

Lobbying and Domestic Lawmaking Processes: Do Lobbies Strengthen or Undermine Dignity, Democracy and Diversity?

CONVENOR: Odile Ammann (University of Zurich)

In a democracy, lawmaking typically occurs in parliament. Members of parliament (MPs) are tasked with representing the interests of their electorate. The executive and the judiciary do have some lawmaking powers in their respective areas of competences as well, although they are not usually considered the primary lawmakers in the domestic context.

Legal theorists interested in domestic lawmaking processes mostly focus on the three branches of government. They typically study their respective lawmaking powers and the relationship between the branches. However, much less attention has been devoted to lobbying, which can be defined as “any attempt by individuals or private interest groups to influence the decisions of government”.

Said gap is surprising, as lobbies exercise significant influence on whether legislation is passed on a specific topic, on the content of legislation, and on its implementation. To gain traction, some lobbies hire special advocates to defend their positions, mostly in the parliamentary context. MPs may themselves be affiliated to lobbies and act as their representatives. Moreover, it is not rare for lobbies to pay MPs, be it to remunerate them for their activity within the interest group, or simply to attend meetings in which lobbies inform MPs about their positions.

While legal scholars tend to consider that lobbying is not a legal topic, lobbying raises myriad issues of interest to legal doctrine, legal philosophy, and legal theory, such as: what qualifies as lobbying, and how do laws currently regulate these activities? When is lobbying (il)legitimate? How are lobbies formally included in domestic lawmaking processes? Should other (informal) activities of lobbies be regulated, or is lobbying a necessary and inevitable part of lawmaking? Finally, does lobbying strengthen or undermine dignity, democracy, and diversity?

In addressing these and other questions, this special workshop proposes to explore a topic that has been undertheorized in legal theory and philosophy, both in Switzerland and internationally.

Researchers interested in participating in this workshop are requested to send a short abstract (300-500 words), CV, and statement of interest to odile.ammann@rwi.uzh.ch by March 1, 2019.