



# Methods of Political Influence of Weak Interests Using the Example of the Reform Process of the *Bundesteilhabegesetz* (Federal Participation Act)

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## Abstract

People with disabilities and their associations should have the opportunity to participate in decision-making processes by following the principle of “nothing about us without us,” according to the UN Convention on the Rights of People with Disabilities. This slogan was pursued as part of the reform process of the Federal Participation Act (*Bundesteilhabegesetz*) in Germany. Interest groups of people with disabilities (also referred to as “weak interests” in reference to association research) were intensively involved in various stages of the process. This article is based on results of a dissertation project that involved the process tracing method of the reform process of this new law. This paper takes a closer look at the methods of political influence used by interest groups of people with disabilities. Which activities were particularly effective in the context of the process considered here? What can other interest groups learn from the reform process of the Federal Participation Act about the direct use of power resources and lobbying? The power resource approach adapted to weak interests provides a basis, as do various lobbying activities, for demonstrating different ways in which weak interests influence the reform process. As the paper will show, the mix of different lobbying activities helped to assert some of their demands.

**Keywords** Reform process · Participation · Weak interests · Germany · Power resources · Lobbying

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## Introduction: The Federal Participation Act and the Possibility of Political Participation

As part of the coalition agreement between CDU/CSU (Christian Democratic Union/Christian Social Union) and SPD (Social Democratic Party), it was agreed in 2013 to create a new law for people with disabilities in Germany, the so-called Federal Participation Act (*Bundesteilhabegesetz*). The aim of this Federal Participation Act is to improve the self-determination of people with disabilities by implementing the UN Convention on the Rights of Persons with Disabilities (UNCRPD) to German law (Tessloff, 2017, p. 1).

This reform process was initiated mid-2014 by a working group in which people with disabilities and their associations were also able to participate. In the context of this paper, this working group (which was encouraged by the government) is understood as triggering a participatory self-understanding—enabling of participation empowered a broad political participation process of people with disabilities. The different interest groups reacted to the disappointed expectations and dissatisfaction with the planned law with different methods of lobbying, using existing power resources. Interest groups of people with disabilities carried out classic protests and sought contact with decision-makers. At the same time, special forms of lobbying were used by forming special alliances and exceptional exchanges between interest groups.

This paper takes a closer look at the methods of political influence used by interest groups of people with disabilities in Germany. Which activities were particularly effective in the context of the process considered here? What can other interest groups learn from the reform process of the Federal Participation Act about the direct use of power resources and lobbying? To answer these questions, this article will first present the state of research and then provide background information on the Federal Participation Act. The conceptual framework and the research design of the project are also described. This will be followed by a presentation of the results (findings and discussion). The article closes with a conclusion.

### Current State of Research: Methods of Influencing a Policy Process

To this point, research has focused on the influence of weak interests on political processes in individual areas such as social welfare, old-age security, and employment support (e.g., von Winter, 1997) or on the organizational capacity of individual weak interests (e.g., Spörke, 2008). Accordingly, only general information is available on influence of weak interests in policy processes, while specific literature about people with disabilities on this topic is rather incomplete. Therefore, the following subchapter will only deal with the influence and assertiveness of weak interests in general terms.

Spörke (2008), Knill and Tosun (2015), and other authors (Reutter, 2001; Schroeder et al., 2010) describe the circumstances under which weak interests can successfully achieve their goals. In addition to organizational capacity, it is

a requirement that the associations shape their goals and activities in such a way that they can influence decision-making processes, in parliament, government, or administration. Cooperations between various associations and political closeness to parties play a particularly important role, both before and during a reform process. In addition, informal discussions between alliance partners (like interest groups and ministries) and contacts before hearings can be decisive in determining whether or not changes can be achieved. The political process can be influenced, if good cooperations and successful contact management are implemented. If associations actively participate in parliamentary hearings, their ideas are able to be introduced in the parliamentary legislative process. Whether or not demands are successfully incorporated into the legislative process it is important to early influence the ministerial preparatory phase of legislation. Thus, once bills are beyond the draft stage, they are not very easy to amend (Spörke, 2008, p. 59 ff.; Knill & Tosun, 2015, p. 101; Reutter, 2001, p. 93).

Individual interest groups have recognized that they only have a limited influence on political sectors. That's why they focus particularly intensively on their public relations work. This approach is used to demonstrate the legitimacy of their own interests to society and to use the media as a mean of asserting their own interests (Schroeder et al., 2010, p. 163).

## Background of the Federal Participation Act

In the years 2014 to 2016, the Social Security Code (*Sozialgesetzbuch IX*) was reformed after a new coalition decided in 2013 that there should be a reform—on the one hand, to improve the self-determination of people with disabilities and, on the other hand, to implement the UN Convention on the Rights of Persons with Disabilities (UN CRPD) into German law (Tessloff, 2017, p. 1). In addition, the unstoppable rise in expenditure dynamics of integration assistance (*Eingliederungshilfe*) should also be slowed down. In the coalition agreement, the new law was referred to as the Federal Participation Act. The agreement of the coalition intended to continuously involve people with disabilities and their associations in decision-making processes in the course of the reform process with the slogan “nothing about us without us” (Koalitionsvertrag zwischen CDU, CSU und SPD, 2013, p. 77). This guiding principle has its origins in the Convention of the Rights of Persons with Disability (Callus & Camilleri-Zahra, 2017, p. 7), but it is also common for government actors to address interest groups during the preparation and implementation of decisions (Strünck, 2013, p. 298). Thus, associations represent a central component of the architecture of the welfare state in democracies (Klenk, 2019, p. 41). As a result, a working group on the Federal Participation Act was established in mid-2014 in collaboration with people with disabilities, their associations, social partners, service providers, and representatives of the federal government, the states, and municipalities (Hellrung, 2017, p. 249). The working group met in nine sessions from July 2014 to April 2015 and worked on possible reform topics (Bundesministerium für Arbeit und Soziales, 2014). The working group was a pre-legislative participational process, which was followed by a typical parliamentary process. To develop a first

draft legislation, the responsible ministry withdrew after the completion of the working group. There were various drafts that followed on which people with disabilities and their associations were given the opportunity to comment, or to participate in hearings in the parliament (*Bundestag*). After it became clear that various issues that were important to the interest groups of people with disabilities were not reflected in the draft legislation, different interest groups activated their members in form of actions, campaigns, protests, and petitions. This is what this paper focuses on.

The Federal Participation Act was passed as an article law at the end of 2016 and has since been implemented step by step in four stages from January 2017 to 2023.

## Conceptual Framework: Power Resources and Lobbying Strategies of People with Disabilities

This paper focuses on associations of people with disabilities. The interests of the group of people with disabilities are classified as “weak” in terms of association research (von Winter, 2000, p. 40). The term of weak interests refers to actors who have few resources. The concept refers to social inequality, and to aspects of structural disadvantage in social regulation and distribution processes (Clement, 2010, p. 7).

In order to explain and elaborate the assertiveness of weak interests in the reform process, the project used the power resource approach (Schmalz & Dörre, 2014), which was adapted to weak interests. At its core, the original approach assumes that wage earners (i.e., employees in companies) can represent and assert their interests through a collective mobilization of their power resources (Schmalz & Dörre, 2014, p. 221). The focus is on the power, conflict strategies, and action preferences of the various stakeholders (Urban, 2010, S. 444). In contrast to the classical power resource approach, the focus here is not on wage earners (Schmalz & Dörre, 2014, p. 221), but on associations of people with disabilities, with a focus on how they can represent and assert their interests through a collective mobilization of their power resources. The power resources approach is intended as a conceptual framework.

The project used evidence from the document analysis and interviews to identify several power resources that are particularly relevant to advocacy by groups of people with disabilities. These are briefly discussed below:

- *Institutional Power*: This power resource refers to formal rights granted by the state to interest groups of people with disabilities. They can participate in commissions, take part in legislative processes or maintain contacts with political parties (Schroeder, 2014, p. 23).
- *Associational Power*: This power resource requires an organizational process and actors who participate collectively (Schmalz & Dörre, 2014, p. 224).

- *Social Power*: This refers to the scope for action resulting from cooperation with other groups or organizations, as well as society's support for demands of people with disabilities (ibid.). Part of this power resource is the *Competence to Disrupt*. It includes the ability to disrupt political processes through repeated and multiple protests (following Schmalz & Dörre, 2014).

These power resources are particularly promising when used at different stages of the reform process.

The power resource approach includes, among other things, action techniques and methods of lobbying. In this paper, lobbying is defined as the attempt of political influence by representatives of a group pursuing a social interest in order to change political outcomes (Speth & Zimmer, 2015, p. 12).

## Research Design

This paper presents results of a project. The aim of this project was to reconstruct, by using the example of the reform of the Federal Participation Act and the method of process tracing, to what extent and how people with disabilities were able to assert their interests. The method included 17 expert interviews and around 200 analyzed documents. The interviews had the task to provide the knowledge of people who were involved in the respective process. A representative was seen as an expert of a group who had a certain operational and contextual knowledge (Flick, 2016, p. 215–216). This included, for example, representatives of associations of people with disabilities, civil servants involved in the ministries, ministers, and members of parliament (see Treib, 2014). Salheiser (2014, p. 813) describes a document as a text in written form which was not created for research purposes and without the involvement of research (so-called natural data), such as—like in this case—plenary protocols, draft legislation, written statements by associations of people with disabilities and other actors, and position papers (see Treib, 2014).

The interviews and documents were analyzed using content-structuring analysis, which is a so-called content-reductive evaluation method (Kuckartz, 2018).

## Results: Methods of Political Influence of Weak Interests

### Findings

Through lobbying, interest groups of people with disabilities expressed their concerns about the respective draft legislations, thus clarified their dissatisfaction with the planned law. Their lobbying included high-profile campaigns and demonstrations as well as written statements and the collection of signatures through petitions. The continuous lobbying had been successful, according to interviewee 14 (interview 14, lines 354–356). The associations of people with disability took a planned approach to lobbying, even if this was not part of the everyday work of all

associations (interview 8, lines 741–742). Some of them had a team responsible for public relations (see interview 10); while others did not (see interview 8).

Furthermore, contact with ministries and politicians was also sought. Parliamentarians were written to and made aware of the different activities (interview 6, lines 58–60) and face-to-face meetings with members of parliament took also place (interview 2, line 778). Conversely, the parties sought contact with the interest groups as well (interview 17, lines 31–33). It was important to show the reality of life of people with disabilities so even any member of the *Bundestag* (parliament) could understand the changes of the planned law (interview 2, lines 791–792; interview 15, lines 291–295).

In addition to the abovementioned classics of lobbying, individual interest groups and activists used social media (e.g., Twitter, campaign homepages) to draw attention to the law. Thus, this approach “promoted the public debate, that is, the social debate” (interview 11, lines 523–524). During the reform process, a wide variety of campaigns were launched via the internet/through social media (e.g., “#NichtmeinGesetz,” “#UNgehindert” as well as “Teilhabegesetz jetzt”; see #NichtmeinGesetz, 2016). A campaign homepage (“*Teilhabegesetz.org*”) regularly drew attention to protests and other activities and tracked political events. Accordingly, various social media options were used to network with each other or to inform each other about the latest developments.

The interest groups of people with disability used examples from the reality of people’s lives, both online and in direct contact with politicians (see interviews 6, 10, 15, 16). In this context, one interviewee spoke of “storytelling” (interview 15, line 271). According to interviewee 10, it was common that political actors understood a topic best “if you explain to them what happens to Heike Müller, or so—fictitiously picked out now, when the regulation comes into force like this” (interview 10, line 388–390). This approach was used for politicians, but also for the public (see interview 6). Interviewee 15 noted the effective use of storytelling/narrative in this regard:

“When [...] they managed to [...] telling stories, by good storytelling and by practical examples just to detach from theoretical discussion and really towards – [...], unambiguous presentation of [...] the reality of life of people with disabilities. Those were always key moments, which I think were really very good and impressive, when the discussion did not just remain theoretical and legalistic, but also became very practical and impressive, especially on the part of the self-advocates” (Interview 15, line 270–278).

Some of the examples mentioned in the quote refer to a statement of stronger and weaker associations, the so-called six common core demands (see interview 6, 8). The paper could provide a quick overview of the core issues of the alliance of associations.

## Discussion

The working group triggered a participatory self-understanding among the interest groups of people with disabilities. The literature speaks of the emergence of a political self-understanding, particularly regarding women’s political participation

in the 1980s (Geißel & Penrose, 2003, p. 8). This self-understanding of participation enables different groups of people to become visible in the first place and to be capable to articulate their own interests (adapted from Lietzmann, 2019, p. 24). This goes hand in hand with an experienced self-efficacy—the interest groups were able to initiate changes under their own direction (adapted from Herriger, 2014, p. 188). Thus, they had the chance to disrupt and use protests to gain attention to their causes (adapted from Schmalz & Dörre, 2014, p. 222). In the case of this reform process, the political self-understanding was triggered by a disappointed expectation of the planned law. This evoked individual emotions, such as frustration and disappointment. In other words, the emotions were initially individual (micro level) and radiated to a collective identity (see Herriger, 2014). Different forms of mobilization and diverse opinions were developed through this.

But which activities were particularly effective in the process considered here? What can other interest groups learn from the reform process of the Federal Participation Act about the direct use of power resources and lobbying? This will be considered in the following. An examination of this reform process reveals that the classics of lobbying were employed and were effective through their diverse use. In addition, there were methodological peculiarities that distinguished this process. Additionally, they employed unique action strategies, which are also discussed below.

### The Classics of Lobbying

In this paper, the classics of lobbying are understood as different methods of collective mobilization and communication with decision-makers. In order to draw attention to their demands, interest groups or non-governmental organizations often try to use communication tools such as actions or social mobilizations and seek personal contact with decision-makers (Wehrmann, 2007, p. 46). The methods of lobbying are based on power resources.

**Direct Lobbying (Institutional Power)** There are two types of direct lobbying: formal and informal communication (Wehrmann, 2007, p. 46; see also Klenk, 2019). Both forms are also found in this reform process. Formal communication includes communication between members of parliament and associations, like the working group (described above) and hearings. Individual interest groups were invited to hearings in the parliament (*Bundestag*), although participation in the hearings changed over the course of the reform process. While the first hearing (May 2016) was designed to be broad and heterogeneous in the selection of associations (Schülle et al., 2016), only individual experts (as individuals and not as representatives of an interest group) were invited to the second hearing in November 2016 (Protocol No. 18/92, 2016). The parliamentary groups could choose which representatives were allowed to participate in the hearings; this appears to have been done selectively at the second hearing. Associations that could be particularly critical were not given the right to speak (see Klenk, 2019). It is assumed in this paper that, based on the experience from the first hearing of associations, certain interest groups were

excluded in the second hearing, as some associations were very emotional in their individual speeches. They expressed their disappointment about the plans of the new law directly and made unobjective comments about the planned changes (see Schülle et al., 2016).

Informal communication includes direct dealings with the ministry's administrative staff (Wehrmann, 2007). For instance, direct interaction with politicians and ministry personnel was desired (see interviews 2, 6).

A prerequisite for the use of formal participation is that the decision-makers have an interest in the opinions of weaker associations. If this is the case, this form of lobbying can prove useful for interest groups. Direct contact at association hearings can be used as an opportunity to communicate one's interests face-to-face to a broad audience. In order not to be excluded from further hearings—as in this case—it is recommended to be less emotional and more reflective and argumentative. In addition, informal contact, e.g., direct exchange with the ministerial bureaucracy, can also contribute to a successful lobbying.

**Protests, Actions, Campaigns, and Petitions (Associational Power and Competence to Disturb)** Different interest groups of people with disability have used various forms of member activation to draw public attention to their concerns. Particularly in 2016, when a number of draft laws were published, there were additional protests, both in Berlin and at the state level (see Miles-Paul, 2016; Schmahl, 2016; ZSL Köln, 2016). The protests were the result of the dissatisfaction (by showing disappointment) of the interest groups with the draft legislations. Special actions were taken, like the “jump into the Spree” (Berlin's river): As a metaphor for the fact that the planned law would make it harder for people with sensory impairments to participate in the future, people who are blind and people with visual impairments jumped into the Spree (Leidmedien, 2016). Another action was the “chaining of wheelchair users”: The interest groups wanted to draw attention to the lack of self-determination and restriction of wishes and freedom of choice threatened by the Federal Participation Act (see der Tagesspiegel, 2016). In addition, various petitions (e.g., Petition 67028, 2016) and campaigns (see the campaign homepage “TeilhabeGesetz.org”) were launched. The campaigns, actions, or protests were closely linked to the use of social media.

Through these actions and protests, the associations used their competence to disrupt. They became visible as a group. Other weaker associations could also take advantage of this method of disruptive visibility. As it has shown, it is important to use diverse methods.

### Special Features of the Reform Process

In this paper, special features/peculiarities are understood as events that are unique in their existence, such as special alliances formed during this reform process and special consultations between weaker interests. The special features are also based



on a power resource: social power, because of the high number of alliances and cooperation.

**Alliances** The alliances that formed during the reform process were diverse. (1) Various interest groups of people with disabilities formed alliances among themselves. The alliance of the German Council for People with Disabilities<sup>1</sup> (*Deutscher Behindertenrat*), which already existed before the reform process, published different statements and demand papers. These statements were published on their own and in cooperation with other actors, in which the diverse interests could be summarized (e.g., Deutscher Behindertenrat, 2013). Individual independent interest groups also jointly wrote statements to clarify their opinions on the draft legislation (e.g., NITSA e.V. et al., 2016). These statements illustrated the anger and disappointment of interest groups of people with disability about the planned law because they could not explain what had become of the discussed contents of the working group.

Furthermore, (2) stronger and weaker actors have joined forces in different alliances:

- (a) Always-identical alliance: The so-called six common core demands (*sechs gemeinsame Kernforderungen*) were developed in cooperation between the German Council for People with Disabilities, two welfare associations and the German Federation of Trade Unions (*Deutscher Gewerkschaftsbund*, DGB), as well as the Federal Government Commissioner for the Interests of People with Disabilities—an alliance of weaker and stronger actors. In this statement paper, the central demands of the alliance were presented. In terms of content, the demands were not formulated in a particularly disability-specific way but were rather designed for a broader mass of interests of people with disability (Deutscher Behindertenrat et al., 2016a). A total of 140 supporters joined the core demands in the course of the reform process. The first statement was followed by three further joint papers that were similar in length and structure, but increasingly more specific to the respective changes in the draft legislation (Deutscher Behindertenrat et al., 2016b, c, d).
- (b) One-time-basis alliances: Individual stronger and weaker associations have joined forces on a one-off basis, especially when it came to drawing attention to specific issues, such as education at universities for people with disabilities (Deutscher Behindertenrat et al., 2015).

The alliance between the interest groups of people with disabilities and the alliances with stronger associations was of importance in the context of this reform process. The always-identical alliance appeared united at different times, which was an enrichment for the representation of interests of people with disabilities. This means

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<sup>1</sup> Under this, various associations of self-help, independent disability associations, and social associations (*Sozialverbände*) are united to represent the concerns of people with disabilities.

that other groups of weaker interests could use this kind of alliance to be able to promote their demands in the public discussion as well as on the political stage.

**Consultations** A special feature of the Federal Participation Act reform process was the joint consultation of the associations of the German Council for People with Disabilities. This took place at different stages of the reform process: (a) Before the formal reform process of the Federal Participation Act began, a working group was set up by the Federal Ministry of Labor and Social Affairs (*Bundesministerium für Arbeit und Soziales*). Like explained above, in this process, various actors exchanged views on the planned law, including social partners or welfare organizations, but also ten interest groups of people with disabilities (*Bundesministerium für Arbeit und Soziales*, 2014). These associations were members of the German Council of People with Disabilities, which was supposed to reflect the heterogeneity of the different types of disabilities (interviews 4, 6). The various associations of this council consulted with each other in the preparation of meetings in order to be able to represent the heterogeneous interests jointly and thus appear as a common front to other actors. (b) The same applied to the preparation of various written statements (interviews 4, 7, 10).

Other weaker interests could also benefit from this approach. Alliances between weaker actors can be an asset for joint agreements to be perceived together as homogeneous interests, to appear stronger together and to be seen as a unified actor.

### Special Action Techniques

By using different forms of action and different written statements, people with disabilities used a mix of lobbying techniques and power resources tools. Some of these were identified as useful due to their varied and repeated use. These are mentioned below:

- *Framing*: According to the power resource approach, initiatives should be taken at the right moment, whether they are written or in mobilizing form (Schmalz et al., 2013). In the reform process, protests and actions took place shortly before or during decision-making moments. The “jump in the Spree” (described above) took place one day before the draft bill for the Federal Participation Act was discussed in the *Bundestag*; individual protests in 2016 took place during plenary debates in parliament.
- *Storytelling*: The practice of selling a market product with a special story is originated in business management research (Schmieja, 2014, p. 37–38). This approach has also been used by individual interest groups. It was used to describe the reality of life of those who would be affected by the changes in the new law so that the public or members of parliament could better understand their point of view (interviews 6, 10, 15, 16).

- *Scandalization of injustices*: Different claims should be seen as justified by the society (Schmalz et al., 2013). In the process that is considered here, this also occurred. Individual interest groups of people with disabilities pointed out injustices in the existing law and demanded that these regulations be taken into account in the reform (see, e.g., Gemeinsamer Fachausschuss höresehbehindert/taubblind, 2016).
- *One-pager*: Occasionally, interest groups also used the so-called one-pager. These are short demand papers in which the most important contents were summarized and presented in an understandable and short form. This can be an advantage for both decision-makers (it is difficult to keep track of complex issues) and for interest groups to present their demands informally (Wehrmann, 2007). For example, the six common core demands (see above) made use of this approach. While not limited to one page, the paper was able to provide background information in two and a half pages (something a classic one-pager cannot do), providing a quick and easy overview of the concerns of the alliance of associations.

## Conclusion

What do these findings mean for further political processes? These different applied methods of political influence make it clear that interest groups of people with disabilities are able to use them—other weaker interest groups could and should therefore also adopt them to influence political decision-making processes.

The requirement is that decision-makers promote and enable the participation of weaker interests. In addition, there must be a collective participatory self-image that one may and must participate to be able to assert one's own interests. In the case of the Federal Participation Act, people with disabilities were driven in their lobbying activities by their emotions and their own concerns. Conceptual framing through the power resources approach and the use of various lobbying activities proved useful in pushing through some of the demands. A mix of approaches proved particularly effective: the volume of protests and actions, the multifaceted statements (alone and in form of alliances), and the unified appearance of the interest groups (through the use of consultations).

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## Declarations

**Conflict of Interest** The author declares no competing interests.

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