

STATE AUTONOMY & CIVIL SOCIETY:
THE LOBBYIST CONNECTION

ABSTRACT: The much-noted decline of “state autonomy” theories owes partly to external challenges to state power, such as globalization, supranational regimes, and the like. But advanced democratic states have also long been seen as threatened from within, especially by powerful private interest groups. The extent of private-interest influence on policy making depends in important part on corporate lobbyists, a group whose activities are chronicled in this essay. Lobbyists exercise considerably more autonomy from the private clients who hire them than has previously been acknowledged. This portrait ultimately suggests that the national state and civil society may be mutually supportive rather than strictly separate spheres.

Whither the “autonomous state”? The phrase registers as strangely dated in contemporary scholarship on state capacities and state–society relations. Instead of the potent sovereign entity portrayed by the state–autonomy school¹ during its full bloom in the 1970s and 1980s, today accounts of “weak,” “overburdened,” “broken-down,” and “limited” states are prevalent, culminating in a rash of studies with titles like “The Ending of the Nation–State.”² Part of the decline of state–autonomy theories doubtless owes to the regular ebb and flow of scholarly fashions. But political events, particularly those surrounding the unexpected breakup of the Soviet state, also contributed to the paradigm’s fall from

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currency. Joel Migdal's broad review of state theory portrays autonomy theories as swiftly receding in the face of "the winds of globalization, supranational entities, and divisive ethnic conflict"; he concludes that "the twenty-first century state . . . must be stripped of its myths of unity and omnipotence" (Migdal 1997, 222).

Some states, particularly in advanced industrial democracies, seem better situated to resist the challenges of global economic and other external forces. But an *internal* challenge to these well-developed states' autonomy remains in force. Interest groups, primarily those representing corporate and other private concerns, were portrayed as early as the 1960s as having "captured" various sectors of the U.S. state, through iron-triangle and other mutual-exchange arrangements (see esp. Lowi 1969)—a malign version of the previously dominant, pluralist celebration of interest-group hegemony. Though the triangle metaphor has been largely discarded, the idea that state officials—especially members of Congress, but also White House staffers, agency bureaucrats, and even judges—are constrained by powerful interest groups informs a massive body of research.³ Studies of campaign spending, policy development and outcomes, and interest-group politics, among other sub-fields, often emphasize the influence on state policies exercised by private actors. Thus an additional factor in the demise of state-autonomy ideas, particularly affecting the more developed democratic states, may be that state theorists never managed to overcome the widespread perception that the private and public interests making up "civil society"⁴ block, hinder, and otherwise limit state authority.

If state policy makers are significantly influenced by societal group preferences, the key catalysts in that exchange are interest-group representatives, who convey private aims to public officials (and vice versa). Lobbyists' consistently low ratings in the public eye owe much to their putative sway over government officials, arousing charges of corruption, unequal influence, and "demosclerosis."⁵ In the face of ceaseless assaults by the tens of thousands of lobbyists active in Washington, the notion that state actors enjoy anything like discretion in their work may indeed seem to miss the mark.

This essay investigates lobbyists in their role as the link between interest groups and state officials. I look at one particular aspect of interest-group representatives' work: the relationship between lobbyists and the clients who hire them to press their cases before the state. My argument is that the ostensibly overwhelming influence of private-sector interests on state affairs looks considerably less extensive in practice than

is presumed in much relevant scholarship (and journalistic accounts of policy making). This is because lobbyists themselves are “autonomous” vis-à-vis their clients in meaningful ways: rather than faithfully bringing powerful pressures to bear on state actors, lobbyists act in ways designed to maximize their own discretion. As a result, state actors may have more space to exercise authority free of private pressure than current scholarship recognizes.

Individual lobbyists, it should be noted, are an afterthought in most accounts of interest groups and policy making. Lobbyists are assumed to promote their clients’ interests, usually along narrow lines, by trying to influence officials’ decisions. Just as many versions of public-choice theory treat the state as simply a register of private interests, social scientists generally treat the lobbyist as simply a transmitter of the preferences of an element of civil society, or an agent of private-sphere organizations—in economic jargon, lobbyists’ “principals.”⁶ The usual relationship is specified as follows:

Client *Interest* → Lobbyist *Action* → Public-official *Target* →
Policy *Outcome*

Lobbyists thus appear as vehicles for their clients’ interests, laboring to modify legislators’ preconceived positions on an issue. In this view, the real actors to watch in analyzing policy making are state officials and, in an abstract sense, the private interests that affect their decisions to a greater or lesser degree.

This view permits econometric modeling of the “contract” or “quid pro quo” between legislators and private groups.⁷ “In most cases,” according to a typical study, “special interest[s] want legislators to vote against constituency preferences” (Stratmann 1998, 88). Although such conceptions seem more conducive to analytic convenience (A, the interest group, is directly opposed to B, the constituent, providing legislators with a neat dichotomous choice) than to the description of actual legislative interplay or outcomes, even the more nuanced studies of lobbying follow this outline and present interest-group representatives as creatures of client imperatives.⁸

In practice, lobbyists do not simply register the views of others, acting in lockstep obedience to the “special interests” who hire them. Instead, like other actors in the policy sphere, they pursue interests of their own. These include retaining clients, and/or adding new ones; bolstering their reputation in the Washington policy community, for

reasons of status, future employment prospects, and so on; and promoting “good” public policy, as they define it. None of these goals are necessarily furthered by faithfully striving to match their clients’ preferences to the policy positions of their target audience. To understand what lobbyists do and why, it is not enough to know the interest(s) they represent or the set of preconceived positions they are seeking to alter.

This is not to say that interest-group representatives ignore their clients’ preferences. But ample space for discretionary activity exists—enough, indeed, that state officials may be less bound by private interests’ imperatives than those officials’ frequent interactions with lobbyists appear to affirm. Clients’ “interests,” as we shall see, are often so vague as to amount to little of substance. Many lobbyists actually spend a great deal of time *shaping* their clients’ preferences, even creating interests where none apparently existed before; and where strong client preferences exist, lobbyists often work as hard to change them as they do to influence their putative targets’ views. Many interest-group representatives most resemble independent trustees more than agents of their sponsoring firm, trade association, or individual clients.⁹

The method employed in this study of lobbyist activity is an unconventional one. Most interest-group research relies on multivariate regressions to test theories about lobbyist-legislator interactions, with the data derived from surveys and, less often, interviews. My approach is instead based on sustained direct observation of lobbyists and public officials.¹⁰ Between January 1999 and the present, I followed a group of 11 Washington, D.C., health-care lobbyists as they carried out their regular professional activities. Although I also interviewed many other interest-group representatives and their clients, as well as members of Congress and their staffers, executive-branch officials, and journalists who cover interest groups, the heart of my study is participant observation of the 11 lobbyists.¹¹

Lobbyist-Client Relations: Creating a Space for Autonomy

Lobbyists’ autonomy as policy actors attracted a modicum of scholarly interest in the 1950s, when functionalist studies portrayed a certain type of Washington actor—the Clark Clifford-style “fixer,” or lawyer-lobbyist—as “a principal interpreter between government and private person,

explaining to each the needs, desires, and demands of the other.” This description, originally proposed by the Washington lawyer Charles Horsky, emphasized the autonomy enjoyed by some interest-group actors owing to their “middleman” role as mediator between private and public.¹²

John P. Heinz et al. update this characterization in their landmark study, *The Hollow Core* (1993). The authors argue persuasively that only a handful of Washington lobbyists may be described as independent “mediators.” Less convincingly, they draw a clear distinction between interest-group representatives located within a professional organization (such as a corporation or trade association) and “external representatives” who fit the independent-actor model. Their conclusion: the large majority of lobbyists, those “serving large corporate actors,” generally “*lack the autonomy from clients* that is a necessary condition of the mediator role.” According to their analysis, “the fact that most client organizations are directly involved in representation through their own officers implies that the organizations exercise close control over the objectives and strategies involved in representation . . . [by] monitoring of employee behavior.” Therefore most lobbyists’ freedom to act in the policy sphere is severely curtailed by their clients’ directives: “Few Washington representatives have a substantial degree of autonomy.”¹³

The authors base this claim on an extensive set of interviews and surveys of individual interest-group actors, but their data do not reveal how lobbyists actually carry out their orders. Is there a close match between client interests/directives and lobbyist efforts? Or does substantial independent activity in fact occur: do lobbyists work on issues unrelated to client interests? Do they cut deals with policy makers that benefit the client less than might have been possible? Do they perform “show horse” meetings on Capitol Hill that typically impress clients without advancing their interests in any specific way? Room for such creative activities could be opened by a number of factors: the fluid nature of the policy process, interest-group representatives’ individual initiative and/or lobbying style, interests or ideologies they may hold independently of (and sometimes superseding) client preferences, and the clients’ lack of substantive policy knowledge.

My observation of hundreds of lobbyist-client interactions¹⁴ strongly suggests that in practice, lobbyists enjoy immense autonomy. Most clients possess a very limited understanding of Washington policy activity and of government decisions, even those directly affecting their interests; and countervailing pressures draw lobbyists away from acting as

stewards of their clients' preferences. The theoretically perfect match of interests between client and lobbyist is disrupted regularly. The supply of preferences and directives from clients is limited by their ignorance of the policy realm, and lobbyists face considerations that inhibit their inclination to carry out a client's bidding. Let us take each of these points up in turn.

How Ignorance Secures Autonomy

Most corporate clients, far from serving as a “dominant force shaping the work” of lobbyists,¹⁵ exhibit scant awareness of the issues and strategies involved in their representatives' Washington activity. Whatever policy knowledge these clients do have is obtained largely from their lobbyists themselves through memos, e-mail exchanges, and telephone conversations. Clients likewise display limited understanding of how lobbyists ply their trade on Capitol Hill and in regulatory agencies. Of a group of several dozen clients I interviewed, even the two who were the most active in Washington, travelling there four or more times a year, were, in one's words, “essentially blind here without [my lobbyist]. You could say that [she] is my eyes, ears, and other senses here in the capital.” Conversely, all of the 11 lobbyists I followed referred at one time or another to the need to “educate” their clients.

Empirically measuring clients' relative lack of knowledge of the substance of policy, and of how particular policies may affect their business or other concerns, is beyond the scope of my study. But the limits of their knowledge are constantly evident, whether in listening to one lobbyist patiently explain a policy option or political strategy, or in watching another give rudimentary lectures on “how the Washington policy process works” to a group of corporate managers and partners. Indeed, when I asked each of the clients I interviewed, “What are your top priorities in terms of Washington policy?” most responded with a version of: “Whatever our firm's lobbyists say they are.”

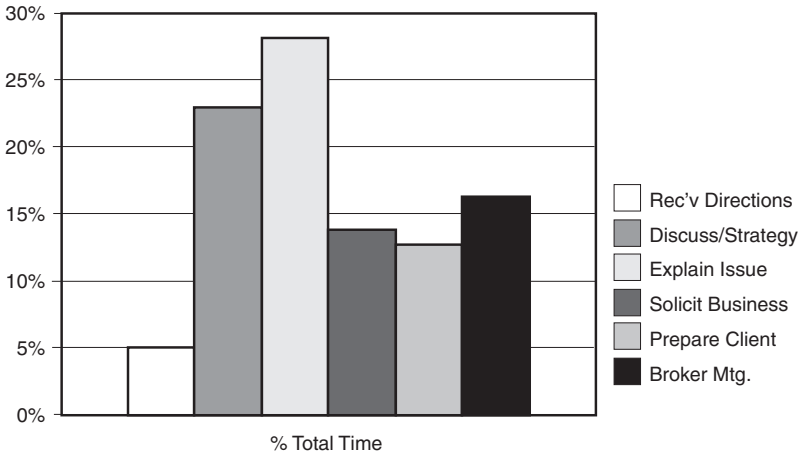
Translating private interests into the language of Capitol Hill or an executive agency is a profoundly complex matter, suffused with ambiguity. Lobbyists quickly become skilled at interpreting that ambiguity creatively. I routinely observed incidents like the following: Lobbyist #3, representing an insurance-company client, described the legislative prognosis for an arcane Medicare reimbursement change—

one her client supported—three different ways: neutrally to her fellow health-care lobbyists at a morning coalition meeting; more positively to a House Budget Committee staffer over lunch (the provision was then in the Ways & Means Committee, and a staffer there had asked the lobbyist to “help smooth the [proposal’s] reception” with Budget Committee staff), and gloomily (“I don’t think this is going to happen [in the House]”) to the client company’s vice president that afternoon. “I’m dampening expectations,” she said with a shrug after I asked her about the latter conversation. “I can explain the outcome persuasively whatever happens, since he [the client] doesn’t understand the political side of this very well, and . . . I’ll get the credit, or more of the credit, if it goes through.”

Lobbyists’ knowledge-based autonomy from their clients is also evident in more oblique ways. On several occasions I accompanied lobbyists during trips to Washington by their out-of-town clients, who needed to testify before Congress or meet public officials on behalf of some policy concern. Many of these visitors, whether in “pre-briefings” by their lobbyists or in speaking with policy makers, resembled nothing so much as nervous tourists in a foreign country. Their lobbyists not only knew the Washington turf intimately, but frequently appeared to understand their clients’ business better than the clients did—or at least knew how to explain that business in ways that mattered to public officials. “Back home,” one trade-association representative told me after four of her hospital-system clients spent two days visiting legislators’ offices to seek Medicare regulatory changes, “these guys are swaggering Texans.” In Washington, though, their hats and boots seemed almost to shrink, along with the men wearing them. At dinner following the group’s first day on the Hill, the lobbyist followed standard Washington insider practice and reserved an aisle table at the Capital Grille, a steak-and-cigars restaurant popular with legislators from both parties. As the evening wore on, a few passing Senators and House members stopped at the table to exchange pleasantries and meet the hospital executives; the visitors positively glowed. “For—what? A few ‘hellos’ from the same politicians those guys bash all the time back home, and they’ll [the clients] be eating out of my hand for the next six months,” the lobbyist told me afterwards. Despite no immediate Congressional resolution of the clients’ issue concerns (as with most such visits), they judged the trip a “big success,” in the words of the hospitals’ CEO.

Rather than being faithful agents of client-principals with a strong

Figure 1. How Lobbyists Spend Their Time



set of established preferences about policies and how to pursue them, lobbyists are able to exercise considerable discretion in their work. Figure 1 provides systematic accounting of this point, by displaying the percentage of time each of the 11 lobbyists spent on various client-related activities.¹⁶

This chart indicates the paucity of time lobbyists spend receiving “directions” from clients on how to carry out their duties.¹⁷ Only 5 percent of the lobbyist/client interactions I witnessed involved what most research presumes—implicitly, for the most part—to be the salient basis of these exchanges. In contrast, lobbyists spent the most time, nearly 30 percent, explaining issues to their clients, a duty that typically involves much *creating* of preferences and interests. They spent another 13 percent of their time preparing clients for Washington meetings—a sort of “principal-agent” exchange, to be sure, but with the roles reversed. And the significant proportion of their time (23 percent) that lobbyists devoted to mutual discussion of an issue was curiously short on detailed strategy and planning for lobbying campaigns, on and off Capitol Hill. Lobbyists do strategize in detail, but most of that work occurs independently of the client. “Better to explain the thing to [my clients] after I’ve got it pretty well sorted out myself,” summarized Lobbyist Number 7.

The amount of time (14 percent) lobbyists spent soliciting business is also noteworthy. Lobbying- or law-firm representatives, whose income depends on signing up their own clients, were no more active

in this area than were trade-association or single-firm corporate lobbyists. This finding appears to contradict the account of Heinz et al., who predict clear differences in client “control” among lobbyists of various types. I found that lobbyists working for a single corporation were no more likely to receive directions from their clients (somewhat less, in fact: 4 percent of the time spent with clients) than were trade-association or independent representatives. And single-firm representatives spent as much time (31 percent) explaining issues to their clients as did their peers in other types of firms.

While client directives occupy a small proportion of lobbyists’ time, this demonstrates little about the relative *importance* of the lobbyists’ work load. Further insight may be gained by analyzing how ardently lobbyists represent their clients’ interests once these are reasonably well delineated, a question I am still investigating. During my assessment of lobbyist/client encounters, I identified 171 examples of clearly articulable client policy interests. These ranged from the microlevel (“find out whether Senator A sent a particular letter to the FDA”) to the very general (“investigate the issue of uninsured Americans”). In consultation with lobbyists and, where possible, their clients, I ranked items based on their importance. An intriguing initial finding: lobbyists were wholly or primarily responsible for identifying 126 of the 171 client interests, or almost three-quarters; clients originated less than a tenth of their own “interests.”

The foregoing should not imply that lobbyists often depart radically from their clients’ ideological predispositions. But within that broad context (“oppose new government regulations,” for example), ample room exists for wielding significant discretion—deciding what issues to emphasize, how to do so, when to make concessions, and so forth. Many lobbyists regularly exercise that discretion, and work as hard at “spinning” their clients or corporate supervisors as they do the legislators and bureaucrats they are hired to influence.

Interest-group researchers, in their quest for empirical purchase on the slippery topic of lobbyists’ policy influence, sometimes measure various groups’ wins or losses in legislative battles. The results presumably yield important findings about the relative influence of different interests. But despite over 40 years’ worth of such investigation,¹⁸ most such analyses fall far short of their aim. Added to the difficulty of isolating interest-group influence, given the numerous other variables at play, is the more subtle problem of how to determine a “win” or “loss” on an issue. Lobbyists are generally as adept at claiming

credit or avoiding blame as are most legislators.¹⁹ Ambiguity shrouds clear accountability on most issues; little wonder that researchers have difficulty identifying interest-group winners and losers, much less determining the causes of their success or failure.

One representative example arises out of debates over the privacy of individuals' medical records and other health information, a critical issue during the 106th Congress. Central to legislative deliberations on the issue were two lobbyists, each acknowledged leaders in their respective camps; they had faced off on numerous occasions, in person and in the trade press. Each was able to claim victory (privately, to me, as well as in public) at a number of turns in the 1999–2000 round of the privacy dispute; moreover, each mentioned to me in passing that she had “never lost a major legislative battle.” Given that the two were regularly in direct opposition on so many issues, their claims seem absurd (by one side, at least). Yet pressed further on specific instances, each could persuasively explain how an apparent loss was in fact a victory. And, in later interviews, clients of each lobbyist made similar judgments.

The average lobbyist is often helped in claiming victory by two factors. First, as Congressional researchers well know, House and Senate committee and roll-call votes are highly malleable. Multiple votes on the same topic provide cover for members of Congress (MCs) on different sides of an issue (Sinclair 1997). This institutional mechanism conveniently aids lobbyists in much the same way. Second, unlike MCs, lobbyists are not formally required to take strong positions in public (or, more important, with their clients) on most policy issues. If a bill the lobbyist supported is defeated, it is usually possible—and not necessarily disingenuous—to claim victory in terms of limiting damages, or helping exempt one's clients from the bill's ostensible harm. Much of the time, therefore, attempting to conclude whether an individual lobbyist lost on a given issue is an unrewarding task. Clients are poorly positioned to make definitive judgments about lobbyists' accountability.

Among the lobbyists I followed, some repeatedly employed the language of “us” (meaning public officials and the lobbyists) and “them” (referring to their private clients) in what initially seemed peculiar ways. This seems to be a shrewd route to long-term lobbying success: by favoring officials on some issues, a lobbyist can position herself to push for client benefits when really necessary. But most

lobbyists have further incentives to create distance between their actions and client preferences.

Why Lobbyists Want Autonomy

In an interview, a former Senate committee staffer turned lobbyist told me that “the alliances don’t always play out the way you would think. I’m a lot closer to folks on the Hill than I am my boss in [corporate headquarters]. There’s things they know about my issues that my boss doesn’t have the faintest idea about; and there’s plenty of times when I’m looking after *their* [legislators’] interests instead of sticking hard to the corporate line.” As this quotation suggests, most Washington lobbyists inhabit the “Beltway” system of policy actors, and therefore are inclined to define clients’ interests at least partly in terms of what plays best in the capital, rather than what the client might find most desirable. Typically lobbyists have worked on Capitol Hill or in an executive-branch agency before passing into the private sphere, and their professional peers are predominantly fellow policy wonks and politicians, not the outside-the-Beltway clients they represent. This competing set of allegiances is cemented by interest-group representatives’ all-too-human desire to be respected members of their peer community. Similar effects appear among legislators who “go native” in Washington, becoming less attuned to constituent concerns; and among Supreme Court justices whose views after joining the Court tilt leftward relative to their prior decisions, as they seek to appeal to a new, comparatively liberal peer group of law professors and clerks.²⁰

One anecdote may underscore this point. I observed from its inception a coalition of health-care lobbyists, most representing corporate interests but also some representing consumer groups, organized around the prominent issue of Medicare prescription drug benefits. The coalition comprised over 40 members covering a wide range of interests. At the outset, weekly meetings tended to feature impassioned pleas for compromise, including one fractious gathering at which a pharmaceutical-company representative was openly urged by a fellow lobbyist to “forget the home crowd [e.g., his corporate client] for awhile; we need you on this proposal.” He evidently found this a compelling argument, dropping his opposition thereafter to a specific coalition policy proposal. Two other members, one representing consumer groups and another small health-care businesses, proved insufficiently cooperative and

were dropped from the coalition: as the director told me afterwards, “They couldn’t get past their members”—suggesting that other lobbyists in the group *were* able to balance their clients’ interests and allegiance to the coalition.

This Washington mindset, and the related quest for status within an issue community, constitutes one of three primary reasons that lobbyists may be inclined to stray from the faithful representation of client interests. The other two: lobbyists’ imperative to retain clients, which (seemingly paradoxically) often leads them to diverge from simply satisfying clients’ overt concerns; and their desire to affect policy in line with their personal preferences, even though those sometimes conflict with their clients’ views. A brief treatment of each follows.

No matter what their organizational base—law firm, corporation, consumer group, trade association, etc.—virtually all lobbyists are engaged in a competition for clients. This dynamic is most evident among independent lobbyists and those who represent law firms or lobbying firms, as their livelihood depends on a continual stream of business. But even single-firm corporate lobbyists, such as those identified earlier in the passages from Heinz et al., compete for client attention. Their struggle may be with other lobbyists in the firm, or to raise their own salience in the client’s eyes: as one client told me, “Washington policy is usually near the bottom of my priorities, until a crisis hits.” The nearly continuous competitive pressure leads lobbyists at times to discount many short-term client interests (“fix this provision”) in favor of securing longer-run ties. Lobbyist Number 5 put the point thus:

Suppose some client wants me to do something for him, on issue X. Now, I can go up there [to Capitol Hill] and, if the breaks fall my way, I can probably get what he wants done, and collect my \$5000 or so. . . . And maybe I’ll hear from him again on [another issue] in a year or two, if ever. That’s no good. . . . Instead, what I’ll do is dig around some on that issue and get back to him and say “Well, this isn’t moving [in Congress] for a few months, though I’ll keep working on it behind the scenes. But in the mean time, you ought to be aware that all these other issues—Y and Z and A and B—are coming down the pike, and these could really affect your business.” And then I’ll meet with him, and convince him I’m the one to handle all these, and draw up a contract for a \$40,000 or \$50,000 annual retainer.

The point here—one that is strangely overlooked in the relevant scholarship, given its recent focus on economic self-interest—is that

lobbyists care about retaining clients for as long as possible. If legislative or administrative policy outcomes were reasonably predictable (or reliably malleable), it might be possible to bank on satisfying clients' immediate interests, provided that these could be clearly translated into policy demands. But the extreme uncertainty coloring most policy debates (Heinz et al. 1993, 358–59) leads lobbyists to deal with clients in much the same way that they do legislators. They define and frame issues for clients, subtly altering their promises and predictions as time goes on. They claim credit for all manner of “achievements”; I witnessed one lobbyist informing a client that he had persuaded a member of Congress disliked by the client to retire (actually, the lobbyist had heard the news from a staffer the night before).

Occasionally a lobbyist will deliver a client an unambiguous victory. But these instances are so rare—despite the vast body of writing about the “special-interest” stranglehold over national policy making²¹—that clients' interests are usually translated into policy demands in extremely elastic ways. And where possible, clients' preferences are manipulated to serve *lobbyists'* interests: in holding existing clients' attention, and in signing up new ones; in enhancing their reputation within Washington policy circles; and in promoting good public policy as they see it. This last goal is the hardest to specify, but is the most directly relevant to our analysis of civil society and state autonomy.

Much as some members of Congress are deeply involved with certain of the policies they debate and vote on,²² most of the lobbyists I followed had strong ideological predispositions that affected their work. The distinction between pursuing clients' interests and advocating policies distinct from (and even opposed to) these is usually a subtle one, but it is apparent in practice. Most of “my” 11 lobbyists display evident relish when they take up issues about which they care a great deal. I followed one representative (Number 4) whose background included long service on the staff of a staunchly liberal Democratic senator. She was sometimes discouraged by her subsequent work for the Washington office of a multinational health-care company that was populated mostly by conservative Republican colleagues. In 1998 an issue arose that allowed her to lobby for a more liberal goal, and she admitted that “I’ll work on this to the exclusion of a lot of things I should be doing instead—then I play catch-up for awhile, [a time] during which I feel like I’m going through withdrawal or something.” Another lobbyist represents drug- and alcohol-

rehabilitation interests for personal reasons. “This causes me serious problems with my [lobbying] firm,” she said. “They represent beer and wine distributors, and other clients who don’t much like my advocacy of [the] Betty Ford [Clinic]. But [the firm’s director] knows that I’ll leave the firm before I give this up.”

Should their clients find lobbyists’ autonomy troubling? The transaction cost of monitoring Washington activity is high, and granting lobbyists substantial room to operate may be a form of Downsian-style rational ignorance.²³ But my conversations with clients lead me to suspect that they would be surprised by the degree of discretion their representatives wield. More worrisome from the clients’ perspective might be the fact that when lobbyists’ own goals and one or more of these client desires come into direct conflict, the former frequently take precedence—though in subtle ways.

To summarize this section’s claims: many clients are only vaguely aware of federal government activity, and receive most policy information from their lobbyists; interest-group representatives seek status and other professional rewards among Washington policy makers, often more so than among their corporate colleagues in far-off Chicago or New York or California; they “spin” issues so as to secure long-term client relationships or better positions; and at least some lobbyists care deeply about “good” policy, defined independently of their private clients’ interests. Taken together, these claims upset a foundational assumption of much contemporary interest-group research: that lobbyists neutrally transmit civil-society interests to the state. Given Washington representatives’ multiple competing motivations, it might more accurately be said that lobbyists constitute independent elements of civil society—or even elements of the state itself.

Interest-group researchers rarely conceive of lobbyists as aligned with state actors to any meaningful degree, but the notion is present in some prominent scholarship. Robert Salisbury emphasizes, in contrast to the more familiar view of interest-group representatives as creatures of their clients, lobbyists’ “need and dependence” on government officials (1990, 229). And Fred McChesney’s examination (1997) of the group/official relationship concludes that politicians successfully “extort” contributions and other benefits from interest groups, in part through close relationships with lobbyists. Both these views, along with a few others (e.g., Ainsworth 1997), conceive of lobbyists as *quasisubjects* of the state, a version of “capture” theory in reverse. My own observations of lobbyists’ daily interactions with public officials suggest that a

strong degree of symbiosis exists, marking a more complex connection between representatives of the state and of the private sphere. I conclude with a look at this potential intermediate ground linking state and society.

State Autonomy through Societal Influence

The wholesale turn, over the past decade or so, from a view of states as powerful, autonomous entities leaves an intriguing vacuum in the study of state capacities and functions. Traditionally, state autonomy has been expressed as being in a zero-sum contest with the power of society; much of the “autonomy” literature took as fundamental that public officials exercised authority over (and worked independently from) private actors,²⁴ in deliberate distinction from pluralists’ iron-triangle account of bureaucrats “captured” by corporate and other private interests. It is not merely coincidence that a resurgence of scholarly and popular attention to civil society accompanied the recent decline of the state-autonomy view.²⁵ This and other emerging scholarly trends may signal a return to an older pluralist portrait of states as simply another form of association, alongside the private- and public-interest groups making up civil society.²⁶

This essay’s account of interest-group lobbyists at work might counsel prudence in the face of a rush back towards the “society-centered reductionist pattern” (Almond 1988, 860) originally rejected by state-autonomy thinkers. Perhaps an alternative option is to conceive of state-society relations not as a Manichean opposition, or—more subtly—as a network of mutual checks and balances, but in terms of interrelations of state and society in which intermediaries—lobbyists—may exercise an autonomy from societal interests that is comparable to, and operationally indistinguishable from, state-theoretic autonomy; and that, moreover, sometimes amounts to cooptation by an autonomous state.

Less radically, might the national state and civil society be viewed not as separate spheres, but as instruments of mutual empowerment?²⁷ Such a perspective is untenable in much contemporary social-science theory, which (in one summary account) “equate[s] the strength of the state with its autonomy from society and with the ability of state elites to ignore other social actors or to impose their will in any simple manner on society” (Wang 1999, 231). Analysts outside the academy similarly view civil-society activity as a “realm beyond the state” (Novak 1996,

3).²⁸ Strong theoretical rationales exist for strictly separating these spheres in principle. But a more integrative approach to state and society appears to reflect a substantial proportion of actual political practice.

To take the U.S. case, the national state, and related organizations such as political parties, have long fostered “civil society” exchanges among citizens, from affective bonds to economic ties, in part by providing resources to develop local activity into associational networks across state and regional borders. State actors’ efforts to secure civil freedoms helped produce the gains that were registered in this area by African Americans, some other minority groups, and the mass of white citizens across much of U.S. history. Though limited in its infrastructure and many other respects, the early state was an animating source of local political participation, aiding rather than restraining Americans’ developing civil society.²⁹ The dual-federalist arrangement of U.S. power has evolved since, but setting and enforcing uniform standards, restraining destructive competition among the federated states or among interest groups, mediating controversial issues of economic and social justice, and providing for the security of minority groups all remain primarily national-state responsibilities—as even most apostles of devolution or “subsidiarity” accept, if grudgingly.³⁰

This portrait of state and civil society as mutually reinforcing has limits, to be sure. Stressing a national foundation for citizens’ civic ideals can threaten to erase legitimate lines between private and public, or state and society. Political scientist Xu Wang (1999, 245) notes that while “the state helps create, organize, and fund pluralist civil associations, it is also likely to coopt, preempt, subordinate, and control them.” Such corrosive effects also work in the reverse direction; as the “capture” literature noted above testifies, state authority can suffer from overly cozy connections between officials and private interests or social networks. Moreover, the factional tendencies of local groups are not necessarily diminished, much less eliminated, when an association operates at a national level.

To acknowledge these concerns, and that the balance between local and federal power is constantly under negotiation, is to highlight the difficulties of promoting state support for such aims as enhancing citizens’ sense of connectedness to the whole. Given the degree of alarm about fragmentation and separatism in most present-day states, however, and considering past Americans’ practice of promoting both policy making and a stronger sense of civic identity via a government/civil so-

ciety partnership, it seems wise to revisit the prevailing conception of state and civil society as insuperably separate spheres.

State authority may indeed be eroding in the face of powerful global pressures and cross-currents; time will tell. But with respect to the ostensibly overwhelming force of private interest groups, at least in some advanced democracies, closer inspection suggests that state officials' ability to act decisively and with a substantial degree of discretion is sometimes *abetted* by the agents of those groups, rather than being inevitably diminished. Scholarly trends prefigure a widening conception of the state as crippled in the face of overwhelming external and internal forces. But in response, one can faintly imagine a return, a few years hence, to the theme of the American Political Science Association's annual meeting of 1981, when the state-autonomy wave began to crest: "Restoring the State to Political Science."

NOTES

1. E.g., Nordlinger 1981; Evans, Rueschemeyer, and Skocpol 1985. In one summary of the state-autonomy view, "the state was conceived as unitary, above society, and as legitimately penetrative of the entire territory and population under its jurisdiction." Almond 1988, 860.
2. Mathews, forthcoming. Other descriptors are from, respectively, Jackson 2001, esp. 70–72; Migdal 1997, 223n6; Goldstone 1991; and Migdal 1997. See also Benhabib 2001 and Franck 1996.
3. Notable political-science entries in this genre include West 2000; West and Loomis 1999; and Navarro 1984 (subtitle: "How Special Interests and Ideologues Are Stealing America"). More balanced views that still accord a "disturbing" degree of influence to interest groups include Browne 1998, esp. 55–61 (quote at 55); McFarland 1993; Hall and Wayman 1990; and Schlozman and Tierney 1986.
4. Though most scholarly and journalistic accounts deploring the dominance of "special interests" focus on corporate and other for-profit groups, recent work persuasively demonstrates that some citizen (or "public-interest") lobbies, in areas ranging from environmental to consumer rights, have enjoyed considerable influence over policy decisions since the 1960s (see esp. Berry 1999). Thus, in this essay, both citizen and corporate lobbying groups are together referred to as "private," in distinction to the "public" sphere of state authority.
5. "Demosclerosis" is described at length in Rauch 1994; other critiques are cited at n3 above.
6. For a succinct statement of principal/agent theory as applied to clients and lobbyists, see Heinz et al. 1993, 373–74. Salisbury (1990, 224) describes the

- “classic model of lobbying” in similar terms: “A group sends its representative to Washington to press its case for or against some policy option, or it hires one of the many would-be agents already located in the nation’s capital. . . . The presumption in this model is that the group knows what its policy interest is.”
7. See esp. Becker 1983, and the overview in Van Winden 1999, 7–9. “Bribe” and “auction” are also favored terms for the lobbyist/public-official exchange in much economic scholarship; see Boylan 2000.
 8. See, e.g., Heinz et al. 1993, 77 and *passim*.; this treatment is explored in detail below.
 9. Note also that some lobbyists enjoy more discretion than others, and that those with greater freedom to pursue their professional interests often also wield more policy influence. It is *not* the case, based on my observations, that differences in the degree of lobbyists’ autonomy are based primarily on organizational attributes: lobbyists working for a single firm are no less likely, on average, to depart from their clients’ apparent preferences than are independent “hired guns” or those in trade associations. Rather, variations in autonomy arise from features intrinsic to the lobbyists themselves, such as policy expertise, reputation, lobbying style, and personal charisma, and also from the perceived power of the firm or client(s) they represent.
 10. For a rare defense of participant observation as a legitimate tool in political-science research, see Fenno 1992.
 11. A detailed accounting of my participant-observation method appears in Kersh forthcoming. For what I hope are obvious reasons, these lobbyists are not identified in this study; they are referred to by number (“Lobbyist Number 1,” etc.).
 12. Horsky 1952, 10–11. Cf. Dexter 1969, 144–45 (portraying the interest-group actor as “the man in the middle”).
 13. Heinz et al. 1993, quotes at 61 (my emphasis), 67, 188. See generally *ibid.*, 59–79, 184–89, 373–74.
 14. I investigated relations between lobbyists and their clients in two main ways: by observing numerous encounters between the two, most of which occur via telephone or e-mail; and by privately interviewing clients at length about their expectations of the firm’s (or trade association’s, etc.) Washington representatives. I attempted to ascertain in these interviews the extent of clients’ substantive knowledge about the relevant policies at issue during the period I studied, including their organization’s specific positions; and about what “their” lobbyists actually did on a daily basis to advance the firm’s views.
 15. Heinz et al. 1993, 189. Compare Salisbury 1990, 225, who notes that it is often unclear what the “true interests” of a group or firm are.
 16. Results reflect over 100 hours of client/lobbyist observations, including face-to-face discussions and my listening in on speaker-phone. As in other elements of my research, I coded all lobbyist actions in 5-minute increments: this excludes brief meetings or telephone calls (unless several occurred in close proximity, totaling at least 5 minutes). Each increment was sorted into one of six categories: *receive directions* (client instructing lobbyist to pursue a

- course of action); *discuss issues/strategic planning* (substantive exchange, with both client and lobbyist expressing ideas and opinions); *explain issues* (discussion in which lobbyist did virtually all the talking, educating/instructing client—and often creating preferences and interests along the way); *solicit business* (seeking new clients or, more often, persuading existing clients to pay attention to a hitherto overlooked issue, with help from the lobbyist); *prepare client* (prior to a client's testimony, or his/her meeting with public officials in Washington, lobbyists typically brief the client at some length—on the phone and, the afternoon/evening before, in person); *broker meetings* (lobbyist arranges/attends meetings between client and public official, or client's testimony before Congress).
17. My coding erred well on the side of including anything resembling a directive. One representative example: Lobbyist #8 reports to a vice-president at his company's home offices. After a long discussion between the two about a series of negative media reports concerning an issue important to the firm—which I coded primarily as “discussing issues/strategy” and partly as “explaining issue”—the vice-president said “I’ll sign off on that. We’re leaving this [planned meetings with Congressional staffers to blunt the damage] in your hands; I figure once you line the rest of them up [collaborate with friendly lobbyists] we’ll have no trouble getting our message across. Go get ‘em up there [on Capitol Hill]!” He went on thus for long enough that I counted this as a “direction,” due to the “I’ll sign off” statement; as with most such instances, however, the strategy was developed by the lobbyist.
 18. An early entrant is Bauer, Pool, and Dexter 1963.
 19. The original study of members of Congress and “credit-claiming” is Mayhew 1974.
 20. On legislators, see Fenno 1973; on the Supreme Court, see Schauer 2000.
 21. See the references in note 3 above.
 22. Fenno 1973 lists this alongside winning reelection and achieving leadership status within Congress as a primary goal for some legislators.
 23. Thanks to Gary McKissick for this formulation.
 24. E.g., the influential introduction to Evans, Rueschemeyer, and Skocpol 1985.
 25. A good summary of the burgeoning civil-society literature is Hefner 1998; the most prominent recent entry is Putnam 2000. See also Kaufman 1999 and Berman 1997.
 26. On “classic pluralist” scholars’ tendency to “reject the very notion of state sovereignty, and characteriz[e] the state as one association among many,” see Almond 1988 (854). An early hint of the resumption of pluralist views is Salisbury 2000.
 27. For a sustained discussion of the lobbyist/legislator relationship as one of mutual exchanges, see Kersh, forthcoming.
 28. See also Diamond 1994, and Hefner 1998, 20.
 29. Kersh 2001 provides historical details. A good recent summary of the contrary view, that the U.S. state was enfeebled to the point of irrelevance until the early twentieth century, is in Argersinger 2001, 118–20.

30. In one recent formulation, “Even strict states’ rights advocates say Washington’s recent tendency to impose uniform laws for complex industries such as banking and telecommunications makes some sense.” Grunwald 1999, 29.

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