

THE ETHICAL AND UNETHICAL SIDE OF LOBBYING

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Abstract: Periodic scandals that arise from the domain of lobbying have influenced the negative treatment of many Americans and Europeans, when it comes to the honesty, ethics and principledness of lobbying and lobbyists. In this way, lobbying is considered to negatively affect democracy. However, the right to influence legislation is protected by the First Amendment to the US Constitution. Congress may not adopt a law that would curtail the right of people to “petition the government for legislative solutions”. It is similar with EU countries, which regulate the right to lobby by mandatory registration in the Transparency Register at the EU level or at the national level. In this way, the deontology of lobbying is affirmed through the basic principles of ethics: Integrity and honesty Transparency, Respect for institutions, Fairness, Sanctions, Codes of conduct. Unethical lobbying refers to excessive influence over public decision-makers, the spread of influence, corruption and conflict of interest, the priority of private interests (wealth, power) at the expense of the public interest, threatening democratic transparency.

Keywords: Lobbying; Lobbying Ethics; Transparency Register; USA; EU

INTRODUCTION

The terms “ethics” and “morals”, which are compatible with the term deontology, are in a certain way equivalent or very close. In everyday use, they are often identified as identical in content. Although they are different categories, their equivalence from an etymological point of view is somewhat justified. The terms originate from the Greek expression *ethos* or the Latin expression (*mores*) and generally refer to customs, that is, to the social relations that people maintain with each other within a group. On the other hand, according to Jeremy Bentham (1834), the term deontology represents the “science of morality”. However, it is necessary to distinguish between them if we want to gain a clearer understanding of what these relations actually represent. Morality is primarily a normative system, often perceived as absolute, that is, “what must be done”. Morality allows us to distinguish between good and evil. On the other hand, ethics is a reflection of customs, centered on “good” and “bad” in specific contexts. In short, morality is a set of rules (“what”), and ethics is a reflection of these rules (“why”). (Jolibert, 2020, p. 45–55) Being ethically oriented means cultivating a relationship that is reflective and thoughtful about one’s own behavior and actions that are oriented according to values such as: respect, integrity, justice and responsibility, in the name of the common good. Ethics is a personal and collective prism of behavior outside of ordinary rules, in order to act consciously and justly. The antithesis of ethical is unethical behavior. It presupposes a type of behavior that is contrary to moral standards, contrary to integrity and professional rules. Immoral or unethical behavior is considered dishonest, corrupt or unscrupulous behavior in both private and business life. Such behavior may result in

harmful, unfair, improper or illegal actions, in the professional or non-professional environment. (Lagarrigue, Lebe, 1997). The issue of honesty, ethics, morality, and principle are taking on increasing space and importance in lobbying and the behavior of lobbyists. It is known that in the USA, the homeland of lobbying, the right to influence legislation is protected by the First Amendment to the US Constitution. Congress may not prohibit the right of people “to petition the government and to influence the design, passage or repeal of laws”. Similar experiences are practiced in the EU, where the right to lobby is regulated by prior mandatory registration in the Transparency Register at the EU level or at the national level. All these improvements are aimed at building and respecting the Code of Conduct for Lobbyists and affirming deontology through respecting the basic principles of ethics: Integrity and honesty, Transparency, Respect for institutions, Fairness, etc.

METHODOLOGY

The methodology of research in the field of lobbying is eclectic. It is interdisciplinary and includes economic, legal-political, sociological approaches in analyzing the research question. The methodology of scientific research relies on mapping stakeholders, analyzing the impact of policy and monitoring legislation. Research methods include interviews, analyzing official documents, and strategies for “scientific lobbying”. The main focus of the research relies on mapping stakeholders. This process involves determining decision-makers, identifying influential people, competitors and potential allies. From the perspective of public authorities, the following activities are in the focus of research: studying legal texts, detailed analysis of the content of green and white papers and monitoring the position of expert committees. The dynamics of lobbying impose political intelligence, monitoring of parliamentary debates, amendments and regulatory decisions. Accordingly, modern research in the field of lobbying is aimed at creating and mobilizing scientific data to legitimize a position, a method that is sometimes considered controversial according to “scientific lobbying”. Qualitative methods are focused on understanding decision-making processes and analyzing stakeholders. The focus of interest of the analysis may also be indirect lobbying through media monetization, public demonstrations, public opinion, etc.

ETHICS, MORALS AND DEONOTLOGY – VALUE AXES OF RESPONSIBLE LOBBYING

Business ethics have become a central issue today. Economic imperatives and competitive pressures can sometimes conflict with fundamental values. The ethical challenge is particularly pronounced for companies that want to reconcile economic development with social, environmental and human responsibility. Multi-national corporations, faced with more flexible regulations or different political contexts, may be tempted to adopt questionable practices to maximize profits, such as the exploitation of cheap labor or the pollution of natural resources. Consumers and investors are demanding more transparent and responsible practices.

This social pressure is leading to a shift towards more ethical models, even in competitive global markets. Companies must therefore deal with the need to maintain a balance between their economic performance and their obligations to society (Lavorata, 2009, p. 53–64). Beyond companies themselves, business ethics are increasingly attracting and affecting consumers and investors. Some research shows that younger generations, especially Generation Z, are particularly sensitive to ethical issues. According to a 2024 Deloitte study, 63% of consumers prefer to buy products from brands they consider responsible and ethical. Investors, for their part, are increasingly interested in environmental, social and governance (ESG) criteria to assess the long-term profitability of companies. In 2023, a Morningstar study found that ESG investment funds outperformed conventional funds, highlighting the growing interest in responsible business practices (Dynamique Entrepreneuriale, 2025). The issue of ethics, morality and deontology is one of the value axes of modern responsible lobbying. Although negative references to lobbying as a “domain of scandals, corruption, trade in interests” are still present, over time this issue has become significantly transparent and under the control of the developed legal instruments of the state, especially in the UK, the USA or in regional communities such as the European Union. The domain of lobbying encompasses the activities of pressure groups to influence legislators, regulations, the establishment of standards and decisions to promote their own interests. Ethical lobbying is characterized by conscientious action in favor of the collective interest. At the intersection between “digital” and “traditional” lobbying, ethical lobbying aims not only to influence, but also to persuade, raise awareness and propose solutions and alternatives. The concept of “responsible lobbying” seeks to reconcile two managerial approaches. On the one hand, the lobbying of companies, interest groups, NGOs is positioned, on the other hand, the principles of corporate social responsibility (CSR) are set. Responsible “social” lobbying that carries the label of “public interest” would strengthen the regulatory capacities of public authorities and encourage public policies that promote sustainable development. However, this vision seems relatively naive, sometimes out of touch with the reality of lobbying practices, especially when it comes to profit in the economic sphere. However, given that lobbying exists to defend certain interests, the question is how to find compatibility with the public interest (Rival, 2006, pp. 20–27). Adherence to the ethical dimensions of lobbying assumes that people should be involved in decisions that affect them and that advocacy for different causes is a key part of good decision-making. The implementation of ethics in lobbying has initiated numerous public debates that are useful for informing decision-making by public authorities. Ethical dilemmas related to lobbying tend to arise when different behaviors of lobbyists and legislators undermine the fairness and transparency of that process and do not contribute to the common good (Attarça, Rouet, Urrutia, 2025, pp. 30–46).

PRINCIPLES OF FAIRNESS, TRANSPARENCY AND THE COMMON GOOD

The principle of fairness presupposes fair competition in lobbying, which aims to guarantee equality, transparency and integrity in influencing public decisions. It seeks to ensure equal access to decision-makers for all interest groups, preventing monopolization by powerful groups and corruption or conflicts of interest. The most obvious unethical (and illegal) practice associated with lobbying is to pay a policymaker to vote in a favorable way or to reward him after voting with valuable gifts. If these practices were allowed, people and organizations with money would always fulfill their lobbying goals. But apart from direct gifts to lawmakers, which are prohibited and almost never practiced, there are subtler ways to “buy” the influence of legislators. For example, lobbyists organize free expensive trips and lavish meals for lawmakers. At the local level, authorities face similar temptations – tickets to games or concerts, dinners at expensive restaurants, tourist trips, etc. Issues of fairness also arise when some lobbyists have easier access to MPs than others. The violation of the principle of fairness is often discussed when former public officials appear as lobbyists who then go into the private sector and work to influence their former colleagues. In addition to the advantages that rely on their authority in relations with MPs, former officials may still have access codes to offices, use MPs’ training facilities or otherwise gain easier access to the corridors of power. In addition to collegiality, fairness can be compromised in other ways. Especially at the local level, policymakers are often lobbied by people they know socially. Public officials have a duty to avoid influence that may arise from their friendships (Boye, 2013).

Transparency - One way to improve the fairness of the lobbying process is to ensure that potential sources of influence are visible to the public. This goal is behind various state and federal requirements for lobbyists to register and submit reports on the issues they discussed with lawmakers. The principle of transparency in lobbying aims to regulate in a visible way the influence of private interests on public decisions in order to guarantee democratic integrity. The principle of transparency imposes several rules that lobby groups and lobbyists are obliged to adhere to. First of all, identification or registration of lobbyists is necessary, then visibility of exchanges with decision-makers (public registers) and publication of information, through which citizens are informed which lobbyist or group influenced legislation. In this sense, the importance of registers of lobbyists in the state or a higher form of association (Federation, regional organization) stands out as a mandatory obligation. From the perspective of normative regulations, transparency in lobbying allows for monitoring of decisions and information about which lobbyists participated in the development of policies. Finally, transparency allows for respect for ethical standards, promotion of integrity, as opposed to collusion. However, despite improving the legitimacy of lobbying, it is considered that transparency is not sufficient to balance the influence of lobbyists against the public interest of society (Zerbini, 2023).

The Common Good – Lobbyists are advocates. This means that they represent a

particular side of an issue. The role of lobbyists in the legislative arena can be compared to that of lawyers in the judicial arena. Just as lawyers provide views to a judge or jury before a judge or jury on legal issues relevant to a case, so lobbyists provide local, state, and federal policymakers with views on public policy issues. . In a courtroom, two equally powerful lawyers go before an impartial judge. In the halls of Congress or the State Assembly or City Hall, a lobbyist often represents powerful interests, while the people have no representation. An ethical approach to lobbying must ensure that one is advocating for the common good. Lawmakers have an obligation to seek the views of those not represented by powerful lobby groups. Can a modern democracy function without lobbying and lobbyists? Lobbying is an integral part of liberal democracy and is often seen as a complementary part of a democratic society, but its dark sides are not ignored. Therefore, the contribution of lobbyists to the common good is the subject of numerous debates. Lobbying is perceived either as providing technical expertise necessary for democracy or as defending private interests that take precedence over the general interest. Although lobbying provides valuable information to decision-makers, it is primarily a strategic activity aimed at influencing public policy on behalf of certain clients. This means that the ambition of lobbying is not directly aimed at the common good. On the contrary, as the philosopher Ayn Rand points out, she believes that selfishness is a virtue for achieving one's own happiness and "the highest moral goal of man." It is about a selfish sense of personal development and self-preservation (Jennifer, 2009). Lobbying helps to foster dialogue between civil society and decision-makers. In a democratic society, every individual or organization has the inalienable right to defend themselves if their interests are threatened and to propose improvements to legislation. On the other hand, public authorities also face criticism if they pass laws without consulting those directly affected. It is important not to block lobbying but to encourage it in a renewed dynamic. In short, as state institutions weaken and under new external pressures (non-financial reporting, sustainable investments, the rise of the citizen-consumer), companies increasingly see themselves as part of a larger whole or community and strengthen their convictions and become increasingly engaged (De Royer, 2026).

HOW TO REACH THE ETHICS OF LOBBYING IN THE EUROPEAN UNION?

The ethics of lobbying faces two major challenges. On the one hand, there is the phenomenon of selfishness, which is perceived as excessive attachment to oneself and one's own interests, to the detriment of others. Selfishness is rooted in human nature as a form of individualism, narcissism or egocentrism. On the other hand, the ethics of lobbying is the opposite of individual selfishness and presupposes action for the common good of the nation. Balancing these two prototypes is difficult and almost far from reality. Therefore, in order to establish regulation and control of lobbying, lobbyists and lobbies must adhere to certain rules. In the EU, for decades, transparency has been presented as one of the most important tools for protecting

democracy from negative lobbying methods. In parallel, the Council of Europe, the OECD, NGOs such as the Corporate Europe Observatory, the Alliance for Transparency and Ethics (Alter EU) and Transparency International play a significant role in promoting transparency. Gradually, transparency objectives have been institutionalized at European level and transparency measures have been elaborated. These measures cover members of the EU Commission, the EU Parliament and officials and staff of EU agencies and parliamentary assistants, etc. The rules aim to prevent risks at three different points in their careers: 1) preventing conflicts of interest after taking up their duties (retrospective rules), 2) guaranteeing the integrity of their actions. 3) Strengthening integrity through transparency. I) The rules on retrospective transparency aim to detect conflicts of interest after taking up their duties. These rules and practices focus on the past, i.e. on events and actions that occurred before the beginning of the electoral or executive mandate and the analysis of the official's situation after taking office. To this end, the codes and regulations on employment relations of the European institutions provide for: A declaration of interests, for Commissioners, Members of the European Parliament and all employees of the EU institutions and agencies to declare any financial interest that could create a conflict of interest in the performance of their duties. II) Rules on transparency regarding the present – ensuring integrity in the performance of duties. Another set of rules aims to ensure the integrity of officials and decision-makers during the performance of their duties within the institutions. These rules cover: first, control of lobbying activities; second, acceptance of gifts; and third, conflict of interest. a) Lobbying regulation has been subject to increasingly intensive regulation since 1996, with the idea of creating a Transparency Register in the European Parliament. At the initiative of the Commission, the Connect database was created in 2002 and contains information on lobby groups at European level. In 2005, the EU Commission launched the European Transparency Initiative, which led to the creation of a new register in 2008. In 2011, the Transparency Register was established, which also included the Council of the EU in 2021. This regulation aimed to encourage transparency in the activities of interest groups by requiring them to declare their objectives and missions, the budget allocated to lobbying, the number and names of persons involved in lobbying activities, targeted legislative and policy proposals, etc. In accordance with Article 7 of the Code of Conduct for Members of the Commission, Commissioners and their cabinets may only meet with lobbyists registered in the Transparency Register. In addition to their obligation to check whether a lobbyist is registered or not, they must publish information related to these meetings. Several weaknesses have been identified regarding the Register. The most serious concerns are its scope and the accuracy of the declarations it contains. In terms of scope, significant improvements could be made by including more staff in the Council. However, transparency in the EU faces several weaknesses, among which the most notable is that permanent representations have committed to comply with the register only during the period in which their Member State holds the presidency of the Council of the EU. The second weakness concerns the relative

accuracy of the data provided by lobbyists. According to a study by the NGO Corporate Europe, as many as 71% of the declarations of the highest annual expenses in the Register were not reliable (Vauchez, Avril, Fauchon, Korkea-Aho, Lelieur, 2023). Finally, the issue of gifts has found a certain legal framework. In this sense, there are restrictions on accepting gifts. Commissioners and Members of the European Parliament, in accordance with Article 6(4) of the Code of Conduct, provide that Commissioners may not accept a gift worth more than EUR 150 and that any gift exceeding this value must be handed over to the Commission. Gifts are recorded in a public register identifying the donor. As for European civil servants, they may not accept from governments, or from any source outside the institution to which they belong, any honor, favor, gift or remuneration unless the value of the gift does not exceed EUR 50 and provided that the gifts are not cumulative (Vauchez, Avril, Fauchon, Korkea-Aho, Lelieur, 2023, p. 9.).

CONCLUSION

Long treated as a suspicious, scandalous and corrupt and illegal activity, lobbying still suffers from a negative reputation. Key characteristics of illegal lobbying are bribery, corruption, conflict of interest and lobbying without registration. Illegality arises from human selfishness for greater earnings and the emphasis on personal interests over the interests of society. Modern democracy cannot be imagined without lobbying. However, the ideal image of liberal democracy complements the ethics of lobbying. It is based on honesty, transparency and integrity, regulated by codes of conduct and public registers to prevent excessive pressure on public authorities. Lobbyists are obliged to provide accurate information, respect institutions and avoid conflicts of interest. The goal is to exert influence constructively without resorting to corruption. The fundamental principles of lobbying ethics are: Integrity and honesty, Transparency, Respect for institutions, Fairness, Non-interference, Codes of conduct, Sanctions. The EU has been trying to legally regulate lobbying since the mid-1990s. Since 2021, with the adoption of the Transparency Register, 12,600 lobby groups have been identified. Today, anyone with ambitions to lobby in the EU is obliged to register in the Register. However, despite these strict rules, certain weaknesses have emerged, such as the unfair and preferential treatment of former EU officials who have since become lobbyists, as well as false information about their business results provided by lobby groups in the Register.

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ЕТИЧНАТА И НЕЕТИЧНАТА СТРАНА НА ЛОБИРАНЕТО

Резюме: Периодичните скандали, произтичащи от сферата на лобирането, са повлияли на негативното отношение на много американци и европейци, когато става въпрос за честността, етиката и принципността на лобирането и лобистите. По този начин се счита, че лобирането влияе негативно на демокрацията. Правото на влияние върху законодателството обаче е защитено от Първата поправка на Конституцията на САЩ. Конгресът не може да приема закон, който би ограничил правото на хората да „издават петиции до правителството за законодателни решения“. Подобно е и със страните от ЕС, които регулират правото на лобиране чрез задължителна регистрация в Регистъра за прозрачност на ниво ЕС или на национално ниво. По този начин деонтологията на лобирането се утвърждава чрез основните принципи на етиката: почтеност и честност, прозрачност, уважение към институциите, справедливост, санкции, кодекси за поведение. Неетичното лобиране се отнася до прекомерно влияние върху вземащите публични решения, разпространение на влияние, корупция и конфликт на интереси, приоритет на частните интереси (богатство, власт) за сметка на обществения интерес, заплашвайки демократичната прозрачност.

Ключови думи: лобиране; етика на лобирането; Регистър за прозрачност; САЩ; ЕС

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