

# PUBLIC NOTE

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# Editorial – Public Note

## Futuring Research by Featuring Interdisciplinarity

*Preface for Public Note by Salvo Nicolosi, Assistant Professor Utrecht University Law School*

Future research might stray in uncharted directions. Usually, the existing knowledge within a specific field acts as a compass for future research but how will the future of research look like if societal developments are explored through the lens of different scientific areas?

Karl Popper, one of the 20th century's most influential philosophers of science, eloquently emphasised that “we are not students of some subject matter, but students of problems. And problems may cut right across the boundaries of any discipline.”

Bearing this in mind, the last edition of Utrecht University's “Undergraduate Research Symposium” convened in June 2023 within the Faculty of Law, Economics and Governance by Dr. Ekaterina Rashkova-Gerbrands (Governance), Dr. Joras Ferwerda (Economics) and Dr. Salvo Nicolosi (Law) offered an invaluable laboratory of interdisciplinary research. Promising undergraduate students shared their interesting research that has been compiled in this Special Issue of Public Note. Spanning the fields of law, politics, economics, literature, and philosophy, this research provides an ambitious attempt to go beyond the boundaries of these specific in an attempt to display forward-thinking approaches to societal challenges.

An example comes from the contemporary phenomenon of influencer marketing, which explains a significant market share in many countries. Yet, this phenomenon is not adequately regulated in existing legislation and this may result in a deficit of market safeguards, as illustrated by Caterina Ligabue. Her study promptly presented a multitude of solutions aimed at modernizing regulatory guidelines to improve the quality of such a fast-growing market.

On another level, Stefan de Reijer puts gender discrimination in a historical perspective, by delving into the works of the French writer Françoise de Graffigny to shed light on historical and philosophical attempts to promote female independence and revise social norms and gender roles that are partly still valid. Continuing on a philosophical analysis, Alejandro Del Valle Louw explores how the concepts of free will and determinism highlighted modern-day society's overreliance on free will. Through a critical lens, this research showed that there are various ways to think about legal ethical problems and illustrates why and how policy areas are inefficient or unjust, owing in part to their attachment to the idea of complete free will.

Lastly, the Qatargate, the huge scandal exposing the dark underbelly of EU lobbyism, offered Selma Irmer an opportunity to unravel the intricacy of law and politics which constitute the fabric of the EU's lobbyist culture. Showing the advantages and disadvantages of a vital element of the EU political system, this research concluded that lobbies might not be so bad after all, as they play an essential role in the political order of the Union.

These articles are just an example that demonstrates how featuring interdisciplinarity is key for future impactful research. This will also be the actual meaning of “University.” From the Latin word “*universitas*” (universality), before being an institution, the term university refers to a group of people that from different perspectives contribute to expanding human knowledge.

Utrecht University is particularly privileged to host the Undergraduate Research Symposium as a precious opportunity for interdisciplinary dialogue, leaving as a legacy the confirmation that curious minds will shape future research along innovative and interdisciplinary avenues.

# Deceptive Marketing by Social Media Influencers

## A Literature Review on the FTC Guidelines for Endorsers and Testimonials in Advertising

Caterina Ligabue

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### Abstract

The advent of social media platforms has fueled the creation of the influencer advertising industry worth billions. Yet, the existing regulatory framework requiring truthful and clear disclosure of sponsored content, the “Guides Concerning the Use of Endorsements and Testimonials in Advertising”, has remained unchanged since 2009. Consequently, safeguarding consumers becomes paramount. Through a literature review of the journal publications of the past decade, this paper highlights two main issues regarding the Guidelines, enforcement and liability, and the respective solutions. These strategies encompass changes in the contracts between brands and influencers, the establishment of training and monitoring programs, collaborations with social media platforms and the creation of a uniform, universal symbol. Ultimately, the paper hopes to serve as a resource for legislators in the development of an updated version of the Guidelines, by advising them to devolve additional attention to minors, certain industries (food, health, cosmetic, fintech) and virtual influencers.

### Evidence for Practice

- The rise of social media and online shopping has led to the creation of a new branch of marketing: social media influencers marketing.
- Through the “Guides Concerning the Use of Endorsements and Testimonials in Advertising” the Federal Trade Commission regulates social media influencer marketing with the intent of protecting consumers from deceptive marketing practices.
- Scholars have singled out two main issues regarding the Guidelines: their enforcement and liability, in case of breach.
- Solutions proposed by academics can be divided into four main categories: changes in the contracts between brands and influencers, the establishment of training and monitoring programs, collaborations with social media platforms, and the creation of a uniform universal symbol.
- The next draft of the Guidelines should include more protection for vulnerable groups, additional regulations for specific industries (health, food, cosmetics) and updates regarding FinTech and virtual influencers.

**Keywords:** Social Media Influencer Marketing, FTC, Guidelines for Endorsers and Testimonials in Advertising

## Introduction

With the rise of social media and the online shopping, digital advertising has become an increasingly relevant component of businesses' marketing practices. The spike in social media usage has led to the creation of new public figures: the influencers, social media stars who base their profession on receiving products from brands for free and reviewing them, as well as creating collaborations with companies to promote products (Hudders et al., 2021, pp. 332-333). Endorsement statements made by influencers have become "the epicentre of consumer purchases" (Martinez-Guasch, 2021, p. 404), about one fifth of all the purchases made in the US are the result of an influencer's recommendation (Audrezet & Charry, 2019). The massive exposure to social media influencers has only escalated the need for higher transparency regarding endorsement relationships and better consumer protection against misleading advertising. Deceptive marketing refers to those advertising practices that mislead consumers by either making false claims, omitting relevant information, or a combination of both. Hence, legislators must both educate consumers about this new side of marketing and develop ways to properly monitor brands and influencers (Campbell and Grimm, 2019).

About one fifth of all the purchases made in the US are the result of an influencer's recommendation

Consequently, recently literature on influencer marketing has been flourishing, with five reviews published between 2020 and 2023 (Chang et al., 2020; Ye et al., 2021; Vrontis et al., 2021; Hudders et al., 2021; Tanwar et al., 2022). Yet, all these reviews engage with the topic from a social sciences perspective, leaving a gap for a paper with a legal outlook. Therefore, this review distinguishes itself by taking the legal perspective, summarising the scholarly debate on the FTC Guidelines in the context of social media influencer marketing. In 2009, the Federal Trade Commission (FTC) updated for the last time the "Guidelines for Endorsers and Testimonials in Advertising", a document consisting of a set of guidelines targeting companies and endorsers' activities, applicable also to social media marketing practices. According to these guidelines, influencers are required to both be a "bona fide user" and to disclose any type of connection between themselves and the brand (FTCA, 2019, 255.1.c).

The paper opens with an introduction, followed by a theoretical overview of social media influencer marketing and the FTC Guidelines. After the methodology, the main section of this article consists of a part analysing the Guidelines' issues of enforcement and liability and a part providing an overview of the solutions. Before the conclusions, limitations are discussed, as well as threats and considerations that should be included in the next draft of the Guidelines.

## Theory

**Social Media Influencers Marketing.** Influencer marketing is "the most effective and organic exposure a brand can get" (Bladow, 2017, p. 1128). Thus, it has become an easy way for firms to connect with their desired demographics, by targeting key individuals (Carpenter and Bonin, 2021; Groen, 2020), who have access to larger audiences (Fredricks, 2019, p. 32). Social media influencers are defined as "self-branded micro-celebrities, who make money from being able to attract attention" (Tokeley, 2017, p. 121) and from establishing credibility within a specific industry (Casale, 2019, p. 6), retaining in this way enough power to influence consumers' consumption's habits (Bladow, 2017, p. 1128; Sauerborn, 2017, p. 597).

What differs in social media influencer marketing, compared to other traditional forms of advertising, is the creation of "social dynamics resembling friendships" (Bannigan and Shane, 2019, p. 249). Social media influencer marketing became a key-field in business economics due to the low costs compared to reach (Chan, 2019; Groen, 2020, Tokeley, 2017) and the impressive returns (Roberts, 2020). Moreover, the personal relationship of loyalty and trust between consumers and influencers, reflects on the one formed between consumers and the brand itself, leading to an increase in sales (Casale, 2019). Due to this dynamic based on trust, disclosure regulations are essential to prevent influencers from sharing misleading messages to their unaware followers (Brown, 2016).

**The Legal Framework.** The Federal Trade Commission (FTC) is a "a bipartisan federal agency that champions the interests of American consumers" (FTC, n.d.), with the mission to "protect the public from deceptive or unfair business practices" (FTC, 2019). The goal of consumer law related to deceptive marketing practices is to defend the consumer's right of making a conscious and informed purchasing decisions (Bannigan and Shane, 2019; Ramirez, 2018), because this will lead, under classical economic theory, to the maximization of the consumer's utility (Tokeley, 2017, p.127). Mandating disclosure helps consumers understanding the nature of the content, allowing them to cope accordingly (Boerman et al., 2018, p.146), in particular when the average consumer might not expect an advertising content (Groen, 2020, p. 118).



Gürkaynak and Kama (2018) suggest that protecting consumers from covert marketing communication, it is essential to guarantee them the choice of what to pay attention to. Regulators have the task to balance consumer protection with supporting businesses, which is why legal intervention can only be justified on basis of consumer deception (Tokeley, 2017, pp. 126-127). To assess whether an advertisement is deceiving, Cooper (2021) suggests that we should look at the “overall net impression”, meaning what an average consumer would gauge from the endorsed post (pp. 94-95).

Three primary bodies of laws are relevant in assessing the legal framework of deceptive marketing: (1) the FTC ACT, (2) a composite of state consumer protection statutes (known as Little FTC Acts), and (3) the Lanham Act (Bannigan and Shane, 2019, p. 251), although for a matter of time and of relevance to the articles, only the first one is treated. The Guidelines were published in 1972 and updated in 2009. Since then, only one review process, in 2020, was open. In 2019 a practical guide on how to comply with the Guidelines considering the changes in technologies, called the “Disclosure 101 for Social Media Influencers”, was published. A summary of the relevant points of the Guidelines and of the Disclosure can be found in Table 1. These guidelines provide a voluntary basis for influencers and companies to practice social media marketing in conformity with the legal requirements imposed by the Section 5 of the FTC Act (15 U.S.C. 45) which, if breached, can lead to possible disciplinary action in accordance with section 255.0 of the FTCA.

**Table 1.** *Summary of the Guides Concerning the Use of Endorsements and Testimonials in Advertising and the Disclosure 101 for Social Media Influencers*

<b>Guides Concerning the Use of Endorsements and Testimonials in Advertising</b>	<b>Disclosure 101 for Social Media Influencers</b>
<ul style="list-style-type: none"> <li>• “Endorsements must reflect the <u>honest</u> opinions, findings, beliefs, or experience of the endorser”</li> <li>• “The endorser must have been a <u>bona fide user</u> of the product (it) at the time the endorsement was given”</li> <li>• “<u>Advertisers are subject to liability</u> for false or unsubstantiated statements made through endorsements, or for failing to disclose material connections between themselves and their endorsers. <u>Endorsers also may be liable</u> for statements made in the course of their endorsements”</li> <li>• “When there exists a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement (i.e., the connection is not reasonably expected by the audience), such connection must be <u>fully disclosed</u>”</li> </ul>	<ul style="list-style-type: none"> <li>• Full disclosure of the “<u>material connection</u>” (= personal, family, employment, financial relationship)</li> <li>• It is <u>your (influencer) responsibility</u> to make disclosure and to comply with the law</li> <li>• The disclosure should be placed in a space where it is <u>hard to miss</u></li> <li>• The disclosure should be written with <u>simple and clear</u> language</li> </ul>

## Methods

The research commenced with an investigation of scholarly publications on social media influencers marketing (appendix A), resulting in a noticeable gap in the literature reviews regarding the legal aspects. SCOPUS and Heinonline were the two search engines used to perform this research, of which the results are detailed in appendix A. Similar queries have been performed on GoogleScholar, but due to the low relevance and high amount of results, it did not provide any additional paper. Every search was restricted by the language (English), the type (Journal Article), the year(s) (2013-2023) and, foremost, by the topic: an analysis of the FTC Guidelines for social media influencer marketing. Additionally, forwards and backward methods were employed, leading to a final selection of 25 papers.

## Challenges

Scholars raised two main issues regarding the Guidelines: one on their enforceability and one on who is liable in case of untruthful and unclear disclosure.

**Enforcement.** To increase the amount of disclosed advertising, scholars have proposed two approaches: a better enforcement of the Guidelines and educating influencers and marketers on current regulations. Yet, the current FTC focus is primarily on deterrence and on ensuring that brands do not avoid liability by delegating the advertising tasks to an outside entity (Bladow, 2017). The main issue with enforcing the guidelines is the impossibility of pursuing and monitoring every violation with the budget available, leading to the FTC's announcement of pursuing mostly advertisers and not endorsers (Boerman et al., 2018, p. 150), thus assessing the success of the Guidelines based influencers' compliance leads to disappointing results (Fredricks, 2019, p. 39). The second problem is adherence; despite around 70% of the influencers attempt to comply with the regulations, only one in four does it successfully (Fredricks, 2019, p. 34), nonetheless Terry et al. (2020) report that the level of compliance increased in recent years. Currently the FTC's enforcement methods are mainly two: issuing warning letters and pursuing legal actions, but scholars advocate for stringer punishments.

**Liability.** Originally, advertisements featuring endorsers were prepared by the marketing department of the company, making brands responsible for them (Bentz and Veltri, 2020, p. 185). According to section 255.1. d of the Guidelines "Advertisers are subject to liability for false or unsubstantiated statements made through endorsements, or for failing to disclose material connections between themselves and their endorsers [see § 255.5]. Endorsers also may be liable for statements made in the course of their endorsements." This suggests an equal liability between companies and endorsers, nonetheless, looking at enforcement actions, only few court cases actively pursued influencers, rather than brands, with CSGOLotto being the most prominent exception. Scholars conclude that the liability should lie in most cases with the marketers, because they have the lowest incentive to abide and the best inside position to monitor compliance (Boerman et al, 2018, p. 159). Moreover, Roberts (2020) suggests that companies are "the best positioned to know their products' features and ingredients and have a handle on any relevant studies or data supporting advertising claims" (p. 133).

On one side companies' recognise it is not in their best interest to ensure disclosure (Harris, 2018; Boerman et al., 2018) and therefore ask influencers not to disclose (Sauerborn, 2017, p. 575; Casale, 2019, p. 15); on the other side, 41% of influencers surveyed admitted that they disclose, only if they are asked to (Chan, 2019, p. 322), or because they fear a reduction in their own credibility and authenticity (Bentz and Veltri, 2020, p. 185, Davis, 2023, p. 76). Terry et al. (2020) point out that the FTC has still to find "an influencer liable solely for their role in deceiving the public as an advertising mechanism for another organization" (pp. 447-448). As a result of the CSGOLotto case (2017), the FTC has revised the Guidelines to shift the regulatory focus from solely the marketer conduct to the influencers, as a group (Groen, 2020). One of the main issues holding influencers responsible is targeting them as a united group, since everyone has a different degree of power, therefore a different degree of responsibility (Terry et al., 2020, p. 456). Additionally, targeting influencers might be seen as violating the free speech (Tokeley, 2017; Cooper, 2021; Fredricks, 2019); although sponsoring a product is usually considered as commercial speech (Bentz and Veltri, 2020, p. 192). In conclusion, it appears to be that both parties are equally at fault and holding both liable would lead to the best outcome (Chan, 2019, p. 316; Farshidi, 2018, p. 205; MartinezGuasch, 2021, p. 433), nonetheless the most cost-efficient solution is not to hold influencers liable, unless marketers have taken all the possible steps to enforce compliance on the influencers.

## Solutions

Proposed solutions lead to higher disclosure of sponsorship relations, thus better consumer's protection. These propositions are categorized into two groups: those focused on enhancing compliance and those aimed at educating marketers and influencers; or as Harris (2018) summarises it, the Guidelines need to implement "the necessary mechanisms for detection, deterrence, education, and compliance" (p. 950). Since influencers sometimes choose not to comply with the Guidelines, while other times they encounter difficulties in understanding how to properly comply (Farshidi, 2018, p. 200), the FTC should reflect whether it wants to adopt a more punitive approach or to lean towards a more educational stance (Chan, 2019, p. 305).

Additionally, due to the budget constraints faced by the FTC compared to the magnitude of the violations (Boerman et al., 2018, p. 150), the FTC should contemplate outsourcing a portion of the policing and education responsibilities to other relevant agencies, such as the Food and Drug Administration (FDA),



The Guidelines need to implement “the necessary mechanisms for detection, deterrence, education, and compliance”.

Federal Communications Commission (FCC), Securities and Exchange Commission (SEC), and consumer advocacy groups, as well as social media platforms (Chan, 2019, pp. 330, 333; Roberts, 2020, p. 137). Moreover, involving users and consumers themselves can help ensuring compliance and raising awareness within the influencers’ community (Harris, 2018, p. 987). In the attempt of striking a balance

between an educational and punitive approach, Carpenter and Bonin (2021) emphasizes the importance of a regulatory approach that is flexible and easy to understand. To summarize, scholars came up with four main different solutions (appendix B): mandate disclosure in contracts, promoting training and monitoring programs, creating partnership with social media platforms, and developing a standardized symbol for signalling sponsored content.

**Contracts.** The challenges regarding education and compliance can be solved by modifying the way contracts between brands and influencers are made and by increasing the control of firms on influencers (Groen, 2020, p. 128). This is possible, since companies retain the highest leverage in drafting contracts and selecting influencers (Bentz and Veltri, 2020; Cooper, 2021; Skalbania, 2022), making them the best equipped to internalize the costs of monitoring compliance (Roberts, 2020, p.133). This helps to partly lift the burden of policing from the FTC, especially if the FTC required brands to provide a list of the influencers hired by the company (Harris, 2018, pp. 980-981). Therefore, the FTC should require that every contractual agreement includes an obligation for clear and truthful disclosure (Casale, 2019; Cooper, 2021). Contracts should include obligations for influencers on how to disclose sponsorships, together with providing them, at the moment of entering the partnership the Guidelines document (Chan, 2019). Furthermore, contracts should have a termination clause, in the case influencers do not respect the disclosure Guidelines (Groen, 2020, pp. 131-132). Otherwise, since by signing the contract the influencers agree with the Guidelines, the contract could contain an indemnity clause in case of non-compliance, to protect the brand from influencers’ actions (Chan, 2019; Groen, 2020). In light of these points, Skalbania (2022) recommends that the FTC provides companies with “sample contract terms”, which brands can use in their partnerships with influencers (p. 694).

**Monitoring and Training Programs.** Scholars recommend for the Guidelines to mandate in companies the presence of training and monitoring programs (Boerman et al., 2018; Casale, 2019; Chan, 2019). These courses should be implemented already in the hiring process, so influencers with histories of non-compliance would have to internalize the costs of their non-compliance, leading to a positive loop in the influencer’s community (Fredricks, 2019, p. 51). Moreover, bringing top-influencers to court and force them to follow training programs could help creating a standard in the influencers’ community (Bladow, 2017, p.1154). Chan (2019) and Ramirez (2018) emphasise the possible positive outcomes of a community-approach, where influencers, rather than outside agencies, promote these courses.

**Partnership with Social Media Platforms.** In light of the previous argument, platforms could implement in-app training programs with tutorials for influencers, on how to properly disclose sponsorships (Chan, 2019, p. 321). Although, ultimately the responsibility lays with endorsers and marketers, the creation and implementation of specific features and built-in tools, on the social media platforms themselves, would be a great way not only to standardize disclosure making it clearer and more understandable to users, but also to monitor more cost efficiently influencers and brands (Bernstein, 2016; Fredricks, 2019; Harris, 2018; Skalbania, 2022). In this way, platforms could become partly liable for influencers’ non-compliance, thus they would have a greater incentive to monitor disclosure (Fredricks, 2019, p. 44). Additionally, this would increase deterrence, because it would stand out when an influencer purposely does not follow the Guidelines (Harris, 2018), as the Instagram in-app notifications based on reports showed (Chan, 2019, p. 327; Skalbania, 2022, p. 693). Yet, Casale (2019) commented that the current tool is still insufficiently used and unclear to the ordinary person (pp. 18-19).

**Develop a Symbol.** Harris (2018) and Tokeley (2017) recommend the adoption of a uniform, standardized disclosure statement, in order both to prevent confusion regarding sponsorship posts and to create a quickly identifiable standard. Sauerborn (2017) proposes the creation of a new emoji to disclose material connections between the influencer and the brand (p. 596).

## Policy Openings

The preceding discussion primarily focuses on the existing guidelines; however, it is essential to acknowledge that certain gaps persist, within the content of the guidelines themselves, necessitating further regulations for specific cases. Special attention must be given to children and teenagers, as they struggle to discern

between sponsored and non-sponsored content compared to adults (Skalbania, 2022, p. 688). This challenge is exacerbated by the interactive and personalized nature of social media content (Vanwesenbeeck et al., 2016). Similarly, as suggested by the FTC, specific categories, such as health, food and cosmetics, require stricter regulations (Casale, 2019; Martinez-Guasch, 2021), considering that consumers might decide to solely rely on these recommendations, rather than seeking professional help (Davis, 2023; Roberts, 2020, pp. 100-101). Additionally, the question on jurisdiction between the FTC and the Food and Drug Administration enhance the need for clear regulations (Martinez-Guasch, 2021, p. 422). As Barry (2021) and Manfredo (2022) advocate, FinTech influencers deserve increase attention, due to the evolving technologies, as well as virtual influencers (Skalbania, 2022, p. 690).

## Limitations

Together with the limitations in the choice of articles (language, years, and type of publication) and in terms of access to papers, a notable limitation is the absence of a discussion on the effects of disclosure on social media marketing campaigns. This exclusion stems from the limited attention given to this topic in the articles reviewed and a necessity for selectivity of the topics treated. Lastly, despite being a legal outlook, this paper treats only marginally in his integral version case law related to online influencer marketing.

## Conclusion

The rapid growth of social media and its impact on marketing necessitate regular updates of the Guidelines for Endorsements and Testimonials in Advertising, in order to safeguard consumers from misleading practices. However, the Guidelines still need to refine their enforcement methods and address the liability issue between endorsers and influencers. This review helps breaking down social media influencers marketing by adopting a legal perspective. An updated version of the Guidelines should focus on increasing compliance, by enhancing enforcement mechanisms, and educating marketers and influencers. Proposed measures include contractual disclosure mandates, implementation of monitoring and training programs, collaboration with social media platforms, and the establishment of a standardized symbol for disclosure. Future revisions should also address specific challenges, such as provisions for minors, additional regulations for industries like health, food, and cosmetics, as well as considerations for virtual influencers. Future research could also redirect its attentions towards investigating the effects of disclosure, leading to a broader reflection on the existence of the Guidelines in the first place. Lastly, upcoming studies could summarise the court cases on social media influencer marketing.

**A Note from the Author:**

I am Caterina Ligabue (she/her), an Italian-woman currently living in Utrecht. I am planning on graduating in October 2024 with an Economics and Business Economics degree with a dedicated minor in Law and Global Asia studies from Utrecht University. I am currently deciding on my master and my interest in understanding the human behaviour is leading me towards the field of social and organizational psychology with a focus on gender dynamics. My thesis topic originated from my interest in marketing and my aspiration to contribute to societal well-being through a better understanding of laws and regulations.

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# The Hidden Voice of Women in the Enlightenment

## Françoise de Graffigny and the French Enlightenment

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### Abstract

Eighteenth-century female writers have been excluded from the main historiographical debates on the Enlightenment. In this bachelor thesis, the ideas of Françoise de Graffigny have been investigated, in order to improve female representation in the historiography of the Enlightenment. During the Enlightenment, the position of women in French society was subaltern to that of men. Nonetheless, De Graffigny was an influential figure, who influenced distinguished thinkers and government officials through her correspondence network, Parisian literary salon, and *Lettres d'une Péruvienne*. Three ideas of De Graffigny were established: she aimed to reduce the importance of reason in French society; she stimulated women to search for knowledge; and she promoted female independence and equality in marriage, by revising existing social norms and gender roles. Despite being excluded from academia, De Graffigny flourished as a salon hostess and fiction writer, thereby participating in intellectual debates and remaining influential even after her death.

### Evidence for practice

- This thesis contributes to a recent scholastic movement that argues that the historiography of the Enlightenment is disproportionately focused on male thinkers.
- The ideas and influence of Françoise de Graffigny are examined in order to highlight the female perspective on French society.
- De Graffigny challenges the subaltern position of women by aiming to reduce the importance of reason, stimulating women to search for knowledge, and revising social norms and gender roles.



## Introduction

German philosopher Immanuel Kant defined the European Enlightenment as 'Emergence from [...] self-incurred immaturity' and the 'courage to use your own understanding'. However, this emergence and courage was not reserved for everyone, as canonical definitions of the concepts of reason and Enlightenment are tainted by inequalities based on gender and race. Historiography primarily highlights white privileged "enlightened" thinkers who exclude women's intellectual contributions, while ironically representing the cry for liberty and equality (Bostic, 2012, 1025; Taylor, 1999, 262, 265).

In this thesis the following research question will be answered: what were the ideas of Françoise de Graffigny in the French Enlightenment? In order to explore the main research question, three sub questions will be researched and answered: "What was the position of women in French society during the Enlightenment?", "Who is Françoise de Graffigny?" and, "What were the ideas of Françoise de Graffigny?."

Françoise de Graffigny was an aristocrat from the Duchy of Lorraine and worked for the court until she moved to Paris in 1737. She was a prominent figure in her lifetime, with influence on other thinkers, both in France and abroad. She specifically gained fame from her novel *Lettres d'une Péruvienne* and the play *Cénie*, which elevated her into the foremost woman of letters in France, 'if not Europe' (De Graffigny, 2009, 7; Showalter, 1996, 29).

Modern guiding principles of equality, democracy, and freedom trace their formulations from the eighteenth century (Bostic, 2012, 1024). Specifically, the French Enlightenment helped shape Europe, by sparking intellectual debates, the pursuit of knowledge, and challenges to the status quo (De Dijn, 2012; Gay, 1968; Gay, 1970; Hazard, 2019; Jacob, 2019; Stuurman, 2017; Wiesner-Hanks, 2018). Therefore, the case study of France will be examined 'for it was here, after all, that the Enlightenment was in many ways centered [sic] and based, it was here that it was born' (Mali et al., 2003, 93).

Recent scholarship argues that the historiography of the Enlightenment was disproportionately focused on male thinkers. Whereby, eighteenth-century female writers were excluded from the main historiographical debates on the Enlightenment (Bergès, 2018, 282; Bostic, 2012, 1025). Therefore, this thesis contributes to improve female representation in existing literature by examining the life and ideas of a female writer in the French Enlightenment. Furthermore, the analysis of the theatre play "La réunion du bon sens et de l'esprit" (abbreviated to "La réunion") spotlights a lesser known work.

Canonical definitions of the concepts of reason and Enlightenment are tainted by inequalities based on gender and race.

## Methodology

The main research method that this thesis will adopt is an analysis of secondary literature. Secondary literature provides background information about Françoise de Graffigny, her position within society, analyses of her main novel, and the position of women in French society in general.

In addition to secondary literature, a primary source of De Graffigny in eighteenth-century French will be analysed, namely the unpublished and lesser known work "La réunion". To my knowledge, the work only exists in its original form at Yale University and Bostic is the sole author who has written about it. "La réunion" describes the importance of reason in French society and its relation to gender. These themes and the lack of academic attention portray the relevance of the primary source. In order to give an independent analysis, "La réunion" was interpreted without influence from Bostic's analysis.

This thesis will focus on De Graffigny (1695-1758) as she lived through the early French Enlightenment in contrast to for example Marie-Jeanne Riccoboni (1713-1792) and Isabelle Charrière (1740-1805). In addition, she has received little academic attention besides *Lettres d'une Péruvienne*. Therefore, analysing a lesser known work can bring relevant insights.

## Results

### *Position of Women in French Society:*

During the Enlightenment, while confronting the established dominant view in their pursuit for equal opportunities in scholarly and socio-political debates, women's efforts faced ecclesiastical opposition. Nonetheless, the power of the Church was crumbling as a result of the Reformation. Henceforth, intellectual ideas usually stopped relying on biblical authority and turned towards nature instead (Wiesner-Hanks et al., 2018, 541). Thereby, consolidating new possibilities for developing controversial ideas that

challenged the status quo, including the gender unequal French society. Central to the French Enlightenment was the use of reason and critical thinking, which was defined as the power of humans to understand the universe (Duignan, 2022). However, the ability to reason was not attributed to everyone.

The dominant view constructed in the French Enlightenment was one that dismissed the ability of women to reason. Beginning in the 1750s, doctors in France and Germany became intrigued with delineating sex differences (Schiebinger, 1986, 42). Schiebinger (1986) argues that with the attempt to define the position of women in European society, the first representations of female skeletons arose in European science. These representations were not arbitrary, as anatomists focused on parts of the body that could be politicised. To exemplify, Marie-Genevieve-Charlotte Thiroux d'Arconville published drawings of a female skeleton in 1759 that portrayed the female skull as smaller and the female pelvis as larger than its male counterparts. These differences do not prove any differences in intelligence or mental performance, but were nonetheless used to argue that women were intellectually inferior to men. Along parallel lines, the large female pelvis was used to "prove" that women were naturally destined for motherhood (Schiebinger, 1986, 43).

In 1775, Pierre Roussel published the extremely popular *Système physique et moral de la femme*. This treatise made Roussel the father of moral anthropology and a great influencer on medical discourse. He adopts misogynist views by classifying sexes to certain physical and moral roles (Wellman, 2002). According to Roussel, women's nature is essentially bound to her role as child bearer (Vila, 1995, 76). In his treatise, Roussel asserted that women's sex extends to all parts of her body and plays a governing function. He argues women are less capable in actively creating compared to passively feeling (Bostic, 2012, 1029). Although he did not serve a particular political agenda, Roussel effectively used physiology to argue for women's purported inferiority to men (Bostic, 2012, 1029; Villa, 1995, 77).

The scientific arguments for women's lesser "natural reason" were used to buttress the exclusion of women in government, commerce, science, and scholarship (Schiebinger, 1986, 43). Women were not allowed to be entrepreneurs, and their financial and legal status became tied to male relatives or spouses. A paradox that still plagues women's relationship to science emerged when modern science turned an "impartial" eye to the study of women. The scientific community in the eighteenth century vigorously investigated the nature of women. However, within this scientific community, women remained absent.

The ascendance of a biological discourse that defined women as intellectually inferior to men was echoed by the prominent thinker Denis Diderot. Diderot considered the female body inhospitable to reason. At the same time, women were viewed as 'uniquely qualified to uphold morality' (Bostic, 2012, 1029; Steinbrügge, 1995, 6), which is reflected in Diderot's greatest work, namely the *Encyclopédie*. According to the article on "Raisnable" [reason], a "reasonable" man is intellectual and rational, while a "reasonable" woman is obedient and moral. 'The persistence of this attitude is a major factor in our failure to recast the critical Enlightenment by including women's contributions' (Bostic, 2012, 1028-1029).

Shared by contemporaries, Diderot's view curtailed women's access to education. Instead of an egalitarian higher education system, women were tied to domestic education in order to prepare them for matrimony and motherhood (Halsey, 2015, 442). This ties in with social norms that idealised marriage and procreation (Roulston, 2016, 1, 41).

Even when writers accepted that women could contribute to academia, women were discouraged, as this would invoke social disorder. Their arguments echoed the Italian thinker, Luciano Guerri, who said 'they can, but they shouldn't' (Sepinwall, 2010, 13). Law and theology created the assumptions that women were physically, mentally, and morally inferior to men, which led to the subordination of women in the household. Monarchs and magistrates strengthened the authority of fathers by outlawing clandestine marriages and criminalising female adultery (Merrick, 1990, 68).

To summarise, women were thought to be incapable of rational reasoning. Physiological arguments were used to justify the exclusion of women from the public sphere. In addition, the idealisation of marriage and procreation subordinated women to men in the household. Therefore, the position of women in French society was determined by the importance of reason, as well as social norms and gender roles.

### ***Who is Françoise de Graffigny?***

De Graffigny was an aristocrat from the Duchy of Lorraine who worked for the court. Due to her abusive husband dying, she was free from legal tutelage at age 30 (Vanpée, 2006). After the court of Lorraine was disbanded in 1737, De Graffigny moved to Paris. She had many aristocratic acquaintances and established a large correspondence network through which she gathered knowledge and shared her ideas.

De Graffigny utilised her correspondences to gather information and educate herself. The correspondences capture her capacity for acute observation as she enthusiastically discusses and criticises prominent thinkers and controversial works, such as Helvétius's *De l'esprit*, Diderot's *De la poésie dramatique*, and Rousseau's *Lettre à d'Alembert*. Her personal experiences offer unique insights into the struggles of women to find 'independence, recognition, and a voice' (Mallinson, 2004, 492).

Her aristocratic background enabled her to engage in discussions with prominent thinkers. Within her first five years in Paris, De Graffigny lived together with famous acquaintances, such as Voltaire and Madame du Châtelet (De Graffigny, 2009, cover). After publishing *Lettres d'une Péruvienne* in 1747 and *Cénie* in 1750, De Graffigny acquired influential protectors and opened her own successful salon (De Graffigny, 2009, cover).

De Graffigny's literary salon received the most distinguished writers, government officials, and foreign visitors as guests (Showalter, 1996, 29). In addition to making social connections, salons substituted for higher education (Bodek, 1976, 185-187). Women were able to exchange ideas with intellectual figures, receive and give criticism, and learn about the works of others. In addition, the role of a hostess was socially accepted and granted the power to invite guests, direct the gatherings, and select the works and topics for discussions (Bodek, 1976, 190). Therefore, through the role as hostess, De Graffigny could set the topics, share her ideas, and educate herself.

De Graffigny's success was not restricted to France, but left an international impact with *Lettres d'une Péruvienne*. The novel was translated into seven languages and copies spread across Europe (Smith, 1990, 5). In contrast to print, the epistolary form masked De Graffigny's political interests and allowed her to implicitly critique gender inequality (Hilger, 2005, 64). Therefore, strategically adhering to aristocratic conventions and adopting the epistolary form, prevented the provocation of professional critics at the start of her literary career (Hilger, 2005, 65). As a result, her fame provided many opportunities to influence thinkers.

### ***Françoise de Graffigny's ideas***

#### *Reason:*

Through "La reunion", De Graffigny aimed to reduce the importance of reason within French society. She argues that without good sense, reason will make people hubris and overestimate their knowledge and abilities. Whereby, good sense are matters of the heart, which represents intuition, good judgement, and emotions.

**Without good sense, reason will make people hubris and overestimate their knowledge and abilities.**

The common thread through the play is the mission that the upper god Jupiter gave the characters of Momus and Mercury: they must reunite the Spirit (reason) with Good Sense. In scene 3, De Graffigny criticises male thinkers of the Enlightenment who (solely) ground themselves on reason

when Momus explains that Jupiter has fallen out with the spirit of men (De Graffigny, n.d., 6). He describes all men to be fools who applaud themselves for their follies. All of them resent good sense, yet are the authors of everything without being criticised (De Graffigny, n.d., 6-7).

In scene 3, Momus meets Madame la Raison. De Graffigny chose a female character as the personification of reason, thereby challenging the societally held dominant view of women. Momus undermines the importance of reason by criticising Madame la Raison. Momus claims she can be equally used to make contradictory claims, thereby, rendering reason useless and giving free reign to good sense (De Graffigny, n.d., 8). In addition to emotions, good sense can relate to reigning conventions, which is problematic as Madame la Raison argues that good sense has restricted women to enter the public sphere only as coquettes (De Graffigny, n.d., 9). Therefore, De Graffigny criticises reason, as its ambiguity restricted women's participation in society to men's desires.

The beginning of scene 7 introduces Arlequin as Good Sense (De Graffigny, n.d., 29). The character of Arlequin seems to embody features of romanticism, which both rose up against eighteenth-century rationalism, while emphasising balancing reason with emotions and the imaginative (Encyclopaedia Britannica, 2023). Therefore, the mission of Jupiter parallels the romanticist critique on rationalism.

By criticising the importance of reason, the aforementioned physiological arguments lose strength. In other words, if you were to undermine the authority of reason, then claims that women have an inferior ability to reason compared to men become irrelevant.

### *Knowledge:*

The novel *Lettres d'une Péruvienne* portrays how De Graffigny encourages women to search for knowledge.

The protagonist Zilia is taken from her privileged life in Peru to be placed in a convent in France. The convent symbolises patriarchal social norms that restricted French aristocratic women. Zilia is motivated by the search for knowledge, in order to improve her conditions. Ultimately, by leaving a privileged state, Zilia acquires a broader type of understanding (Hilger, 2005, 67). De Graffigny emphasises the paradoxical situation of aristocratic women, who are privileged enough to ignore social norms and educate themselves, but are hindered by material comfort to realise that social norms keep them ignorant (Higler, 2005, 67).

Furthermore, De Graffigny uses the characters of Aza and Zilia to model her friendship with François-Antoine Devaux and redefine male-female relations. Zilia and De Graffigny both try to educate their male partners in 'the feminized [sic] language of sentiment' (Roulston, 2000, 36). Whereby a friendship between a male and a female is normalised and preferred over a romantic relationship. Consequently, women could build more friendships with educated men, which would promote their search for knowledge.

Moreover, De Graffigny challenges the paternal family structures of France. Typically, French primogeniture creates a masculine regime in which women are excluded from the public sphere (Rutler, 2014, 1-2). Alternatively, in the absence of a father, Zilia constructed an egalitarian family, whereby women play the role of an enlightened sister. This role would require women to seek knowledge for the benefit of the family.

Critical scholarly responses to *Lettres d'une Péruvienne* have highlighted De Graffigny's novel as a social critique that denounces sexism. In contrast to Montesquieu's *Lettres persanes*, where the protagonist represents "masculine reason", De Graffigny's protagonist aligns herself with "feminine sentiment". However, instead of a love story, Bostic concludes that within the wider context, the most crucial theme is 'not love but learning, not sentiment but reason' (Bostic, 2010, 69). This highlights De Graffigny's idea that women should search for knowledge.

### *Norms:*

De Graffigny promotes female independence and equality in marriage by revising existing social norms and gender roles.

In scene 13, the character of Angelique is used to describe the struggles and double standards that intellectual women face (Bostic, 2010, 79; De Graffigny, n.d., 48). If she reads novels, she only finds tender and precious women. If she reads academic books, she still cannot enter academia, but if she does not read them, she will be regarded as a fool. She loves music, but does not want to appear too attentive at concerts for fear of being seen as too tender for one and too provincial for another. This relates to the perception of women: tenderness reinforces gender stereotypes promoting dependency on men, while provinciality is belittled due to low literacy rates. Angelique's problems function as a symbol of protest against (contradictory) social norms (Bostic, 2010, 80).

In scene 4, two cousins, Silvia and Lucilie, are harshly arguing about marrying a count and marquis respectively (De Graffigny, n.d., 12). Silvia sides with reason and Lucilie with good sense. De Graffigny may have juxtaposed these characters in order to shine light upon the duality between reason and good sense. Thereby, highlighting different perceptions on marriage and life.

Lucilie urges Silvia to marry the count. Whereupon Silvia rejects to spend her entire life in total ignorance of the beautiful things that delight people of reason. Lucilie disagrees and argues it is necessary for good sense to guide their conduct in order to keep them in the bounds of their sex and state (De Graffigny, n.d., 17). Lucilie's perception of good sense appears to support the status quo of gender inequality. Her statements portray the flip side, if you only indulge yourself in reason, you will fail to judge your abilities, meanwhile if you only use good sense, you are restricted to the bounds of social norms.

In scene 11, the marquis and the count are introduced and paired up with Lucilie and Sylvia according to contradicting alignments of reason and good sense. The marquis states that Lucilie loves him, and that the happiness of a chaste love consists in marriage. The marquis will marry her, therefore she will be happy. This response relates to French social norms based on law and theology that idealise marriage. In subsequent dialogue, the marquis reduces love to an almost mathematical equation. His logic assumes happiness is instantly obtained when entering into marriage. This idealisation of marriage pressures women to act as potential wives and prioritise marriage over self-development.

De Graffigny uses the character of Sylvia to challenge the obstacles that intellectual women face in French society. She is an intellectual woman who is struggling in the social confines to explore her mind and ability



to reason. Meanwhile, Lucilie appears to defend the status quo as she lacks the rational tools. Nonetheless, both decide to refuse to marry, which portrays their claim for independence.

The play ends when the Spirit and Good Sense are united. By employing rationality in combination with good sense, the conditions of marriage were revised to focus on equality and mutual support. Whereafter, Silvia, Lucilie, the count, and the marquis accept each other's shortcomings and complement their counterpart. This acceptance reflects the ideal situation, perhaps even the utopia of De Graffigny, which constitutes an equal relationship between women and men.

## **Discussion**

This thesis has some shortcomings. The concrete accomplishments or influence of De Graffigny remains to be explored. Moreover, the analysis of "La réunion" relied on translation apps and a transcript from Heidi Bostic, which could be prone to errors.

## **Conclusion**

In conclusion, this thesis has investigated the ideas of Françoise de Graffigny in order to improve female representation in the historiography of the Enlightenment.

Firstly, women were thought to be incapable of rational reasoning during the French Enlightenment. Physiological arguments were used to justify the exclusion of women from higher education, academia, government, and commerce. In addition, social norms and gender roles based on law and theology idealised marriage and procreation which subordinated women to men in the household.

Secondly, despite the lack of access to academia, De Graffigny was an influential figure in the French Enlightenment, who was able to influence distinguished thinkers and government officials, through her correspondence network, Parisian literary salon, and *Lettres d'une Péruvienne*.

Thirdly, through "La réunion", De Graffigny aimed to reduce the importance of reason in French society arguing it ought to be employed differently. Moreover, in *Lettres d'une Péruvienne*, she stimulated women to search for knowledge. While in "La reunion", De Graffigny also promoted female independence and equality in marriage, by revising existing social norms and gender roles.

**In "La reunion", De Graffigny promoted female independence and equality in marriage, by revising existing social norms**

After establishing De Graffigny's ideas, further research can investigate whether these ideas contributed to the French Revolution. In addition, the concrete accomplishments of De Graffigny and whether she is different from female writers outside of Paris or France can be explored.

**A Note from the Author:**

My name is Stefan de Reijer and I am a passionate history MA student at three universities (Leiden, Panthéon-Sorbonne, and Oxford). I was born and raised in the Netherlands but slowly consider myself European or even cosmopolitan. The paper derives from my Bachelor thesis of the study Philosophy, Politics, and Economics (+History) at Utrecht University. This programme encouraged me to think about global problems from an interdisciplinary perspective. Since I was little, I have been interested in history. This interest together with the awareness of pervasive injustice, pushed me to challenge gender inequality within the discipline of history. The Enlightenment has been praised for the ideas of great minds, such as those of Rousseau or Voltaire. However, I am curious about the hidden voice behind the spotlight, in order to highlight the brilliance of women writers.

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*URS paper*

# Embracing the inevitable

## Shaping public policy in the absence of free will

Alejandro del Valle Louw

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### Abstract

The prevailing common sense in public policy is that human beings are capable of making decisions free from external factors. A belief in free will touches every facet of society, from our welfare policies to the judicial system, and with the rising awareness of the injustices and inefficiency of these institutions, it must be questioned whether this presumption is accurate, or desirable. The rather extensive debate around free will vs determinism is summarized in this study to illustrate why these presumptions need to seriously be questioned and as I make my case for a deterministic worldview. The paper demonstrates how indeed these institutions are underpinned by a belief in free will, reviews empirical studies from political science to argue that they are inefficient or unjust, and finally concluding that certain policy areas would indeed be more effective once freed from such assumptions.

### Evidence for practice

- The present paper calls into question the common belief that human beings are able to enact their free will and make choices independently of their given circumstances; a view that is predominant in public policy, but that oftentimes leads to injustices.
- The analysis proposes a version of determinism that accounts for the effects of external factors, that are outside of one's control, and that largely impact the amount of responsibility attributable to the individual. A shift towards this interpretation of human agency would allow for more equal measures within the welfare state.
- The aim of this study is to illustrate why and how policy areas are inefficient or unjust, owing in part to their attachment to the idea of complete free will. The paper analyses and criticizes the justice and efficiency of societies establishments, and compare their current forms under the conviction of free will with the possibility of public policy based on a deterministic worldview.

**Keywords:** free will, determinism, welfare, human agency

## Introduction

In 1978 The U.S. Supreme Court called free will a “universal and persistent foundation for our system of law, distinct from a deterministic view of human conduct that is inconsistent with the underlying precepts of our criminal justice system” (Harris, 2012). Economist Morris Altman called it “an important starting point for socio-economic analysis” with strong “implications for economic analysis and public policy” (Altman, 2006). It is clear that modern society, morality, law, politics, religion, and public policy, all rest upon the assumption of free will. How we hold individuals morally responsible and therefore run our prisons, courts, and the entire judicial system, is entirely founded on this assumption.

A “universal and persistent foundation for our system of law, distinct from a deterministic view of human conduct that is inconsistent with the underlying precepts of our criminal justice system”.

The belief that all events and phenomena are determined by previously existing causes is known as “determinism”. The theory claims that “actions are inevitable given circumstances which are inevitable given other circumstances”, and that this trail of causation goes back beyond our control, to where we cannot decide, prevent, or change it (Pereboom, 1995). If it is the case that the theory of determinism is true, which would heavily undermine if not outright disprove the existence of free will, it is possible to imagine a society where the welfare state, judiciary, and economy are not founded on personal responsibility, and this may open the avenue to more just and efficient policies. In other words, an acknowledgement that key phenomena in society, including crime, education, health, employment, etc, are not in the hands of the individual, but entirely predetermined by one’s circumstances and environment, may drastically change the way we aim to address the problems themselves.

In this paper, I will answer the question “What view of human agency should inform contemporary public policy?” by analysing different cases within the modern welfare state which presuppose human agency. I will examine how they could change after a rejection of free will, by investigating the core values and fundamental ideas behind these institutions, and how they interact with the concept.

## Theoretical Framework

### *What is Determinism?*

It is of course necessary to understand why it is we can question the existence of free will in the first place. As explained by Professor Richard Swinburn, the phenomenology is that we are beings capable of making our own choices, independent of external factors (CosmicSkeptic, 2023). After all, we make decisions every day, and if nobody told us any differently, we have been led to believe that we are responsible for these choices. Determinism, however, asserts that people’s actions are actually nothing but the product of a set of circumstances, which are inevitable given other circumstances, and that this trail of responsibility goes back beyond our control, to a point where we cannot decide, prevent, or change them (Pereboom, 1995).

In this paper I will make the case for a version of determinism in which to whatever extent we govern our own actions, external factors beyond our control have a large enough impact to remove the majority of individual responsibility<sup>1</sup>. To give an example of how our formulation of determinism would operate, I will again be drawing inspiration from the work of Pereboom (1995) by prompting the reader to consider a series of hypothetical scenarios in which a certain Mr. Green has murdered a Ms. Peacock. Defenders of free will argue that free decisions can be made if the individual is not physically forced, if the action conforms to their second order desires, and if the decision is reason responsive (meaning it would have resulted in different choices in the same situation), or would have been different under different circumstances. For these reasons

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<sup>1</sup> The literature on free will often distinguishes “hard determinism” from “soft determinism” with a gradual spectrum between them. The version I argue for is weaker than the hardest formulations of the theory. More can be read on this in Pereboom 1995.



Determinism asserts that people's actions are actually nothing but the product of a set of circumstances, which are inevitable given other circumstances

the thought experiments demonstrate how under all these factors, decisions can still be made that the individual cannot be held responsible for<sup>2</sup>.

### Scenario A

Mr. Green is an ordinary human being except that he was created by neuroscientists, who can control him directly through the use of radio-like technology. Suppose the neuroscientists directly manipulate Mr. Green to undertake the process of reasoning by which his desires are modified and produced, and his effective first-order desire to kill Ms. Peacock conforms to his second-order desires. The neuroscientists manipulate him by, pushing a series of buttons just before he begins to reason about his situation, thereby causing his reasoning process to be rationally egoistic, or self-interest maximising. His reasoning process is reason responsive because it would have resulted in different choices in the same situation in which the egoistic reasons were otherwise.

### Scenario B

Mr. Green is an ordinary human being except that he was created by neuroscientists, who although cannot control him directly, have programmed him to be a rational egoist, so that, in any circumstances like those in which he now finds himself, he is causally determined to undertake the reason responsive process and to possess the set of first and second-order desires that results in him killing Ms. Peacock. His reasoning process is therefore reason responsive. In both of these scenarios, we intuitively understand that Mr. Green cannot be said to be responsible for his actions. In Scenario A he was being directly controlled by an outside influence, and although in Scenario B Mr. Green is not being directly controlled, his actions were determined by virtue of the neuroscientist's actions, which are *beyond his control*. In both instances, the action adhered to his first and second-order desires and was reason responsive. Yet, despite this, it would be unreasonable to reprimand Mr. Green or blame him for his actions. He was not in a position to act in any other manner, due to the circumstances and environment that he found himself in. Now allow us to consider another scenario.

### Scenario C

Mr. Green is an ordinary human being, except that he was determined by the rigorous training practices of his home and community, his cultural background, his genetic makeup, and his current environment to be a rational egoist. His training took place at too early an age for him to have had the ability to prevent or alter the practices that determined his character. Mr. Green is thereby caused to undertake the reason responsive process and to possess the first and second-order desires that result in his killing Ms. Peacock.

If one were to argue that Mr. Green is morally responsible for his actions in Scenario C but not Scenario A or B, one would need to identify a morally relevant feature that exists in one and not the other, which is difficult to detect. As in the previous scenarios, the Mr. Green of Scenario C acts under desires and circumstances that have been programmed *beyond his control*. The only difference is that instead of neuroscientists programming him, it is his community and environment, and thus I would argue that it would be impossible to understand his actions without looking at these institutions first. The argument that the individual is simply "influenced" and not directly "caused" fails to attribute responsibility to the individual. If we are so influenced by external factors that it is not conceivable for us to have acted differently given the same circumstances, we cannot say that we are fully responsible for the action. Author Yuval Noah Harari puts it clearly, "if by 'free will' you mean the freedom to do what you desire – then yes, humans have free will. But if by 'free will' you mean the freedom to choose what to desire – then no, humans have no free will" (Harari 2019).

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<sup>2</sup> For clarification, in the scenarios I make a distinction between first-order desires and second-order desires. First-order desires are things that an individual wants. Second order desires are the desires by which one was moved when they acted on their first-order desires (Frankfurt, 1971). A first order desire might be gym equipment, the second order desire would be for physical fitness.



Traditional Western defences of free will have all been, in some way or another, based on an appeal to God (O'Connor, 2022). St. Augustine (1950) and Thomas Aquinas (2005) both claimed that our free will came from God so that we could decide of our own volition to follow him, and many other philosophers made reference to a non-material entity as the source of human agency. In the modern era, this is, of course, an unconvincing argument, and no longer can we accept views based on faith rather than reason from a scientific standpoint. The argument of determinism does not even require a materialist position to be taken, even if one believes in a soul of sorts or some kind of immaterial essence, if this were to be the source of our decisions, it remains unclear *why* it decided what it decided or what influence and control one has over their soul. Another common argument against determinism is that not everything is determined, there is randomness in the universe. However, research has shown that often times people confuse randomness for simply an asymmetry of information, and as a consequence, often misinterpret randomness as free will (Ebert & Wegner, 2011). Weather for example, may seem and feel random, but it is in reality determined by a myriad of invisible factors. Edwin Locke gives the example of a coin toss, an event which cannot be predicted, but again, just because we cannot predict an event does not mean that it is not predetermined beyond our control. Even if true randomness does exist in the universe, such as neuron firing or quantum-level events like radioactivity, it still does not serve to prove free will. If our choice is determined by previous causes, then we have no control over it, and are not exercising free will. If on the other hand, our choice is random, then we have no control over it, and are not exercising free will. Therefore, the existence of randomness does not prove the existence of free will.

### **Analysis**

Equipped now with an understanding of determinism, we are ready to begin the analysis, structured as follows: I hope to show the state of the contemporary welfare state as an institution founded upon the assumption of free will, and how policies can be made more just and efficient under a more deterministic worldview.

A lot of welfare programs already exist which can be said to recognize the separation of individual and institutional responsibility. Programs such as social security, disability benefits, rehabilitation centres, the pension system, and veteran care, are all examples of programs that aim to improve the lives of less privileged individuals, creating a more equal and just society, whilst acknowledging that there are factors beyond one's control (such as growing old, having a disability, and so on) that have an impact on one's place in society. What I hope to make clear in this section is that we give disability benefits or pensions for the same reason we ought to give out any number of other social provisions they address the inequalities created by circumstances *outside of the individual's control*.

Unemployment is one of the biggest problems that developed countries face today, yet despite changes in the labour force, and the incredible leaps in technological and economic growth over the last century, unemployment in the long run remains "untrended", largely unchanged (Layard & Bean 1989, p. 371, Denman & McDonald 1996, Burtless & Summers 1983). Unemployment benefits are a common scheme, with many positive aspects, but they are often too low or too short term to make a significant impact (Burtless & Summers 1983). The underlying philosophy behind the decision to revoke unemployment benefits after a set amount of time is that with benefits people decide, out of laziness or comfort, to not actively search for a job. The rationale then, to avoid this so called the "unemployment trap" is to make unemployment as uncomfortable as possible in order to incentivise people to quickly and actively search for jobs to contribute to society (Snower 1995). The economic literature on the topic even asserts there is some "optimal" level of unemployment for governments to aim towards in order to keep inflation down, create a negative incentive for employees to not be fired, and keep the economy stable (Bowles et al 2017). The problem with this line of reasoning, however, is that it completely ignores any other external factor or reason that may impact someone's experience searching for a job. The theory focuses on individuals making the active decision to remain unemployed to enjoy the benefits, and does not take into account other factors which have been shown to cause unemployment or contribute to an individual's struggle to find employment, such as prior education, mental illness, limiting disabilities, discriminatory hiring practises, economic recessions, and any other number of reasons (Gurney 1981, Dowd 2021, Nelson & Kim 2011, Krogh & Bredgaard 2022, Zschirnt & Ruedin 2016).

The status quo emphasises the individual as the primary reason for becoming or remaining unemployed, and as a result, the solutions that we have created to address the problem are efficient, and at times, unjust. One

way that we could guarantee (at least to a greater extent) equality of opportunity for all in society would be through a modest but unconditional income to all citizens, otherwise known as a universal basic income. The general idea of a UBI is that it is an “income paid by a political community to all its members on an individual basis, without means test or work requirement” (Van Parijs 2004). This policy of consistent, unconditional financial compensation would partially level the playing field and alleviate many of the inequalities and negative externalities that appear from inefficient and unequal institutions. It would mitigate some of the problems which arise from being born into a poor family, having a lower-quality education, suffering from mental illnesses or disabilities, or suffering from addiction. In this position, individuals would be essentially guaranteed that no matter what their circumstances are at the beginning of their life (their intelligence, ambition, financial situation, identity, etc.) even the least privileged members of society would be able to lead meaningful and pleasant lives. A UBI also solves the problem of the unemployment trap as described by Snower (1995), as it reduces the utility difference between no job and a low-paying job, as under regular unemployment schemes, one may be incentivised to remain unemployed and enjoy the benefits as opposed to choosing a low paying job, but with a universal basic income, they are more inclined to take a low paying job to supplement their basic income (Van Parijs, 2004).

In any case, as the presumption of free will is so deeply ingrained into our political institutions, it is not possible to remedy the injustices and inefficiencies without also changing our conception of human agency alongside it. Removing the presumption of free will from our policy deliberations will lead communities to start addressing structural and institutional issues from the source. A UBI is only one example of a solution to many of the problems that the welfare state faces, while not in any way stressing individual responsibility or agency, it simply eases the circumstances that are outside of an individual’s control as far as possible. This is accentuated in Van Parijs’ robust defence of universal income, where he argues that the concept is a “strategy against both poverty and unemployment” as well as a way to realize true social justice “as the fair distribution of the real freedom to pursue the realization of one’s conception of the good life, whatever it is” (Van Parijs, 2004). The freedom we strive for must be the freedom from the external institutions which advance morally arbitrary factors such as one’s situation at birth. If we cannot have the freedom to choose what we desire, then we should at least strive for freedom, as Van Parijs (2004) would argue, from the institutions prohibiting us from living to the fullest.

## Conclusion

As contemporary debates around the limits of the welfare state and the functionality of the justice system rage on through the world, it is more important now than ever to question the origins and assumptions of the most influential and impactful aspects of society. I have shown how the welfare state, exemplified by the system of distributing unemployment benefits is underpinned by a deeply rooted belief in complete human agency. The state of the art of the determinism vs free will debate is moving rapidly towards an agreement that free will is, at least mostly, a myth, and that a more deterministic understanding of the world is the more accurate one, and with this, it is crucial that our understanding of public policy does not get left behind in the past. This study, grounded in empirical evidence, explained why and how policy areas are inefficient and unjust, owing in part to their attachment to the idea of complete human free will. The paper analysed and criticize the justice and efficiency of societies establishments, and compare their current forms under the conviction of free will with the possibility of public policy free from the clasp of such a belief.

In the words of Yuval Noah Harari, “unfortunately, ‘free will’ isn’t a scientific reality. It is a myth inherited from Christian theology. Theologians developed the idea of ‘free will’ to explain why God is right to punish sinners for their bad choices and reward saints for their good choices” (Harari 2018). It appears that our societies have not drifted far from the Christian ideas of punishment and reward on which they were built, and thus the same values are inherited in the institutions, systems and processes that govern our lives. I have illustrated why it is important to rid our institutions of the myth of free will, and why it is only then that we can create fair, just, and effective policies to live under. For as long as we are convinced that the individual holds the majority of responsible for their actions, and not the environment in which they find themselves, our prisons will remain full, our children hungry, and our people unhappy.

**“Free will isn’t a scientific reality [...]”**

**A Note from the Author:**

My name is Alejandro del Valle Louw. I am a recent graduate from Philosophy, Politics, & Economics at Utrecht University and am currently pursuing a MSc at the London School of Economics. I have always been passionate about using philosophy as a tool to face global challenges head-on to create a better, more sustainable tomorrow. My keen interest in metaphysics, as well as legal ethics and political philosophy culminated in this research area of free will and its implications on policy and law. I am beyond grateful to have this piece, which is a very condensed version of my bachelor thesis, published in Public Note. I only ask that readers approach this topic with an open and inquisitive mind in alignment with the spirit of the journal itself!

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*URS paper*

# Unexpectedly legitimate

## An interdisciplinary assessment of the impact of interest groups on the EU's legitimacy

Selma Irmer

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### **Abstract:**

Decisions taken in the European Union's (EU) institutions affect the lives of 450 million EU citizens, which is why it is important to understand how interest groups affect legislative processes in the EU. This paper investigates the effect of the EU's current system of interest group representation on its legitimacy. To this end, an interdisciplinary approach utilising the disciplines political history, political science and political philosophy is taken. While political history shows that business associations enjoy a higher access to EU institutions, political science argues that the influence of various interest groups is rather equally distributed. Political philosophy reveals that the concept of pluralism, which sees interest groups as highly desirable, has guided the establishment of EU institutions since its start and influenced how they are perceived. These insights are combined into a framework showing that the current system is fundamentally legitimate but does require further reforms.

### **Evidence for practice:**

- Interest groups are an integral part of the EU's political system.
- The EU's current system of interest group representation is fundamentally legitimate.
- Reforms within the current system are needed to remedy persisting inequalities regarding the access that different interest groups have to the EU institutions.

**Keywords:** EU, interest groups, legitimacy, political history



## A Blessing or A Curse

What unfolded last December in Brussels seemed to be a scene from a crime series rather than an episode of real-world politics. Eva Kaili, a vice-president of the European parliament (EP) was arrested as it was uncovered that she had received payments from the Qatari government so that she would portray the regime in a favourable light (Malingre et al., 2022). This represents a case where an interest group, namely the Qatari government, tried to unduly influence European Union (EU) politics, thus shedding light on a much debated topic in the EU. While this corruption scandal is expected to occupy the EU for some time to come, the topic of interest group representation is not a new one. It has been intensively debated since at least the 1990s when the EU attempted to develop a formal framework for interest group regulation (Smismans, 2014) as the EU's increasing scope of policy-making drew more interest groups into Brussels (Coen, 2009; Laurens, 2017). Today, The 12.000 organisations that are currently on the voluntary lobby register, which the EP and the European Commission (EC) have together, declared a combined annual lobbying budget of 1.8 billion euros (Transparency International EU, 2023).

Looking at this recent scandal and the numbers of interest groups present in Brussels shows the importance of addressing the topic of interest group representation in the EU. However, the situation is not as straightforward as it seems. On the one hand, the current situation poses a challenge because decision makers might vote for legislation that is desired by certain interest groups, but not necessarily in the interest of the public to which they are ultimately accountable. This imperils the EU's legitimacy both in terms of the decision-making procedures but potentially also in terms of the policy outcomes. However, maintaining the EU's legitimacy is of crucial societal importance, as the decisions made in its institutions affect the lives of around 450 million citizens and a loss of legitimacy would thus not justify the scope of influence the EU institutions have today. On the other hand, interest groups cannot simply be banned altogether as lobbying is an integral part of politics, especially in the EU which is reliant on the expertise that interest groups provide in order to produce good policies. It is therefore imperative to scrutinise how lobbying is connected to the EU's legitimacy, leading to the research question this paper will investigate: *How does the current system of interest group representation impact the EU's legitimacy?* Since lobbying is a complex topic, different disciplines are needed to fully understand how the current system of interest group representation impacts the EU's legitimacy, thus showing the need to research this topic in an interdisciplinary way.

How does the current system of interest group representation impact the EU's legitimacy?

Before starting, legitimacy needs to be briefly explained. It refers to "the acceptability of a social or political order" (Lindgren & Persson, 2010, 450), and will be defined in terms of input and output legitimacy. Simply put, input legitimacy looks at decision-making procedures whereas output legitimacy focuses on the outcomes of policies.

The paper will first outline the crucial theories that will be utilised from each discipline used. First off, the theory of historical institutionalism will be explained in the political history section, afterwards the theory of influence will be introduced in the political science section and lastly, the theories of pluralism and republicanism will be discussed in the political philosophy section. Afterwards, the insights from these disciplines will be integrated into a new model that enhances our understanding of the legitimacy of the EU's system of interest group representation.

## Mixed Assessments

### Political History

This section will investigate the following sub-question: *How has the current system of interest group representation evolved since 1958?* In order to do so, the historical development of the EU's system of interest group representation will be connected to the theory of historical institutionalism. This theory emphasises institutional path dependence and policy legacies, meaning that previous choices about policies and institutions affect the range of subsequent policy options. There are points of critical juncture, which represent rare events in the development of an institution that have a large impact on its further

development. Historical institutionalism also stresses the importance of institutional lock-ins where deviations from the initial path become increasingly difficult, thus explaining why institutional changes take place only gradually (Knill & Tosun, 2020).

#### *A Happy Marriage – Business Associations and EEC Institutions (1958-1980).*

The European Economic Community (EEC) was established in 1958 through the Treaty of Rome (Hix, 2020). This kickstarted the establishment of many business associations in the 1960s, which was actively supported by the EC. Due to a lack of staff and expertise, the EC needed the knowledge provided by interest groups, leading to growing ties between the business associations and EEC institutions. This provided the institutions with output legitimacy vis-à-vis member states and the business world (Laurens, 2017).

#### *Disruptions of Married Life – New Actors Enter the Stage (1980-2010).*

The 1980s saw the further cementation of the importance of business associations whose creation continued to be encouraged by the EC as the staff of the associations was able to synthesise the views of their sector into one position that would be approved by that sector (Laurens, 2017).

The 1990s marked a turning point as many NGOs became established in Brussels as well. However, they had less favourable positions compared to the business associations. First off, they did not help to assert the institutional legitimacy of the EEC in its early days and could thus not benefit from the historical closeness enjoyed by the business associations. Secondly, they also provided less crucial expertise since business associations still provided a synthesis of the sectoral interests of several member states. Thirdly, they had less resources, which limited the capacity of NGOs to gain access to EU institutions (Laurens, 2017).

#### *The Marriage Persists – Historical Institutionalism and EU Legitimacy.*

This development of the EU's system of interest group representation can be explained through the theory of historical institutionalism. When the EU institutions started the develop, business associations played a significant role in structuring them. This represents a critical juncture as it was a crucial event that impacted the further development of the EU institutions. From this point onwards, business associations have remained closely interconnected to the EU administration until today. Due to the shift in focus from output to input legitimacy, these close ties could be seen as an impediment rather than an improvement to the EU's legitimacy. However, this is a case of an institutional lock-in where it would be very costly and difficult to change the system that has been established over the past decades.

This shows that the historically grown connections between business associations and EU institutions have created a system of interest group representation where not all interest groups have equal access to the decision-makers. Therefore, in the current system input legitimacy is rather low which is also likely to translate into low output legitimacy since interests that are not represented cannot be considered in the policy-making process (Lindgren & Persson, 2010).

### **Political Science**

This section will attempt to answer the sub-question: *How do interest groups influence the EU policy-making process?* In doing so, it will use the theory of influence and then see how the insights derived from this theory affect the legitimacy of the current system.

#### *Theory of Influence.*

To explain how the current system of interest group representation in the EU works, the theory of influence will be utilised. It argues that access does not necessarily imply influence and that the final goal of interest groups is to influence, not merely access, EU-institutions (Klüver, 2013). The model comprises two steps.

In the first step, EU lobbying is conceived of as a bi-directional relationship between interdependent actors where interest groups demand influence on policy-making and EU institutions demand access goods, such

as policy-relevant information, citizen support and economic power. Therefore, the ability of interest groups to exert influence depends on their ability to provide these goods (Klüver, 2013). In the second step, Klüver (2013) argues that it is necessary to take into account the context within which lobbying happens. Since policy issues often raise the attention of multiple interest groups simultaneously, lobbying coalitions, which aim to push an EU institution into their preferred direction, are established. The likelihood of this succeeding is suspected to increase with a higher aggregated amount of information, citizen support, and economic power of that coalition.

### *Theory of Influence and EU Legitimacy.*

Empirical data on the influence of interest groups on the policy-making process shows that influence is not systematically biased in favour of concentrated interests but seems to be fairly equally distributed among societal interests (Klüver, 2013). This is corroborated by Greenwood (2019) who argues that business associations are less successful than public interest actors in influencing EU policy-making, especially when NGOs have managed to raise the salience of an issue. In contrast, business interests are mainly successful when conflict is low, and issues are technical (Coen, 2009). Whereas in terms of access there is a clear bias in favour of business, there is no such systematic favour when it comes to influence. This rather equally distributed influence of interest groups on EU institutions provides the system with input legitimacy which is likely to also translate into output legitimacy since many different interests are considered, making the final policy more inclusive (Lindgren & Persson, 2010). This indicates that the current system of interest group representation seems to enhance the input and output legitimacy of the EU (Klüver, 2013).

### **Political Philosophy**

How do different conceptions of the public interest affect the legitimacy of interest group representation?

This section will investigate the sub-question: *How do different conceptions of the public interest affect the legitimacy of interest group representation?* The answer to this question depends on one's conception of the public interest and the following section will outline two conceptions which have juxtaposed positions regarding the legitimacy of interest groups.

### *De Tocqueville's Pluralist Vision.*

The first perspective on interest group representation is that of pluralism which was markedly influenced by French philosopher Alexis de Tocqueville. He saw interest groups as an essential source of liberty for the citizens. Whereas in aristocracy the people in power wield a considerable amount of power, in a democracy the citizens are individually rather weak. This explains the importance of associations as individually weak citizens need to unite with other citizens to fight for their interests. Larger associations are seen as more valuable as they have a higher chance of success in advancing their interests. This led de Tocqueville to claim that "in democratic countries political associations are (...) the only powerful persons who aspire to rule the State" (de Tocqueville, 2003 [1835-40], 592). Therefore, in a pluralist conception of the public interest, interest groups are seen as highly legitimate. This conception is also guiding the EU today, as the current system of interest group representation is described as elite pluralistic (Coen, 2009).

### *Rousseau's Republican Vision.*

The second perspective that will be considered is a republican one, of which Jean-Jacques Rousseau is one of the most famous proponents. In his social contract, Rousseau proposes the idea of the general will (*volonté générale*), which states that collective decisions should reflect the interests of the whole community in the long-run (de Dijl, 2018). Interest groups are seen as undermining the general will and thus by extension also the rule of the people (Erne, 2020). This shows that in a republican conception of the public interest, interest groups are seen to negatively impact the legitimacy of a political community, such as the EU, since they distort the common good.

## Creating A Comprehensive Understanding

Despite having some similarities, the disciplines also show quite some differences, especially regarding their answer to the main research question. Therefore, this section will create a two-step model that provides a more complete understanding of the EU's system of interest group representation through first establishing common ground and then integrating the disciplines.

### Step 1: Extension

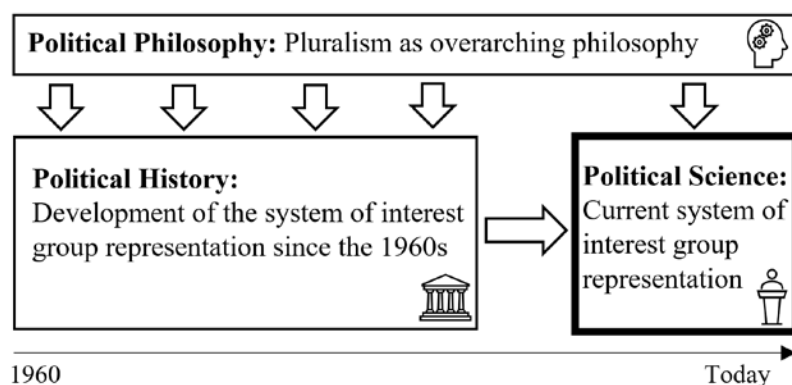
In the first step, the differential understanding of political history and political science of the word “impact” used in the main research question will be addressed since this played a crucial role in their different answers with respect to the main question. Whereas political history has equated “impact” with access, political science has equated it with influence. I will extend the understanding of “impact” that political history has by adding the meaning from political science. Therefore, impact will now mean both access and influence which can be symbolised as follows:  $\text{impact} = \text{access} + \text{influence}$ .

This is crucial as the conflicting conclusions that political history and political science had with respect to the current system of interest group representation was due to the fact that they had a different understanding of the key word “impact”; not because they disagreed fundamentally on the question of the legitimacy of interest groups in the EU. Therefore, this extension has enabled to resolve this conflict, thus allowing me to create common ground through organising the insights of the three disciplines into one model.

### Step 2: Organisation

In this second step, political science, political history, and political philosophy are combined into one model (see *fig. 1*), which enables a more complete understanding of the current system of interest group representation. It explains why this system can be seen as legitimate despite the different conclusions that the three disciplines gave individually.

**Figure 1:** Model of interest group representation in the EU



Political science has helped in explaining how the current system looks like and that it is legitimate as there is no systematic bias towards one specific type of interest group in the policy-making process. This current system is represented by the bold black square in *figure 1*. Political history is important in explaining how the system of interest group representation has developed since the 1960s and how this influences the current system of interest group representation; it is represented by the black rectangle in *figure 1* and the arrow pointing towards political science signifies how the historical development influenced the structure of the current system. Furthermore, with the extended meaning of “impact”, the current system of interest

group representation can be seen as legitimate as the stark inequalities in terms of access that are highlighted by history are softened when using the new meaning that also includes influence. However, history still provides a different angle than political science as it points out the inequalities in terms of access that persist for historical reasons and that still need to be addressed if the system is to become truly representative and wholly legitimate. Political philosophy seems to be rather tricky to include into a model since its view on the legitimacy of interest groups is so agent-centred. However, what can be seen when looking at the system of interest group representation both from a historical and current-day perspective is that it is the conception of pluralism that has guided the EU institutions in establishing their system of interest group representation. Therefore, pluralism can be regarded as the overarching philosophical framework guiding the system of interest group representation in the EU, as its institutions encouraged the formation and inclusion of interest groups into the political process already since the 1960s but especially in the 1990s where the system became highly pluralist. This fundamental approach persists until today, even though the current system is more restrictive in terms of access, which has given it the name of elite pluralism (Coen, 2009). Political philosophy is represented by the black rectangle placed over both political history and political science in *figure 1* with the arrows pointing downwards representing how it influenced the setup of the system both in the past and the present. The EU's approach of including many interest groups was justified through the idea that the inclusion of more interest groups could compensate for representational deficits (Klüver, 2013). This is highly reminiscent of the logic behind pluralism presented in section 2.3.1 where interest groups are seen to enhance the representativeness of ideas included into the decision-making process, thus heightening the legitimacy of the process and its policy outcomes.

### *Objection from republicanism*

The model established above (see *fig. 1*) could be objected to by republicans who might argue that interest groups still distort the general will even if there is no systematic bias favouring one type of interest group over another. If that proved to be the case, their objection would be reasonable but if it can be shown that interest groups do not distort the general will, then republicans could not reasonably object to the current system in place. The insights from the disciplines presented above show that the current system of interest group representation can be considered to function well. Therefore, the decisions reached in the current system of interest group representation cannot be seen to systematically distort the interest of the public.

### **A Blessing with Reservations**

Interest groups are an integral part of many political systems. This is especially the case with the EU which is heavily reliant on the expertise that interest groups provide. On this reading, interest groups enhance the output legitimacy of the EU. However, interest groups can also be regarded as a challenge since they can be seen to influence the decisions of the policy-makers in their interests, which means that policies would not be in the interest of the public but would serve mainly special interests. Therefore, this paper has investigated the following question: *How does the current system of interest group representation impact the EU's legitimacy?*

In order to do so, the paper has used the disciplines political history, political science, and political philosophy, to provide a more complete understanding of the EU's system of interest group representation than could be gained from looking only at one discipline. Political history has shown that business associations share historical connections with EU institutions, resulting in an unequal access for different interest groups. Political science has shown that there is no systematic bias towards one specific type of interest group in terms of the influence they have on decision-makers, and political philosophy has shown that the legitimacy of interest groups depends on a person's conception of the public interest in showing that from a pluralist perspective interest groups are highly desirable while this is not the case from a republican perspective. The insights gained from these three disciplines have been combined into one model which has shown that the current system of interest group representation is legitimate and that interest groups should not be seen as imperilling the EU's legitimacy, thus answering the research question this paper set out to investigate. However, it is crucial to keep in mind that the inequalities in terms of access that have been highlighted by the political history perspective still exist and need to be addressed. This can be done within the confines of the current system as the main conclusion drawn from this paper shows.



This paper has set out to contribute to one of the topics which returns as reliably when talking about the EU as the discussion on abolishing summer- and wintertime. It has contributed to the debate by showing that accusations seriously questioning the EU's legitimacy based on its system of interest group representation are unjustified as the system serves the public interest more than might be assumed when reading media reports such as the one on the corruption scandal surrounding Eva Kaili.

The paper has used the disciplines political history, political science, and political philosophy, to provide a more complete understanding of the EU's system of interest group representation than could be gained from looking only at one discipline.

### **A Note from the Author:**

My name is Selma Irmer and I am currently completing the last year of my Bachelor programme Philosophy, Politics and Economics (PPE) at Utrecht University. As a daughter of a French mother and a German father, I am aware of the importance of peace among the nations of Europe since I would not be here without it. The European Union which came into being precisely with the purpose of maintaining this peace is today being heavily criticised among other things through the claim that it has a democratic deficit. This is often attributed to its system of interest group representation, which is seen to lack transparency and be skewed towards favouring certain interest groups over others. It is therefore important to understand how the current system of interest group representation affects the EU's democratic legitimacy to be able to properly address one of the key challenges facing the EU today so that it can continue to bring the peoples of Europe closer together.

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# The Board of Public Note 2023/2024

## **Claire Weiser – *Chair of Public Note***

Hi, I'm Claire! I am currently in my gap year in Nice, France after completing my bachelor's in Management of International Social Challenges (MISOC) at Erasmus University Rotterdam, and will be pursuing a master's at EUR next year. I choose to be part of the board because personally, I see it as a great opportunity to learn more about the academic world, and grow my own editorial and leadership skills. I found Public Note particularly interesting as it aligns with many of my own values, and goals including providing all students with a platform to share their research and become involved in the academic publishing world. I hope that this year, Public Note becomes more widely known amongst students. Internally as a board I aim to create a creative, organized, and fun environment.



## **Lieve Mijster – *Co-Editor in Chief***

My name is Lieve and I am the co-editor in chief and head of reviewers for Public Note this year. I'm a Dutch student currently living and studying in Utrecht where I'm in the second year of my master's programme Innovation Science. Last year, I published a public note myself. This process made me so enthusiastic that I wanted to join the board. My aspirations for this year are to make Public Note more well known with students, as well as academics. And of course to bring out great new editions!



## **Lorenzo Consalvi – *Head of Publishing***

I am an international student from Italy, currently attending my Master's in Clinical Psychology at Erasmus University. I chose to be a part of Public Note as I believe in education and knowledge sharing from students to students. Public Note offers a great opportunity for younger members of academia to make their work available to a large audience of their peers and to contribute to their respective fields with their vision and ideas. I strive for the extension of this network of students to include as much academic knowledge as possible, and to make it relevant for the biggest number of fields. My aspiration is to create a platform where multidisciplinary expertise from young academics meets and promotes the emergence of new interest towards the social challenges of our time.



**Suki Samara – *Social Media and External Relation Manager***

Hi, I'm Suki from Singapore! I am currently doing my second year in my Psychology Bachelors at Erasmus University. I am the Social Media Manager for Public Note. For me, this isn't just about managing social media accounts. It's about using these platforms to empower students, especially when it comes to sharing their research and thesis work. I believe that by harnessing the reach of social media, we can give these important voices the exposure they deserve. I'm committed to ensuring that valuable knowledge doesn't go unnoticed.



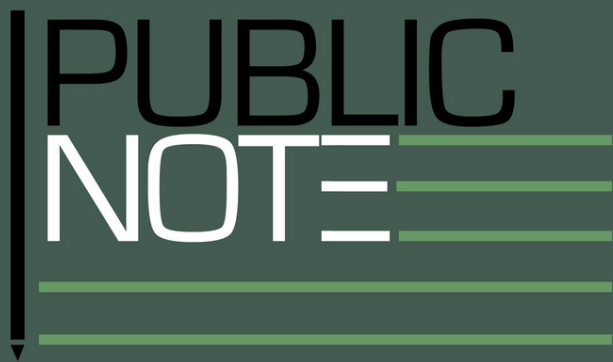
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