector interests – spent over \$94 million in a *single three month period*. These figures are in addition to the lobbying that takes place at the level of state legislatures and even county level.

Companies spend so much on lobbying because it works. Lobby groups which represent elite interests in particular are overwhelmingly successful in securing change. This isn't just because they can throw more money at an issue, although that is a factor. It is because the lobbying community so strongly reflects elite interests (Baumgartner et al. 2009). Lobby groups are extremely influential and are capable of wielding considerable power to change the course of policy debates or, just as important, to halt policy change where change would be unwelcome. But the lobbying community is overwhelmingly dominated by groups which represent the concerns of social and economic elites: it does not reflect average citizens' concerns. A recent survey of US citizens, for example, revealed that the issues they cared most about were crime, tax, and foreign aid. The vast majority of federal lobbying activity is not in these areas, however, but rather in technology and energy (which each scored very low among citizens' interests) and in foreign trade, banking, and finance - none of which figured among citizens' interests at all (Baumgartner et al. 2009). The fact that lobbyists are central to the democratic system and wield significant power and that the lobbying community is dominated by groups which lobby on issues which are important to wealthy elites (but not to the majority of citizens) means that these groups have a significant advantage in securing favourable policy outcomes for elites, and ensuring that the concerns of nonelites are side-lined. The power wielded by lobbyists is overwhelmingly directed at entrenching elite interests while the 'economically disadvantaged continue to be under-represented in pressure politics' (Skocpol 2003, 54).

Developing a coherent position on lobbying in a democracy requires us to balance two competing yet reasonable positions. On the one hand, lobbying is positive and necessary. It can enrich democracy. It can increase the representation of diverse interests and provide information and expertise to generalist policy makers (Chari et al. 2019; Parvin 2018a). It is also a consequence of wider commitments to democratic freedoms, as we will see. On the other hand, lobbying poses an urgent threat to democracy: it entrenches social, economic, and political inequalities, and enables well-resourced organisations and individuals to leverage their wealth to skew the political agenda towards their own interests at the expense of others' (Cave and Rowell 2014; Grant 2018). The case for or against lobbying is therefore not straightforward. However, I suggest that that while lobbying is in theory an important part of democracy, its legitimacy is undermined by its *in practice* tendency to entrench, perpetuate, and even worsen social, economic, and democratic inequalities within and between states in ways that are often visible (but difficult to combat), but sometimes also invisible.

I do not present a decisive solution to the challenge posed by lobbying to democratic theory and practice in this chapter. Instead, I make three claims. First, that lobbying is a central aspect of democratic decision-making and of the democratic state, both at the level of principle and practice. Second, that - given its centrality in real world democracy it needs to be more central in debates among political philosophers about the current challenges facing democracies. And third, that lobbying is a threat to democracy in ways that go far beyond what can be resolved through institutional or legal reform. I suggest that the power of lobby groups resides at least partly in their 'capture' of elite institutions in ways which make reform structurally difficult, but also in their capture of the background norms and ideas implicit in the political culture of modern democratic societies. Drawing on libertarian and egalitarian critiques of lobbying, I suggest that lobby groups have been instrumental in shaping the political culture and norms of democratic states over the long term, shifting the debate but, more importantly, shifting the background social and political values in which these debates take place. The in practice concentration of political power among socioeconomic elites delivered by lobbying over the long term via the bending of social norms and values towards their interests raises profound normative, not just empirical, questions about its place in our theories of democracy, of the democratic state and the interconnection between democratic institutions and capitalist markets and suggests the need for radical change.

1 The Democratic State as a Site of Disaggregated Power

The question of what role, if any, lobbyists should play in democratic politics is one of the most urgent questions facing contemporary liberal democratic states. Lobbying is *everywhere*. It is not merely the preserve of big business or corporations: it is practised by a wide range of organisations in the public, private, and third sectors – including NGOs, think

tanks, campaign organisations, charities, and trade associations (Parvin 2016). It is also not something done only by 'lobbyists': lawyers, company directors, journalists, corporate media teams, and people working in public relations, advertising, and countless other professions often work explicitly to influence politicians and the political agenda, and to represent sectional interests. It is also not a niche activity. Lobbying has become a central aspect of democratic decision-making in Britain, Europe, and the USA, and the conduct of politics at a global and international level. There are currently over 22,000 registered interest groups and advocacy organisations based in Washington DC, and over 40,000 individuals and groups across the USA who lobby at the state legislature level. According to the EU Transparency Register, 12,500 groups and organisations from the private, public, and charity sectors are currently 'engaged in activities seeking to influence the EU policy and decision making process' (European Commission 2021).

Considerable lobbying activity is also visible at the local and national levels in EU member states, particularly in the major financial and political centres like Berlin, Geneva, and Madrid. Exact numbers are hard to find, however. In Britain, the political consultancy sector employs around 14,000 people and has been valued at over £1.9 billion (Parvin 2007). However, this figure doesn't include the activities of a wide range of professionals working in a diverse range of overlapping areas including public affairs, government relations, policy research, media relations, strategic communications, crisis management, finance, and law. It also doesn't include lobbyists who work *outside* of the private sector in trade associations, think tanks, and so on, or in international organisations who are based outside of the UK, but who seek (and are able) to influence UK policy decisions.

States have afforded lobby groups greater and greater formal access. MPs in the UK may be approached upwards of 100 times a week by lobbyists from a range of organisations and sectors in Britain and beyond, and the government regularly consults outside groups when developing policy (Bache and Flinders 2004; Parvin 2007; 2016). In the USA, think tanks and 'special interest groups' occupy a very influential place in the legislative process through the donations they are able to make to politicians' election campaigns, their networks, and their lobbyists at the national, state, and local levels (Medvetz 2012). States increasingly draw upon the expertise of international NGOs, charities, and voluntary bodies in the formation and implementation of policies concerning aid, trade, human rights, development, and regularly work with professional bodies, intra-governmental organisations, and research institutes on constitutional questions arising out of relations with other nation states and European institutions. Furthermore, states increasingly rely on non-state organisations to *deliver* policy: international organisations and charities do not just lobby the UK government for certain policies over others, they also lobby to implement them, just as private businesses do not simply lobby for increased private provision of public services like border controls and healthcare, but also lobby to be the ones who implement these policies in return for public money.

Taken together, hundreds of millions of dollars a year are spent by organisations of various kinds across the world on influencing policy, gaining access to decision-makers, and raising awareness of issues among legislators, the media, and 'stakeholder groups.' Lobbying is now so ingrained in the majority of democracies around the world, and so central to the core activities of the modern state on the domestic and global stages, that it has forced many political scientists to re-think their understanding of democracy, and of the democratic state, from the ground up (Baumgartner et al. 2009; Bevir 2010; Rhodes 2017).

Political philosophers have not, on the whole, followed suit. In the rapidly growing Anglo-American political theory literature on the problems facing democracy, one issue in particular dominates all others: the disconnect between institutions and practices on the one hand, and the citizens which, in a democratic system, afford them authority, on the other. Democrats of many stripes have argued, and continue to argue, for democratic 'innovations' aimed at better incorporating ordinary citizens into the democratic process (e.g., Fishkin 2018; Fung 2015; Landemore 2020). They have done so in an attempt to address what they take to be the central question of contemporary democratic theory: how to more fully incorporate citizens into the democratic system in order that democracy can discharge its founding responsibility of ensuring legitimacy to institutions and governments, and protecting individual freedom and equality.

The decline of citizen participation, the widespread disaffection with politics characteristic of many democratic states like the UK and the USA, and the wider debilitating effects that these can have on the rate and quality of democratic deliberation are not trivial. Indeed, changing patterns of citizen participation have played an important role in driving the growth and influence of unelected lobby groups: citizens have increasingly rejected traditional forms of political activity like voting, and looked instead to campaign organisations and interest groups to represent them, leading to a rise in the fortunes of unelected groups like Friends of the Earth, Oxfam and Amnesty International, as well as their centrality (Parvin 2018b; Skocpol 2003). But the overwhelming preoccupation among Anglo American democratic theorists on the role of citizens in a democracy, and the specific challenge of how to better incorporate citizens' voices into decision-making, has skewed debates about democracy away from other important issues.

234 Phil Parvin

The vast majority of democratic governance in the contemporary era is not conducted by states in conversation with citizens, and was not designed to be. It is conducted by states in conversation with other elite actors who represent sectional interests. Power is 'disaggregated' across numerous majoritarian and non-majoritarian bodies, institutions, agencies, and organisations (Bevir 2010; Rhodes 2017). We might reasonably disagree as to whether this is a good thing. But we should not assume that it represents a *failure* of democracy. The fact that in a representative democracy 'the people' are only one actor among many is by design. Representative democracy is, in Manin's words, a 'mixed' system, in which some decisions are appropriately made by the people (or their representatives), while others are not (2010; see also Landemore 2007). The fundamental question is not how we might ensure greater public control over all the decisions that modern states are required to make, but which decisions should be made by citizens and their representatives, and which should be made by unelected bodies of one kind or another, many of which are explicitly and deliberately insulated from the public will (Urbinati 2006). Constitutional and institutional machinery exists specifically to circumscribe the power of citizens to influence democratic practice: separation of powers, judicial review, and the idea that there should be 'checks and balances' on the activities of governments and legislatures on the one hand, but also of citizens on the other, all exist to delineate the appropriate bounds of the public will, and hold in balance the powers of majoritarian and non-majoritarian institutions. To put it a different way, democrats need to be clear in what circumstances the state must be responsive to the public will, and in what circumstances it should not.

Understanding democracy this way, we can see that focusing on the narrow question of how we include citizens more fully into our democratic system addresses one - but only one - important question. Acknowledging that citizens are only one among many other actors in a democracy by design offers a different perspective on the contemporary democratic predicament than that offered by many political philosophers. Low rates of participation among citizens are not, as so many believe, indicative of a crisis of representative democracy. Representative democracies are designed to ensure good governance in a context of widespread political disengagement and political ignorance, and that political power is not concentrated in the hands of particular groups or individuals but distributed appropriately across multiple sites which hold one another in check. The fact that the people are not directly involved in decision-making, that states are disaggregated, and that power is wielded by unelected groups, bodies, and appointees is not in itself a failure to live up to democratic principles so much as an attempt on the part of the system to manage the complexities of the world in which democratic principles are applied. So before we tackle the question of how citizens could be better included in decision-making, we need first to ask what the appropriate limits of citizens' involvement in decision-making should be.

This shift in emphasis better enables us to grasp the trajectory of democratic change in liberal democratic states over the past half-century, and provides a useful perspective from which to analyse whether actually existing states have got the balance right. In the UK, for example, many political decisions are not made by elected representatives, but by non-majoritarian organisations which are not directly accountable to the people (Bevir 2010). The UK affords the unelected House of Lords the power to revise, amend, and delay legislation emanating from the elected House of Commons. Furthermore, Britain, like the USA, increasingly relies on the courts, and judges in particular, to determine the outcome of policy dilemmas by recourse to constitutional law and precedent. Similarly, UK monetary policy is currently set by the Bank of England which, since 1998, has been formally independent of government. Finally, in 2010, the coalition government created the Office of Budgetary Responsibility to provide independent scrutiny and analysis of economic policy.

The Civil Service employs almost half a million public servants who exercise considerable power across the full range of government business at all levels. These powers are expressly designed to be insulated from the public will in order that civil servants can be impartial rather than subject to electoral pressure. Significant powers have also been afforded to regulators and other independent public bodies to help develop policy as well as monitor their delivery. In 2010, the UK coalition government identified 901 'quangos' or 'arm's length bodies' – bodies funded, but not run, by government departments – with responsibility for all kinds of functions across the full range of policy areas (Public Administration Committee 2010).

Meanwhile, many powers once held by the nations of Europe are now held by the institutions of the EU, which are not straightforwardly accountable to the electorates of its member states but which affect many millions of people within and beyond the EU's borders. International politics is conducted by and through a dense network of unelected organisations. Relations between states are mediated by international institutions like the International Monetary Fund, the World Bank, and the United Nations. Development goals are decided and delivered via a global NGO and not-for-profit sector, comprising charities, campaign groups, voluntary bodies, professional organisations and more. There are around 'seventy international bodies that have universal or intercontinental memberships,' most of which are opaque, exist only to those citizens who have heard of them at all as acronyms and 'do not fall within the orbit of democratic politics' (Vibert 2007, 5-6).

Decisions at the local, national, and international levels, then, are made within closed communities of elite actors whose populations include, but are not limited to, state officials, government advisers, and lobbyists from a range of organisations who provide expert advice but who also represent particular interests (Chari et al. 2019; Grant 2018). If the hallmark of a functioning democracy is - as critics like Landemore contend - that the state is directed by the public will, and that decisions are made by politicians in conversation with citizens, we would need to conclude that the UK, the USA and the vast majority of European nation states are not democracies. But again, in framing the debate about the nature and future of democracy as almost entirely about the relationship between citizens and the state, many democratic theorists miss the bigger picture. States are disaggregated, non-monolithic - with power centres spread across different institutions, some of which are appropriately responsive to the public will, others of which are not (Rhodes 2017). And the world beyond the state is populated by organisations of various kinds which have no straightforward democratic mandate conferred by, for example, the vote but which are central to policy-making process and wield significant power within it.

2 The Case for Lobbying

The challenge posed by lobby groups cannot simply be that they are unelected, then: a great many organisations and bodies within and beyond the state are unelected yet exercise great power. Many are explicitly designed to be insulated from public opinion, yet have a considerable range of powers to, for example, alter policy, influence decisions, constrain the actions of elected politicians, enforce regulations and deliver public services. Furthermore, many democratic theorists have written in defence of unelected groups and the role they play in representing citizens' interests, connecting citizens and the state, and fostering citizens' democratic capacity (Knight and Johnson 1998; Putnam 2001). Governance in democratic societies is largely a process of elected and unelected groups of one kind or another engaging with other elected and unelected groups across a web of interconnected institutions, bodies, and organisations. Elected politicians are one – and only one – component of this process.

To grasp the true nature and scale of the challenge posed by lobbying, we need to analyse in more detail the role lobby groups play, and have played, in our democratic culture. The first step in doing *that* is to make lobbying as central to our democratic *theory* as it is to our democratic *practice*. Doing so reveals a fundamental tension. On the one hand, lobbying occupies a central and important role in both the practice *and theory* of democracy. On the other, it poses a significant challenge to them both. Let me state more clearly the positive case first, before explaining in more detail its negative role in the rest of this chapter.

Many democrats have emphasised the need for individuals to be able to affect change through collective action and pressure politics (e.g., Dryzek 2012; Habermas 1996; Young 2002). Many political scientists have emphasised the positive role of interest groups in democratic politics (e.g., Dahl 1989; Fraser 2004; Hirst 1994), and even lobbying's harshest critics acknowledge that the ability of groups and individuals to lobby their elected representatives as well as other organs of the state, is 'central to a healthy democratic system' (Cave and Rowell 2014, 9). Dahl's vision of democracy as a polyarchy comprising multiple sites of power - some elected, some not - in fact looks similar to the picture of the disaggregated state that I sketched in Section 1. In ideal circumstances, disaggregation of power can enrich and deepen democracy, ensuring checks and balances across the system, and warding against undue concentrations of power in any one individual or institution. It may also provide practicable solutions to two democratic challenges: deficits produced by declining citizen participation and by widespread political ignorance. Pluralist like Dahl, for example, have emphasised the potential of unelected groups to plug democratic deficits of the first kind: in a society in which a considerable proportion of the citizen body are either unwilling or unable to exercise their political power through participation, non-state organisations, and bodies of different kinds can exercise it on their behalf, bridging states and citizens and fulfilling an important representative role (Dahl 1989).

Meanwhile, representative democrats and also epistocrats have emphasised the ability of unelected bodies to resolve deficits of the second kind: a lack of the kind of political knowledge that is needed to resolve complex policy dilemmas (Brennan 2016). Democracies need expertise. Politicians are generalists; they cannot possibly be expected to be experts in all the numerous areas of public policy in which they are required to legislate. Some democrats seek to capture this expertise among citizens via democratic innovations and increased opportunities for deliberation (e.g., Fung 2015; Landemore 2020). But an alternative approach is to look to expert organisations to provide this knowledge. Indeed, this approach has the benefit of providing a response to epistemic shortfalls in the citizen population in a way that takes seriously the first deficit: that of declining citizen participation. Good governance requires decision-making to be grounded in facts and experience which, in a democracy, are ideally provided by citizens through their participation. As citizen participation declines, lobby organisations of different kinds can fill (and have filled) the vacuum (Parvin 2018a). Professionals

238 Phil Parvin

with knowledge and experience in different areas of public policy can therefore provide invaluable information for politicians and, in doing so, improve governance. Lobbyists themselves have often defended their role in providing important information to politicians in this way (Chari et al. 2019; Lessig 2011).

More generally, lobbying by unelected groups seems to flow from more fundamental commitments to the kind of constitutional rights that democrats tend to support. The commitment to liberal freedoms of assembly and speech, which are generally supported by democrats, necessarily combine to permit citizens to join with like-minded others and to collectively seek to influence decision-makers. Furthermore, democratic citizens are broadly assumed to be able to contribute financially to support these groups' ability to influence politicians on their behalf. Citizens are free to join with one another in an attempt to pressure governments to advance their interests, just as they are free to pay a pressure group, trade association, or trade union to do so on their behalf.

The philosophical case for lobbying, then, is that it is protected by wider commitments to rights to, for example, free speech and assembly, and that unelected lobby groups can plug into the disaggregated state, connecting citizens with states (and connecting different parts of the state together) in a way that is important for democratic functioning and representation.

3 Two Critiques? The Problem with Lobbying

Having argued that lobbying is central to democratic practice and, hence, should be central to democratic theory, and having presented a broad philosophical justification for lobbying's place in a democracy, I now suggest why it is such a problem. I do so through the lens of two critiques – one from egalitarianism and one from libertarianism – which are widely seen as very different but in fact stem from the same root: a shared rejection of the practice of real-world capitalism.

The egalitarian critique of lobbying focuses on the threat to social justice posed by organisations who defend private over public interest. Lobbying is, egalitarians say, a practice which enables powerful private interests to skew democratic decision-making away from requiring corporations and other private entities to satisfy their moral obligations to ensure a more just society (by improving the conditions of their workers, for example, or paying a fair share of tax) towards allowing them to merely satisfy their own private interests instead. This is indeed a concern. States in which corporations and corporate lobby organisations have the power to influence policy decisions have, in general, proven themselves less hospitable to reforms grounded in liberal egalitarian claims about redistribution, economic intervention, and the alleviation of inequality through reforms in, for example, labour laws, tax laws, minimum wage legislation, and the provision of welfare than states in which the ability of corporations to influence political decision-making is weakened (e.g., Drutman 2015; Lessig 2011). The fact that business taxes are so low in the USA, that workplace democracy, labour unions and workers' rights are weak, and that large corporations benefit from so many opportunities to insulate their wealth through complex legal and economic mechanisms, cannot be disaggregated from the fact that business corporations in the USA are allowed relatively easy access to elected politicians and are able to influence policy-makers through direct lobbying and the financing of election campaigns (Thomas 2016). Similarly, the fact that in the UK and the EU more generally have stronger labour unions and workers' rights is at least partly due to the fact that lobbying and campaign finance are governed by much stricter rules than in the USA.

The worry for egalitarians is that current institutional, economic, and legal arrangements give disproportionate voice to elite interests over others, and concentrate power in the hands of socioeconomic elites at the expense of everyone else. They are, again, right to be worried. While the disaggregated state might work in theory to provide appropriate checks and balances across the system, it in fact does no such thing: the in-built dominance of organisations representing elite interests both within and beyond the state concentrates power in the hands of these organisations, and makes it easier for them to control the policy-making process. The disaggregated state has the theoretical capacity to ensure political equality, but in practice elites have captured democratic institutions in ways which render them less accessible - and less responsive - to non-elites. The 'revolving door' between the state and the private sector ensures a cross-pollination of people and expertise: corporate lobbyists hired by government as consultants or permanent state officials on the basis of their industry experience, and public officials and former politicians hired or re-hired for their inside knowledge and contacts. Large, wellresourced organisations like the Confederation of British Industry, the Institute of Directors, corporate trade bodies, and industry representatives in the UK, and the Chambers of Commerce, pro-business think tanks, and industry groups in the USA, are able to leverage their powerful insider status, as well as their formidable networks and spending power, to over-populate the various organs of the disaggregated state in ways which enable them to shut down policy change and dominate policy debates, as, for example, large technology companies have done recently in the USA in the debate about data privacy, and as Uber and Lyft (in the USA) and Deliveroo (in the UK) have recently done in debates over employment rights.

240 Phil Parvin

Egalitarian liberals tend to see this as an intrinsic problem with market capitalism. But many libertarians and classical liberals are just as concerned about lobbying. For them, lobbying is an inevitable consequence of having an over-powerful state. The more areas of policy the state has control over, and the more power it has in each of these policy areas, the more it will attract vested interests who will try to influence the state in exercising its power in ways which benefit them (Badhwar 2020; Munger and Villarreal-Diaz 2019).

Libertarians believe lobbying is pernicious because it subverts the operation of free markets, for two reasons. The first is that it worsens some of the problems that already plague real-life (as opposed to theoretically ideal) capitalism. Existing capitalist states do not have free markets in the way that most libertarians and classical liberals would defend, they operate 'crony capitalism': a system which allows organisations to leverage their economic advantage for political gain (Friedman 2002; Havek 1944). Under crony capitalism, rich organisations can use their wealth to lobby for laws which help them maintain their own dominance, but which are incompatible with a true free market. Lobbying, therefore, results in government 'playing favourites,' bestowing privileges on 'particular firms or particular industries ... [including, but not limited to] monopoly status, favourable regulations, subsidies, bailouts, loan guarantees, targeted tax breaks, protection from foreign competition, and non-competitive contracts' (Mitchell 2012, 3-4). From the bailout of the banks in the wake of the 2008 financial crisis, to the millions in state aid given to the airline industry and multi-million dollar food and hospitality chains in the wake of the COVID-19 pandemic, governments use tax-payers' money to insulate wealthy corporate interests from risk, while often also insulating them for having to pay tax in those jurisdictions (Shaxson 2011).

It is therefore irrational under crony capitalism for a business to choose not to engage in lobbying; even organisations which might otherwise choose not to engage in it feel compelled to do so, partly because everyone else is benefiting from it (Holcombe 2013). In a society in which the state is directly involved in the economy, profitability over time becomes less dependent on innovation and more dependent on lobbying the state.

[E]xisting firms, making existing products, over time find decreasing returns to continued investment in plant and equipment. They also find it increasingly difficult to innovate. At some point ... it becomes more profitable ... to use the power of the state to extract resources from others or to protect those existing products from competition ... As a consequence ... firms focus less on new products or better manufacturing and spend their money instead on lobbyists and political influence.

(Munger and Villarreal-Diaz 2019, 340)

Their goal in lobbying, then, is to co-opt the coercive power of the state that already exists in the economy for their own ends, to 'thwart innovation before it happens, to slow down the dynamic processes that animate capitalist development,' and create barriers to competition (Munger and Villarreal-Diaz 2019, 340). This redirection of state powers by powerful vested interests towards the narrow interests of certain industries and/ or individual companies is a form of market failure that should worry libertarians and egalitarians: wealth is translated into power in ways which stifle market competition, amplify certain voices at the expense of others, and undermine political equality. Governments select the companies and/or industries they favour and leave the ones they don't - the smaller and less connected ones - to the true rigours of market competition. Becoming a favoured company largely depends on establishing strong networks with as wide a range of state bodies and institutions as possible. Becoming an 'insider' organisation - a regular at the policymaking table, a trusted expert organisation - pays dividends, especially in a crisis. During the financial crisis in 2008 and the COVID-19 pandemic in 2020/2021, for example, when decisions needed to be made quickly and information was scarce and fluid, organisations with already-established links with the state disproportionately benefitted (Abramson 2020).

The *second* reason is that interest group pluralism constrains economic efficiency, stifles growth, and leads to bad governance. These concerns were most obviously raised by Mancur Olson in The Rise and Decline of Nations, and directly challenged the view that lobby groups enrich democratic governance by providing necessary expertise and experience (1982). In that book, Olson claimed that 'political lobbying adversely affects the economic performance of the state' because lobby groups create competing demands on the state's time and resources (Olson, as cited in Horgos and Zimmerman 2009, 303). Resources that could be spent on facilitating production and industrial growth are instead spent meeting the demands of special interest groups. Governments have to meet with them all, listen to their concerns, and make difficult and often time-consuming decisions about which 'side' wins, who gets what, and when. As a result, governance slows down, congested by competing interests. Time and money is wasted. The state gets bigger, in order to deal with the extra work created by the competition of special interests, and also *less powerful*, its ability to make decisions and pursue a vision of society chipped away and undermined by its need to appease a multitude of competing groups. Olsen believed that something like this process accounts for the decline of nations throughout history, where potential greatness is squandered by internal squabbling and fragmentation. Again, we can see this as a problem associated with the rise of the disaggregated state: while such a state has the theoretical capacity to improve governance by balancing the popular will with sources of expertise as well as sectoral interests, in practice it often leads to deadlock, stalemate, and – consequently – watered-down policies which favour the status quo.

So, liberal egalitarians criticise lobbying for undermining democracy while *classical* liberals and libertarians criticise it as an inevitable byproduct of democracy. But both are united in understanding lobbying as a negative consequence of broken capitalism. It enables certain organisations, and businesses in particular, to secure favourable treatment from elected governments to stifle market competition and get exemption from laws which apply to everyone else. Furthermore, the need for lobbying grows according to an internal logic of crony capitalism. As more organisations secure their profitability and success through lobbying, it is only rational for more and more organisations to engage in more and more of it. And as more businesses engage in it, the more it is necessary for organisations representing other interests - consumers, workers, etc. - to engage in it too. The imbalances of power characteristic of the contemporary disaggregated state are exacerbated by the internal logic of crony capitalism to expand the role of lobbying and are left untouched by this expansion. Lobbying begets lobbying. The only hope for less powerful organisations to make an impact, is to play the lobbyists at their own game: a game in which elite organisations enjoy an overwhelming structural advantage.

4 The Scale of the Problem: Norm Capture and the Structural Barriers to Reform

How, then, do we lessen the disproportionate power held by lobby groups for elite and corporate interests? While libertarians and egalitarians agree that the cause of the problem is the lived practice of capitalism, they propose different solutions. Classical liberals and libertarians, after all, seek to minimise the role of lobbying in democracy by restricting the scope of democracy and reducing the size of the state. Egalitarians, on the other hand, generally seek to expand the scope of democracy and increase the size of the state. Libertarians seek to remove the problem at source, avoiding the need to increase state regulation and rules which serve to stifle the operation of free markets. Egalitarians seek to constrain the activities of lobbyists and markets more generally through democratically enacted laws. That is, libertarians and classical liberals see democracy as an unjust constraint on markets which enables monopolies to translate wealth into power, while egalitarians see democracy as a just constraint on markets which can, if structured correctly, impose limits on the activities of lobbyists and corporate interests, as well as secure greater equality through various state initiatives aimed at redistributing wealth.

For libertarians, the solution is a radical reconfiguration of political institutions and a dramatic reduction in the size and scope of the state. Abolishing as much regulation as possible and ensuring that limited states are kept out of as much of the economy as possible would ensure that lobbyists for corporate interests would become redundant: profitability would no longer depend on securing links with government and the state, and so the need for lobbying and lobbyists would dry up (Badhwar 2020; Mitchell 2012). Corporations would need to stand on their own two-feet: they would know that they would not be bailed out in times of crisis and that their profitability would depend on innovation, not government favouritism (Munger and Villarreal-Diaz 2019).

The solution for egalitarians is actually less radical, as it involves the augmentation of existing democratic institutions (rather than their abolition or replacement) and legislative measures aimed at tightening lobbying rules. Egalitarians believe that passing laws which ensure transparency, limit spending, regulate fairly and firmly, ensure strict penalties for groups which break the rules and impose steeper taxes on corporations with a view to alleviating inequalities and creating a more level playing field would, if done correctly, strike a balance between ensuring the democratic right of all to lobby elected politicians and state bodies on the one hand, and ensuring that lobby groups representing elite interests do not have disproportionate influence on the other.

I do not want to evaluate either approach here. Instead, I want to make a different, deeper point: that both libertarians and egalitarians face the same fundamental challenges in resolving the problem. I have written elsewhere of the obstacles which stand in the way of legislative or institutional reform: changes to laws and regulations, as well as institutional reforms, are hampered by the fact that they would first need to pass through institutions and processes which have already been 'captured' by powerful lobby groups (Parvin 2021). In order for change to be actioned, it would need to be agreed by lobby groups who would stand to lose out from the changes. Lobby groups have generally proven unwilling to relinquish any of their power, leading to ineffective regulation as in, for example, the UK 2014 Lobbying Act, or no regulation at all: of all the world's 'major states' (including 'all OECD countries, plus major democracies in Europe, Asia and Latin America') only 17 political systems had lobbying laws in place in 2017, a figure which remains the same today (Chari et al. 2019).

The fact that legislative and institutional reform must be proposed within, and must withstand scrutiny from, democratic institutions can be seen to be a huge obstacle to reform once the nature and scope of those institutions, and their composition, is fully understood. In Section 1, I described how unelected bodies and organisations are central to policy formation and delivery in contemporary democracies, and wield significant power. In Section 3, I then discussed some of the ways in which this policy making process is dominated by, and disproportionately composed of, organisations which lobby for the interests of wealthy elites. Lobbying is, in the words of Baumgartner et al., a process of 'mobilising bias' that exists within mainstream democratic politics, its institutions, and its discourse (2009). The lobbying community is dominated by large, well-resourced organisations - businesses, think tanks, trade associations, industry groups - which argue for private interests. The structure of the modern state thus works in the favour of those groups who possess the resources and human capital to establish strong networks across the different sources of power and responsibility to be found within it. This is not to say that businesses always get what they want. Environmental groups, consumer groups, and other non-corporate organisations have had some success in shifting the agenda and holding corporations to account, but examples of such are notable because they are rare. Smaller groups representing the concerns of non-elites and minorities are constantly faced with having to push against the weight of the in-built bias in the system in ways that elite lobby groups do not. While it is true that many different organisations and bodies lobby the state, those representing wealthy elites find that they do so more easily than other groups and have greater success in securing or halting policy change (Bartels 2017; Baumgartner et al. 2009).

But the problem is not merely institutional. The deeper problem is that, over the long term, lobby groups representing elite interests have – through their dominance in the lobbying community and in wider processes of policy-making and decision-making – been able to 'capture' the political culture, and to help shape the norms and values of citizens in democratic societies in ways which foreground and entrench elite interests (and the political initiatives necessary to advance them) as mainstream, natural and feasible, and cast the interests of non-elite citizens (and their associated political programmes) as radical, impracticable, and often dangerous.

Social norms are important subjects of analysis for political philosophers. Their importance is most obviously emphasised by theorists working in the Marxist and Hegelian traditions, but they are also central to communitarian, liberal, feminist, and other traditions too. Norms provide the background context in which we understand ourselves and the world. We choose and act and live our lives situated in dense networks of values and ideas which are not always visible, but which provide structure to our lives and to the wider society: through generations of socialisation, individuals absorb the values of the society in which they live, they learn the rules and find their place, and, in doing so, reinforce these values and ensure their survival (Bourdieu 1990; Okin 1989). Prevailing ideas and established norms also determine the limits of what is possible, both for individuals in their life-choices and also for a society. They determine the limits of what is seen as politically feasible and define which ideas are mainstream and which are radical. In the UK, arguments in favour of universal healthcare, which is free at point of use, are entirely mainstream. In the USA, they are radical. In the USA, arguments in favour of gun ownership are mainstream. In the UK, they are radical. The capacity for a society to change is not constrained merely by formal laws and institutions, but also the imagination of the people and the values which constitute the political culture. Neither an individual nor a society can alter its course unless they or it believe that altering its course is possible.

Activists throughout history have known all too well the stifling energy of widespread assumptions about what is 'true' or 'normal' or 'inevitable' in politics. A central task facing any movement for political change is causing a disruption in the public culture, to encourage people to 'think different,' to step outside of the social and normative context in which they live, and to challenge normalised beliefs and patterns of behaviour. We can see this in the women's movement of the 1960s and 1970s, which sought to reveal that many supposed 'facts' about women and society which were seen at the time as natural (and therefore, immutable) were actually socially constructed (and therefore, changeable) (e.g., Friedan 1963). The result was a dramatic shift in the rights and status of women, but also in the political culture more widely: a situation that was viewed by the political mainstream as 'naturally' or 'obviously' true and correct was revealed by the radical periphery to be untrue. Where change was seen as impossible and unneeded, it became seen as possible and necessary.

Similarly, the civil rights movement succeeded in shifting generations of settled attitudes about the 'natural' or 'inevitable' inferiority of people of colour and expanded people's horizons about what in US society was possible or feasible. The women's movement and the civil rights movement provided a point of perspective from outside the dominant normative structure from which to observe overarching norms and values. They showed that, despite appearances to the contrary, other ways were possible and necessary.

Social norms and values are extremely important, therefore. They have the power to define people, and to constrain or liberate them, by presenting them with the world in which they live and act and choose. Sexist values reified and entrenched through ongoing patterns of behaviour can constrain the lives and the aspirations of women, shape men's attitudes to women, and cultivate in both men and women the 'knowledge' that these 'facts' are unchangeable (Mackinnon 1989). Racist norms can oppress people of colour by holding them in place and teaching them that the place in which they are held is immutable and natural. The radical shifts in political culture ushered in by activists for civil rights and gender equality show that change is possible but that it is difficult, involving sacrifice and bravery and imagination. Change has to begin with a radical claim that seems, in the context of wider entrenched social norms and prevailing values, wrong, impossible, and perhaps nonsensical.

In democracies around the world, including the UK and the USA, lobby groups representing elite interests have not only engaged in the elite capture of state institutions and the broader policy making process, they have also engaged in what I call 'norm capture': they have, over many years, gradually but systematically helped to shape the values and ideals of the political culture in ways which establish elite interests as mainstream and natural and feasible and rule contrary interests off the table as infeasible, inadmissible and dangerous.

They have not done so deliberately, or at least my claim does not rest on the fact that they did. The problem is structural. Arguments which favour elite interests by concentrating wealth and privilege among an ever-diminishing number of high-net-worth individuals, and, by foregrounding the interests of businesses and their owners over workers, become assimilated into the background culture such that their function in entrenching and perpetuating inequality becomes lost. Ideological or partial statements become absorbed into the mainstream culture and reframed as non-ideological and impartial declarations of facts. Language matters, and the language of mainstream political discourse the way we come to describe and understand political challenges and even identify them – has been shaped at least partly by organisations like the Institute for Economic Affairs and business interests in the UK, and the Heritage Foundation and other conservative think tanks and interest groups in the USA, which have been instrumental in mainstreaming crony capitalist ideology in those countries since the 1980s and establishing it as the de facto natural standard for economic and political success (Medvetz 2012). Organisations which champion elite interests have had particular success in the USA, largely through their ability to leverage the founding mythology of that country (as one grounded in meritocracy, the claim that American markets distribute wealth fairly on the basis of hard work and talent, rather than - as egalitarians argue unfairly on the basis of luck). Against such a background, but also in the context of demographic shifts put in motion by Thatcherism in the UK, elite groups have been able to establish crony capitalism as a natural consequence of a commitment to freedom and responsibility, in which the wealthy are held to be deserving of their wealth, which was achieved through hard work and talent, and the poor are seen as deserving of their poverty.

In a context in which the norms of crony capitalism have been widely internalised and are taken as given, in which it is widely seen as inevitable that we should prioritise the freedom of businesses to pursue their economic interests, to maximise their profits, and in which the profit motive is seen as a central and reasonable engine of wealth creation and freedom, arguments that question these things, or which suggest that a different way is possible or necessary, are often seen as radical or bizarre, or harmful. Initiatives designed to alleviate inequalities become reframed as expensive insurance schemes, or as disincentives to work, or even as unpatriotic (Thomas 2016). Increases in corporation tax on multibillion dollar companies are criticised for their negative impact on entrepreneurialism and innovation. Companies and their lobbyists meet calls for greater fairness with threats. They will be forced relocate to different countries, they say, or to lay off workers or reduce production. Increasing businesses taxes will, with regret, mean fewer vaccines, fewer cars, more expensive food and medicine and clothes. In the USA, arguments in favour of extending free healthcare provision are met by the argument from insurance companies, private health providers and Republican politicians that doing so would be too costly, too soft on the poor or too un-American. In the USA (and less so in the UK) labour unions are seen as a threat to democracy and economic growth. In the UK and the USA economic success is increasingly measured narrowly in terms of the success of the stock market, even though the majority of stocks and shares are overwhelmingly owned by the wealthiest in society. In 2021, 51% of all directly held stocks in the US stock market were owned by the top 1% by net-worth, while the bottom 50% owned none. The US government's \$1.5 trillion injection into the stock market in 2020 represented one of the single largest upward redistributions of wealth from public to private hands in history. Between March 23rd and April 20th 2020, \$7 trillion was added to the capital wealth of US stockholders. In the same month, 20.5 million Americans lost their jobs.

The problem is not simply that states like the UK and the USA are, with the help of elite lobby organisations, designing policies and making decisions which satisfy the interests of the wealthy. It is that these trajectories of worsening inequality are considered by so many to be normal, inevitable or immutable. Crucially, they are seen as such by the people who have the most to lose: the poor. Data gathered by political scientists over the past half-century show clearly how citizens of low socioeconomic status act and form political preferences in response to wider social norms which harm their wider interests (e.g., Achen and Bartels 2017; Bartels 2017). In the USA, for example, the poorest have historically voted against measures like the extension of Medicaid, social security, and legislation aimed at strengthening labour unions. In states like Kentucky, which have become increasingly dependent on federal funding for their economic stability, citizens have increasingly voted for conservative policies which would roll back federal funding, decimating the very services they have come to rely on (Mettler 2018). In the UK, low socioeconomic groups have consistently rejected tax increases and other measures aimed at alleviating economic inequalities. Crony capitalist norms shape the values and expectations of citizens, even to the point of convincing them to act in ways which are harmful to them. The real challenge posed by lobbying is the role it plays in entrenching and shaping these wider norms and ideals about politics, what is feasible and what is not, what is radical and what is not, in ways which shape citizens' choices, expectations, and sense of self. Lobby groups help shape and reify the prevailing form of broken capitalism which fits neither libertarian nor egalitarian politics, but which characterises capitalist states across the world, a form of capitalism which harnesses the power of the state (distributed across its numerous majoritarian and non-majoritarian institutions and shared in complex ways with non-state organisations of numerous kinds) to entrench patterns of behaviour across the political culture and encourage citizens to believe that crony capitalism is the best, or the most natural, or the inevitable way to organise a society.

5 Conclusion

The challenge posed by lobbying is thus bigger than lobbying itself, and concerns the norms, ideals and values which provide the context in which lobbying operates and makes sense. It is to reveal the non-natural, non-immutable nature of these values, to reveal that they can be changed and to convince those at the bottom with the most to lose that the world with which they are presented is not the only one or the natural one. This, I suggest, is a central task of democratic theory and practice: to roll back the prevailing background values that support and justify a form of democracy and a form of capitalism which work to entrench power and wealth at the top and allow wealthy elites, through the organisations that represent them, to control the political culture.

It is difficult to know how such a thing might be possible. It may be impossible. At the very least, the large and complex nature of the problem suggests the need for a similarly large and complex solution: there will be no quick fixes through mere legal or regulatory reform of lobbying. If caps on campaign spending were introduced in the USA tomorrow, for example, or if tighter lobbying rules had been introduced in the UK in the wake of the recent government inquiry into lobbying, the disproportionate influence of wealthy elites would remain (Allegretti 2021). It would be found in the centrality of elite organisations in the democratic system, and in the broader values of the public culture in which they are mainstream. The dominance of lobby groups representing elite interests, and the background values and norms which explain these elites and see them endure, has been built over the long term, and lobby groups themselves have been involved in this process: leveraging their wealth to establish disproportionately strong and close networks with states, publicly espousing the virtues of crony capitalism from positions of disproportionate prominence, harnessing the energies of the disaggregated state for their own purposes. Institutions and laws need to be changed. But so do the background values of the public culture which tend to serve and insulate elites, and ensure their continuation.

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250 Phil Parvin

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