

# **How the transparency of the policy-making process shapes interest groups' rhetorical strategies.**

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*Abstract:*

Interest groups must make their lobbying decisions based on the political institutions they face. I argue that one previously unexamined institutional variable in the interest group literature is the transparency of the policy-making process. Policy-making transparency, as I define it, is determined by the *timing* of systematic (i.e. not discretionary) information releases about the policy process. Early releases create a transparent process that gives groups reasonable certainty for making lobbying decisions. Late releases of policy-making information, on the other hand, make for a non-transparent process and force groups to make lobbying decisions under uncertainty. In the latter case, then, groups must make strategic choices to mitigate the potential costs and damages from uncertain decision making; specifically, I find that groups under low-transparency pursue *insurance strategies* that reduce the risks from poor policy-making information. Through quantitative content analysis of Greenpeace press releases in Sweden and France, I show that groups under low-transparency (France) pursue rhetorical strategies that mitigate against potential errors and exclusion, while groups under high-transparency (Sweden) do not. In particular, the French press releases show a greater reliance on general targets and messages and, counterintuitively, a much less confrontational tone than the Swedish press releases.

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On January 12, 2010, the environmental organization *France Nature Environnement* (FNE) put out a press release to make public its “enormous disappointment” about a new law that the French Minister of Agriculture was presenting to the Council of Ministers the next day (FNE 2010). In particular, FNE was upset by several surprises in the Minister’s timing and apparent proposal. The organization was taken aback that the Minister planned to present his final proposal for approval in the Council of Ministers the next morning, even though an advisory commission was set to debate the proposal — to suggest amendments and vote its own approval or disapproval — several hours *after* the Ministers’ meeting. In other words, the Minister was evidently bypassing the policy-making process the FNE had been expecting, effectively cutting the group out of the loop and reducing its chances of influencing the bill.

Even more importantly, the FNE was horrified by the supposed text of the new law. In 2007, during a government-organized commission on the environment, the FNE had reached an agreement with forestry organizations that France’s new approach to forestry policy would be to “produce more wood while better preserving biodiversity.” But, the Minister’s proposed text for the bill — that would permanently implement the agreement into French law — was apparently only going to cover the first part of that agreement, “produce more wood,” entirely leaving out FNE’s environmental goals. Though the group had thought that the full policy frame would be included, apparently it would not be, to the detriment of the FNE’s own policy goals. In response to this apparent betrayal, FNE concluded its press release with the statement: “Forestry policy must be freed from the iron yoke of the Ministry of Agriculture!”

Unfortunately for the FNE, its heated and public accusation of the Ministry was unfounded. The organization based its lobbying strategy — presenting a public press release about the failings of the Agriculture Minister — on out-of-date information. The FNE had heard about the contents of the new bill a month earlier, and had selected its lobbying approach with that text in mind; but in fact, the text of the bill had changed in the meantime. The FNE did not find out about their strategic error until a ministry official called them to express his surprise at the cutting tone of the press release. That official let the group know that, actually, the text of the bill had been modified to include the biodiversity goals pursued by the FNE. But, this new text had not been released and the FNE had not been consulted or told of the modifications to the bill.<sup>1</sup>

Because of the lack of information about the actual goings-on in the policy process, the FNE had made a potentially very costly strategic mistake. It had publicly chided the minister and it had cried wolf to its constituents. The former might have led to some loss of access or goodwill on the part of important political actors. The latter might have led to some loss of credibility with its members and supporters. In addition to these costs of the press release, FNE had also invested time and resources in preparing for the advisory commission meeting that, at the last minute, had its potential impact reduced considerably by the Minister’s timing. With full information about the process — both timing and content — the group would likely have chosen different lobbying strategies that better fit the real policy-making situation it faced. But what strategies could the

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<sup>1</sup> This anecdote was related to me by a representative of FNE in February 2010.

group have pursued to mitigate the potential costs of making their lobbying decisions when faced with such poor information and policy-making surprises?

## **Introduction**

Interest groups that care about policy outcomes have a strong incentive to tailor their lobbying actions to the policy process they face. For any given policy issue, this means groups should base their lobbying decisions on what is currently happening in the policy process, and what is coming up in future policy-making stages. By tightly coordinating their best lobbying actions to current configurations of policy-making actors and rules and to the current state of policy bargaining, groups can better select their own lobbying messages and actions to the exert pressure effectively.

But how do these imperatives change if information about the current policy process is not available?<sup>2</sup> I argue that one critical variable for understanding interest group strategies, which has previously been ignored, is the transparency of the policy-making process that groups face. I challenge the implicit assumption, present in many theoretical studies of interest group behavior, that interest groups hold the informational advantage and make their lobbying decisions with complete information about the policy process. Instead, groups must contend with policy processes whose machinations are not perfectly clear, and thus they may need to make lobbying decisions under conditions of uncertainty.

While transparency is often touted as a panacea for improving democratic governance, no government is fully transparent. So policy making — a key function of government — is carried out within the structures of transparency (or non-transparency) that characterize these governments. For societal actors, like interest groups, who are keenly interested in participating in and influencing policy processes, the timing of information releases about the policy-making process should be critical for their ability to effectively take part. For example, many rules and laws requiring the disclosure of government information (such as Freedom of Information laws), usually do not require any information to be released until *after* formal decisions have been made. But for information to be useful for groups making lobbying decisions, it needs to be available *before* those decisions are made. When information is not available to make lobbying decisions, groups must instead consider strategies that allow them to mitigate the dangers of making decisions under low-information.

In this paper, I focus on interest groups' rhetorical lobbying strategies by analyzing press releases. Specifically, I compare the the government-focused rhetoric in Greenpeace press releases in France (a low-transparency policy-making process) and in Sweden (a high-transparency policy-making process). This analysis indicates that groups do adapt their rhetorical strategies to the imperatives of the policy process they face.

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<sup>2</sup> For instance, in the example, above, the FNE was missing information on both the *content* of the bill under consideration and the *process* by which it would be amended and formally chosen.

### **A more complete model of lobbying**

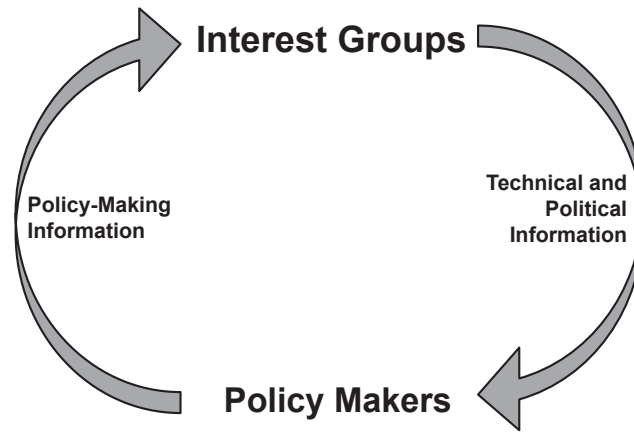
While lobbying can take several forms, one of the most important for persuading policy makers to take particular actions is ‘informational lobbying’ through the strategic provision of information with the intent to influence debate and policy (Grossman and Helpman 2001; Dahm and Porteiro 2008; Bennedsen and Feldmann 1999; 2002b; Broscheid and Coen 2003; 2007; Potters and van Winden 1990; 1992; Klüver 2009; Rasmusen 1993; Milbrath 1960). In general, informational lobbying is thought to be possible because of information asymmetries between interest groups and policymakers. Groups are thought to have privileged access to information about policy options: with a relatively narrow set of interests and issues (i.e. even “the environment” is a narrower issue than the whole of government activity), they are likely to be in tune with the interests of their members or constituents, and have private information about the likely consequences of government action (see, for example, Austen-Smith 1993; Ainsworth and Sened 1993; Hansen 1991; Austen-Smith and Wright 1992). The more complex and difficult the subject under consideration, the more information is needed by policy makers (Loomis and Cigler 2002: 28), and the more difficult it may be for those policy-makers to gather all the needed information on their own (Ringe 2010).

Thus, it is precisely these informational needs of policy makers that provide an opportunity for interest groups to influence policy through informational lobbying. Policy-makers cannot be sure of the consequences of their actions and the likely consequences of their decisions about policy. Groups then can provide the technical, political, and process information about the likely on-the-ground consequences (see Figure 1). In this relationship, groups are seen as valuable for democratic governance: policy makers need information and groups have information (Hansen 1991; Wright 1996; Heitshusen 2000; Sabatier and Whiteman 1985; Bradley 1980; Bouwen 2002; 2004; Chalmers 2011; Austen-Smith and Wright 1992). Thus, a mutually beneficial exchange can take place; groups give policy makers the information they need, and in return they have the opportunity to influence policy outcomes.



**Figure 1: The Conventional Model of Informational Lobbying**

However, this implicitly assumes that interest groups actually know what is going on in the policy process and what policymakers want and need. This is not a trivial assumption if we are to apply these ideas comparatively. Indeed, research on delegation and accountability in governments suggests that monitoring and gathering information about what various parts of government are doing and considering may not be easy, even for formal actors in other branches of government (Lupia 2003; Strøm 2003). Instead, information flows about government activities are neither automatically available nor easy to gather, contrary to what most theoretical explanations of lobbying behavior seem to assume. In short, a fuller model of interest group lobbying must consider the informational needs of groups, in addition to the information they provide to policy makers (see Figure 2).



**Figure 2: A More Complete Model of Informational Lobbying**

While groups’ informational needs have been empirically noted, they have not been incorporated into theoretical models of interest group behavior. Empirical descriptions of interest group behavior in the U.S., for example, have noted that interest groups both need and pursue information about the policy process (Salisbury 1990; Browne 1998; Heberlig 2005; Wright 1996; Kersh 2007). Unfortunately, however, the potential impact of poor policy-making information has not been considered as a variable in its own right since the early work in the U.S. policy process is conducted in the relatively transparent U.S. Congress. In other words, it is possible for most groups in the United States to gather a good deal of information through monitoring (Loomis and Cigler 2002: 28). This relative openness of the United States government means that the role of potentially scarce policy-making information has not been investigated in greater depth.

That need to consider variation in policy-making transparency becomes apparent, however, in research on other political systems. If we look at studies of formal actors in political systems — i.e. actors who have an explicit and legal role in the creation of public policy — there is plenty of evidence that information about the policy-making process is *not necessarily available*, even to those who have a formal claim to it. The literature on delegation and accountability within governments shows that institutional structures create informational asymmetries between various actors. In parliamentary democracies, for example, the formal structure of delegation makes informational asymmetries between executives and parliamentarians very likely (Strøm 2000; Strøm, Müller, and Smith 2010). There are even informational asymmetries within single branches of government. For example, if there is a coalition government, parties controlling different ministry posts may find themselves at a disadvantage in gathering information about the actions of ministries they do not hold (Thies 2001; Laver and Shepsle 1996). Balancing such asymmetries is not necessarily easy, even for formal actors who are legally supposed to hold each other accountable, such as parliamentarians who are supposed to control their executive.

Formal actors do have some recourse, however, for increasing their information about the behavior of other actors in government. In other words, various institutional arrangements — formal and informal — are created to increase the flow of information. For example, legislatures can increase

their chances of getting information from the executive actors by requiring the disclosure of information at particular junctures, whether to themselves or to a third-party, such as through administrative procedure regulations (McCubbins, Noll, and Weingast 1987; 1989; Gailmard 2009) or simply through requirements that cabinet officials report to parliament on a regular basis (Mattson and Strøm 1995). To counteract informational asymmetries between members of the legislature, MPs can select institutional arrangements to structure how committees work and thus increase the incentives of those committees to report their information to the legislature as a whole (Krehbiel 1991; Baron 2000). To counteract the informational asymmetries between parties in a coalition government with a division of ministries, coalition parties may install junior ministers to act as insider ‘watchdogs’ who can pass on information (Thies 2001; Verzichelli 2008; Strøm, Müller, and Smith 2010: 524-5). The critical point here is that actors in government need to *actively* create mechanisms to gather the information they need about other stages or actors in the policy-making process.

These studies imply that it is unreasonable to assume that *interest groups* will automatically have full information about the policy-making process. If formal actors with a *legal* claim on policy-making information cannot guarantee their own access to timely and accurate information about the policy process without the creation of elaborate mechanisms to reveal that information, it is very unlikely that interest groups — with little legal claim on that same information and little power to create required accountability mechanisms — will be able to gather that information. Unless policy makers have an incentive to provide information to all groups at once, however, it is far more likely that at least *some* information will remain hidden, or that it will be doled out to some groups but not others. Therefore, it is necessary to problematize how groups get information about the policy-making process. Since groups need information about the policy-making process to be able to accurately tailor their lobbying actions, the level of policy-making transparency should have a real impact on the strategic decisions that groups make.

### **Defining Transparency**

Transparency, writ large, means that actions, behaviors, and consequences, are open and visible to all. Transparency in politics means that the processes and decisions of politics are open to public view and scrutiny. Practically, it implies that citizens of all types can witness the process of decision making and access the documents produced from that process (Gosseries 2006; see also Stasavage 2004, Felgenhauer 2010). Information about the political process can be released in a variety of ways, and still be considered “transparent.” There is transparency when citizens can directly witness a political deliberation as it is conducted, such as viewing a parliamentary debate in real time (Gosseries 2006: 83). And after-the-fact information dissemination is also considered transparency: such as freedom of information acts, and the public provision of documents, *after* a decision has been made (Frankel 2001). In general, the more information released, the more transparent a system is thought to be.

Transparency as information availability, however, may not be enough to create the benefits assigned to it. Transparency, by these definitions, means that the information is available, but it

does not necessarily mean that the information reaches all stakeholders. For transparency to be truly effective — to help actors make decisions, for instance — the information must reach the relevant parties and be transmitted in a way that allows them to process it and use it (Naurin 2006; Lindstedt and Naurin 2010). For instance, Lindstedt and Naurin (2010) suggest that transparency is not particularly helpful if voters cannot use it to actually hold their politicians accountable: in other words, they complicate the basic notions of transparency, by adding a capability requirement. For transparency to be useful for someone, he or she needs *to be able* to act on the information released. This means that information needs to be *actionable*: i.e. made available in a form and manner that makes it possible for an actor to *use* that information for current and immediate decisions.<sup>3</sup>

The implication of this actionability requirement, however, is that there is another, unspoken, component to transparency: *the temporal dimension of the information release*. While it has generally been overlooked in the literature on transparency, the need for transparency to be actionable indicates that the *timing* of information releases must also be a critical component. This temporal dimension *must* be considered for us to understand whether information can really be acted upon; even if information is easy to acquire and to understand, it will still be ineffective or irrelevant unless it is acquired *before* a decision needs to be made. Easy information provided after the fact is helpful only for hindsight or identically-recurring events. Without current usefulness, released information cannot be actionable. Thus, I define policy-making transparency by the *timing* of systematic information releases during the policy process.

### **Ideal Types of Policy-Making Process Transparency**

For groups to be able to lobby effectively, then, they need actionable information as early as possible in the policy process, both across all stages and within each stage. To be able to tailor their arguments to the needs of the various stages of the process and the various policy makers, as well as to have the best likelihood of influencing outcomes in their own favor, groups need advanced warning of what is going on, as frequently as possible. For example, to be able to influence the policy alternatives considered, they need to know that a particular policy issue is on the agenda. Or, to be able to influence the formal choice between policy alternatives, they need to know what those alternatives are and who is making the decision.

Given that no political system is likely to provide perfect actionable information for interest groups, how can we understand the effects that *different systems* have on the amount of actionable information that *is* available for groups?

A policy-making process that was fully transparent would have information released moment by moment. Not only would interim and final decisions be announced as soon as they were made,

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<sup>3</sup> In a democracy, for example, the critical public actors are likely to be engaged citizens and groups. However, the basic construct of “actionable information” holds for any actor making any decision (i.e. an investor will be better served with “actionable information” about a particular company before she must decide whether or not to invest in it).

but the options considered in deliberations would become public as they changed. In other words, at every point in the process, policy-makers would release information about what was being considered, who was involved in the discussion, and when a decision would be made. This is an ideal type, as it should be reasonably clear that this would be highly impractical; the information overload would be impressive. Nor would it necessarily be desirable.<sup>4</sup> However, under such a system, any group would have access to all information about the policy process. While the information would not necessarily be costless (if it is published in a national register, for example, rather than formally announced to all interested parties), any group that is reasonably paying attention should not be surprised about what is coming out of the policy process. The key to this idea type of full transparency is that all possible information about deliberations and decisions would be released, *before* and while those deliberations and decisions take place.

If groups were facing such a completely transparent policy process, they would be able to exactly tailor their lobbying actions to the exact situation they faced at each of the stages of the policy process, updating their lobbying approaches with each new piece of timely information. In other words, perfect transparency and actionable information would allow groups to lobby in a fully ad-hoc manner. By knowing exactly what is on the table in detail, who is taking part in the deliberations and decisions, and when the decisions will be made, there would be no strategic concerns that missing information might cause the group to make errors when selecting the best approach for lobbying on a given issue. Each lobbying action would then fit the immediate context.

At the other end of the transparency spectrum, we have the ideal type of a perfectly non-transparent policy process. In the most extreme case, no one would have any idea about the policy process until new regulations were announced; no policy makers would ever release information about what they were doing or considering. Under such a system, all groups would be surprised about what comes out of the policy process, every time. Groups would not be able to tailor their strategies to what was currently going on in the policy process; instead, they would have to strategize based on prior information about the process and outputs, rather than on *current* information. Groups would not be able to update their information or strategies until it was too late, and the policy was finalized and promulgated.

This pure-opacity ideal type, too, is unlikely to be found in the real world. Certainly, no democratic polity can be perfectly opaque; and we should expect that at least some information would be released. Since policy makers need their own technical and political information to make policy, they would likely need at least *some* societal interests to help them out. However, we can also imagine an ideal-type of an non-transparent *democratic* policy process. Under such a system, policy makers might dole out as little information as necessary for them to get what they want from certain interest groups. Most information would be private, and thus only *certain*

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<sup>4</sup> For example, increased transparency in decision-making may lead to decreased legitimacy of political decisions (Licht 2011; Curtin and Meijer 2006), increased incidence of undesirable or unwise decisions (Levy 2007; Stasavage 2004; Prat 2005; Fox 2007), increased incidence of collateral damage (Prat 2005), decreased incidence of innovative policies (Curtin and Meijer 2006), and decreased quality of deliberation (Stasavage 2004).



groups would have information about the policy process. Those lucky groups would be able to update *some* of their strategies, based on the incomplete information they were given for a particular policy issue, though it might not be enough for them to make effective choices. Most groups would have to lobby in the dark.

Of course, these ideal-type completely transparent or non-transparent policy-processes do not really exist in the real world (at least not under democratic systems). However, as should be clear, there are a wide range of possibilities that fall between perfect transparency and perfect opacity. Thus, the critical task is to determine what actionable information groups actually get from the policy processes they face, and when and how that information is released.

### **Characterizing Real-World Transparency**

The key variable for characterizing policy-process transparency is *the timing of systematic releases of policy-making information* during the policy-making process. All democratic policy-making processes have some number of critical junctures where information is publicly released about the policy-making decisions up to that point, whether required by law or simply as a by-product of other institutions.<sup>5</sup> For example, this might be through publication of decisions in federal registers or legislative proceedings; or, it might be through direct notification of all members of the polity who will be affected by a decision. However, the critical characteristic for systematic information release is that a particular type of information—a formal decision, a list of potential options, a roster of policy makers—is reliably provided to the public in a particular way at a particular point in the policy process.<sup>6</sup> For groups, systematic information about the policy-process is an important source of information on which to make their lobbying decisions. Thus, such systematic information releases set the *minimum level of transparency* of the policy-making process.<sup>7</sup>

To be most useful for groups as *actionable information*, however, the systematic release of information is more useful early in the policy process. A policy process that systematically releases information early will be much more transparent than a process that only has late

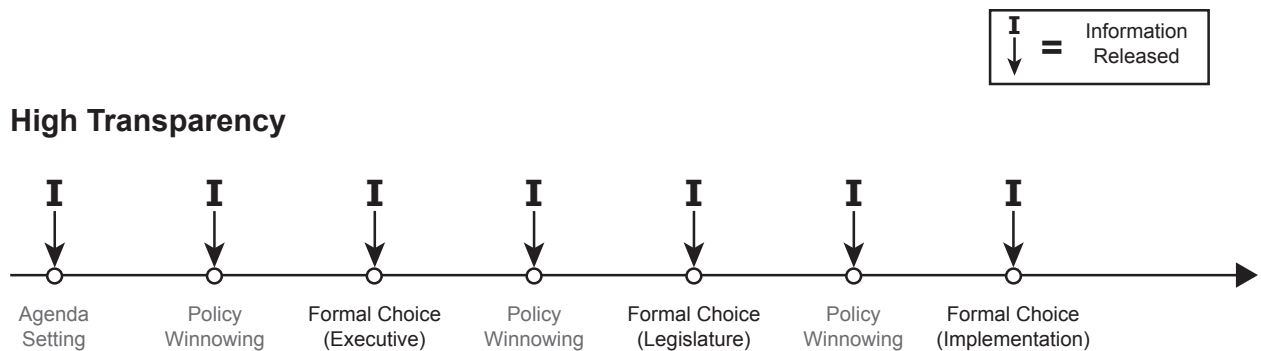
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<sup>5</sup> For instance, the simple act of moving policy proposals from one branch to another during the policy process, usually has the by-product of bringing policy decisions to light (Strom 2000: 281).

<sup>6</sup> Note that this does not necessarily mean that getting systematic information is costless for groups. For instance, if government always releases information about executive decisions through the online publication of cabinet-meeting minutes, a group would need to expend time and resources reading over the minutes to determine whether anything of relevance was covered.

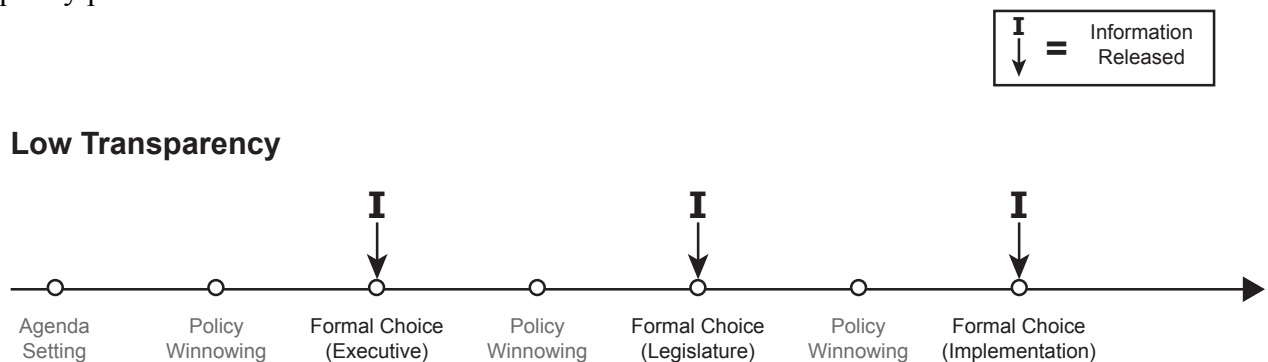
<sup>7</sup> It is worth noting, however, that systematic release requirements that occur after policy decisions have been made do not have much impact on the minimum level of transparency, as it is defined here. Many transparency advocates point to the importance of freedom of information (FOI) laws in making government democratically accountable; however, most freedom of information laws do not necessarily increase the actionable information about the policy process. Instead, they focus on making information available after the fact; this may allow voters and societal interests to hold their government representatives accountable over the long term, but it does not directly help interest groups lobby on any given issue. Indeed, FOI laws usually explicitly exempt exactly the type of actionable information that groups need; “all FOI laws provide some protection for the internal thinking process of government” either by exempting the preparatory documents of government completely or at least until decisions have been finalized (Frankel 2001: 8-10).

systematic releases. For example, a stylized high-transparency policy-making process (see Figure 3), would have systematic information releases at each formal decision point, starting with the earliest decisions (such as agenda setting), as well at the interim decision stages where policy options are winnowed down to those on which the formal choices are made. A group that is reasonably well versed in the institutions of the government they face will know about the policy-making junctures where government actors inform the public about their actions and behaviors. If governments always publicly release policy-making information at a particular point in the process, groups can count on that information if they monitor for its release.



**Figure 3: High-Transparency Policy-Making Process in a Parliamentary System**

On the other hand, a low-transparency policy-making process would focus its systematic releases much later in the process. For example, no systematic information releases would be made at the agenda-setting and earliest elaboration (policy winnowing) stages. Instead, information would only be systematically released at end of major decision stages; the groups would then know which proposals were chosen, but would have had no information on the process by which those proposals were chosen (and thus would have little chance to influence them). In a low-transparency parliamentary system, for example, where major decisions are made in the executive branch prior to the first formal choice (when the cabinet presents its policy proposal to parliament), this lack of information may mean that a group will only be able to propose amendments and particular regulations, instead of having the opportunity to shape the bounds of the policy proposal (see Figure 4). In particular, the later in the process that systematic releases of information occur, all else equal, the less certain groups can be about what is going on in the policy process.



**Figure 4: Low-Transparency Policy-Making Process in a Parliamentary System**

As noted, systematic information release sets the minimum level of transparency in the policy process. However, since no policy process is perfectly transparent with all options and decisions systematically released, there will always be information about the policy process that is not provided in such a reliable and public way. The residual category is *discretionary release of policy-making information*. Any information that is not released systematically can be released at the discretion of policy makers; they may choose to divulge information publicly or privately, to all groups or to only a few, early or late in the process.<sup>8</sup> If policy makers have discretion over the release of certain information, then they can decide whether or not to share that information “with a limited number of favoured external recipients,” to the disadvantage of any outside that circle (Kierkegaard 2009: 8, 22). Discretionary information can also be released to the public, such as through publication of information on a ministry website;<sup>9</sup> in such cases, groups would need to be vigilant in their monitoring of potential avenues of information dissemination lest they miss the new information and fail to take action on it.

While discretionary information release may increase the level of transparency for a specific case of policy-making, it is not necessarily reliable enough to increase the level of transparency or the policy-making process for all groups across all policy-making instances. This means that groups will use discretionary information to structure their lobbying decisions, but that it is not as useful or reliable as systematic information. While they may be privy to discretionary information, they cannot be entirely sure that they have *all* or *any* of the relevant information, as they might if there were systematic releases of information to the public.

### **Lobbying Strategies under High Transparency**

Groups facing a policy-making process with high transparency will have early systematic information about what is being considered in the policy process, as well as when it will be considered and decided, and who is involved in the process. Thus, groups with this information can determine how best to lobby at each moment in the policy process for a particular issue: the groups can target the policy-makers who are most important at a given moment in the policy process; the group can tailor its message so that it narrowly fits the discussion under way in the policy process; and the group can select a tactic that best fits the imperatives of the current policy moment. When groups have information about what is going on well in advance of policy-making actions and decisions, they will be even better placed to narrowly tailor their lobbying activities.

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<sup>8</sup> Gersen and O’Connell (2009) note that even if the content of information releases are not discretionary, such as the requirement that U.S. executive agencies publicly announce new rules and regulations, the timing of the release may be discretionary. Indeed, if an agency can choose when to release information, it can use the timing to “change the cost structure of the public and private interest groups who are in the business of monitoring them”; in other words, “strategic timing can allow the monitored to choose the monitors” (Gersen and O’Connell 2009: 1163). Solutions for decreasing the costs for groups to get the information include mandating the timing of information release (Gersen and O’Connell 2009), though imposing timing constraints on the regulatory rule-making process (rather than simply on the timing of information release) causes agencies to substantially change their usual policy-making procedures (Gersen and O’Connell 2008), ultimately making the process less clear, rather than more transparent.

<sup>9</sup> However, to be discretionary, rather than systematic, such public announcements must be relatively random; for example, if a ministry only publishes some information some of the time, then it is discretionary.

With advance warning, groups will have the time to consider and construct their lobbying actions, and potentially gather the resources needed to implement them (i.e. conduct the research needed to convince policy-makers; take the time to negotiate a coalition between several different groups; mobilize constituents to send letters and sign petitions, etc.).

Choosing lobbying strategies on a case-by-case basis is very reasonable given the normal constraints of policy making. As the policy process is highly complex, no two policy issues are dealt with in exactly the same way. Small changes in the affected societal interests, involved policy-makers, or the point in the electoral cycle, might have real effects on the way the policy-making process plays out. Groups, then, are likely best served by trying to adapt their lobbying strategies to the exact situation that faces them. In this sense, groups are “reactionary” to the current political situation, rationally choosing the strategy that best fits the moment, and often few (or no) alternative approaches are considered (Victor 2007: 829-830). In other words, groups have an incentive to pursue their strategies in an ad-hoc manner, as an immediate response to the current policy process, if at all possible.

### **Lobbying Strategies under Low Transparency**

To accurately and effectively tailor lobbying actions to the current policy process, however, *a group must have information about that current process*. Without such information, groups are likely to make potentially costly errors when implementing their lobbying strategies.<sup>10</sup> When faced with low-transparency policy-making environments, groups need to make lobbying decisions without knowing exactly what is going on in the policy process. They may not know the substance of the policy proposals on the table; they may not know which policy makers are currently most important; and they may not know when deliberations will occur or decisions will be made. In other words, groups must implement their lobbying strategies under conditions of *uncertainty*.

At the most basic, to make a decision under uncertainty is to select one’s actions and behaviors without being completely sure how certain choices will lead to the desired outcomes, nor whether one’s actions will lead to potentially unintended consequences (Shepsle 2010: 31; McKenna 1986: 8). The less clear the link between actions and outcome, the greater the uncertainty. This is a less than ideal way to make decisions, as it “implies unavoidable ex-post mistakes whose consequences cannot be reliably evaluated in advance...and may be virtually boundless” (Faucheux and Froger 1995: 32). In other words, making decisions under uncertainty can result in poor decisions with harmful outcomes.

For interest groups, the negative consequences of making lobbying decisions under uncertainty can arise in several ways: through nasty surprises, costly errors and wasted resources. Surprises occur when information is revealed late in the policy process. For example, a group may not know that the government is elaborating the details of a policy that will have a negative impact on

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<sup>10</sup> For example, groups will be more likely to choose tactics, targets, or messages that either fall flat (i.e. have no or little impact) or cause harm (i.e. have a negative impact on the group).

the group. If the group only finds out about this new policy when the government deposes the proposed bill in the legislature, the group will be in a difficult position; the group would have already missed the selection of alternatives and bargaining that took place while drafting the bill, and thus must now deal with the bill as it is. If the group has little sway in the legislature, the consequences may be disastrous. If the group does have influence in the legislature, it may still have a difficult time overturning the preferences of the government. The surprise will be even more pernicious if there is little time to respond to the new information; for instance, if the group needs to put together an effective last-minute lobbying action to counter the new bill, it may not have the time or the resources it needs to do so. Thus, surprises may lead to lobbying failures where groups are not able to respond to issues affecting them and their constituents.

Costly errors and wasted resources arise when groups implement lobbying actions that are a poor fit to the current stage in the policy process. For example, a group might make costly errors if they target the wrong policy makers or select an inappropriate lobbying message. A group could expend resources and political capital trying to persuade an actor who is not currently the most critical player in making policy decisions on a particular issue; for example, lobbying bureaucrats when the real decisions are currently being made in the legislature is unlikely to be the best use of resources. Or a group might lobby with a poorly tailored message that presents information that is not useful or relevant to policy makers at a particular point in the process. For instance, it may not be very helpful to argue in favor of taking up a particular policy issue (an agenda-setting lobbying message) at a legislative hearing set up to discuss that issue; simply by holding the hearing, the legislators are already showing that they think it is important to address that issue (i.e. the agenda is already set). In this context, a better message would lay out arguments for why particular responses or policy solutions to that issue will be technically or politically successful in meeting the legislators' goals (Burstein and Hirsh 2007).<sup>11</sup> These poorly chosen targets and poorly tailored messages can be costly errors for groups if they decrease the chances of successfully lobbying for their constituents' interests, or they waste resources that could be better used elsewhere.

These negative consequences give groups the incentives to pursue insurance strategies. This is because groups should generally be risk averse, particularly if they are established groups with reputations to protect.<sup>12</sup> Given their role in society — as intermediators between the policy process and their members — groups have a great deal to lose from poor performance, especially

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<sup>11</sup> Of course, this type of error is not likely to arise from a lack of transparency unless the legislature neglects to tell invited groups what the topic of the hearing will be. However, it illustrates what a poorly tailored message might look like.

<sup>12</sup> Risk aversion means that one is less willing to take chances that might incur losses, even if there is a possibility of gains. Specifically, a risk-averse actor prefers sure consequences to probabilistic outcomes (and thus probabilistic benefits/costs) (Hirschleifer and Riley 1979: 1381). In addition, there is also evidence from psychology that groups are more likely to be risk-averse than individuals; i.e. acting on behalf of many leads groups to make more risk-averse decisions than individuals acting on their own behalf (Gong, Baron, and Kunreuther 2009).

if they are repeat players in the lobbying game.<sup>13</sup> Groups are useful to policy makers because they provide relevant and useful information about policy options and policy consequences; groups are useful to their members and constituents because they defend their common interests in the political arena. Consistently failing to achieve either role could threaten the organizational existence of the group, or at the least, the security of the leaders and representatives of the group.

For instance, a group's credibility with policy makers depends on its success in providing necessary information and support to those policy makers; groups that fail to provide adequate "messages" to those policy makers may lose their reputation as an important and indispensable source in a particular policy arena.<sup>14</sup> On the other side, a group's credibility with its own constituents will depend on its success in representing their interests at least reasonably successfully. Even if groups provide non-policy benefits to their members, at least some of their cachet comes from successfully pursuing their own mission statements. In addition, groups are expected to protect their constituents from potentially negative consequences from policy, and to alert them to potential dangers to their interests. The worst outcome for groups is that policy change happens without any forewarning for their members (Andres 2009: 200). At the very least, groups need to show their adherents that they are *being active* on their behalf; neglecting to act looks bad, especially if there are negative consequences to members. In the long run, failure to lobby effectively and at least reasonably successfully may mean losing constituents, donations and support. Thus, groups are likely to be risk averse, and should generally prefer to take mitigating actions, if necessary, to reduce the chances of surprises, errors and wasted resources.

So what strategies can groups pursue to mitigate and reduce these negative consequences? General theories of decision making under uncertainty are again useful. If actions under uncertainty can only be chosen on a case-by-case basis, the chooser has relatively few options for how to respond.<sup>15</sup> Either she must choose an action (or inaction) based on the current state of information, or she must wait until she has gained more information before deciding (Hirschleifer and Riley 1979). In both cases, the best she can do is to imagine all the possible consequences for her action with the knowledge that her imagination may not be broad enough to consider all possible 'states of the world' that might arise (McKenna 1986: 8). While waiting for or seeking out additional information may make suggest new options for action that were not previously imaginable (McKenna 1986: 4-5), there is always the possibility that it will be too late to respond effectively once that new information is known. In other words, choosing an action under

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<sup>13</sup> Groups that arise to lobby for a single issue and then collapse afterwards, or groups that are not established and organized, may not have quite the same calculations. In other words, the level of risk aversion is likely to be higher for groups who have something to lose, whether that be reputation and access to policy-makers or the support and donations of members. Permanent groups who lobby regularly are more likely to fit the risk-averse profile.

<sup>14</sup> In addition to losing reputation, they may also lose access to sources of discretionary information.

<sup>15</sup> For some types of decision making—such as decisions about globally complex problems, like what to do about global warming—actors may be forced to make their decisions on a case-by-case basis since there is historical information by which to construct a reasonable response; actions may need to be taken with little information at all (Faucheux and Froger 1995: 31).

uncertainty means doing the best one can under the circumstances, knowing that one's choices may not be the right ones.

However, not all types of decision-making under uncertainty require decisions to be made only on a case-by-case basis. Indeed, any information that makes it possible to predict *at least certain aspects* of the decision environment, also makes it possible to devise “insurance” strategies that mitigate against potential errors, even if other aspects of the decision environment remain uncertain. This means that any predictable patterns of outcomes, due to historical knowledge or prior information, allows the decision-maker to hedge against surprises, errors, and wasted resources.<sup>16</sup>

Luckily for interest groups, most well-developed policy-making processes are reasonably stable. The complexity of the policy-making process may make it impossible for groups to predict the details of the current policy process or actual outcomes for specific cases of policy making; however, since national policy processes generally follow particular policy-making patterns, groups with any experience in the lobbying process will have at least some precedent from which to anticipate general outcomes *across all cases of policy*. Thus, any group that lobbies regularly is likely to have a reasonable idea about the types of actors and procedures involved in policy making, as well as the potential pitfalls, even if the specifics of the current case are not known.<sup>17</sup> Because groups will have *some* information about the policy process, they have the opportunity to pursue strategies that mitigate the potentially negative outcomes of lobbying under uncertainty. In particular, groups can devise “insurance” strategies that mitigate negative outcomes *across all policy decisions*, even if they have limited information for any single policy issue.

Insurance strategies that can respond to low levels of policy-making transparency will need to either address the causes or consequences of lobbying under uncertainty. First, these low-transparency-adapted strategies should address groups informational needs, whether to *increase* the amount of information available to groups or *decrease* the likelihood that groups will miss critical information either by accident or by exclusion from discretionary information. Second, these strategies should mitigate the negative consequences of surprises, costly errors and wasted resources, by *decreasing* the chances of using poorly tailored lobbying actions or *increasing* the chances of responding effectively to last-minute surprises.

Each of these strategic choices suggests observable implications for group behavior in low-transparency environments. However, as argued above, the use of these strategies under low transparency should be gauged *relative* to their use under high transparency. In other words,

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<sup>16</sup> In essence, this means parsing out the “risk” from the uncertainty of the environment: if any aspects of the environment are predictable, then it is possible to assign some probability to outcomes, which is a situation of risk. As a probability game, risk can then be countered with risk-mitigating strategies. In technical terms, one can have two different types of non-certainty: where actions and outcomes are known to be probabilistically linked, non-certainty is called risk; where the probability of actions leading to outcomes is not known, non-certainty is called uncertainty (Shepsle 2010: 31).

<sup>17</sup> This may not be the case, however, for a group that is new to lobbying or that lobbies infrequently.

groups facing high-transparency environments should be relatively *less likely* to use these mitigating strategies, while groups in low-transparency environments should be *more likely* to use them.<sup>18</sup>

### ***Strategies for Improving Information and Preventing Exclusion***

The first of the “insurance” strategies under low transparency is to increase the chances of getting discretionary information from policy makers about what is going on in the policy process (options on the table, policy-makers involved in the process, etc.). The core dilemma of this information-enhancing strategy, however, is that discretionary information is very much at the discretion of policy makers. In other words, policy makers can decide whether or not they want to reveal particular information. Though some omission of information may be accidental, it may also be deliberate. Thus, where information is only available at the discretion of policy makers, groups will be very dependent on the goodwill of those policy makers for improving their information. The groups *need* policymakers to find out what is going on in the policy process (Andres 2009: 200; Salisbury 1990: 227). Groups who are not considered credible or positive partners for policy making may even be actively excluded by policy makers. This could be systematic (i.e. a particular group is *never* a reasonable partner to give information to) or situational (i.e. a particular group is not given information in this particular case).

Perhaps most dangerous for groups is that some useful lobbying actions, namely protests or other public actions, can cause a backlash from policy makers. For example, the American Agriculture Movement put together a very public protest in Washington, D. C., in 1979, when they held a “tractorcade” on the Washington Mall; as Browne (1998: 75) noted, the immediate consequence was that “they lost their access, promptly.” Thus, provoking policy makers may put groups in a tenuous position. Very public and confrontational actions “may tear down relationships and create distrust among policymakers. The threat of a disruptive legal suit or the staging of a large-scale, media-seeking protest have such effects...Protests too often embarrass government officials, making them look unresponsive and ineffective to the public” (Browne 1998: 77-78). When groups are dependent on discretionary information, there is a real danger that a group who publicly embarrasses or criticizes policy makers will lose its informational privileges in the future. Such a group would likely be at a future disadvantage when trying to gather information about the policy process.

Thus, groups facing policy processes with low transparency will need to be relatively cautious about their public lobbying of policy makers. In order to avoid upsetting policy makers, these groups will need to soften the edges of their confrontational strategies or make strategic arrangements to ensure their access to discretionary information if they are unable to temper their confrontation. While this does not necessarily mean that groups in low transparency will use fewer public tactics than groups under high transparency (since public tactics are an important part

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<sup>18</sup> To reiterate, this relative difference is because groups in high-transparency environments have less need to pursue strategies, 1) that improve their information, since information is already available; 2) that decrease the chances of poorly tailored lobbying actions, since they have the information needed to narrowly tailor their actions; and 3) that help them respond effectively to surprises, since information availability means that there will be few surprises.



of lobbying strategies for groups with less direct access to policy makers), they will nevertheless need to balance out their public criticisms with public statements meant to placate policy makers. Groups faced with high transparency, on the other hand, will not need to temper their public statements, since the high transparency environment makes it more difficult for policy makers to exclude them from policy-process information.

### ***Strategies for Avoiding Errors***

In addition to strategies for improving information acquisition, groups will also need strategies that can mitigate the potentially negative consequences of lobbying in a low-transparency environment. Without information about the policy process, groups will have a more difficult time tailoring their lobbying actions to the particularities of the current policy moment. In particular, groups may find it difficult to decide exactly what type of message to send to policy makers. Because policy makers are busy, they need groups' lobbying messages to be to the point, relevant, timely, and useful (Sabatier and Whiteman 1985; Bradley 1980); thus, it is the group's responsibility to figure out how much and what policy makers know about the policy issue at hand when crafting their messages (Victor 2007: 830-1). Groups can maximize the impact of their lobbying effort if they figure out what information policy makers are missing, overlooking, or undervaluing. But with low transparency, how will a group know what the most critical information is likely to be?

Broadly, a narrowly tailored message is likely to be very effective, since it will address exactly the issues on the table and the needs of policy makers at a given moment.<sup>19</sup> The dilemma for groups under low transparency, however, is that a narrowly tailored message is likely to be poorly tailored; if the group doesn't know exactly what is going on in the policy process, the lobbying message it constructs may not fit with the current policy process. If it is tailored to the wrong aspect of an issue or the wrong point in the process, it will be more easily ignored or dismissed by policy makers. Thus, a very narrow and specific message has a greater chance of failure under low transparency. In the long run, then, a group under low transparency will have fewer successes if it pursues a strategy of narrowly tailoring lobbying messages.

The group's strategic choices are fairly restricted. It can decide that it will wait to send lobbying messages until it has more information about the current policy process, or it can try to send a lobbying message even if it does not have full information. The former choice, sending no message until there is more information, may mean that the group chooses not to lobby at all. If no lobbying messages are conveyed to policy makers, there is a much higher chance that a policy will be chosen that does not line up with the preferences and needs of the group. So, waiting, in order to send a narrowly tailored message later, may create costs from negative policy outcomes; but it may also create costs for the group if its constituents feel that the group did not actively try to fight for their preferences when the issue was on the table.

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<sup>19</sup> For example, a narrow message might provide particular technical policy details for a proposal currently on the table, specifics on how or why a particular policy choice will successfully obtain a set of policy goals, or why an alternative to the specific proposals already on the table would be more effective in achieving the policy makers' policy goals.

Strategically, then, a group may be better served by sending a lobbying message, even if it cannot be narrowly tailored. The alternative to the narrow message is to send a more general one. General messages cannot be as clearly tailored to particular issues on the table, because by their nature, they cannot deal as well in the important details of policy issues.<sup>20</sup> Nevertheless, they are well suited for laying out the reasons why particular policy issues should be on the agenda, and how they might generally be resolved. This means that a general message may be more applicable to a wider sweep of the policy process, and has a greater chance of fitting (at least generally) with the current issue on the table.

Groups under low transparency, then, have the incentive to approach their lobbying messages more generally. Compared to groups under high transparency, the low-transparency groups should be more wary to use narrow, specific, messages when they may be missing information about the policy process, and instead will be relatively more likely to use general messages. In other words, low transparency groups should adapt their lobbying strategy to approach the policy process more generally, rather than trying to achieve narrow tailoring when there is little information.

### **Empirical Analysis**

In the remainder of this paper, I test these hypotheses by looking specifically at the rhetorical lobbying strategies of interest groups. In particular, I study one particular lobbying action employed by interest groups: the dissemination of public lobbying statements through press releases. While using press releases is not usually a stand-alone strategy for groups, they are one of the explicitly public tactics that groups can choose. Critically, for my research question, however, I expect that the patterns of press release dissemination and content should vary with the level of policy-making transparency across countries. In other words, the overarching lobbying strategies implemented through the press releases are tailored to the informational imperatives of the policy process. Groups should adapt their government-focused rhetoric to the imperatives of the policy-making process they face. Groups facing low-transparency environments should use rhetoric that insures against exclusion and errors.

### **Rhetorical Lobbying with Press Releases**

While much of the literature on press releases focuses on their creation by corporate or other private entities, these releases are also very relevant for politics. Since the press release is a tailored message intended to reach some audience, a wide range of political actors — from policy-makers to non-state actors — use it to call attention to the particular activities they have pursued; to present information about what is going on in the political arena; and to present alternative frames or policy options on a range of issues.

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<sup>20</sup> Since messages have a “fixed” length, due to the time and attention span of message recipients, a broad message will not be able to go into as much depth on the issues contained within it as a more narrowly-tailored message might.

For non-state actors such as interest groups, press releases can be used as one approach for lobbying governments. In particular, we can consider press releases targeted at governments as one way to do informational lobbying, where particular information is provided to policy makers through a public message. Groups can use the press releases to complement or enhance their lobbying efforts, either to directly influence policymakers who might read them (as written in the media or the original press release) or to indirectly influence those policy makers by reaching their constituents.<sup>21</sup> The purpose of such a press release, then, is to pressure policy makers to act in line with a group's preferences.

However, the very public nature of the press release adds an additional layer to such lobbying efforts. Targeting a broader public audience with the lobbying message makes the press release part of an inherently "outsider" lobbying strategy. They serve to widen the audience, and thus potentially increase the salience and visibility of an issue. In particular, by highlighting political issues and government actions in public, they are specifically designed to expand the scope of the conflict — to bring more actors into the political discussion and increase the salience of the issues for citizens at large (DeGregorio 2009; Bakir 2006; Kollman 1998; Schattschneider 1960). Such audience widening is usually sought when groups want to increase the pressure for their point of view by mobilizing supporters for their positions, or at least raising the specter of mobilization (Baumgartner et al. 2009: 156; DeGregorio 2009).

This means that the press-release strategy is more useful when insider strategies — dealing directly with policy-makers — have been unsuccessful (Bakir 2006). In other words, the benefits of using press releases in a lobbying strategy are more likely to accrue when other, more direct, means of lobbying are already being or have already been used. Baumgartner, et al., (2009) found that, in general, insider strategies such as personal contacts with policy makers were pursued by a much higher proportion of lobbyists when compared to outsider strategies like press releases or press conferences. For example, press releases are a "basic (and low-cost)" lobbying approach that is one of the top two most used outsider tactics in Washington, D.C., and still, they are only used by "about a third of all advocates" (Baumgartner, et al., 2009: 156). Thus, while using press releases is not necessarily a dominant tactic for all (or most) lobbyists, it is still an important option when an outsider strategy is implemented.

However, there is little reason to use press-releases if direct lobbying actions are having the desired impact on the policy-making process. Instead, press releases can be used to pressure policy makers to take actions that they are not inclined to take without the possibility of greater public interest and involvement. This means press releases are more likely to be useful in calling attention to the failings of government actors, since there is little need to bring in the public if the government is already behaving as desired.

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<sup>21</sup> Press releases from groups are not, of course, limited to lobbying governments. It is also possible that groups may pursue other goals, such as persuading and pressuring other non-state actors, highlighting critical issues, or simply furthering the group's organizational survival by reaching out to current or prospective members. These goals are not necessarily mutually exclusive.

While the goal of government-targeted press releases is to increase the incentives for government actors to take action on particular policy issues, these incentives are created by reaching several different audiences. Most simply, press releases can be read by government actors directly, and can inform them of the group's particular preferences. However, unless a government actor is inherently sympathetic to the group, this is not likely to create strong incentives to act on the group's behalf. Instead, groups can target the government by reaching a broader public, whether the government actor's constituents or the group's constituents. Either way, the threat to the policy maker is that some subset of the public may be moved to act by the group's message. In addition, if the press release is picked up and its content disseminated by journalists and news organizations, the strength of these incentives are likely to increase; media attention broadens the public impact and increases the chances that government actors will be pressured by more than just the group itself.

The potential benefits of pursuing a press-release strategy, then, may depend on how well groups are able to put pressure on government actors through their statements. The greatest benefits are likely to occur if groups can get their statements picked up by the media; this suggests that groups need to maintain an "objective style" to increase the chances that journalists pick up the press-releases for the news (Aronoff 1976; Van Hout and Jacobs 2008; Jacobs 1999a; Jacobs 1999b; Sleurs and Jacobs 2005). However, greater pressure will be exerted through the general public if the content of the press releases points out information that might inflame public sentiment to demand that the government change its behavior. Thus, the greatest *benefits* are likely to accrue if groups can walk the fine line of presenting negative statements about government actors and actions in the most objective tone possible.

However, there are also potential *costs* to pressuring government by bringing negative attention to the government actors and actions. Groups who do use press releases in their strategic toolkit, have to take an explicit decision to make a particular issue or grievance public when they publish a press release. Instead of bringing the issues directly, and privately, to the relevant government official, they present them for everyone to see. Thus, press releases about policy-making and government actions inherently have a *confrontational* edge to them: they reveal government actions and behavior, which might otherwise remain less well-publicized, and they lay out policy and issues with the clear implication that government actors are not paying them the attention they deserve. They are intentionally putting the spotlight on government, and to be most effective, are doing it with the intent of embarrassing government into taking action.

Thus, there may also be real costs to pursuing press releases a strategy, especially if they cast policy-makers in a negative light. Confrontation may be mistaken as intransigence or an unwillingness to compromise, which could cause government actors to see them as less attractive to include in policy-making negotiations. In addition, they may alienate potential allies in government, which may increase the chances that a group will be denied access to future information about the policy process. For example, Browne (1998: 75) notes the example of an American agricultural organization that lost its access following a disruptive protest on the National Mall; the groups actions so irritated "Washingtonians" that policy-makers shut them out.

Saunders (2009) adds that groups that have “constructive relationships” with government actors are unlikely to want to compromise those relationships by being excessively confrontational or critical of those same government actors.<sup>22</sup>

In other words, the groups who are most likely to seek the benefits of government-targeted press releases are those who are already losing an argument on a particular policy issue or who are already excluded from the policy process. Groups who are productively engaged in insider lobbying should be less willing to bear the costs of producing press releases, because they have no need for the potential benefits of press releases. However, groups who *need* the benefits that press releases provide will need to factor in the potential costs when writing them.

These potential dangers mean that we can consider the content of the press release as a *strategic rhetoric* on the part of interest groups. Once a group has decided to use press releases, their goal is to gain the benefits of additional lobbying, by either directly or indirectly pressuring government to act (via the public and government constituents), without incurring the potential costs of confronting government directly and publicly. Groups should therefore tailor their government-targeted rhetoric to best achieve this goal.

That said, there are limited set of statement types that a group can use to convey its messages to government. Press releases can be used to *explicitly* lobby governments in two basic ways: by informing the public about what government *is* doing or by informing the public about what government *should be* doing.<sup>23</sup> In the former case, the dominant rhetorical strategy will be descriptive: the group reports on current and future government actions. By their very nature, descriptive statements are inherently judgmental. Simply deciding to call attention to a particular government actor means that an interest group is providing some sort of judgment about the acceptability of their actions, whether positive or negative, explicit or implicit. The alternative rhetorical strategy is to be prescriptive: the group presents its own preferences for what government should do. Such statements can be general or specific about what actions government should take, and they can emphasize new paths for government to take or simply advocate that a government cease a prior activity.

While the broad statement types are limited, however, the particular choices within each can be strategically tailored by groups to achieve their goals of maximizing the benefits while reducing the costs of using press releases. The pattern of choices made across press releases, then, shows the overall rhetorical strategy that groups pursue through press releases. These strategies should match the demands of the policy-making processes that groups face. Indeed, studies of the

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<sup>22</sup> Indeed, Saunders (2009) notes that this is very likely to be a consideration even for groups with only a tenuous relationship with government. For example, groups like Greenpeace which specialize in public protest strategies may still be unwilling to appear too radical, lest they jeopardize their credibility for constructive dialogue even more.

<sup>23</sup> It is also possible for groups to *implicitly* lobby governments simply through the general education of the public on a variety of issues. In other words, merely by pointing out some event or issue, a group can hope to sway public opinion on the matter. However, in this chapter I focus exclusively on explicit lobbying, where groups directly address government actors through their press releases, in order to more accurately tease out the impact of transparency on rhetorical lobbying strategies.

political uses of press releases show quite clearly that the specific content and language of press releases vary as a function of the political environment, as well as with the attributes and goals of the press release authors.<sup>24</sup> Policy-makers in the US, for example, tailor their messages to the core characteristics of their districts (Yiannakis 1982; Grimmer 2010), while international organizations, such as Amnesty International, tailor their use of press releases to the characteristics of the targeted countries and the international arena (Ron, Ramos, and Rodgers 2005).

Because the content of press releases varies based on the political environment in which they are produced, they can be used to investigate the positions and actions of actors in different political environments (cf. Constantelos 2004; DeGregorio 2009). Thus, the specific content and language used by groups in their press releases — their rhetorical strategy — should reflect the lobbying environment in which groups find themselves. In particular, groups should balance the potential costs of exclusion and alienation from the political process, that might arise from confronting or embarrassing policy makers, with the potential benefits of presenting a public message that effectively pressures those policy makers to implement the group's preferences during the policy-making process.

### **Policy-making Transparency and Rhetorical Strategies**

The question, then, is: how should the *transparency* of policy-making institutions affect the rhetorical strategies of interest groups in their press releases? Since interest groups must make their lobbying decisions based on the policy-making environment they face, the strategies they use in their press releases should follow the same pattern. The content of press releases, particularly as they relate to discussions of government, should follow a particular rhetorical strategy that is adapted to the level of transparency of the policy process. Differences in rhetorical strategy should be apparent in the tailoring and framing of statements about government actors in the press releases. I compare groups in a high-transparency and low-transparency environment, Sweden and France respectively.<sup>25</sup>

### ***Insurance against errors:***

The transparency of the policy process should affect the tailoring of press-release statements. Groups faced with conditions of high transparency should be more likely to present specific statements in their press releases, while groups faced with low transparency should use relatively more general statements.

Interest groups provide information and prescriptions to policymakers in the hopes of influencing policy. To be successful, however, that information needs to be carefully tailored to the matter at

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<sup>24</sup> This is also considered true for non-political texts. As Riffe, Lacy, and Fico (2005: 11) note: "Communication content may be viewed as an end product, the assumed consequence or evidence of antecedent individual, organization, social, and other contexts."

<sup>25</sup> See Appendix for a discussion of why France and Sweden should be characterized as low- and high-transparency, respectively.

hand. Since policymakers are busy, they want lobbying messages to be to the point, relevant, timely, and useful (Sabatier and Whiteman 1985; Bradley 1980). This means that groups must frame their statements carefully, to most accurately match the *immediate* needs of policy makers. For example, policy makers considering whether or not to include a policy issue on the agenda may need a message grounding an issue in societal problems; at the alternative specification stage, however, policy makers considering the best way to address an issue may need more focused information to elaborate one possible solution compared to others; and even later, at a voting stage, policy makers may need more information about the likely political consequences of voting for or against a particular policy proposal. What is timely and relevant to policy makers can change from moment to moment.

If groups had perfect information, we would expect them to provide specific statements at all times, narrowly tailored to particular points in the policy process. On the other hand, without perfect information, providing specific statements can be dangerous; providing a statement that is narrowly tailored to the wrong aspect of an issue or the wrong point in the process could lead to its easy dismissal by policy makers. Under less than perfect information, a good compromise is to present information more generally; the general statement may not be as appropriate for any one moment, but it will be more applicable to a wider swathe of the policy process. In other words, groups who face high transparency environments should present a relatively greater number of specific prescriptions than groups in low transparency environment. Thus, I expect that Swedish groups will tend to use specific prescriptions, while French groups will use general prescriptions in their press releases.

**Hypothesis 1:** French groups should be more likely to use general prescriptions. Conversely, Swedish groups should be more likely to use specific prescriptions.

### ***Insurance against exclusion***

The transparency of the policy process should have a strong impact on the framing or tone used by groups in their press releases. The statements used by groups in both France and Sweden should use their press releases to call out the failings of government actors; however, French groups must be more wary of the negative consequences of appearing confrontational, and so should seek to counterbalance negative statements with more positive statements.

As argued above, press releases are explicitly outsider strategies that are more likely to be used if groups consider it necessary to appeal to the public, namely when insider lobbying has failed to produce desired results or when constituent mobilization is needed to pressure government actors. Thus, we should expect press releases to be used particularly when groups are unhappy with government actors and actions or suspicious that they are being shut out of policy-making processes. This means that groups in both countries should particularly use their press releases to make negative statements about government, such pointing out what they are doing wrong or what they are ignoring.

However, public confrontations may also anger or embarrass the government actors who are the targets of the press releases. While naming and shaming may be an effective way to bring pressure to bear on government, it can also lead to a loss of goodwill, cooperation, or access to policy-making information and decisions. However, these costs are *not* the same in low transparency and high transparency environments. Since French policy making is relatively opaque, groups are more dependent on discretionary information about the policy process (and on the government actors who dispense that discretionary information); with mandatory information releases only occurring very late in the process, groups can be more easily excluded from the policy process if government actors choose not to divulge information to a particular group. In contrast, Swedish politics is relatively transparent; groups can rely more on the automatic releases of policy-making information early in the policy process, and thus do not need to depend as highly on policy-makers for discretionary information. The implication is that French groups can be effectively shut out from policy-making information if policy makers choose not to share; thus, they must be more cautious about antagonizing policy makers into excluding their group and more attentive to supporting their allies to maintain access. Swedish groups, on the other hand, do not need to overly prepare for exclusion, since it is much more difficult for them to be shut out of policy-making information.

In other words, French groups will need to be more wary of excessively antagonizing government actors. Given that some amount of negative framing is probably necessary to make the press releases useful, French groups will need, instead, to strategically temper the confrontational edge by also presenting the positive actions of government actors and trying to frame their prescriptions somewhat more positively. For instance, groups could present at least some positive information about important government actors.<sup>26</sup> They could also frame their prescriptions as constructive feedback, by emphasizing what government actors could start doing better rather than by emphasizing what government actors are doing wrong.<sup>27</sup> By framing their public statements in a less confrontational manner, groups under low transparency can better hedge against the serious costs of being cut off from discretionary information about the policy process.

It is important to note that this hypothesis is counterintuitive when applied to France and Sweden. In general, French politics is considered conflictual and confrontational, while Swedish politics is considered highly consensual (see Premfors 1981). The broader literature would thus lead us to expect that French groups should be more confrontational than Swedish groups. However, if the implications of policy-making transparency are correct, then exclusion from the policy-making process under low transparency will mean that groups may be at a strategic disadvantage. To counter this, French groups will need to consider the drawbacks to public confrontations in a way

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<sup>26</sup> For example, a purely confrontational message might read: “Minister X has completely failed to address issue Y.” A less confrontational message might include something positive to temper a negative statement: “Minister X has done a really great job with issue Z, but has failed to address issue Y.”

<sup>27</sup> For example, a constructive prescription framing what government could improve might read: “Minister X could better protect forests by implementing Y.” A less constructive prescription would emphasize what government actors are doing wrong: “Minister X needs to stop doing Z because it is not protecting forests.”



that Swedish groups will not. Thus, we can expect the former to be relatively less confrontational in their press releases than the latter.<sup>28</sup>

**Hypothesis 2:** French groups should be more likely than Swedish groups to use positive prescriptions.

**Hypothesis 3:** French groups should be more likely than Swedish groups to use positive descriptions.

### **Research Design**

To test for differences in rhetorical lobbying strategies under different levels of transparency, I compare a single interest group's government-focused rhetoric in both a high-transparency country (Sweden) and a low-transparency country (France).<sup>29</sup> I focus on the press releases of Greenpeace, which lobbies on behalf of environmental causes. Greenpeace is an excellent case to test the impact national institutional differences because it is an international organization with a strong internal hierarchy: its internal structure provides a control for organizational-level variables, such as organizational culture, agenda, approach, and policy preferences. While the organization has national branches in many countries, the agendas and campaign methods are set by the international directorate, and the national groups are simply expected to carry out that agenda at the local level. Leaders of the national branches are selected because of their adherence to the goals and methods of the international organization, reducing the likelihood that they will stray. In addition, defying the international directorate means running the risk of losing the right to use the Greenpeace name and resources (Auger and Ferrante 2004). Thus, each national branch can be seen as a close approximation of the international branch, with far less variation between them than would be expected for more-independent organizations. Because of these intrinsic controls, differences in strategic behaviors of national Greenpeace branches can be more fully attributed to the national context, rather than to the internal characteristics of the groups.

The rhetorical corpus under investigation includes all publicly available press releases in the forestry campaigns of Greenpeace France and Greenpeace Sweden published between October

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<sup>28</sup> Note that this does not mean that French groups will shy away from conflict. As argued, using press releases as a lobbying tactic is *inherently confrontational*. Instead, this hypothesis states that French groups must be more conscious of the potentially negative consequences of confrontation, and will therefore be more likely to strategically temper the confrontational edge to their press releases when possible (given that the press release is *already confrontational*). Swedish groups, on the other hand, can use the inherently confrontational press release without worrying that it is too confrontational.

<sup>29</sup> See Appendix for discussion of the transparency levels in these two countries.

2007 and April 2011.<sup>30</sup> Focusing on a single campaign controls for substantive content that is not directly related to the national political sphere (such as a common focus on biofuels and old-growth tropical forests), as well as for possible variations in institutional effects across different policy areas. Matching the time frames for the corpus of press releases for each country makes it possible to control for any international events or international-directorate prescriptions that might skew the rhetoric used by each national organization.<sup>31</sup> International events that might have concerned Greenpeace, for example, are the UN climate change conference in Copenhagen (December 7-18, 2009), the Deepwater Horizon oil spill in the Gulf of Mexico (beginning April 20, 2010), and the Fukushima nuclear disaster (beginning March 11, 2011).<sup>32</sup>

The specific time frame, covering 43 months between October 2007 and April 2011, also helps control for national- and EU-level events. Both Sweden and France were governed by center-right parties over the duration of the time frame: the UMP in France held both the Presidency, under Nicolas Sarkozy, and the Prime Ministership, under François Fillon; the Moderate Party in Sweden held the Prime Ministership under Fredrik Reinfeldt.<sup>33</sup> In addition, both France and Sweden held the EU Presidency once during the selected time frame.<sup>34</sup> National governments are thought to have agenda-setting powers while they hold the EU Presidency, which might give groups — with policy interests at the EU level — an incentive to put greater pressure on their own governments. Finally, the time frame also includes European Parliament elections held in both countries in early June 2009. Since these political events are equally represented in each country over the time frame, it reduces the chances of biased results due to major political events.

The corpus includes 101 press releases published by Greenpeace France and 22 releases published by Greenpeace Sweden, for each of their forestry campaigns. The number of press releases varied from zero to eight releases per month (see Figure 5). The output patterns also vary over time, which is to be expected as Greenpeace in general maintains a campaign-based activity, with

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<sup>30</sup> In this content analysis, I use purposive, rather than random, selection of the press releases included in the study (Riffe, Lacy, and Fico 2005: 100-1). While a random sampling of press releases across all groups and topics would allow for greater generalizations, such a broad approach would have made it much more difficult to control for critical variables that might have biased the results, such as organizational characteristics or substantive-policy focus. In addition, since the total number of Greenpeace forestry releases was small enough for manual coding, I selected the full set of releases available, rather than sampling from within those releases. Thus, the corpus is a census, not a sample, of Greenpeace forestry releases.

<sup>31</sup> For example, if the international office puts out a statement, it may be picked up by both organizations and reprinted in their own national press releases.

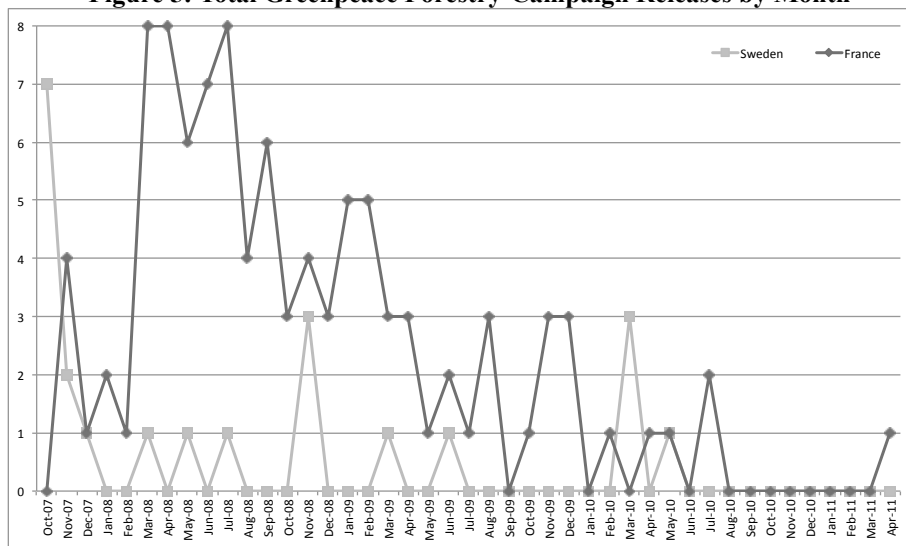
<sup>32</sup> However, none of these events were actually covered by the forestry campaigns.

<sup>33</sup> The time period does cover a national election in Sweden on September 19, 2010. Prior to the election, the Moderate Party held power as a coalition government (2006-2010); after the election it maintained control of the government, but as a minority government. It is unlikely that this introduces bias into the variable counts from the corpus, however, as the Greenpeace Sweden forestry campaign posted no press releases from June 2010 through April 2011, a much longer period than can be attributed to the political changes from the election alone, especially as it did post press releases for its other campaigns during this time period.

<sup>34</sup> France held the post from July 2008 to December 2008, and Sweden held it from July 2009 to December 2009.

greater output as certain actions and events occur.<sup>35</sup> Both organizations, however, show greater activity in 2007-2008 and have a drop off in the creation of forestry related press releases over time. This, in part, is due to fewer explicit short-term campaign actions, which require quick bursts of publicity, in the later portion of this set of releases. The almost-total lack of forestry press releases after July 2010 is likely due to the passage that month of an illegal-timber ban in the EU, which Greenpeace had lobbied for in a ten-year campaign at both the EU and national levels.<sup>36</sup> It is likely that the national branches redirected their resources towards other policy issues after that major victory for the forest campaign.

**Figure 5: Total Greenpeace Forestry-Campaign Releases by Month**



### Content Analysis

I use quantitative content analysis to compare the government-focused rhetoric of the two groups' press releases. Quantitative content analysis focuses on the counting and measurements of textual material, with a goal of summarizing the critical and relevant features of a particular corpus of texts (Neuendorf 2002; Carley 1993). For example, textual variables can be created by counting the particular words or concepts that appear. By quantifying a text in this way, its analysis can be both systematic and replicable (Riffe, Lacy, and Fico 2005). The texts can then be compared on the frequency of single words used or on the frequency of similar conceptual categories (Krippendorff 2004: 283-4).

As this study compares the differences between two corpora of press releases, it lends itself to bivariate statistical analyses, an approach that is widely used in content analysis (Neuendorf 2002: 178-80). Most of my analyses use categorical variables constructed by counting particular units (words, paragraphs, press releases, instances of particular substantive content, etc.), and then

<sup>35</sup> <http://www.greenpeace.org/international/en/campaigns/>

<sup>36</sup> <http://www.greenpeace.org/international/en/campaigns/forests/solutions/Political/>

comparing the counts across the two sets of releases. For the statistical analysis of these variables, I perform either the Pearson’s chi-squared statistic with Yates’ continuity correction, or the Fisher’s exact test (Horton and Kleinman 2011: 78).<sup>37</sup> These tests indicate whether a difference between the two corpora of releases is statistically significant, and thus reasonable to interpret.

In this study, I focus only on text that discusses own-government actors. While this approach does not allow inferences about the press releases as a whole, it does make it possible to narrowly examine a single aspect of the press releases: statements aimed at government (for example, see Green 1991). In other words, it allows a detailed comparison of the ways that each branch lobbies its own government through its press releases, both in the manner each discusses those actors and in the way each presents its own policy preferences to those actors.

The coding process involved first identifying all mentions of government actors, and then coding the substantive context in which those government actors were mentioned. In my analysis, I coded own-government mentions manually.<sup>38</sup> These own-government mentions included any explicit naming of individual government actors or their positions, the government as a whole, and any government entities (including all executive, legislative, judicial, and general actors, as well as own delegations to, and own Presidency of, the EU).<sup>39</sup> Overall, Greenpeace France mentions government actors 235 times in its press releases (in 37 of 101 releases). Greenpeace Sweden mentions government actors 62 times (in 13 of 22 releases).

**Table 1: Categories of “Own-Government” Mentions**

<i>Category of Mention</i>	<i>Includes</i>	<i>Examples</i>
Executive	President, Government, Ministers, Agencies, etc.	“Nicolas Sarkozy” “le gouvernement” “Regeringen Reinfeldt” “l’ADEME”
Legislative	Parliament, Legislators, Parties, etc.	“Riksdagen” “riksdagsledamöter” “miljöpartiet”

<sup>37</sup> While for large samples the difference in p-values between the two tests are negligible (Dallal 2000), Yates’ continuity correction performs less well for very small frequency counts. When the frequency counts are extremely small (or zero), Fisher’s exact test provides a true expected observation count, and is thus more reliable (Agresti 2002: 91-2; Blalock 1979: 292-7).

<sup>38</sup> For the manual coding, I used a mark-up software that is more often utilized in qualitative analyses of texts, called TAMSAnalyzer (Weinstein 2011). Neuendorf (2002: 82) notes that putatively qualitative programs can be very helpful in cataloging and coding by allowing for extensive and complex text mark-up, which can then be used for counting and measuring the relevant variables for quantitative analysis.

<sup>39</sup> For example, general mentions take the form of: “France should pursue policy x,” or “Swedish politicians should change law y.” These appear as direct statements about the political sphere, even though they may use the general terms “France” or “Sweden”. General mentions *do not* include statements such as “France imports illegal timber,” as such phrases do not clearly implicate political actors or behaviors.

<i>Category of Mention</i>	<i>Includes</i>	<i>Examples</i>
Judicial	Judges, Courts, etc.	“Le Procureur de la République”
General	Use of country name as political referent, general mentions of politicians, etc.	“la France” “Sverige” “svenska politikerna” “décideurs politiques”
European Union	Own presidency of the EU, Own EUMPs, etc.	“députés européens français” “svenska ledamöter i Europaparlamentet” “la présidence française de l’UE”
Other	Government Committees and Commissions, State-Owned Companies	“klimatberedningen” “Grenelle de l’Environnement” “Sveaskog”

The substantive context of each own-government mention was then coded.<sup>40</sup> In other words, I look at the statements that each group makes concerning its own government, to get at the differences in *how* the groups shape their rhetorical strategies towards their own governments. Beyond simply which government actors are mentioned, this context makes it possible to see exactly how the Greenpeace branches are targeting and attempting to pressure their government actors through their press release statements.

The substantive context of government-aimed rhetoric can take several rhetorical forms. First, the groups can *describe* what their government is doing, and that description can present a positive, negative, or neutral judgment about those government actions. These judgments can be made explicitly or implicitly. Second, the groups can prescribe what they think their government should be doing, and that prescription can be for a general or specific action the government should take. These prescriptions can also be framed positively or negatively. All statements about government actors can be coded into these mutually exclusive categories.

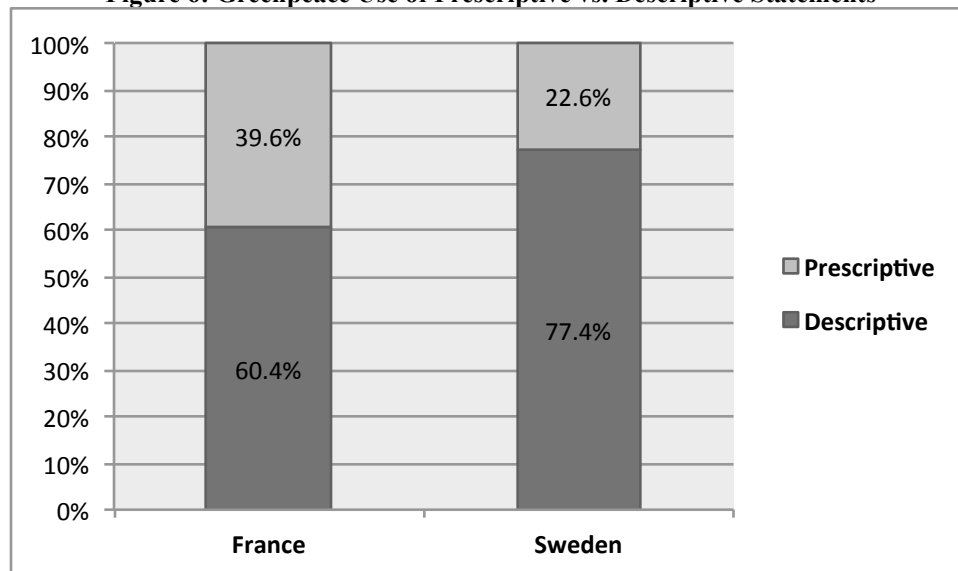
Descriptive statements describe actions or events that have already occurred or will occur in the future; for example: “the Minister of Agriculture will be attending a meeting of agricultural ministers in Brussels.” Prescriptive statements describe actions or events that *should* or *must* occur (or *should have* occurred); in other words, they either overtly or implicitly point to actions that the particular political actor should take. For example: “the Minister of Agriculture needs to emphasize the dangers of deforestation during his meeting in Brussels.” Statements were coded as prescriptive if they at least clearly implied that action should be taken, even if that statement did not explicitly lay out a specific action to take. For example, a call to action is implied in

<sup>40</sup> The substantive context is the sentence or argument thread in which the own-government mention appears. To ensure a narrower reading of the context, I limited my coding to the 150 characters before and after the mention in the text; I only extended the context to the end of an otherwise truncated sentence if the narrower context was too indeterminate, and thus uncodable. I used the TAMSAnalyzer software to identify the 300 character margin around each mention (Weinstein 2011).

statements such as: “What will the President do to prevent climate change?” or “We hope that France will take the correct path in future negotiations.”<sup>41</sup>

Both types of statements can act as pressure on a government, because they present information to the broader public about what government actors are or should be doing; either way, they can serve to expand the audience for a particular issue and increase the incentives for government actors to do as the group prefers.<sup>42</sup> Prescriptions are more direct, laying out what Greenpeace wants from government actors. Descriptions, on the other hand, provide information about government actors’ behaviors and often also pass judgment on government action or inaction, and thus can indicate approval or disapproval. While a description does not directly provide a path to gaining Greenpeace’s approbation, it can name and shame government actors to the recipients of the press releases. Either type of statement can be effectively deployed for lobbying.

**Figure 6: Greenpeace Use of Prescriptive vs. Descriptive Statements**



**Table 2: Greenpeace Use of Prescriptive vs. Descriptive Statements<sup>43</sup>**

# of Total Mentions with:	France Count (Proportion)	Sweden Count (Proportion)	p-value (Test)
Descriptive Statement**	142 (60.4%)	48 (77.4%)	0.0197** (Pearson’s)

<sup>41</sup> The former example implies that the President *should* do something, while the latter implies that there is a correct path that France *should* take.

<sup>42</sup> Assuming, of course, that a relevant (and preferably important) subset of the general public actually agrees with the organization. Though it is not part of this analysis, the actual pressure exerted by a press release should depend on the perceived reception by its audience. If the government actor does not believe that the group’s position is also supported by the general public, for example, the government actor will probably have little incentive to act on the group’s wishes.

<sup>43</sup> For all tables, the significance levels are identified with: \* p<0.10, \*\* p<0.05, \*\*\* p<0.01

<i># of Total Mentions with:</i>	<i>France Count (Proportion)</i>	<i>Sweden Count (Proportion)</i>	<i>p-value (Test)</i>
Prescriptive Statement**	93 (39.6%)	14 (22.6%)	0.0197** (Pearson's)

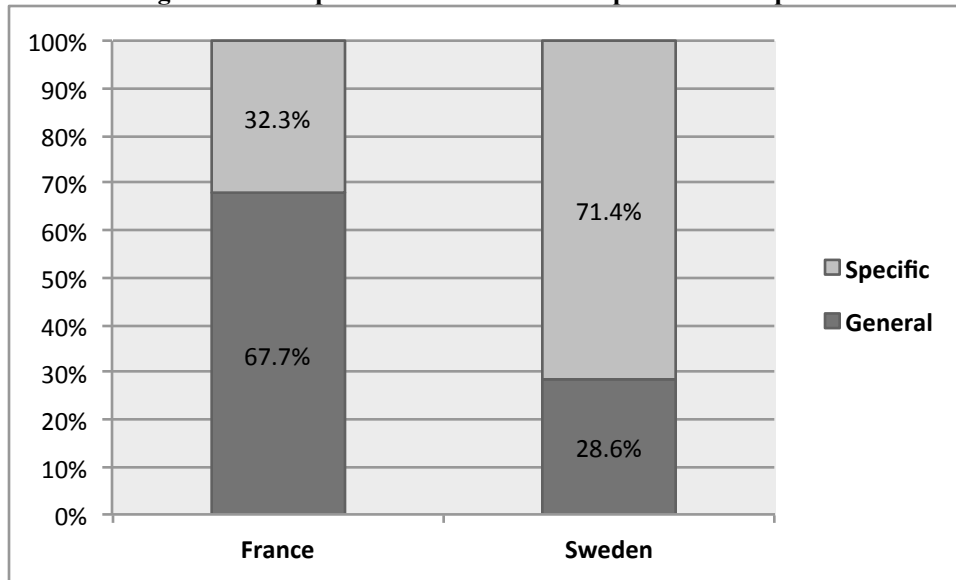
Both groups used descriptive statements more often than prescriptive statements. In other words, both were far more likely to describe or report the behavior or actions of particular government actors than they were to lay out particular measures the government actor should take. While both groups have more descriptive than prescriptive statements, the Swedish releases have a significantly higher proportion of descriptive statements than the French releases (see Figure 6). This indicates that Greenpeace Sweden was relatively more likely than Greenpeace France to use description (and judgments) to convey their preferences in press releases, while Greenpeace France was relatively more likely to recommend policy measures to government actors than Greenpeace Sweden.

***Insurance Against Errors: Tailoring of Prescriptions***

In their prescriptive statements, both Greenpeace branches propose particular solutions or actions that they think should be taken. In other words, they lay out ideas for how the world should be, through the actions of particular government actors, rather than merely describe or judge the world as it is. Not all prescriptive statements are equal, however. Some present much more specific recommendations for government actions than others. A general prescription is one that makes it clear that something should be done about an issue, but does not lay out precisely what path to take; for example, “the government must act quickly to prevent further deforestation in the Congo” is a general prescription; it give a broad goal, but it does not indicate steps needed for achieving it. On the other hand, specific prescriptions make exact recommendations, such as “the French authorities must immediately prevent the unloading of the ship until it has received credible documentation from the Brazilian government that the timber is legal.” A specific prescription gives concrete steps to achieve a desired end, while a more general prescription demands only that anything be done to reach some goal.

The analysis of Greenpeace France’s and Greenpeace Sweden’s press releases shows that there is a statistically significant difference in their usage of general and specific prescriptions. Almost 70% of Greenpeace France’s prescriptions are general, while more than 70% of Greenpeace Sweden’s prescriptions are specific. In other words, GF is much more likely to make statements calling on their government to do something, without directly articulating what that “something” should be. On the other hand, GS usually directly and concretely identifies specific actions that its government should take, and is much less likely to state a broad goal for government to achieve without saying how it would like the government to achieve it.

**Figure 7: Greenpeace Use of General vs. Specific Prescriptions**



**Table 3: Greenpeace Use of General vs. Specific Prescriptions**

<i># of Total PRESCRIPTIVE Mentions with:</i>	<i>France Count (Proportion)</i>	<i>Sweden Count (Proportion)</i>	<i>p-value (Test)</i>
General Prescription***	63 (67.7%)	4 (28.6%)	0.0072*** (Fisher's)
Specific Prescription***	30 (32.3%)	10 (71.4%)	0.0072*** (Fisher's)

These findings strongly support the hypothesis that groups faced with low transparency, and therefore greater uncertainty, about the policy-making process should present more general rhetoric, while groups under high transparency can be more specific. Where there is lower transparency in government policy-making, we expect that groups will have more difficulty presenting specifically tailored messages to policy makers; on the other hand, where information is more freely available, it will be easier for groups to more narrowly tailor their prescriptions to specific points and actors in the policy process. The prescriptive statements by both Greenpeace branches indicate that they follow this logic in their rhetorical strategies.

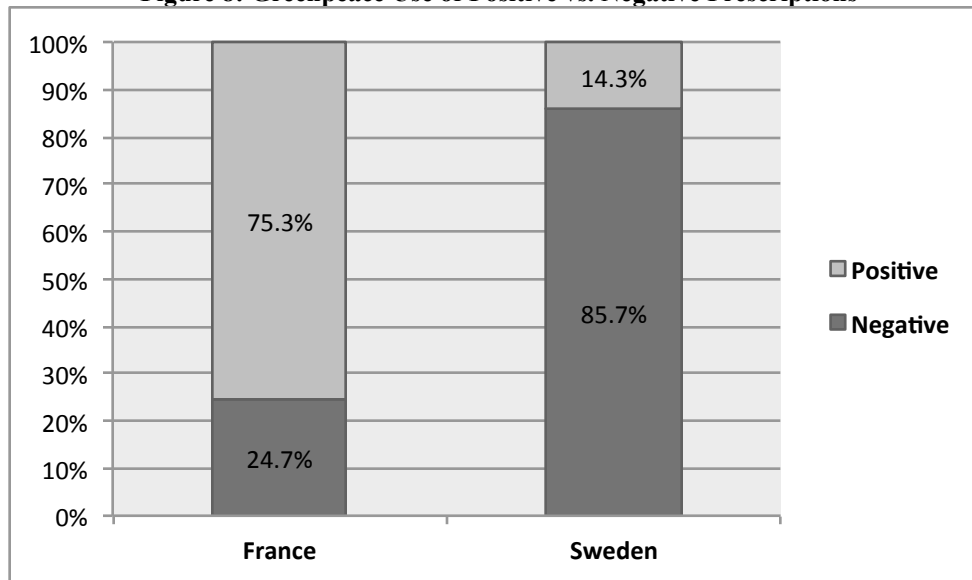
***Insurance Against Exclusion: Framing of Prescriptions***

Prescriptions can be framed either positively or negatively. A positive prescription is one that points to positive steps that can be taken to achieve a goal. In the press releases, these appear as statements about what a government actor should *start* doing. Negative prescriptions, on the other hand, emphasize actions or policies that a government actor should *stop* doing.



There a significant difference in the framing of the prescriptions proposed by each Greenpeace branch. Greenpeace Sweden was much more likely to frame its prescriptions negatively and demand that a government actor should stop doing something (85.7% of its prescriptive statements). In contrast, Greenpeace France was more likely to frame its prescriptions positively and demand that a government actor should start doing something (75.3% of its prescriptive statements).

**Figure 8: Greenpeace Use of Positive vs. Negative Prescriptions**



**Table 4: Greenpeace Use of Positive vs. Negative Prescriptions**

# of Total PRESCRIPTIVE Mentions with:	France Count (Proportion)	Sweden Count (Proportion)	p-value (Test)
Negative Framing (Stop!)***	23 (24.7%)	12 (85.7%)	0.0000*** (Pearson's)
Positive Framing (Start!)***	70 (75.3%)	2 (14.3%)	0.0000*** (Fisher's)

For example, Greenpeace Sweden requested that its government stop providing subsidies for biofuels, such as those derived from palm oil, because of their role in deforestation. The prescription highlights what the government is doing wrong. In contrast, Greenpeace France requested that their government begin acting in support of legislation against illegal logging. Thus, the prescriptions presents a path for French government actors to start protecting forests in a variety of ways. As a counterfactual, Greenpeace France could have framed the statements negatively, such as “The government must stop preventing environmental protection through its

inaction!” While some of Greenpeace France’s statements did take that more negative form, most did not.

Thus, Greenpeace France frames its forestry policy prescriptions in a much less confrontational way than Greenpeace Sweden. This is a counterintuitive result, since the French political sphere is usually characterized as far more contentious than the Swedish (see, for example, Kitschelt 1986). However, it fits well with the hypothesis that groups under low transparency may need to soften the edges of confrontation to reduce their chances of needlessly alienating government actors.

This does not mean, however, that such groups avoid confrontation completely, as Greenpeace France does perform its particular brand of public demonstrations in France as the other branches do elsewhere. However, more positive framing of its prescriptions indicates that Greenpeace France temper that confrontation when possible.

### ***Insurance Against Exclusion: Framing of Descriptions***

At the most basic, descriptive statements can be framed as negative, positive, or neutral. Positive statements directly express approval for a government actor or action, or point out behaviors of government actors that are in line with Greenpeace’s own goals and preferences. Conversely, negative statements directly express disapproval or highlight government actions that clash with Greenpeaces’ goals and preferences. A neutral statement simply describes a government actor or action, but does not clearly expressing a judgment of it.

The results show that both organizations are equally likely to present negative descriptions of government actors in their press releases: around 40% of each group’s descriptions fit this pattern. Given that press releases are intrinsically outsider strategies, with a goal of widening the audience for particular issues, it makes sense that both branches of Greenpeace would use them to point out government actions and political events that displease them. It is also reasonable that the two groups use their press releases in a similar manner when it comes to naming and shaming government actors, since a major component of Greenpeace’s international lobbying strategy is put pressure on governments and other actors by calling them out in public.

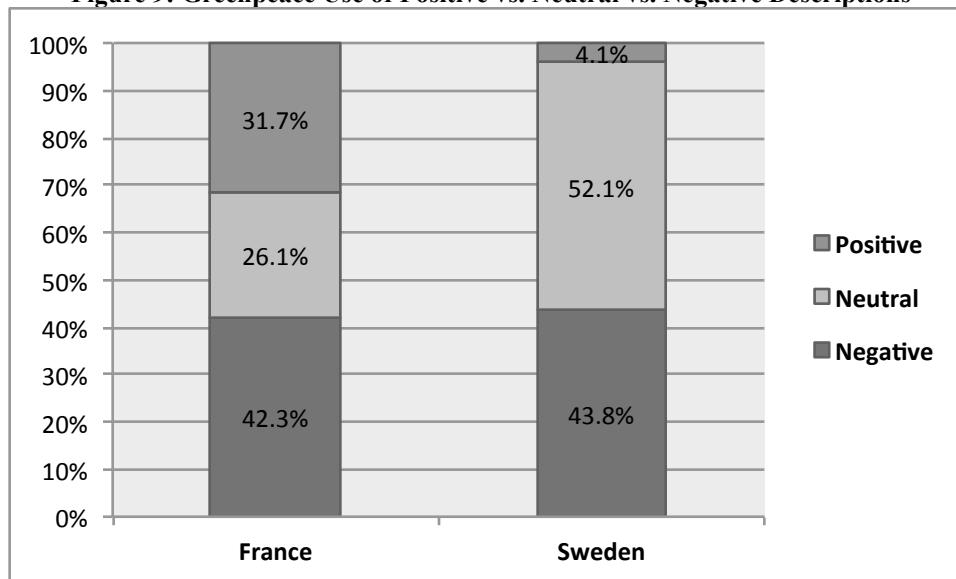
However, the results show a sharp difference in the two branches usage of neutral and positive descriptions. Greenpeace France is significantly more likely to point out positive behavior on the part of government officials than Greenpeace Sweden. While 31.7% of Greenpeace France’s descriptive statements are positively framed, only 4.1% of Greenpeace Sweden’s are positive. Instead, Greenpeace Sweden is significantly more likely to use neutral statements, which describe government actors’ behavior without a judgmental context. For example, “Several members of parliament took part in a commission” is a neutral frame, whereas the same information could be framed positively by saying “Several members of parliament took steps to protect the environment by actively participating in a commission to solve climate change.” Thus, the Swedish releases do not add positive descriptions to the majority of their statements about government actors and actions.

This supports the hypothesis that groups under low-transparency must adapt their lobbying strategies to reduce the potential for exclusion, while groups under high-transparency do not. As noted, when groups can be excluded from information about the policy process, they must shift their public lobbying rhetoric to reduce the chances of losing access immediately or in the future. Following this logic, French groups would need to appear somewhat more even-handed with their own government, as their information about the policy process is much more dependent on the goodwill of formal policy makers. Given that press releases are particularly useful for pointing out government failures to incense the public, it is difficult to simply stop pointing those out. Instead, low-transparency groups can temper their confrontational stances by balancing out negative statements with acknowledgements of the good things the government has done. In other words, they can appear more constructive and reasonable if they also indicate where government actors are trying or are succeeding.

On the other hand, high-transparency groups would have less need to placate government officials in their press releases, as their access to policy-making information is not as dependent on government officials. In Sweden, much of that important information is provided automatically and very publicly, which makes it difficult for government actors to shut out individual groups. Thus, Swedish groups have less need to add positive statements to their public lobbying messages, and can instead focus on providing information and judgments that is more likely to motivate their members and their base of support.

This result is also counterintuitive. Conventional wisdom suggests that the French groups should be more confrontational than the Swedish. However, these results show that Greenpeace Sweden was particularly unlikely to use a positive frame in its discussion of government actions, as there are only two examples of such statements. In contrast, Greenpeace France had a much closer balance between its use of negative and positive statements.

**Figure 9: Greenpeace Use of Positive vs. Neutral vs. Negative Descriptions**



**Table 5: Greenpeace Use of Positive vs. Neutral vs. Negative Descriptions**

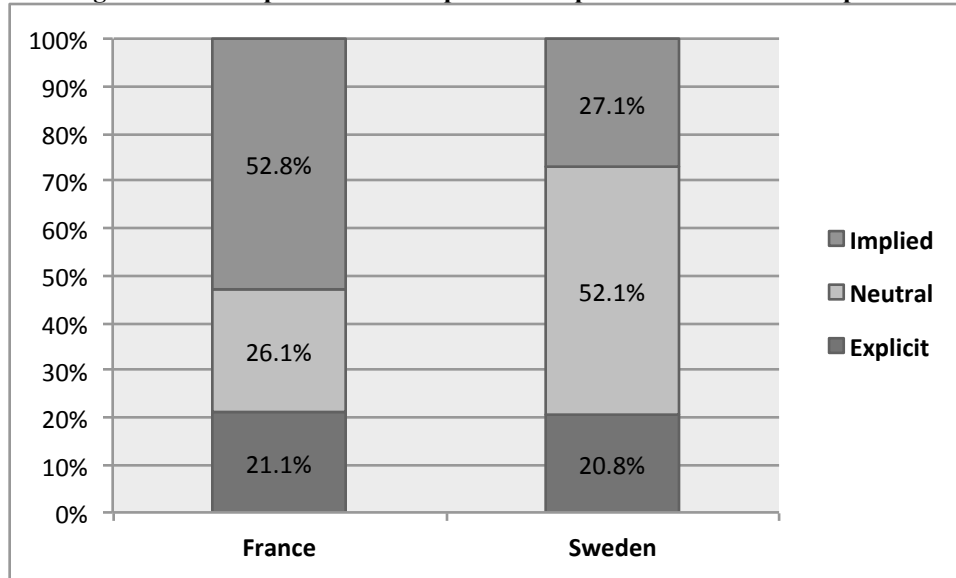
<i># of Total DESCRIPTIVE Mentions with:</i>	<i>France Count (Proportion)</i>	<i>Sweden Count (Proportion)</i>	<i>p-value (Test)</i>
Positive Judgment***	45 (31.7%)	2 (4.1%)	0.0000*** (Fisher's)
Neutral Judgment***	37 (26.1%)	25 (52.1%)	0.0017*** (Pearson's)
Negative Judgment	60 (42.2%)	21 (43.8%)	0.9901 (Pearson's)

To complicate the story, I also considered whether these judgments were presented explicitly or implicitly. An explicit judgment uses direct language to express approval or disapproval of particular events or actions being described. Implicit judgments, on the other hand, use language that could be interpreted as more neutral by the reader of the press release. However, I coded statements as implied positive or implied negative if a judgment could be construed from Greenpeace's positions on the subjects in question. For example, the statement "the Minister has committed to policing the certification of the legality of imported timber" is an outwardly neutral statement, but can be coded as implicitly positive, since Greenpeace is against the importation of illegal timber. Similarly, the statement "France would like to permit industries to emit greenhouse gases in the name of forest protection" is also outwardly neutral, but can be coded as implicitly negative, since this action runs counter to Greenpeace's publicly stated preferences.

Both groups have a greater proportion of implicit than explicit judgments. This is in line with what might be expected from press releases in general. Implicit statements make it more likely that the information contained in the press release can be construed as an objective fact by those who are reading it (Jacobs 1999a; Jacobs 1999b). This would likely increase the chances that media outlets will be willing to re-publish the material presented by Greenpeace

That said, Greenpeace France is significantly more likely to make implicit judgments of its own-government actors in its press releases than Greenpeace Sweden. As a proportion of all descriptive statements, over 50% of Greenpeace France's are implied, while just under 30% of Greenpeace Sweden's are. However, there is no significant difference in the proportion of explicit judgments on the part of the two groups. In other words, they are equally likely to come right out and give an explicit opinion about a particular government action or government-related event, but Greenpeace France is more likely to implicitly present its approval or disapproval.

**Figure 10: Greenpeace Use of Implied vs. Explicit vs. Neutral Descriptions**



**Table 6: Greenpeace Use of Implied vs. Explicit vs. Neutral Descriptions**

# of Total DESCRIPTIVE Mentions with:	France Count (Proportion)	Sweden Count (Proportion)	p-value (Test)
Implied Judgment***	75 (52.8%)	13 (27.1%)	0.0035*** (Pearson's)
Neutral Judgment***	37 (26.1%)	25 (52.1%)	0.0017*** (Pearson's)
Explicit Judgment	30 (21.1%)	10 (20.8%)	1 (Fisher's)

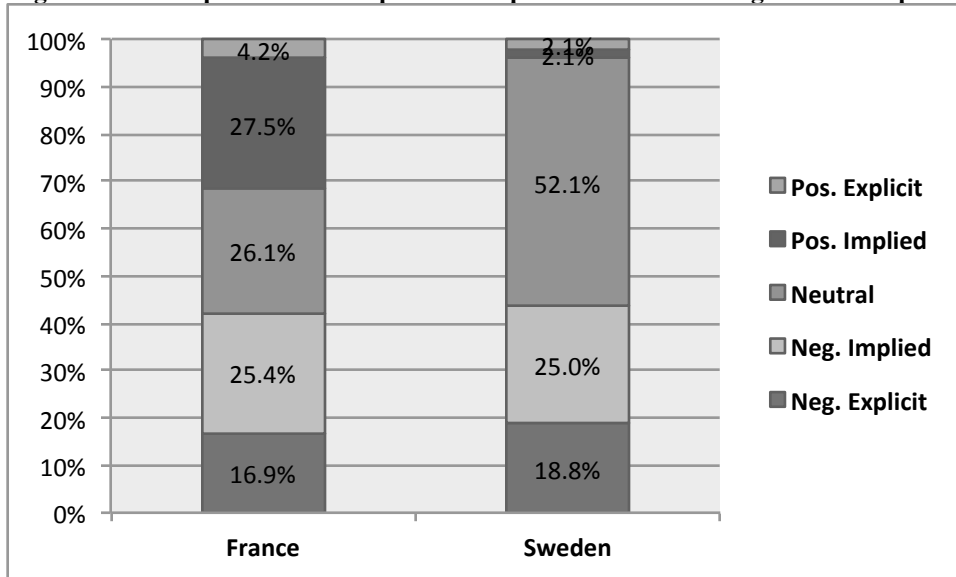
By expanding the results for all types of judgments, the reasons for this discrepancy become more clear. There is no significant difference in the proportion of either positive and negative explicit judgments or negative implied judgment on the part of the two organizations. In other words, both organizations are equally likely to suggest disapproval of government actions in their press releases — whether explicitly or implicitly — though Greenpeace Sweden was slightly more likely to make that judgment explicit while Greenpeace France was slightly more likely to make it implicit. And both were equally likely to make an explicitly positive judgment, though this particular type of judgment was fairly rare.

However, where the two differ significantly are in their use of implied positive vs. neutral statements. Greenpeace France was considerably more likely to present descriptions that were implicitly positive, than Greenpeace Sweden which had only one instance of this type of

descriptive statement. On the other hand, Greenpeace Sweden was significantly more likely to present neutral descriptive statements, with twice as many such statements as Greenpeace France.

These results suggest that Greenpeace France is trying to temper the overall confrontational tone of their releases — by providing positive statements — but at the same time is trying not to reduce the impact of the press releases for pressuring government actors. By using implicitly praising government actors for taking the right actions, Greenpeace France can show that they are reasonable and constructive, while at the same time it can still point out what government could be doing better. A too explicit positive might actually undermine the impact of using the press release as a lobbying tactic.

**Figure 11: Greenpeace use of Implied vs. Explicit Positive and Negative Descriptions**



In sum, the use of descriptive statements supports the hypothesis that Greenpeace France, operating in a low-transparency policy-making environment, will implement its rhetorical lobbying strategies by insuring themselves against exclusion. By balancing negative descriptions with positive ones, the group can show itself to be a more conciliatory and useful partner in the policy sphere. However, the group can still ensure that its public lobbying attempts are not too undermined by this positive spin by keeping those positive descriptions implicit. This suggests that Greenpeace France may need to walk a fine line in its use of rhetorical strategies: both lobbying hard and insuring against exclusion. In contrast, Greenpeace Sweden does not show a similar need to insure against exclusion. Its press releases do not attempt to temper the potential confrontation of its negative statements by adding in positive descriptions as well.

**Table 7: Greenpeace use of Implied vs. Explicit Positive and Negative Descriptions**

<i># of Total DESCRIPTIVE Mentions with:</i>	<i>France Count (Proportion)</i>	<i>Sweden Count (Proportion)</i>	<i>p-value (Test)</i>
Positive Explicit Judgment	6 (4.2%)	1 (2.1%)	0.6813 (Fisher's)
Positive Implied Judgment***	39 (27.5%)	1 (2.1%)	0.0001*** (Fisher's)
Neutral Judgment***	37 (26.1%)	25 (52.1%)	0.0017*** (Pearson's)
Negative Implied Judgment	36 (25.4%)	12 (25.0%)	0.8858 (Pearson's)
Negative Explicit Judgment	24 (16.9%)	9 (18.8%)	0.8262 (Fisher's)

## **Conclusion**

In conclusion, this content analysis of Greenpeace press releases supports the theory that groups under low-transparency will pursue insurance strategies to mitigate the potential dangers of making lobbying decisions under uncertainty. Greenpeace France, faced with a low-transparency policy process, uses a rhetorical approach which insures against errors by tailoring its government-focused prescriptions more generally, reducing the chances of presenting policy in a way that does not fit the requirements of the current policy process. In addition, it insures against exclusion by framing its government-focused prescriptions and descriptions in a less-confrontational way. By presenting more positive prescriptions (suggesting what government should start do, rather than pointing out what it should stop doing), it decreases the chances of alienating government actors on which it depends for discretionary information about the policy process. By balancing out negative descriptions of government actors with positive descriptions, it also helps reduce the confrontational edge of its releases, and increases that chances that it will be seen as a constructive and credible group for policy negotiations.

Greenpeace Sweden, in contrast, does not show such insurance strategies in its press releases. It does not insure against errors in its tailoring of prescriptions, and instead it focuses on specific policy actions that government should take. In addition it does not insure against exclusion, and does not attempt to temper the confrontational edge on its releases. Instead, it presents negatively framed prescriptions, and makes little attempt to present positive descriptions of government actors and actions. In other words, Greenpeace Sweden's releases show little attention to the possibility of either errors or exclusion; this fits with what we should expect within a high-transparency policy-making environment.

The most interesting aspect of these findings is that they contradict the usual view of French and Swedish politics. Generally, French politics and groups are seen to be much more contentious and confrontational, while Swedish politics are seen as far more consensual. However, the press releases of Greenpeace France and Greenpeace Sweden show another side to conventional wisdom. While both groups do use their press releases to pressure government to do things differently in environmental policy, Greenpeace France reduces its confrontational edge in order to decrease the negative ramifications of making lobbying decisions in an uncertain and non-transparent policy process.



## Appendix: Characterizing the Transparency Levels of France and Sweden

### *Sweden: High Transparency*

Sweden has a parliamentary system of government, which means that much of the policy-making process takes place within the executive; most Swedish bills originate in government (Bergman and Bolin 2011: 269), and regulations are created within executive agencies. While executive branches, in general, tend to be relatively more closed and non-transparent than legislatures (which are usually constructed as deliberative bodies representing the broader public), the Swedish policy-making process has a number of institutions that increase the transparency of the executive, and therefore the transparency of key *early* stages of the policy process.

The most important of these transparency-enhancing institutions are: 1) the systematic creation of commissions to investigate potential policy changes; and 2) the *remiss* or comment process that encourages societal stakeholders<sup>44</sup> to provide their opinions on policy.<sup>45</sup>

Governmental commissions, created by ministers with the approval of the cabinet, are created to investigate new policy initiatives. This is the case particularly for major policy changes and the creation of new laws and public programs, but also for narrow technical policies through to constitutional questions, encompassing the full issue range of government activities (Ruin 1996: 67; Heclø and Madsen 1987: 13; Trägårdh 2007; Premfors 1983; Anton 1969). Heckscher (1958: 166) notes that “practically all important questions which are brought before Parliament have at one time or another been studied in a royal commission, the report of which is made public well ahead of the bill which is presented to Parliament.” While not every new policy proposal has to go through a commission, it is widely regarded as an important and common step in the policy process.

Most importantly for groups, the commission process increases policy-making transparency, and provides groups with important actionable information about the policy process. When a commission is created, groups are simultaneously made aware that 1) the agenda has been set for this particular issue, and 2) that a process of information-gathering and deliberation on the subject has begun. This is a crucial point of uncertainty reduction for groups, and it happens very early in the policy-making process, at the very least for big issues. It means that groups know that a particular issue is on the table well before any policy details have been decided. And groups also know that any major policy change, or policy upheaval, will be preceded by such a commission; while smaller proposals may not follow such a path, Swedish groups can be very certain that no

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<sup>44</sup> Stakeholders are defined as *any* organization, group, or individual who might have an interest in a particular policy. While state, public, and private organizations are actively solicited for comments, any private individual also has the right to volunteer a comment (Eriksson, Lemne, and Pålsson 1999).

<sup>45</sup> These same processes are also used at the implementation stage, in the creation of rules and regulations. Some bills also have stronger consultation requirements written in to them; for instance, the Forestry Act of 1994 stated explicitly that forestry producers would be consulted to determine whether voluntary changes could be implemented before any formal regulations or rules would be considered - an approach characterized as “freedom under responsibility” (Ekelund and Dahlin 1997: 19-20; see also, Hamilton 2004; KSLA 2009).

fundamental and sweeping changes will be made to their legal environment without finding out about it early in the policy process.

The output of the commission and investigation processes are public reports of policy recommendations to the government. However, before the government uses commission reports to draft its legislative proposals, the Swedish policy-making process requires an additional step. Almost all proposals and commission reports are subject to a process of broad consultations called *remiss* (Heclø and Madsen 1987: 13; Bergman 2004: 214). Specifically, the report recommendations are automatically and directly sent to stakeholders from the ministries, with a request for comments: basically, any organization that a minister considers likely to be impacted by the decision or interested in the subject is included on the referral list (Arter 1999: 154-155; Premfors 1983: 623). This process of soliciting and considering the comments, suggestions, and critiques of relevant stakeholders in a policy issue is much more “comprehensive, systematic, and public” in Sweden than comment periods undertaken in other countries; indeed, in Sweden, “the referral process is the rule not the exception” (Petersson 1994: 91).<sup>46</sup> In other words, drafts are provided to, and comments are solicited from interests groups *before* government ministries draft the policy proposal that will be presented to the Riksdag.<sup>47</sup> In addition, it is sometimes the case that ministries will send out their own policy proposals for *remiss* comments, perhaps several times, if they feel it is needed or useful. The *remiss* process ensures that groups will know what the earlier investigations concluded about a particular policy proposal, and it gives groups additional time to decide how to influence ministers before the government finalizes its policy proposals.

It is useful for groups to have a formal means through which to provide their opinions and preferences to government. But it is equally critical as a means of providing information *to* those groups about what is being considered in government. The *remiss* process increases the transparency of the policy-making process. While the commission creation process, and its reports, are made public, the *remiss* process ensures that many societal interests will be *directly contacted* about the specific policy issues that are on the table, *before* government writes its proposals on the subject. Getting this information, and having a comment period for reports and drafts, means that groups have the time to set up any additional lobbying strategies that they would like to pursue, to counteract the decisions of commissions, or merely to preemptively lobby government or the Riksdag on an upcoming bill.

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<sup>46</sup> While soliciting comments from societal interests is not strictly required by law, “it is a long-established praxis” (Trägårdh 2007: 264), and it is formally encouraged in the Swedish constitution. Article 7:2 of the Swedish Constitution states, “In preparing Government business the necessary information and opinions shall be obtained from the public authorities concerned. Organisations and private persons shall be afforded an opportunity to express an opinion as necessary” (Sveriges Riksdag 2005b). In other words, the government has discretion over whether or not to give organizations a chance to provide comment, but by force of tradition this discretion is more limited. It is generally expected that most reports will be sent for comments.

<sup>47</sup> While the *remiss* system, and the commissions that precede it, are critical in Swedish policy-making, they have both been relatively understudied, though the *remiss* process has been even less researched than the commissions (Trägårdh 2007: 265; Eriksson, Lemne, and Pålsson 1999: 7, 108).

The commission and remiss procedures are often characterized as the most important influence institutions in Swedish policy-making, providing external groups with a method of influencing policy outcomes (Olsen 1982: 230). However, Olsen's (1982) interviews with leaders of interest organizations also makes it clear that groups do not necessarily feel that their comments and proposals are heard by those in government. Indeed, particularly for those groups not aligned with parties in power, groups may feel that these procedures do not give them any "real leverage on political decision making," meaning that the Swedish system is more a system of "elaborate communication" than a system of "influence" (Olsen 1982: 221). What the system does, however, is provide information about what is going on in the policy process so that groups can determine the best way for them to accomplish their goals. As one representative of the Swedish Retailers' Federation (*Sveriges köpmannaförbund*) stated:

We want to maintain these procedures [remiss, commissions, etc.] because they give us a broad perspective on current problems and ideas of how to go about influencing the government in other ways. But as direct influence procedures themselves, they are relatively worthless (quoted in Olsen 1982: 221).

In other words, groups get *information* from these procedures that allows them to formulate their lobbying strategies. If they are able to exert influence from within these institutions, that is a positive benefit, but the institutions do not guarantee it; instead, the institutions guarantee actionable information.

In short, a close look at the policy elaboration stage in Sweden shows that groups can count on fore-warning for most, if not all, policy changes considered by the government. Groups are actively consulted on most instances of policy formulation, suggesting that groups can play a decisive role in public policy (Arter 1999: 159). But, as I have argued here, a critical aspect of this consultation is not simply that groups might be able to exert influence through these formal channels, but that it provides groups with early and reliable information about the policy process. In particular, the commission and *remiss* procedures release information to the public about what government is planning to address, and how it is thinking about addressing it, *in advance* of any final decision being made. Groups can take part in the formal procedures, but this early, systematic, and essentially non-discretionary information release makes it possible for them to *select their own preferred strategies* for exerting pressure on government officials.

This practice of policy-making through systematic consultation means that there is an *early* release of information; information about what is on the table and being considered is released *before* it is finalized by government and agencies.<sup>48</sup> These institutions also mean that there is less discretion for policy-makers over whether or not to disseminate information about the policy process; information is given out, to a wide array of potential stakeholders (those interested or with a stake in a particular policy issue). This means that groups can anticipate being informed of current

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<sup>48</sup> The consultation alone is not the full story. While groups are able to exert some influence over policy outcomes through these consultations, many feel that their participation in these institutions *do not* reliably affect outcomes, as discussed later in this chapter. Thus, most groups still need to construct lobbying strategies beyond participation in these consultations. The critical element, I argue, is that these systematic consultations *release information* about the policy process and what is under consideration to all groups. These groups can take part in the consultations, but are also able to construct other lobbying strategies using the information released.

policy-making while it is still being elaborated, and thus can construct a lobbying strategy to push for their interests.

In the end, groups who face the policy-making process in Sweden can have very high levels of certainty that they have very good information about the policy issues on the table. Groups, then, should be confident that they can build their lobbying strategies with the actionable information released for any particular policy issue, without the need for insurance strategies to mitigate potential surprises. The Swedish policy-making process, for groups, is very transparent.

### ***France: Low Transparency***

The internal workings of the French policy-making process are relatively opaque and uncertain. There are few requirements for systematic releases of information about the policy process, particularly during the earliest stages of the policy process; instead, information is divulged largely at the discretion of policy makers.<sup>49</sup> To make matters worse for interest groups who hope to influence policy outcomes, the process of policy making itself is highly changeable, depending on the desires and interests of current political actors. All of this plays out in an environment that has generally been fairly closed and secretive with its information, where even formal actors in the policy process may not have information about what others are doing and deciding. Thus, the French policy-making process is relatively non-transparent for the interest groups that face it.

Broadly, France is usually characterized as a strong state, due to its political centralization and powerful administrative apparatus, which generally dominates the policy process and can be relatively closed to influence by private actors (Kriesi, et al., 1995; Gaffney 2003).<sup>50</sup> This view is reinforced by the constitutional strength of the executive branch over the relatively weak parliament (Thiébaud 2003; Knapp and Wright 2006). Much important policy making begins in the executive branch, where policy agendas are set and policy alternatives are specified and elaborated. Policy making does take place in the parliament, through debate and amendments, but the majority of bills passed through parliament begin as government bills (Thiébaud 2003). In addition, the executive has tended to dominate the formulation of regulations and the implementation process at the national level, though the actual on-the-ground implementation may be carried out in a more decentralized manner by local and regional government actors.

However, the executive branch can be internally divided and balkanized, complicating the lines of responsibility and power over particular policy outcomes (Ashford 1982; Hayward and Wright 2002). Even when the prime minister and the president are of the same party, it may not be clear

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<sup>49</sup> In some cases, even where certain types of information releases are required under law, the timing of those remain at the discretion of policy makers. For example, see below for a discussion of certain consultation practices during elaboration which are required, yet do not necessarily release information about the policy process in a timely manner.

<sup>50</sup> Though it is generally perceived as a closed system, groups still have at least some opportunities for influence, and thus still have an incentive to organize and lobby (Duyvendak 1995; Grossman and Saurugger 2006: 134)

who is holding the reins about a particular policy issue;<sup>51</sup> nor is it always evident which actors within a particular ministry may be most active in elaborating particular policy proposals. Indeed, multiple executive actors can compete against each other over policy production, even when they do not have the power to check each other; for instance, line ministers can compete with the prime minister's aides over policy elaboration on the same policy issue (Hayward and Wright 2002). Thus, the pathways of policy-making may not be clear or permanent for a particular policy area, and the 'normal' procedures for policy-making can easily be overridden by competing policy makers.<sup>52</sup>

While the dominant, yet balkanized, executive branch creates institutional uncertainty about the policy-making process, these difficulties are compounded by a general lack of transparency, particularly during the earliest stages of policy making. There are few requirements for disclosure to interest groups and societal stakeholders in the French system. Indeed, even parliamentarians may not be able to discover what is being considered in the executive branch (Le Men 1984). Instead, it is entirely possible that groups will not know what the executive is considering until a written proposal of law has been deposited on the parliament's agenda, and even then the groups have to keep a close eye on this agenda to ensure that they don't miss something important. Such last-minute surprises mean that groups can be limited to lobbying on amendments and votes within the parliament, as they effectively missed the framing of the agenda and the elaboration of policy within the ministry; in other words, they may need to lobby fairly late in the game, when options they care most about may be off the table and difficult to reinstate.

Nevertheless, low transparency does not mean that groups *never* get information about the policy-making process. Indeed, many groups are reasonably frequently consulted by policy makers about current policy proposals (Hall 2006: 8-10; Le Picard, Adler, and Bouvier 2000: 67-8). When groups *are* given access to the elaboration process, they tend to be groups that are deemed "worthy" and are seen as "trusted social partners" (Hayward 1982: 117, 120).

However, the government has broad discretionary control over information releases, and thus groups are very much dependent on the government, and its good will, for information. Within this context, the groups can get information from policy makers, but they can never be certain at any one time that they have all the information they need. In other words, uncertainty does not require a complete information blackout. Rather groups in France can sometimes get information and sometimes not, but they cannot be sure which of the two states they are in.

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<sup>51</sup> As Knapp and Wright (2006: 112) point out, "in practice ... the president controls as much or as little of policy-making as he wishes;" to emphasize this point, they quote Mitterand's 1983 observation that "it is up to the president to decide which policies should be decided by the president."

<sup>52</sup> For example, the president can make policy announcements to lock in ministers and prime minister without giving them advance warning; and the prime minister and his aides can override the ministers in the same way (Knapp and Wright 2006).

The French government has a great deal of discretion over information about the policy process. While executive actors *can* release information about the current policy issues being discussed and elaborated, they have little obligation to do so *early* in the process. That said, ministers and their staff often do consult with groups about the legislation they are considering, but they are under no obligation to consult all groups who might have an interest in it; instead the minister decides *which groups* it wants to give information to and it decides *which information* it wants to give to or receive from those groups.

If a group is lucky enough to be consulted early in the elaboration process, then it will have a reasonable amount of information with which to construct its lobbying plan. However, if a group is not lucky enough to be consulted early, and the government has not decided to publicly provide information about its agenda, the groups will have to gather information about the policy process in other ways. Their primary line of attack will be to try to get discretionary information about the policy process from their allies in government. For instance, a group can try to contact its actual and potential allies within government ministries. However, the balkanized nature of the French executive means that one group's allies may not have access to information about the policy process being carried out in a different ministry. Though ministry staff and officials need to coordinate their policy making with other relevant ministries, they may not do so very early in the process. Thus, by the time a group's allies in government have information about what is going on, it may be fairly late in the elaboration process.

Even within ministries, there is a great reluctance to share information. Though ministries are required to coordinate with each other, to ensure that all policy areas potentially affected by a bill have a chance to comment on new policy proposals, this communication does not necessarily take place in a timely manner. The actors within ministries who are tasked with actually researching and writing particular bills engage in "turf wars" to maintain their own control over policy creation; thus there may be:

deliberate as well as inadvertent denials of information to other parts of the same ministry as a way of protecting oneself from intrusion by others [and] such uncommunicative practices are much more evident when we move to inter-organizational communication, or lack of it. This behavior takes place both horizontally and vertically (Hayward and Wright 2002: 17).

In short, those who are actually putting together policy proposals exert their discretion over information as much as they can, sometimes refusing to provide information even to other political actors in the executive branch.

The implications of this behavior for groups is fairly large. Even if a group has favorable access to one set of policy makers within the executive branch, they may not get information about the full range of policies currently under consideration in government. Their allies can give them information about what they are doing, but may not have any information to provide about what everyone else is considering. Thus, even groups who have easy access to parts of the executive are likely to be surprised by the output of the executive branch as a whole.

In addition, there are also several types of *formal* consultations that take place within the French government. One type is the *mandatory* consultation commissions that have been set up in various policy areas (Lallement 2006:54). While this may sound, in theory, like a useful and systematic method of gathering information about the policy process, in practice these mandatory commissions have no guarantee of seeing ministry bills until they are essentially complete (Wilson 1983: 900).<sup>53</sup> The commissions have little formal policy-making power (Dion 1972: 186; Wilson 1993), and only some groups are given access to them (Mény 1989: 95-6). Thus, while taking part in a mandatory commission may give groups information about a bill *before* it is deposited in parliament, it may not be much before that moment and may be after the bill is fully elaborated by ministers and their staff, and even may be after it has been formally approved by the full cabinet in the Council of Ministers.<sup>54</sup>

Another type of formal consultations are the large-scale ad-hoc commissions that are occasionally created by government actors (Boy 2010). These tend to be called together before the government decides to take on a particular policy issue, and effectively act to provide recommendations for what the government *should* do. Clearly, knowing about such a consultation or commission would give groups an early heads up about the government's agenda. However, there is little guarantee that the government actually plans to pursue any of the recommendations proffered by the commissions; nor is it guaranteed that the government actually plans to take up the issues on the policy agenda. Indeed, groups can invest a great deal of resources into participating in such consultations, and in the end, find that the resources were essentially wasted.

Thus, there *are* methods and means for gathering information about the elaboration process in France. However, there are *no early systematic* ways of gathering information about the policy process. Government actors can decide at their own discretion whether they will release information by discussing and consulting with groups, and they can also decide which groups they will talk to. While there are mandatory commissions for some policy issues, which ensures some systematic release of policy information from government, these are not necessarily *early* releases of information, and can come fairly late in the elaboration process. Thus, the elaboration process for groups can be very uncertain; they may get information in time to put together a lobbying action, but they may not. And groups may not be able to tell whether they are missing information because there is no relevant policy going through the process, or whether they are missing information because policy-makers are simply not giving it to them.

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<sup>53</sup> Wilson (1983: 900) gives the example of a group's representative who took part in "a committee meeting one day to discuss a proposed measure and then saw it printed the next day in the *Journal Officiel* suggesting that the decision was made and the measure sent to the printer before the committee even met."

<sup>54</sup> As Wilson notes, instead of providing groups with useful information and influence, these commissions "serve to enhance the ability of government to make policy on its own while preserving the guise of consulting affected interests" (Wilson 1993: 121)

As this discussion indicates, information about the elaboration stage is released very much at the discretion of policy makers. Indeed, even when there are formal legal requirements that standing consultative committees be given a chance to inspect proposals and provide advice on them, government policy makers have every right to provide those proposals when they have already completed and finalized the elaboration process. Thus, the one systematic way that groups might get information about the elaboration process takes place at the very end of the elaboration stage, when it can be far too late for groups to act on any information they might acquire.

This means that early, actionable information, is generally only available at the discretion of policy makers. Some discretionary information is doled out directly from policy makers to groups, such as through ad hoc consultations, whether formal or informal. However, groups may also need to seek out discretionary information from potential allies in government. The problem, however, is that the French executive is very balkanized both within and across its ministries. While ministers and their staffs must eventually coordinate amongst themselves, one ministry may elaborate their proposal fully before discussing it with another. Thus, even if a group has a strong ally in one part of government who *wants* to tell the group about all policy issues that might affect it, that ally may not have full information about all the issues on the table in other ministries. Thus, the balkanized nature of the French executive also serves to reduce the transparency for French interest groups. In short, groups face a relatively non-transparent elaboration process.

In conclusion, the policy-making process in France is relatively non-transparent. While groups can, and do, get information about the policy process, it is not provided systematically at the earliest points in the policy-making process. Instead, early information about what is going on in the policy process is generally only available at the discretion of policy makers. Thus, a particular policy issue is sometimes dealt with in a way that gives interest groups actionable information; however, there is no guarantee that actionable information will be provided in *every* case. Even if groups are not always informed late about policy or are not always surprised, there is always the chance that they may be. Any one group may miss out on important information on policy they care about, even those groups who may be regularly given good information when government actors think to call them.

So, even though the later stages of the policy process tend to be reasonably transparent — such as the decision stage in parliament, or the on-the-ground implementation stage in regional and local governments — groups may not have the opportunity to lobby effectively at the critical agenda setting and elaboration stages for policy, nor for the elaboration of rules and regulations. Groups, then, must pursue their lobbying strategies in a state of uncertainty. They must make decisions about how to lobby, even though they cannot be sure that they, in fact, know what is being deliberated or decided within the policy-making process.



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