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INSTITUTIONAL AND INFORMAL LOBBYING PRACTICES: THE PROBLEM OF SEPARATION AND INTERPRETATION

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Abstract. *The possibilities and limitations of institutional (including legislative) regulation of interest groups' representation and lobbying practices in their interaction with the power structures are analyzed. Almost any legal institutional lobbyist transaction has its informal "counterpart", which reduces transaction costs on the markets of public communications. Laws are able to absorb only a small fraction of behavioral diversity in the lobbyist market, regardless of the status of any national legislation. The author identifies five reasons why formal and informal lobbying are complementary rather than interchangeable activities. The subjects of informal lobbying (including social networks) are characterized.*

Keywords: *political sociology • lobbying • informal social interactions • informal practices • interest groups • regulation • institutional communications*

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Interests – interest groups – lobbying: the problem of definition. The building of institutional relations between the government and society is an extremely complex and contradictory process. This is especially true of lobbying which has long been an object of political and sociological studies in Russia and abroad. In particular, the prospects of its legal regulation from the standpoint of constitutional law were previously analyzed by experts [Beketova, Fedyunin, 2018]. There have also been attempts to study real practices of pressure on executive authorities and forms of lobbying used by deputies of the Federal Assembly [Arutyunyan, 2016]. But unlike other social practices, lobbying most "cunningly" eludes direct labeling and official regulation. It always balances on the edge of formal and informal.

The social phenomenon of lobbying and its legal definition depend largely on the specific state and its political framework. For example, the American League of Lobbyists considers lobbying activity as an area of implementation of interests, first of all, of corporations or sectoral associations which aspire to influence development and implementation of the state policy in an area interesting to them. In the official documents of the European Commission "lobbying" is "any activity aimed at influencing policy making and decision making processes in EU

institutions”¹. According to Transparency International, lobbying activity is understood as “any direct or indirect interaction with public officers, policy makers or their representatives aimed at influencing decision making in public policy”².

All these definitions formalize lobbying as a process of multilateral social interaction. In addition, it should be kept in mind that the hallmark of such social interactions is the existence of certain “rules of the game” in society, through which interest groups save costs by building reliable links, officials receive information, and politicians gain support. In all cases, the transaction costs of repeated efforts are saved. Therefore, lobbying itself should be considered as a regulatory phenomenon consisting of formal and informal standards, rules and restrictions.

In order to perform the institutional analysis of the phenomenon of lobbyism, it is important to identify the substantive qualities of interests which determine the possibility and inevitability of formation of aggregators – interest groups. Among them: intentionality of interests, their orientation towards certain objects, which fixes social orientations at the level of communities and groups, as well as motivated aspirations to control vital resources – at the level of a social subject. The range of interests is distributed in such areas as well-being and benefit, security, stability and steady growth, positions in the social hierarchy. The stratification of society into diverse and multilevel interest groups is a fundamental historical process, which acquires different civilizational forms. Interest groups are communities integrated by conscious interests and capable of expressing, representing, defending and promoting them through a system of social interactions to the seat of authority authorities.

Based on the above, we propose a general definition of lobbyism as a set of legal (formal) and extralegal (informal) standards and practices regulating relations between society and authorities to ensure the resource influence of interest groups. P. Feldman emphasizes that “lobbyism is a specific form of political communication where the subjects are always interest groups, which are put behind the system of public authority, and the objects are officials or bodies responsible for making specific administrative and political decisions. The transfer of influence from the subject to the object is carried out through information intermediaries – agents and counterparties” [Feldman, 2014].

Lobbyism has its own material, structural, organizational, professional, functional and other resources that ensure its constant, active and effective impact (influence, pressure) on the process of development and adoption of authoritative decisions.

Legal regulation of lobbyism. Currently, special laws regulating lobbyism have been adopted in only 11 countries (besides the EU). In the countries of regulated lobbyism, the law obliges lobbyists to register, which confirms the institutional nature of their activities. In the USA, where the law defines the most stringent form of registration, the lobbyist is required not only to register but also to indicate the specific objective which he has set for himself, to declare the level of spending for these activities and list parliamentarians and officials with whom he will be in contact. In the EU, registrants must also provide information about their activities: the number of employees involved in lobbying; the legislation they are working on; the amounts spent on lobbying, the amount of funds (grants), disclose the sources of funding if any. If an interest group hires an intermediary, the intermediary will register as a lobbyist and identify the interest group as its client. The client can usually only be a legally registered organization, with strict financial reporting. All details of lobbyist organization registers are usually in the public domain³.

¹ Green Paper (COM) 194 Final on European Transparency Initiative // European Union. 2006. URL: http://europa.eu/documents/comm/green_papers/pdf/com2006_194_en.pdf (accessed on: 10.11.2020).

² Lobbying in Europe: Hidden Influence, Privileged Access // Transparency International. 2015. URL: https://images.transparencycdn.org/images/2015_LobbyingInEurope_EN.pdf (accessed on: 10.11.2020).

³ See the European Register (<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=26976551214912> (accessed on: 01.08.2021)) and the American Register (<https://fara.us> (accessed on: 01.08.2021)).

In Russia, the first bill draft to regulate lobbying activities was submitted to the State Duma in 1995. It was essentially a carbon copy of the American law. The bill draft has even passed its first reading, but that is where it ended. Subsequent attempts have not been as successful. The opinion prevailed that an organized lobbyism of the American type will not appear in Russia for a long time, and therefore, there was nothing to regulate. Although, in 2002, one of the parliamentary **fractions** has proposed to adopt the Japanese system of lobbyism regulation through institutions representing the interests of big business (in a manner similar to the Japanese Keidanren⁴). However, only 6 deputies out of 450 voted for such a project.

The qualification of legal lobbyism as a tool in the systemic struggle against corruption gave rise to the inclusion of a clause concerning the preparation of a law on lobbyism in the National Anti-Corruption Plan, approved by President Dmitry Medvedev's decree dated 31 July 2008.

In 2010, The OECD developed recommendations for the regulation of lobbyism, the "Principles for Transparency and Integrity in Lobbying". It defined the terms "lobbyism" and "lobbyist" and formalized the rules of interaction between officials and lobbyists. Influenced by these Principles, the Ministry of Economic Development got involved in the development of the law in our country, collecting proposals of the business community and experts on the platform of the Open Government.

In 2013, the Ministry of Economic Development has instructed the Russian Union of Industrialists and Entrepreneurs (RUIE) to study the issues of lobbyism regulation, i.e. to ensure the transition from the shadow pressure on the authorities and total corruption to legal lobbyism and limitation of corruption. Such a task is overwhelming, and the RUIE certainly could not cope with it.

The next attempt to regulate lobbyism was a bill draft proposed by the Ministry of Economic Development, which would have required state and municipal management officials (with the exception of ministers and the president) to report and post information on the Internet every month stating which representatives of business and non-profit organisations they had met. This bill draft was simply ridiculed as utopia. In December 2013, an alternative bill draft on lobbyism was submitted to the State Duma by A Just Russia **fraction**. The burden of reporting was proposed to be shifted to lobbyists themselves – a self-regulatory organization was to monitor the ethical standards of lobbyism. This bill draft was criticized by the government and was put on the back burner.

The "2014–2015 National Anti-Corruption Plan" also included a clause on developing a regulatory framework for creating a legal institution of lobbyism in Russia, and it has not been implemented, just like before.

The latest burst of public interest in lobbying issues dates back to early 2019. Anatoly Vyborny, Deputy Chairman of the State Duma Committee on Security and Corruption Control, stated to TASS that a bill draft on the institution of lobbyism in Russia could be developed and submitted to parliament within a year. But even this statement, however, had no effect.

Thus, since 1991, there have been several attempts at legislative regulation of lobbyism in one form or another, but they all have failed due to the lobbyists' own efforts and the state authorities lacked the will to carry the matter through to the end. Everyone seems to be happy with the status quo.

The question arises: can it be otherwise? It is believed that with no direct law on lobbyism, intermediaries between business and authorities are constantly balancing on the brink of corruption, since the scale of informal workings at all levels of the legislative and executive power cannot be even approximated. In reality, as evidenced in practice, lobbyism is institutionalized to a certain extent even without a special law. The institutional practices of lobbyism regulation include, first of all, the use of anti-corruption legislation, and specifically the regulation of

⁴ In Japan in 1946 the Japanese Federation of Business Associations (Keidanren) was established, which includes leading Japanese corporations, industrial groups and associations. The decisions of the Federation are binding on all participating organizations. In return, the Federation officially represents the collective interests of big business in the government and political parties.

"conflict of interests", anti-money laundering, prohibition of "influence peddling", civil service ethical norms blocking reputational risks, and journalistic investigations.

Apparently, it is ultimately impossible to "cram" all the diversity of "lobbyist life" under the institutional code. The legal institution is only able to absorb part of this diversity, while another part of lobbying communications will always be in the "shadows" no matter what the status of this or that national legislation is. There will always be by an order more of unwritten arrangements than formal ones.

Informal lobbying practices. R. van Schendelen, the researcher of lobbying in the European Union, paying tribute to the informal lobbying specification, gives the following definition: "Lobbying is at least an informal exchange of information with officials, and at most an attempt of informal influence on officials". [van Schendelen, 2010]. This definition does not give lobbying the right to formalization, which is not quite right. A significant part of lobbying practices can indeed be (and is) institutionalized.

S. Huntington, answering D. North's famous phrase "Institutions matter", 20 years later said that "culture [also] matters". After the sensational work "Culture Matters", the high influence of values on institutions was considered proven for the most part [Harrison, Huntington, 2000]. Informal practices have been associated with archaic manifestations of the distant past and deeply rooted cultural heritage, being generated by former formal institutions that had fallen into oblivion relatively recently, and as a response to current institutional risks, the local product of subcultures, etc. At the same time, nothing has been found to suggest that it is fundamentally impossible to formalize the informal.

G. Helmke and S. Levitsky attempted to conceptually separate informal practices from culture and tradition (Helmke, Levitsky, 2007). It turned out that many informal social interactions are very indirectly related to the institutions and values of the distant and recent past. They are well established in modern society, and their origins have yet to be determined.

This applies entirely to informal lobbying practices, which can hardly be reduced to a purely cultural phenomenon. And since "culture does matter", informal lobbying practices vary considerably from country to country.

In our opinion, the "dictatorship" of rules and the chaos of the informal are two parallel and independent realities. Almost any legal institutional transaction casts a "shadow", i.e. has its informal counterpart, which also minimizes transaction costs over vast areas of markets and public communications.

Despite its independence, the prevalence of informal practices directly correlates with the nature and status of formal institutions. In case of institutional redundancy (as in the USA) or, on the contrary, institutional insufficiency (as in Russia), as well as in case of various dysfunctions in the institutional environment (everywhere), a natural and rapid transition of actors from formal to informal environment and from general rules to personified relations takes place.

Paradoxically, there is as much (if not more) informal lobbying in the regulated U.S. Congress than in the less regulated parliaments of Eastern Europe and the Russian State Duma. In Brussels, in all the cafes around the European Parliament, lobbyists and members of parliament, lobbyists and employees of different departments of the European Commission meet. A normal but unregulated negotiation process takes place. Officials must meet with official representatives of business in order to take balanced decisions, which they do.

Informal (extra-institutional) lobbying has a considerable "energy" and productive potential, allowing individual communities, corporations and organizations to promote (pursue) their agenda faster and with greater effect than institutions allow. Experts estimate that legally regulated lobbying (external and internal) is only 10–15% effective. The effectiveness of shadow practices is much higher.

The practice of countries where lobbyists are legal (professional) intermediaries between interest groups and decision-making bodies shows that lobbyist registers are kept formally and reveal only a small part of real lobbyist contacts. The volume of lobbying transactions in the "shadow sector" is several times higher than the official data.

Even in the USA, which seems to be the most successful in fighting the lobbyist “shadow”, only one of five lobbyists registers their activities legally, and official reports reveal no more than 5% of the contacts⁵. The situation is similar in the European Union. In the European register, the most active lobbyist groups are not visible at all. You will not find there such global lobbying leaders as Alitalia, Apple Computer, Canon, Deutsche Bank AG, General Motors Europe, Walt Disney Company Inc. and many others.

The scale of the lobbyist “shadow” can only be judged by estimates or by indirect data, for example, by the number of big law firms advertising their lobbying services. Under the pretext of protecting professional secrets, they do not disclose either their clients or lobbying expenditures.

In other words, countries which have adopted direct laws on lobbying have as many problems with lobbying “shadows” as countries which do not have such laws. Going “into the shadow” in the first case is related to institutional redundancy, since compliance with regulatory requirements not only does not pay off, but is also a source of threats and burdens. Institutional lobbying may seem to differ from shadow one in the same way as any open tender from pre-paid or “rent-seeking” tenders. However, informal ties in distribution of state contracts should be legally forbidden, because they are directly connected with conflicts of interests or outright corruption. With shadowy practices of lobbying it is quite different. Overregulated lobbying can lead to exactly the opposite result – it will not eliminate, but provoke corruption.

It is important to note here that informal lobbying is by no means always shadow lobbying. Open lobbying activities, which are not formally regulated, are quite possible. Moreover, it cannot be claimed that all shadow lobbying is illegal. Illegal is informal, which is forbidden by law. But informal (shadow) lobbying may violate neither legal nor ethical norms.

The complementarity of formal and informal lobbying. Let us consider specific manifestations of institutional inadequacies replaced by informal lobbying practices.

First. All the laws regulating lobbying activities, one way or another, apply only to external lobbyists (employees of corporations, counterparties), although most of the influence is “produced” by the employees of government agencies and members of parliament themselves. This is the so-called internal lobbying, and it is virtually not regulated by anything.

Internal lobbying is common in all developed countries. Deputies and officials have their professional history and corresponding informal ties, they may be “integrated” lobbyists or agents of influence who have been deliberately nominated to the public authorities or received a deputy’s seat.

Second. One more social phenomenon which is not regulated by any laws has been revealed relatively recently. This phenomenon has been dubbed the “revolving door effect,” when former legislators or officials at the same time, or within a short period of time, work for a private entity where they use their knowledge and connections to promote certain interests in the government bodies. The lobbyist “door” tends to rotate in both directions. The transition from the corporate sector to the public sector can also be related to lobbying. In this situation, the lobbyist is directly integrated in the decision-making structures.

In France, the transition of officials to work in the private sector is called “pantouflage” (“putting on the slippers”), and in Japan “amakudari” (“descending from heaven”) [Belousov, 2019: 565]. These names themselves speak of the informal nature of the phenomenon of “revolving doors”. Such cases clearly show that lobbying is plagued by informality, because people not only with interpersonal communication skills, but also with numerous connections with the “right” people in the management environment, become lobbyists en masse.

Third. The indirect lobbying which uses the “indirect pressure” technology creates major institutional problems. These technologies consist in instigating initiatives from below by creating, for example, telegram channels, appeals of popular bloggers, organizing local pickets,

⁵ Pegg D. Lobbying Register Covers Fewer than One in 20 Lobbyists – Report // The Guardian. 2015. URL: <https://www.theguardian.com/politics/2015/sep/21/lobbyingregistertransparencyinternationalreport> (accessed on: 10.11.2020).

rallies, petitions, etc. Indirect pressure on deputies can be supplemented by "useful publications" in media reviews, ratings and sociological surveys in magazines, etc.

All these technologies can be used when the general rules of lobbyism are tightened, when there are not enough resources to use other technologies to promote interests, or to increase the pressure on the authorities. In any case, the shaping of public opinion is a sufficiently effective tool to achieve the goal.

Lobbyists who use indirect lobbying methods may not register themselves or their contacts. However, their activities are clearly of a lobbyist nature, because they have a specific goal – to influence the decision of deputies or officials on a particular issue. A legally organized mass action or sponsorship may be legitimate, but as a lobbying method, they are informal. There is hardly any institutional promotion of interests in indirect lobbying.

A variety of actors can exert indirect pressure on deputies and representatives of the executive bodies. The only question is in whose interests it is done. Methods of indirect lobbying are often used by "social networks" of marginal groups who do not have sufficient connections and administrative resources. But the people behind these networks could be anyone.

Fourth. The institutional nature of official lobbying platforms is also very contingent. Thus, lobbyists' meetings with government representatives at various institutional platforms (working groups and expert councils at government agencies, conferences and press conferences, advisory committees, business test panels, etc.) do not always ensure open interaction between interest groups and the authorities. The main agreements take place behind closed doors, so that it is impossible to find out who talked to whom, and sometimes who was bribed, by whom and the bribe amount. In other words, the availability of institutional platform does not eliminate, and in some cases suggests informal practices of interaction between representatives of interest groups and representatives of power structures. There are no guarantees that an exchange of opinions on an institutional (public) platform will not serve as a cover for a shadow pressure on a decision being developed or a bill draft being discussed.

Some interest groups interact with parliamentary committees and government departments on a permanent basis in order to institutionalize their lobbying activities. The term "political circles" is often used to describe such practices [Richardson, Jordan, 1979: 43–44]. It should be understood as a relationship between the government and interest groups, implying resource exchange and interdependence [Rhodes, 1986]. It is a relatively stable system of communication, including both the subject and the object of lobbying, which interact with each other in the routine process of decision-making. The "political circles" is a legitimate form of lobbying relations, although it is in no way inscribed in the legal framework. Usually, the selection of participants in such circles takes place informally as a result of mutual consultations. A narrow circle of people (a "team" connected by informal relations) is selected for the current agenda and specific problems. No institutional standards regulate this "team-based" approach.

It is believed that if transactions are constantly repeated, their channels can be institutionalized. However, according to P. Williamson, the "political circles" emerge on the "authoritarian-license" principle of building relationships between the state and interest groups, i.e. the state authoritatively "licenses" the activities of the group based on its own hierarchy of goals [Williamson, 1989: 126–136]. It follows that with regard to "political circles", whichever country they arise in, the task of institutionalization cannot even be set. The "team" is selected by an administrative decision at will, and it is unlikely that such a "license" for proximity to power can acquire a stable legal form.

Fifth. Public Relations (PR) lobbying technologies create major institutional problems. These technologies are legal, but belong to indirect lobbyism and therefore are not regulated. Shaping public opinion on this or that matter for the purpose of facilitating passage of the necessary law, carrying out of sociological surveys and determination of ratings which nobody checks up and which objectivity is offered to take for granted can be conditionally referred to PR technologies.

Public discussions formally should not be considered pressure by interest groups. However, public opinion is a serious lobbying argument. When resources are available, it costs nothing for one or another interest group to agitate the public and hide behind public opinion leaders.

PR technologies are also actively used in cases of direct lobbying through sponsored public organizations. This is the safest method of promoting interests, a kind of borderline (between altruism and corruption) phenomenon, because there is always the suspicion that the sponsor expects services in return.

The institutional nature of lobbying is largely determined by the level of institutionalization of group interests represented in the lobbying market. And it varies greatly.

Institutional players in the lobbying markets. Some interest groups based on simple social interactions have zero institutionalization and, even if they exist for a long time, remain informal, which is directly reflected in the lobbying practices they choose.

Such groups are, for example, subcultures and communities of interest, groups related to ethnicity, place of residence, occupation and kinship. These groups have quite powerful identifiers as per “friend-or-foe” principle, but this does not guarantee their institutionalization. The groups of ordinary non-organized citizens, which M. Olson calls “the forgotten”, can also be conventionally referred to as the non-institutional ones [Olson, 1995: 154–155]. Even deputy associations may be informal, for example, “deputy clans” in Japan – self-organizing horizontal structures in the ranks of the deputy corps. Each “clan” has a traditionally established competencies, beyond which it does not go.

Classic institutional interest groups are parties, party coalitions, trade unions, clergy councils, etc. In addition to promoting their own interests, and in some cases the interests of other existing groups in society, they perform various political or public functions, which determines the level of their institutionalization⁶.

Other institutional lobbyists are groups representing the interests of a specific category of citizens: The “elite” of corporate business, small and medium entrepreneurs, the middle class (employees of public institutions, “office monkeys” of private companies), people of science and culture, etc. In fact, these groups reflect the diversity of social strata and categories of citizens in a given society. They vary widely in resources, structure, operating style, funding methods, support base, and distance from power structures. Some are headquartered in the centres of capitals with thousands of employees, while others are located in the boondocks. However, they all are sufficiently institutionalized and capable of organized group behavior.

Highly resourceful groups include chambers of commerce, industry associations, professional associations, non-governmental and charitable organizations, and volunteer movements. In the USA, among the major association groups which lead in terms of lobbying expenditures, we should identify the “Chamber of Commerce” which brings together more than a hundred executives of major American companies, such as Alcoa, AT&T, Dow Chemical, Pfizer, etc. In the second place is the “National Association of Realtors”, followed by the “American Hospital Association” and the “American Medical Association”. In Russia, the biggest associated lobbyists are the Russian Union of Industrialists and Entrepreneurs (RUIE), the Chamber of Commerce and Industry, “Opora Rossii”, “Delovaya Rossiya”, as well as a number of specialized associations (such as the All-Russian Insurer Association).

The lobbying of these groups is far from transparent. The more distant such a group is from the government, the more its lobbying practices are shadowy, including those based on client relations. As soon as the bureaucracy starts paying more attention to its own “clients” than to others, institutionality ends.

However, the institutionality of interest groups does not match the extent to which these groups represent public interests. All of them express their narrow group interests. In times of crisis or with miscalculations in the system of governance, the particularization of interests increases

⁶ Political analysis of the dominant influence of interest groups in the system of socio-political institutions of modern society was proposed earlier by A.V. Pavroz [2016].

sharply, everyone gets out of the emerging rubble alone, allowing various forms of opportunist behavior, thinking only "about themselves" and relying on their own informal ties. This was fully demonstrated in many countries in the context of the 2020–2021 pandemic, which intensified the desire of groups to railroad their interests, influencing power structures by all available methods.

The so-called "think tanks" can also be considered institutionalized interest groups. Formally these are non-profit organizations that present an independent view of the state's foreign and domestic policies, generate ideas and alternative solutions, and influence the formation of the political agenda. The main consumer of their intellectual product is the state. Therefore, a significant part of their work is to translate "ideas" from the scientific language to the public-state language. This requires considerable communication and lobbying efforts.

However, "think tanks" work not only for the state, but also for themselves. In this case, they can be considered a classical interest group. Moreover, using their connections in the power structures, they act informally. It can also be said that "think tanks" are the object of lobbying, since their analytical product can informally influence the management decision and the overall atmosphere of public communications. Some researchers call "think tanks" an informal (fifth) branch of power.

Many state-linked "think tanks" have repeatedly been accused of hidden lobbyingism. The main argument is that it is impossible for "think tanks" with considerable intellectual potential and connections "at the highest level" not to be used to promote corporate, industry-specific, or other interests. Indeed, a New York Times study of 75 think tanks found many actors "who simultaneously served as registered lobbyists, corporate board members, or third-party consultants in litigation and regulatory disputes⁷."

Social networks as a subject and tool of lobbying. Another subject of lobbying, a "social network", should be considered separately. Conventionally, it can be attributed to non-institutional interest groups which arise and disappear spontaneously. However, it is distinguished from these groups by methods and degree of self-organization, which compensate the lack of resources. Often the "network" leaves out of the picture even such powerful institutional players as trade unions and opposition parties.

Promotion of social networks' interests can be expressed in various forms, in particular in mobilization of members for protests, arrangement of rallies, creation of information "bombs," "viral" mailings on the Internet, etc., as well as (but less frequently) in the form of direct lobbying of interests in relevant state institutions. Today any form of social mobilization for a common interest is often qualified by sociologists as networking. To some extent, this is a scientific fashion. In practice, however, spontaneous appeals of supporters through the Internet have become widespread. Spontaneous demonstrations, picket lines, "wild" strikes, and other types of direct action (including hostile ones accompanied by acts of violence) have become a daily occurrence. After another event, the network disintegrates into separate groups and individuals, but for the time being. Social networks are a kind of holograms, building the form of another protest when necessary.

The social network is always poorly institutionalized. As it expands, its internal communications inevitably become simplified. Under these conditions, the "network" is hardly capable of lobbying for any common interests, much less using formal institutional strategies.

Indeed, lobbying using a "network" for its own interests ends up, with few exceptions, in nothing. Only those with institutional and highly resourceful interest groups behind them are successful. Even mass movements for human rights and the environment have specific interests of organized elites behind them.

Lobbyists of private interests always need public support, or at least the appearance of such support, and it is quite easy to obtain it precisely through a particular social network,

⁷ Lipton E., Confessore N., Williams B. Think Tank Scholar or Corporate Consultant? It Depends on the Day // The New York Times. 2016. URL: http://www.nytimes.com/2016/08/09/us/politics/thinktankscholars-corporateconsultants.html?_r=0 (accessed on: 10.11.2020).

especially if the “network” seems to oppose “pure” people to the “corrupt” elite, expresses the opinion of hitherto “silent” poorly resourceful groups and “knows best what people need”. At the local level this is especially true for the Russian regions. Every social council is full of lobbyists with “document jackets” of non-profit organisations, which represent the private interests of their employers under cover of the society interest. There are commercial organizations which have four executive directors each sitting on some social council.

“Network lobbying” is relevant precisely for highly resourceful interest groups, because it does not fall (at least for now) under most restrictions of lobbying activities. With resources available, it is quite easy to mobilize millions of Internet users and send a torrent of angry messages to legislators demanding to promote or block a law.

Conclusions. Thus, there are reasonable doubts about the very possibility to subject lobbying to institutional regulation. Any interest group, regardless of its “weight” and institutional environment, will use both formal and informal lobbying practices. Of course, a good pro-lobbyist law will reduce the “shadow,” but it is unlikely to disrupt all shadow means of influence on decision-making. It is impossible to exclude informal arrangement of the parties.

In the past and present, and well into the future covert activities in lobbying processes were, are and will be, and on a much larger scale than in any other system of social interactions. This is not opportunism, but a search for systemic stability and orderliness, but only in another “dimension”. Without informal “freedom”, it is impossible to take into account in authorities’ decisions all the interests existing in the society.

At the same time, the institutional “insufficiency” of lobbying does not mean that lobbying cannot be regulated in general. One should not deny this possibility, but understand its limitations in each specific case. Only then will it be possible to create more or less adequate institutions in the area of expressing and promoting corporate and public interests.

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