

INVESTIGATING THE INTRODUCTION AND THE ROBUSTNESS OF LOBBYING LAWS

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A THESIS SUBMITTED FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY



POLITICAL SCIENCE DEPARTMENT
TRINITY COLLEGE DUBLIN

APRIL 2017

DECLARATION

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Michele Crepaz

SUMMARY

Lobbying regulations belong to the political realm of ethics, integrity and transparency. They aim at regulating the activity of private actors who are seeking to influence the state. Existent research revealed that initiatives of transparency achieved through these laws help the government to install a level playing field for the participation of interest groups in the policy making process and to prevent cases of corruption. Besides, since these laws shed light over the policy-making process, they allow citizens to hold policymakers accountable for their decisions. However, some lobbying laws guarantee higher levels of transparency and accountability than others. The level of transparency and accountability of lobbying regulations is defined as robustness. Previous research on this topic has revealed that provisions in lobbying laws can vary in robustness, that is to say they can be more or less robust.

Building upon these studies, my project addresses two main research questions: First, what are the reasons for political systems to introduce lobbying regulations? - And secondly - within political systems that have passed lobbying laws, why are some regulations more robust than others? My study offers two empirical investigations to answer these questions. First, I explore the adoption of lobbying laws in EU and OECD countries testing a set of explanations based on theories of political agenda setting, policy diffusion and systems of interest representation. Secondly, I explore the effects of corporatism, political corruption scandals and partisanship on the robustness of lobbying regulations in the EU, Austria, Ireland and the UK. The empirical analyses are conducted using a mixed-method approach: as far as the adoption of lobbying laws is concerned, I use a quantitative

event history analysis of 34 cases in the period between 1995 and 2014; the determinants of the robustness of lobbying laws, in turn, are investigated in four case studies. This study represents the first comparative investigation of the emergence and the robustness of lobbying laws in contemporary democracies.

The quantitative analysis of the adoption of lobbying laws (Chapter 3) suggests that IOs and states with regulations already in place encourage the diffusion of lobbying rules in OECD and EU member states. Neither levels of corporatism nor the media's attention to scandals appear to be significant predictors of the adoption of lobbying laws. However, scandals influence the legislative activity around lobbying regulations. The results of the analysis suggest that media attention towards episodes of corruption influences the presentation of legislative proposals to regulate lobbying. These proposals, however, fail to become laws. I argue that this represents an expression of 'symbolic' politics.

The results of the case studies (Chapter 6) of the EU and Austria suggest that systems of interest representation influenced the levels of robustness of the lobbying laws. The results of the investigation conducted in the UK and Ireland suggest that party politics and the saliency of lobbying scandals help to explain different levels of robustness.

The results of this investigation can help scholars to better understand the reasons for which states develop transparency legislations and give a deeper insight into the dynamics related to accountability and transparency in the real world of politics.

ACKNOWLEDGEMENTS

I would like to thank Professor Raj Chari for being an extraordinary supervisor, mentor and colleague. I would also like to thank Dr. Paul Kenny for his invaluable support during the first years of my Ph.D. I am also grateful to the participants of the Friday Seminar sessions and the Department's Executive Officers for their help.

I would like to acknowledge the financial support offered by the Irish Research Council and by the Department of Political Science. I would also like to express my gratitude to Professor Sylvia Kritzinger, Professor Jan Beyers and Professor David Coen for offering their support during my fieldwork. This thesis would not have been complete without the participation of the fifteen interviewees who kindly offered their time and knowledge.

I would like to thank Professor Constantine Boussalis and Lukas Kuld for providing me with important methodological insights. A big thank you goes to Anna Ciobanica for her comments on the draft version of the chapters of this thesis and for all the love and care she put in supporting me. A special thank you goes to my fellow Ph.D. students Benedetta Bianchi, Miriam Sorace, Andres Hinrichsen and Gavin Morrison for being my every-day companions during these four years.

A final thank you goes to Fiorenza and Valentina for their encouragement during the good times and the difficult moments in these four years, to Raj for showing me the way, and to Anna and my friends Benedetta, Lora, Miriam, Andres and Gavin for the time we spent together. My gratitude goes far beyond what words can say.

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INVESTIGATING THE INTRODUCTION AND THE ROBUSTNESS OF LOBBYING LAWS

INTRODUCTION

1. RESEARCH FOCUS - LOBBYING LAWS IN COMPARATIVE PERSPECTIVE

Interest groups are essential vehicles for the representation of interests in front of the government (Jordan and Maloney, 2007). *Lobbying* represents one aspect of the representation of interests and refers to the act of seeking to influence public policy outputs via direct or indirect communication with public office holders (Baumgartner and Leech, 1998). Pluralist scholars have described lobbying as a way of enhancing political participation through which the overall interests of society are better represented (Dahl, 1961). However, over the last quarter of a century, several scholars have appeared to be sceptical about this approach arguing, by contrast, that the real world of interest representation is a mirror of class-inequalities (Miliband, 1969). Perhaps this debate has more recently encouraged scholars to focus on the role of power and resources in lobbying (Coen, 1998; Bouwen, 2002; Baumgartner *et al.*, 2009) and installed the belief, in the minds of general public, that lobbying consists of a way to buy politicians and bias public policy (Holman and Luneburg, 2012). Governments have however, over the years, developed regulatory solutions aimed at preventing undue influence and promoting trust in politics. Lobbying regulations represent an example of these forms of regulations.

This introduction offers a broad overview of the research focus, the research questions and the gaps in the interest group literature that this study fills. This investigation focuses on lobbying regulations, a form of regulatory policy that lets citizens and all policy-making stakeholders know who is lobbying whom about what. More precisely, political scientists have placed lobbying regulations in the

category of transparency laws, anti-corruption laws and ethics policy, which all aim at enhancing transparency and accountability and at setting standards of behaviour for lobbyists and public officials (Rosenson, 2003). By making the behaviour of lobbyists observable, lobbying rules shed light on the aspects of the policy making process where interest groups are involved.

Lobbying regulations are understood as ‘systems of rules which lobby groups must follow when trying to influence government officials and public policy outputs’ (Chari *et al.*, 2010, p. 4). Similarly, Greenwood and Thomas (1998, p. 493) define these regulations as ‘systems designed to regulate the activities of the legislators and/or lobbyists. Such systems may involve formal instruments of legislation or less formal codes of self-regulatory conduct’.

Typically, lobbying laws deal with the disclosure of information and expenses related to lobbying in the form of public registers. The rules normally also establish codes of conduct for lobbyists, conflict of interest provisions and sanctions for misconduct (that can vary from fines to imprisonment). The different provisions determine what is legal or not in the execution of the activity of lobby groups. Previous research has suggested that lobbying rules strengthen confidence in political institutions (Greenwood, 2011), work as an efficient anti-corruption mechanism (Holman and Luneburg, 2012), increase political accountability (Holman and Luneburg, 2012) and are instruments of deliberative democracy (Chari *et al.*, 2010).

In the absence of lobbying regulations, in turn, citizens might find it difficult to evaluate whether policymakers are taking decisions based on the merits of their constituency or according to private interests. In this situation, citizens lack

important tools allowing them to hold decision-makers accountable. On the other hand, policymakers have no incentives to be responsible to the constituency in negotiations behind closed doors with organized interests (Naurin, 2007). In some extreme cases, the lack of transparency in lobbying might even encourage politicians to make private gains (in the form of contributions and gifts) out of their interactions with wealthy interest groups.

It is important to clarify that the absence of lobbying laws does not mean *overall absence of transparency*. Beyond lobbying laws, other examples of policies that add transparency in government are Freedom of Information legislation (FoI) and Ethics Reform legislation. As a result, countries with no lobbying laws in place can still register high levels of transparency in policy-making. Sweden, for example, cultivates a strong culture of openness - despite the absence of a lobbying law - and the citizens' access to government documents is enshrined in law since 1766 (Banisar, 2006). However, as Hogan *et al.* (2012, p.4) have noted, FoI laws and Ethics legislation 'regulate the actions of state officials while lobbying laws aim at regulating the action of private interests attempting to influence such officials'. As a result, the activity of interest groups might remain and non-transparent activity in countries without lobbying laws in place. This thesis explores the dimension of transparency in lobbying through the analysis of lobbying laws.

To this end, this study explores the dynamics of the introduction of lobbying laws in a comparative perspective. By *(un)regulated* I therefore understand those countries that have (not) lobbying regulations in place. Understanding how these laws are introduced and the way they are shaped is a relevant aspect of political science research in the field of interest groups. The identification of factors of

influence for the introduction and the strictness (defined as *robustness* by the present study) helps researchers, policy-makers and practitioners to better understand how transparency in lobbying impacts the real world of politics.

At the present time, 16 democratic political systems throughout the world have lobbying regulations in place. The US, Germany, Canada and the EU introduced their regulations before the 2000s. From 2001 the adoption of lobbying laws experienced a boom of popularity resulting in the introduction of 12 new regulations (discussed in the next section). The diffusion of these forms of regulation has recently drawn the attentions of policymakers and academics on this topic. In particular, a substantial part of the literature has observed that different laws guarantee different levels of transparency and accountability (Chari *et al.*, 2010). For example, the US lobbying regulation of 2007 forces lobbyists to disclose detailed information about their goals, activity and expenditures. By contrast, the German regulation asks lobbyists to provide only ‘business card’ information (such as the name of the organization and the business address). As a result, the US regulation provides citizens and policymakers with more information about the activity of lobbyists than the German law does. In other words, US regulation is more *robust* than the German one because it guarantees higher levels of transparency and accountability.

More robust regulations should, at least theoretically, be more efficient at providing the benefits derived from increased transparency and accountability. They should be more efficient at reducing risks of corruption and at encouraging democratic accountability when compared to less robust ones. Robust rules should also strengthen the citizens’ confidence in democratic institutions and encourage

organizations to participate in the policy-making process. As a result, the understanding of the dynamics related to the adoption of lobbying laws and of the formulation of robust regulation becomes of significant interest to policymakers and academics. With these considerations in mind, the next section presents the two leading research questions of this work.

2. RESEARCH QUESTIONS – WHY DO LOBBYING RULES MATTER?

In the previous section, I highlighted the importance of lobbying laws as forms of ethics regulation in relation to transparency and accountability in the policy-making process. By placing the activity of lobbyists under public scrutiny, these regulations prevent undue influence, reduce the risks of political corruption and increase the accountability of decision-makers. This section deals with the main research questions that lead my work.

This thesis explores the dynamics of the introduction of lobbying laws and their robustness by answering to two main research questions. More precisely, the rationale of the present work is to answer the following questions:

1. **Why do political systems introduce lobbying regulations?**
2. **Why are some regulations more robust than others?**

By answering these questions, this study will offer important insights into the real world dynamics of the introduction of ethics and transparency policy in contemporary democracies.

The above questions have stimulated the latest research in the field of interest

groups. Scholars from the American and the European research tradition have addressed the questions above, focusing on theoretical arguments derived from the literature on political agenda-setting (Newmark, 2005; Newmark and Vaughan, 2014; Ozymy, 2013), political culture (Opheim, 1991; Newmark, 2005; Ozymy, 2013), interest group influence (Ozmy, 2013), and systems of interest representation (Greenwood and Thomas, 1998; Recthman and Lasen-Ledet, 1998; Crepaz, 2016). The large majority of these studies focused on lobbying regulations in the US states. Another part of the literature focused on the study of single cases, such as the EU, Canada, Australia and Austria. A comprehensive study investigating a large set of regulated and unregulated countries is, however, still missing in the literature. My study seeks to offer an analysis on this topic in a global comparative perspective. In addition, the study wishes to provide scholars with a research design applicable to the investigation of lobbying laws, or transparency and ethics policy more in general, for the cases other than the ones analysed in this work.

This work focuses specifically on the past and recent developments of the adoption of lobbying laws and their levels of robustness across the world. The legislative activity around lobbying regulations has recently experienced a boom thanks to the diffusion of web-based technologies. Fourteen political systems have introduced lobbying laws since the 2000s (Lithuania, Poland, Hungary¹, Australia², Israel, France, Mexico, Slovenia, the EU, Austria, Netherlands, Chile, Ireland and the UK). During the same period, four other political systems have amended their regulations to strengthen existing rules (Canada, the US, the EU and France). At

¹ Hungary has introduced lobbying regulations in 2006 and withdrawn them in 2011.

² Australia introduced lobbying regulations in 1983, abandoned them in 1996 and reintroduced them in 2008.

present, sixteen political systems have rules that regulate lobbying at the national level. The first part of the present study investigates the reasons why some countries have adopted lobbying laws while others have not. Within these regulated countries (I consider 14 out of 16 cases in my analysis), this study has categorized eight lobbying laws as robust while six are considered as not robust. The second part of the study investigates why some of these regulations are more robust than others.

Proceeding from theoretical tools elaborated by previous contributors, my study adds to the current literature about this topic by offering a comparative study of the passage of lobbying laws and their robustness. More precisely, my theoretical explanations seek to answer the research questions built upon the literature about interest groups and lobbying regulations and develop a set of hypotheses based on the theories of political-agenda setting and systems of interest representation. In addition to these explanations, my study also borrows ideas from other fields of analysis, such as the literature about policy diffusion and the studies of partisanship.

This work additionally aims at providing important insights for policy-makers and members of international organizations seeking to bring lobbying laws to the attention of member state governments. In recent years, international organizations, such as the OECD or the Council of Europe (CoE), have increasingly dedicated attention to the promotion of transparency and integrity policy in their member states. For example, the OECD has dedicated a department to the promotion of lobbying regulations among its member states.³ Similarly, the CoE is

³ See <http://www.oecd.org/gov/ethics/lobbying.htm>, last accessed September 12, 2016.

in the process of drafting a set of policy recommendations for the introduction of lobbying laws.⁴ Academic experts in the field of lobbying laws have found space in both these international organizations, with the aim of providing expertise and guidelines about the introduction of these forms of regulation. For example, Holman and Susman conducted a survey-based research for the OECD report about the support of regulations from the lobbying industry (OECD, 2012).

The role of academic research for this topic appears to be relevant outside the realm of international organization as well. The research team of Chari, Hogan and Murphy, authors of the first global comparison analysis of lobbying regulations (Chari *et al.*, 2010), actively participated as advisors to policymakers developing lobbying regulations in the UK and in Ireland.⁵ Similarly to these studies, my thesis wishes to offer the opportunity for policymakers to understand the different dynamics of the introduction of lobbying regulations and of the formulation of robust/less robust rules.

3. RESEARCH GAP – WHY DOES THIS WORK MATTER?

Before the late 1990s, the phenomenon of regulating lobbying received little academic attention outside of North American research. The interest for this topic in Western Europe has been awakened in the mid-1990s when the European Parliament adopted a lobbying law (Greenwood, 1998) and several political systems, such as the UK and Israel, tried to do so as well (Jordan, 1998; Yishai,

⁴ See http://www.coe.int/t/dghl/standardsetting/cdcj/Lobbying/Lobbying_en.asp, last accessed September 12, 2016.

⁵ On Ireland see <http://www.per.gov.ie/en/regulation-of-lobbying/>, on the UK https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/40730/2901376_LobbyingStandards_WEB.pdf, last access December 12, 2015.

1998). However, scholars still paid little attention to lobbying regulations *vis a vis* other topics of political science research. In addition, the large majority of studies considered the analysis of lobbying regulations in relation to one or few jurisdictions.

Nevertheless, these few studies have provided academics with a rich and detailed overview of the introduction of lobbying laws in the US (Thomas, 1998), the EU (Greenwood, 1998, 2011), Canada (Stark, 1992; Rush, 1998), Australia (Warhurst, 1998) and Germany (Ronit and Schneider, 1998). However, the work of greater impact has been the one of Chari *et al.* (2010). Borrowing ideas from previous research conducted by Opheim (1991) about US state regulations, the authors observed that different lobbying laws guarantee different levels of transparency and accountability. In other words, they are more or less robust. Since then, few researchers have attempted to systematically investigate the conditions of the introduction and the formulation of more/less robust lobbying rules. My work wishes to bring Chari *et al.*'s (2010) study to the next level: first, my investigation offers an analysis of the reasons for which political systems introduce lobbying laws. Next, it analyses why some of these laws are more robust than others.

The research questions are explored by expanding ideas found in the literature about lobbying regulations and by borrowing theories from other fields of political studies. This allows the study to offer a wider theoretical foundation for the analysis of the research questions that helps to fill the gap left open by previous scholars on this topic. In addition, it will consider the recent lobbying regulation in several countries that have, so far, not found attention in academic work. As such, the present analysis seeks to place itself in the existing literature in five different

ways.

First, this thesis updates the comparative literature on lobbying laws by including countries that have recently adopted regulations. The most recent studies have focussed on the recent development of lobbying rules in the EU (Greenwood and Draeger, 2013; Kanol, 2012, Crepaz and Chari, 2014) or on the lobbying laws already adopted or in progress of introduction in certain political systems such as the UK and Scotland (Murphy *et al.*, 2011; Dinan and Miller, 2012; Lumi, 2014). Some authors have also dedicated attention to normative arguments that try to determine *whether* lobbying should be regulated in certain countries or not and *how* it should be done (Kanol, 2012; Holyoke, 2015). Other authors have instead studied the effects of lobbying laws on lobbying activity (Ozmy, 2010). These studies all offer important insights into the dynamics of lobbying regulation without, nonetheless, engaging with a comparative analysis of their introduction and robustness.

In fact, a comprehensive comparative work on lobbying regulations since 2010 has been missing so far. Since the comparative analysis of lobbying regulations conducted by Chari *et al.* (2010), seven other political systems have introduced lobbying laws (Slovenia, Austria, Mexico, the Netherlands, the UK, Ireland and Chile). In addition, lobbying laws were strengthened in France in 2013. This work updates this information by including the regulations in place in Austria, Slovenia, Mexico, Netherlands, UK, Ireland and France in the analysis,⁶ providing scholars with updated data that will hopefully set the basis for future research on this topic.

Secondly, the study builds upon existing theoretical arguments while extending the

⁶ Chile has been excluded for lack of available data.

discussion to the theories of agenda-setting and systems of interest representation. Several studies have suggested that attention of the media to scandals of political corruption explains the introduction of lobbying laws in the US, Canada and Australia and the formulation of more robust rules in US state legislation (Thomas, 1998; Rush, 1998; Warhurst, 1998; Newmark, 2005; Ozymy, 2013). I elaborate on this finding in Chapters 2 and 4 and hypothesize that the scandals have a political agenda-setting effect on the adoption of (robust) lobbying rules. This provides a theoretical justification for the introduction of lobbying laws in a global comparative perspective.

Another body of literature suggested that lobbying regulations are alien to corporatist systems of interest representation (Greewood and Thomas, 1998; Rechtman and Larsen-Ledet, 1998). The authors argue that lobbying laws belong to pluralist systems of interest representation, while rules that regulate lobbying are unnecessary in corporatist systems. However, the studies fail to provide a theoretical explanation for this statement and do not attempt to back up the argument with data. I elaborate on this argument and provide a possible theoretical explanation regarding the reasons for which interest group regulation is expected to be different in corporatist systems than in pluralist systems. Through the development of this explanation, I elaborate on the arguments found in the literature about interest group influence and lobbying laws. More precisely, I argue that powerful interest groups represent an obstacle to the introduction of (robust) rules. The literature defines trade unions and business organizations as powerful actors in corporatist systems that are deemed capable of blocking the introduction of these forms of regulation. This argument has not been tested in

previous literature and its investigation might help scholars to better understand the dynamics of lobbying regulations in both pluralist and corporatist systems of representation.

Thirdly, this work explores the research question with an additional set of theoretical explanations, borrowing ideas from different fields of political studies. Building upon studies in the field of international relations, I hypothesise that international organizations (IOs) and regulated states play a role in the diffusion of lobbying laws. Policy diffusion or transfer (the two words are used interchangeably) refers to the vertical or horizontal spill over of policies from one jurisdiction to another by means of imitation, promotion and policy learning (Shipan and Volden, 2008). I develop ideas from the theories and argue that IOs that promote the introduction of lobbying laws have a policy diffusion effect on their member states. Additionally, I hypothesise that regulated states encourage the diffusion of lobbying laws in neighbouring jurisdictions. This represents a new argument in the study of lobbying laws and has been previously investigated in relation to the introduction of other transparency policies only (such as ethics policy and campaign finance regulations) (Rosenson, 2005; Witko, 2007).

The second novel idea is elaborated on the numerous studies of the effect of partisanship on public policy. A consistent part of the literature about political parties has observed that a change in the left-right composition of a given government results in a change in policy (Imbeau *et al.*, 2001). This has also been observed in studies of transparency and ethics policy (Rosenson, 2005; Witko, 2007). I elaborate these ideas and develop an argument based on the effect of partisan ideology on the dynamics of introduction of lobbying laws and their

robustness. In sum, both theoretical explanations based on diffusion and partisanship offer an extended explanation for the introduction and the robustness of lobbying rules beyond the one found in literature about interest groups.

Fourthly, the empirical part of the study wishes to contribute to the advancement of research methodologies in this field of research. The analysis presented in Chapter 3 is based on original data including observations of episodes of political corruption scandals, levels of corporatism, information about bills and amendments to existing lobbying legislation in 28 OECD and EU countries (including also unregulated systems). Thanks to this data, Chapter 3 represents the first attempt of comparative study of the introduction of lobbying laws in a large set of countries. It is, however, also important to clarify that observations are not complete for all 34 countries and that the study would benefit from the collection of additional data.

Chapter 6 shows original qualitative data about the process of introduction of lobbying laws in four political systems (EU, Austria, UK and Ireland). The data was retrieved from the text analysis of official documents about the adoption of the lobbying regulations and elite interviews. The collection and publication of this data will hopefully stimulate future quantitative and qualitative research on this topic.

Finally, the study adds insights to the development of methods of new measurements of the robustness of lobbying laws. Scholars have produced different systems of measurements of the robustness of lobbying laws (Opheim, 1991; Newmark, 2005; Chari *et al.*, 2010; Holman and Luneburg, 2012). However, they have not pushed the study as far as to understand if the measurements are all

equally valid and reliable. A measurement is to be considered as valid when it fully captures the concept under investigation while measures are defined as reliable when their application leads systematically to the same measurement results. Validity and reliability are two necessary characteristics of measurements for scientific investigation. In the absence of validity, scholars run the risk of measuring different concepts. On the other hand, if a non-reliable method is used, the results are then likely to be different for each different application of each measurement. In this perspective, the present study investigates (in Chapter 5) the four main existing indices of robustness to understand which is more valid and reliable. This endeavour will hopefully be of use for researchers and policy-makers in the process of elaboration of lobbying laws. More in general, this chapter offers a methodological standard for all scholars interested in testing the validity and the reliability of measurements based on coding.

4. METHODOLOGY

My research uses a mixed method approach, applying both quantitative and qualitative methods of investigation. The first research question – why do political systems introduce lobbying regulations? – is answered with a quantitative approach (Chapter 3). The empirical analysis uses Event History Analysis and Multinomial Regression methods of estimations. Both methodologies are commonly used in the study of the introduction of policies (Box-Steffensmeier and Jones, 1997). Event History Analysis has been also used by Rosenson (2003, 2005) to investigate the introduction of ethics policy in the US. Given that the introduction of lobbying laws is a relatively recent and still ‘rare’ phenomenon, the

use of Event History Analysis is particularly suited for addressing the first research question.

The second research question – why are some regulations more robust than others? – explores the causes for regulated systems to have less/or more robust lobbying laws (Chapter 6). The analysis follows a qualitative approach based on four case studies. The case studies are conducted using process-tracing analysis, a useful methodology for the analysis of the introduction of policy. Tracing the process of introduction of lobbying regulation is an established way to gain insights into the causal chains that link the independent variables to the different levels of robustness of the regulation. The investigation is conducted following a general approach used by policy analysts to study the adoption of policy (Jann and Wegrich, 2007). This approach seeks to assess the influence of explanatory factors on three stages of the policy-making process (explained in detail in Chapter 4). The evidence is collected from the analysis of official documents about the introduction of lobbying laws published by the government institutions in the EU, Austria, the UK and Ireland and from 15 elite interviews with politicians, lobbyists and experts involved in the introduction of lobbying laws in these countries. Interviewees were selected according to their roles in the different stages of the process of law-making.

However, both methodological approaches are not perfect: the number of regulated systems at present is too low to allow for a solid quantitative investigation about the adoption of lobbying laws; case study research is limited in terms of hypotheses testing. The number of intervening factors that can be taken into account is limited and causal inference based on one single case is unreliable.

However, the study minimizes these drawbacks by using a combination of two methods in order to provide a solid analysis of the dynamics of regulating lobbying.

5. RESEARCH DESIGN

The two research questions are respectively explored in two stages and examined in detail throughout the thesis. Table 1 presents an overview of the research design of both stages.

Table 1: The research design of the two stages of analysis

Investigating the Introduction and the Robustness of Lobbying Laws – Two Stages of Analysis	
Stage one	Research Design
Research Question	Why do political systems introduce lobbying regulations?
Dependent Variable	Adoption of lobbying regulations
Key Explanatory Factors	Political corruption scandals, external promotion by international organizations, geographical proximity to regulated states, corporatism/pluralism
Theories	Political agenda-setting, policy diffusion, systems of interest representation
Methodology	Event History Analysis and Multinomial Regression Analysis of 34 OECD and EU member states
Stage two	Research Design
Research Question	Why are some regulations more robust than others?
Dependent Variable	Robustness of lobbying regulations
Explanatory Factors	Corporatism/pluralism, salient political corruption scandals, partisan ideology
Theories	Systems of interest representation, political agenda-setting, partisanship
Methodology	Process tracing analysis of the introduction of lobbying regulations in the EU (typical), Austria (typical), the UK (deviant) and Ireland (deviant)

In the first stage (Chapter 2 and 3), I investigate the introduction of lobbying laws in 34 OECD and EU countries from 1995 to 2014. Expanding on the theoretical arguments developed by both the American and the European existing literature,

the work analyses the effect of *political corruption scandals*, of *external promotion by international organizations*, of the *geographical proximity to regulated states* and the impact of *corporatism* on the adoption of lobbying regulations. My explanations are based on theories of political agenda setting, policy diffusion and systems of interest representation. The analysis additionally controls for institutional and non-institutional confounding factors. Among the institutional factors, I include the composition of the government, the structure of the parliament, the fragmentation of the parliament and the federal structure of the state. I argue that these variables influence the adoption of lobbying regulations (or the adoption of legislation in general). Among the non-institutional factors, I examine the partisan composition of the government and the levels of corruption of a state. These variables are likely to influence the adoption of lobbying regulations in contemporary democracies.

In light of the results revealed by the first stage of the analysis, the second stage is dedicated to the development of theoretical arguments regarding the effect of independent variables on the robustness of lobbying laws (Chapters 4 and 6). At this stage, *corporatism* represents the key independent variable and *salient scandals* and *partisan ideology* are additional explanatory variables I account for. Levels of robustness are measured with the help of the index that ‘best’ balances measurement validity and reliability compared other methods of classification. Existing measurements of the robustness have scored levels of robustness differently. To allow for an accurate selection from the universe of cases, the measurements’ validity and reliability needs to be assessed.

The levels of validity and reliability are evaluated by the means of three tests

performed on four measurements (Chapter 5). The first considers *convergent validation* to estimate the levels of similarity between the four measurements. The second uses *content validation* to assess the extent to which the concept of *robustness* is captured by each measurement. The third consists of a test performed with sixteen coders to evaluate whether or not the application of the same index always leads to the same measurement result (reliability). The use of a valid and reliable measurement allows me to select the cases of analysis as seen in Chapter 6.

The empirical investigation of the levels of robustness in Stage two is conducted using case study analysis (Chapter 6). The cases have been selected according to the variations in the key independent variable (*corporatism*) and classified as *typical* or *deviant* (depending on the level of robustness of the regulation). I find four countries that respond to the criterion of selection. The EU is a pluralist system with a robust regulation (*typical*). The UK is a pluralist system with a weak regulation (*deviant*). Austria is a corporatist system with a weak regulation (*typical*) while Ireland is a corporatist system with a robust regulation (*deviant*).

While observing three different stages of policy-making, this study explores the influence of scandals, the effect of corporatism, and the impact of partisanship for these four political systems. More precisely, I analyse the stage of the *initiation*, which corresponds to the moment when governments put lobbying laws on the agenda (for example, when they include them in government programs). Then, I investigate the stage of *policy-formulation*, which refers to the stage during which government departments generally prepare legislative proposals. Finally, I analyse the *decision-making* stage, which consists in the study of the decisions about the

adoption of the regulation taken in parliaments and committees.

6. ORGANIZATION OF THE THESIS

This introduction displayed a general overview of the research focus, the research questions and the addressed gaps in the literature that this work seeks to fill. In terms of structure of the thesis, Chapter 1 offers a detailed review of the main literature about the topic of regulating lobbying. I first provide a broad introduction to the topic of interest groups in the existing literature, discussing important concepts such as ‘lobby groups’ and ‘lobbying’ and what is intended by these terms. Then, I provide a definition of lobbying laws and of the goals of these regulations as it is generally conceived in the main literature. I then introduce the two research questions that guide my work and show the variations in the dependent variables. Next, I review the literature that engaged in the study of the adoption and the robustness of lobbying laws. The chapter concludes by synthesizing the main findings.

Chapter 2 focuses on the first research question, namely ‘*why do political systems introduce lobbying regulations?*’ It proposes a set of theoretical arguments for the better understanding of the dynamics of the introduction of lobbying laws. The arguments are based on the theories of *agenda-setting effects*, *policy diffusion effects* and *systems of interest representation*. I additionally discuss other variables (control variables) already considered in previous literature.

Chapter 3 is dedicated to the empirical testing of the theoretical arguments for a set of 28 states that are member of the OECD, the EU or of both these international

organizations. The cases of analysis are Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the UK (both EU and OECD member states), Australia, Canada, Japan, Norway, New Zealand, Switzerland and the US (uniquely OECD members) as well as Bulgaria, Cyprus, Latvia, Lithuania, Malta and Romania (uniquely EU members). The analysis considers the period between 1995 and 2014. In this chapter, I also discuss the methods of construction of the variables that compose the dataset.

Chapter 4 deals with the second research question, namely '*why are some regulations more robust than others?*' and provides theoretical arguments in order to better understand the different levels of robustness of lobbying regulations. The arguments are based on observations of the effects of salient scandals, corporatism and partisanship for three stages of policy making: *initiation*, *policy formulation* and *decision-making*.

Chapter 5 puts in perspective the already existing measurements of the robustness of lobbying laws, with the aim of helping researchers to select the 'best' index according to their level of validity and reliability. This index will subsequently be used to measure the dependent variable and select the cases of analysis for the empirical investigation in Chapter 6.

Chapter 6, divided in seven sections, presents the case studies. The first and the second sections concern the case selection and the methodology used for the investigation. The third and the fourth sections deal with the study of the *typical* cases with regard to the system of interest representation: the EU (pluralist) and Austria (corporatist). The fifth and the sixth sections concentrate on the study of

deviant cases, the UK (pluralist) and Ireland (corporatist). The seventh section offers a comparative discussion of the results of the four case studies and puts them in perspective in order to draw general implications for the study of the robustness of lobbying laws.

The conclusions are given in Chapter 7 alongside with a synthesis of the findings concerning the two main research questions and their implications for the literature about interest groups, transparency policy and public policy. The conclusions also address the limitations of the study and highlight avenues for future research.

CHAPTER 1

LOBBYING LAWS AND THEIR INTRODUCTION IN CONTEMPORARY DEMOCRACIES – OUTLINING RELEVANT RESEARCH QUESTIONS

INTRODUCTION

This chapter outlines the two relevant research questions that constitute the core of this thesis: (1) why do political systems introduce lobbying regulations? (2) And why are some regulations more robust than others? Before I start to explore these questions both theoretically and empirically, this chapter offers an understanding of what lobbying means, what lobbying regulations are, how they work and what they try to achieve.

1. LOBBY GROUPS AND LOBBYING

There is an impressive variety of definitions to be found in the literature on interest groups and lobbying. A basic definition of interest groups (or lobby groups, terms that are used interchangeably in this thesis) is provided by Chari and Kritzinger (2006, p. 30), which identify lobbyists ‘as any group, or set of actors, whose aim is to influence policy-making’. The authors insist on what is the main aspect: the act of seeking to influence policy-making. Similarly Baumgartner and Leech (1998, p. 34) define the activity of lobbying as any ‘effort to influence the policy process’ seeking to introduce (or modify existing) policies or to maintain the status quo (Mahoney, 2008). Graziano in turn, focuses on the aspect of *representation* of interest groups and identifies lobby groups as ‘a group that *represents* certain interests’, and lobbying ‘as the sum of the activities and techniques used by lobby groups in order to represent its interests’ (Graziano, 2002, p. 22).

According to these definitions, interest groups represent vehicles of

representation similar to political parties (Jordan and Maloney, 2007). In Easton's (1953) famous conceptualization of the political system, interest groups and political parties are both considered as *gatekeepers*, namely political actors that aggregate the demands and the support of the public for public policy inputting them into the 'black box' where government institutions operate (Easton, 1957). However, as organizations that carry and represent interests, interest groups are different from political parties. With these ideas in mind, Beyers *et al.* (2008) define the features that characterize lobby groups and distinguish them from public opinion and, more importantly, from political parties (Beyers *et al.*, 2008). The authors ascribe to interest groups the following characteristics: *organization*, *informality*, and *political interest*. Interest groups' activity concerns *organized* forms of political participation. The concept of public opinion is hereby excluded from the definition of interest group. Interest groups are granted *informality*, because they do not seek public offices and do not run for elections. This characteristic distinguishes them from other political parties. *Political interest* refers to the activity of interest groups to affect policy making.

With this distinction in mind, a substantial part of the literature has studied interest groups and the strategies they use to lobby public office holders. Interest groups can seek to influence policy making by activating their members in campaigns, by organizing workshops, conferences, by mobilizing media or by directly influencing public officeholders in order to make them represent interest in policy outputs (Mahoney, 2008). More precisely, the activity of lobbying is understood as 'any attempt from interest groups to influence policy outputs via informal interactions with politicians and bureaucrats' (Beyers *et al.* 2008, p.

1106). Usually, interest groups engage in lobbying via 'direct communication with public officeholders, telephone or written conversations with government officials, preparation and presentation of reports and presentations to public officials' (Chari *et al.* 2010, p. 4). Scholars have referred to these as *inside* lobbying strategies (Mahoney, 2008). *Outside* strategies, by contrast, represent activities undertaken by lobbyists to indirectly influence policymakers. For example, lobbyists might decide to write an op-ed in a newspaper with the aim of influencing policymakers indirectly through the media.

With this broad range of activities of political participation in mind, scholars have for many years highlighted the importance of interest groups in contemporary democracies. Cognizant of the fact that no single group could represent the entirety of the general public's opinion, Bentley (1908) explained that the activity of interest groups helps to bring compromise between contrasting views in society. Pluralist scholars described the groups' activities as a way of enhancing political participation hence guaranteeing that policy outputs better represent the overall interests of society (Truman, 1951; Dahl, 1961).

More recent academic investigation revealed the benefits of lobbying in policy making. Chari *et al.* (2010, p.3) show that lobbyists are an increasingly accepted element in society, providing essential inputs and feedbacks to the political system. Lobbyists provide input legitimacy where democratic governance is weak (Greenwood, 2011).⁷ Lobbying activity allows greater public access to politics by enhancing the participation beyond voting (Jordan and Maloney, 2007). Interest

⁷ Greenwood (2011) uses the example of the 'democratic deficit' of the EU to show that interest groups provide important legitimacy where mechanisms of democratic accountability of government institutions are weak.

groups can give voice to unrepresented interests in society and they can provide support to government institutions during important processes of policy making like implementation and feedback (Fung, 2003). Interest groups can provide policy makers with technical information and expertise and hence balance out the inefficiencies of bureaucracies (Coen and Katzaitis, 2013; Chalmers, 2013). Finally, interest groups can be an integral part of the policy-making via formal platforms of participation providing legitimacy for the government's decision over macroeconomic policy (Lehmbruch and Schmitter, 1982; Lijphart and Crepaz, 1991). Examples of these interest group practices, generally referred to as *social partnership*, are to be found in Ireland, Austria and Scandinavian democracies. In sum, interest groups prove themselves capable of filling the gaps where formal institutions are absent by providing an important input legitimacy, policy support and expertise. Nevertheless, several studies have revealed interest representation can also result in biases and undue influence.

Several studies observed that large and economically more powerful groups tend to dominate the stage of policy-making. For example, Coen (1998) shows that the access to EU political institutions tends to be dominated by resourceful economic groups. Other studies, mostly concentrated in the American research tradition investigated to which extent money can buy political influence (Langbein, 1986; Wright, 1989).

Although research on the relationship between money and lobbying often collects contrasting results, in the eye of the general public lobbying still remains as an act of deliberate pressure for the representation of special interests. For this reason, lobby groups often have a negative connotation in society and are associated to

shady traffics. For example, a survey conducted by the lobbying consultancy Donath-Burson-Marsteller (2005) showed that the respondents perceive that the line between lobbying and corruption is blurred. Given these perceptions about lobbying, researchers of interest groups have dedicated attention to the negative connotations ascribed to lobbyists. Recent studies (Holman and Susman, 2009; Kollmannová and Matuškov, 2014; Köppl and Wippersberg, 2014) suggest that the word lobbying has a negative connotation in many European democracies. More precisely, the results of a survey conducted by Holman and Susman (2009) in OECD countries reveals that 90% of the lobbyists are aware of the negative public perception of their profession. The results of a different survey conducted in the Czech Republic unveil that the majority of the general public sees lobbying a 'non ethical practice' (Kollmannová and Matuškov, 2014, p. 58). In relation to these perceptions, McGrath (2008, p. 20) showed that in Eastern European democracies 'lobbyists are sometimes recognised as fixers, namely actors coming from prominent public positions, which now sell their services being able to resolve issues for clients, though often through corrupt means'. These perceptions often run the risk of undermining the legitimacy of lobbying as a form of participatory democracy.

Notwithstanding these criticisms, academic works have recently begun to focus on forms of regulation that can both promote participatory democracy and, at the same time, reduce the risks of undue influence and corruption in lobbying. For example, Holman and Luneburg (2012, p. 4) highlight that:

Along with its potential for good, lobbying can also significantly impair the operation and undercut the perceived legitimacy of a governmental system, producing monetary enrichment or other private benefits for public office holders and skewing governmental decision making in ways that undercut attempts to serve the perceived broader public interests at stake in law-making and administration. Grappling with such dangers has provoked a variety of legal responses, including, in particular, regimes seeking to insure transparency.

With the aim of better understanding these regimes that insure transparency, the next section introduces the concept of lobbying regulations and offers a detailed discussion of this regulatory policy and its key features.

2. LOBBYING REGULATIONS

Lobbying regulations are defined as ‘systems of rules which lobby groups must follow when trying to influence government officials and public policy outputs’ (Chari *et al.*, 2010, p. 4). Similarly Greenwood and Thomas (1998, p. 493) define them as ‘systems designed to regulate the activities of the legislators and/or lobbyists. This may involve formal instruments of legislation or less formal codes of self-regulatory conduct.’ These regulations fall within the family of ethics, integrity and transparency laws along-side initiatives such as Freedom of Information (FoI) laws (Banisar, 2006). But, whereas FoI-requests allow citizens to obtain official documents containing information about the decision-making process, lobbying laws regulate the activity of private actors who are seeking to influence the state. For example, before lobbyists make contact with public officeholders, lobbying regulations force them to register with the state. Registration generally involves the disclosure of information about the lobbyists’ goals and activities to the general public. As a result, phone calls, emails and face-

to-face meetings between lobbyists and policymakers are under public scrutiny. In addition, different provisions of these regulations set standards of behaviour for lobbyists and public officials (Rosenson, 2003). For example, lobbying regulations generally introduce codes of conducts that define what is meant by 'acceptable behaviour' and determine what is legal or not concerning the execution of the activity lobby groups. In cases of infringement of the rules, lobbying regulations put in place provisions that allow policy-makers to sanction lobbyists.

Extant literature has identified a set of key characteristics of lobbying regulation in relation to its provisions. More precisely, these characteristics have been previously investigated by Chari *et al.* (2010) and include the following conceptual dimensions:

Defining a lobbyist: The rules engaged with this definition try to establish which actors correspond to the category of 'lobbyist' as well as they determine which public institutions are subject to regulation. Generally, an interest/lobby group may be defined as any group or set of actors that has common interests and seek to influence public policy to satisfy their interests (Chari *et al.*, 2010, p. 3). Lobbyists are paid for their actions and may act either directly or on behalf of a third party. Some laws might exempt certain interest groups from registering or disclosing expenditure related information and, in some cases, the legislation may apply to different lobbying targets. For example, some regulations apply to lobbying in the parliament but exclude the executive body. In such cases, the act of lobbying the executive, by consequence, remains a non-transparent activity.

Procedures of individual registration and spending disclosures: Lobbying

regulations are based on registration mechanisms. Once the scope of the legislation is defined, lobbyists have to register (usually on an online public register) before making contact with policy-makers. The registration data ultimately makes the identity of the lobbyist public, as well as the issue area they are active in and the ministry or department the lobbyist tries to influence. Essentially, the register shows who is lobbying whom and about what. The amount of requested information to disclose may vary among lobbying regulations.

Electronic filing and public access to the register: Lobbying regulation use web-platforms in order to collect and publish information. Web-technologies represent the most efficient platform for the implementation of transparency laws (Bertot *et al.*, 2010). When given access to information on lobbying activity, the public is promoted to the status of additional monitoring agent active in anticorruption fights.

Mechanisms of enforcement: This term refers to the identification of the regulator that is in charge of implementing the legislation. It can be an independent authority with enforcement powers or a political body, such as the Ministry of Justice (which is commonly thought to be less impartial). In other words, the political dependence varies according to the identity of the monitoring authority. Some regulations may establish a set of severe sanctions for non-compliance, ranging from fines to imprisonment, while others may provide less severe sanctions, such as warnings or temporary ban from lobbying activities. For example, lobbyists that fail to register are overall fined but the amount of the fine varies according to the law. Other regulations are only voluntary (instead of mandatory), meaning that the adherence to the rules, such as registration, is not

essential. In these systems, there are no sanctions put in place for non-compliance.

Revolving-door provisions: Finally, a significant dimension of the concept of lobbying rules is referred to as ‘revolving door provisions’ or ‘cooling off periods’. These provisions are the amount of time that a politician will have to wait before entering into the world of lobbying after leaving office. These rules try to control for conflicts of interests: they keep the public officeholders from working as lobbyists (during and after) their mandate. They also prevent abuse of political networks for the sake of individual gains.

Typically, the introduction of lobbying laws is accompanied by various public policies, such as Campaign Finance Regulation, Whistle-blowers legislation, Ethics Reform laws and Privacy protection laws (to name only a few). They form packages of reformist policies that take the name of ‘Ethics Reforms’ or ‘Government Transparency Measures’ on the agenda of governments.⁸ With the introduction of these rules, governments generally seek to increase the overall transparency in political institutions.

As explained in the Introduction of this thesis, both researchers and decision-makers believe that transparency policies increase the quality of democratic governance. For example, Neyer (2003, p. 703) argued that transparency represents ‘a major precondition for effective, efficient and high-quality governance’. The availability of information about the decision-making process allows the general public to hold policymakers accountable for their decisions

⁸ See Ireland (<http://www.per.gov.ie/en/government-reform/>) or the UK (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78777/coalition_programme_for_government.pdf) as an example, last accessed September 20, 2016.

(Naurin, 2007). At the same time, if citizens can see what happens in political institutions, then they tend to have more trust in government institutions (Grimmelikhuijsen *et al.*, 2013). Additionally, transparency policy prevents wrongdoings and reduces the risks of incurring in cases of corruption because public scrutiny works as an efficient deterrent for corrupt behaviour (Scharpf, 2003).

As far as lobbying regulations are concerned, the literature suggests that transparency in lobbying is a relevant aspect of government reform: lobbying laws reduce the risks of corruption by shedding light over the interactions between lobbyists and policy makers (Chari *et al.*, 2010). It has also been suggested that lobbying rules strengthen confidence in political institutions (Kanol, 2012). By shedding light over lobbying, regulations allow the general public to monitor the behaviour of lobbyists and to hold politicians accountable for their decisions in relation to organized interests. Chari *et al.* (2010) even suggested that lobbying regulations represent an instrument of participatory democracy. In relation to this argument, Thomas (1998) explained that lobbying regulations seek to install a level playing field for interest group participation in the policy-making process. Similarly, Greenwood and Thomas (1998) explain that lobbying regulations formalize the role of interest groups in democracies and in doing so encourage their participation in the policy-making process. According to these authors, lobbying regulations therefore increase participation and competition between organized interests in decision-making. It needs to be clarified that few studies have assessed the impact of lobbying laws on the quality of democratic governance (but see Lowery and Gray, 1998). For example, questions of 'how large is the

impact of lobbying laws on the levels of corruption' remain unexplored. In addition, studies focusing on the implementation and enforcement of this form of transparency laws are still missing in the literature.

Given that, one can first legitimately ask why some political systems have introduced rules to regulate the interaction between lobbyists and public office holders in the first place? This represents the first research question of this work and I discuss it in relation to existing studies and recent developments of the introduction of lobbying laws.

3. FIRST RESEARCH QUESTION – INTRODUCING LOBBYING LAWS

Why do political systems introduce lobbying regulations? This section elaborates on this question and explains why it is important for researchers and policy makers to understand the dynamics related to the adoption of lobbying laws in contemporary democracies. I begin by discussing the countries that have lobbying regulations in place today.

At present, sixteen political systems have rules on lobbying. In addition, lobbying regulations are in the process of being introduced or revised in Spain, Italy, Germany and in the EU. Table 2 illustrates the variation in the presence and absence of lobbying legislation in OECD countries and EU member states.

The first country to have implemented lobbying regulations is the US in 1946. Germany regulated the access of interest groups to the parliament in 1951. By the end of the 20th century, three other political systems legislatively regulated

lobbying: First, Australia introduced a lobbying law in 1983 (however abandoning it in 1996 and introducing it again in 2008). Then, Canada introduced a lobbying law in 1989 and amended it in 1995, 2003 and 2008. Similarly to the Germany, the European Parliament regulated the access of interest groups to the parliament building in 1996. In addition, the US amended the regulation of 1946 in 1995, 2007 and 2010.

During the 21st century, lobbying laws have experienced a boom in their popularity. Since 2000, an additional 14 political systems have introduced similar rules, making lobbying regulations the most popular transparency policy of the last 15 years. The political systems and institutions concerned are: Lithuania (2001), Poland (2005), Hungary (2006), Australia (2008), Israel (2008; amended in 2010), France (2009; amended in 2013), Slovenia (2010), Mexico (2010), the EU (2011; amended 2014), the Netherlands (2012), Austria (2012), Chile (2013), the UK (2014) and Ireland (2015).

Table 2: Lobbying laws in OECD countries, EU-27 and EU institutions.

Country	Regulatory System	Country	Regulatory System
Australia	First introduced in 1983. Abandoned in 1996. Reintroduced in 2008	Lithuania	In force since 2001
Austria	In force since 2012	Luxembourg	No rules
Belgium	No rules	Malta	No rules
Bulgaria	No rules	Mexico	In force since 2010
Canada	In force since 1989, amended in 1995, 2003 and 2008	Netherlands	In force since 2012
Chile	In force since 2013	New Zealand	No rules
Cyprus	No rules	Norway	No rules
Czech Republic	No rules	Poland	In force since 2005
Denmark	No rules	Portugal	No rules
Estonia	No rules	Romania	No rules
Finland	No rules	Slovak Republic	No rules
France	In force since 2009 and amended in 2013	Slovenia	In force since 2010
Germany	In force since 1951, amended in 1975 and currently under revision	Spain	No rules
Greece	No rules	Sweden	No rules
Hungary	In force since 2006 and abandoned in 2011	Switzerland	No rules
Iceland	No rules	Turkey	No rules
Ireland	Introduced in 2014	United Kingdom	In force since 2015
Israel	In force since 2008 and amended in 2010	United States	In force since 1946 and amended in 1995, 2007 and 2010
Italy	Introduction in process	European Parliament	In force since 1996 (Joint Transparency Register since 2011) and amended in 2014
Japan	No rules	European Commission	In force since 2008 (Joint Transparency Register since 2011) and amended in 2014
Latvia	No rules	European Council	No rules

Source: Chari *et al.* 2010, Holman and Luneburg, 2012, OECD (2014) and own research.

In the previous section, I have discussed this form of regulatory policy in relation to transparency and accountability. Building on the previous literature, I have argued that transparency in lobbying helps to prevent corruption (Chari *et al.*,

2010). Transparency also allows citizens to observe lobbyists and policymakers and to hold the latter accountable for their decisions. Finally, Greenwood and Thomas (1998) see lobbying regulations as a way of encouraging participation and competition in lobbying.

In addition to these advantages deriving from lobbying laws, Chari *et al.*, (2010) explain that the implementation of these regulations can be costly: the establishment of an open online register under the administration of an independent authority can be costly. To work well, enforcing authorities need to hire staff responsible for the collection and administration and the maintenance of the register. However, studies in the field of public administration have revealed that the technological advancements in the World Wide Web have opened many opportunities for government to reduce costs in the delivery of services to citizens (Moon, 2002). In theory, this phenomenon, referred to as *e-government* (Bertot and Jaeger, 2008), weakens Chari *et al.*'s (2010) argument about the costs related to the maintenance of lobbying registers. Bearing these considerations in mind, it remains puzzling that the majority of political systems listed in Table 2 do not have lobbying regulations in place.

Nevertheless, interest groups are an accepted element of democratic political systems and their right to existence and to petition government is often ratified in constitutions. 'Interest groups are the essence of civil society. Their very presence and their freedom to influence political authorities are a clear manifestation of a profound democratic principle' (Yishai, 1998, p. 568). More importantly, freedom of association and freedom of assembly are an intrinsic component of democracy (Fung, 2003). Both civil liberties represent part of its accepted definition of

‘minimal procedure’ (Collier and Levitzky, 1997). In other words, a political system cannot be defined as democratic if it does not guarantee freedom of association and assembly. Generally, the safeguard of this civil liberty is ratified in democratic constitutions. For example, with regard to the freedom of assembly, the first amendment of the US constitution reads: ‘The Congress shall make no law [...] prohibiting the free exercise of [...] the right of the people peaceably to assemble, and to petition the government for a redress of grievances’.⁹ This amendment (and similar constitutional provisions in other countries) guarantees to citizens the right to form organizations and to represent their interests in front of the government. In other words, it sets the basis for the free exercise of lobbying. As a result, laws that regulate the relationship between interest groups and government represent a fundamental aspect of democracy, beyond the realm of constitutional guaranties of civil liberties. As Yishai (1998, p. 568) explains, ‘the forms of state regulation of interest groups are therefore critical for the operation of democracy’.

With these ideas in mind, it becomes important to scholars in the field of interest groups, civil society and participatory democracy to understand the dynamics related to the introduction of lobbying regulations. The study of the adoption of lobbying laws in contemporary democracies helps scholars to better understand when and why governments move beyond the simple constitutional guarantee of civil liberties and decide that interactions with interest groups need to be regulated. The answer to this question involves the study of factors that encourage governments to pursue transparency and accountability in lobbying. In relation to

⁹ US constitution, downloadable from <http://www.usconstitution.net/const.pdf>, last accessed September 11, 2016.

this question, the extent literature offered several theoretical explanations. These studies are rich in details and provide the reader with keys for an in-depth understanding of the particularities of each analysed case. The arguments are however often too country-specific for a proper comparative analysis. Besides, theories are often underspecified and need to be improved. The next section reviews these studies and explains why some of these works need to be reconsidered, while others need to be extended to a larger set of cases of analysis. The review sets the basis for Chapter 2, which, elaborating on these studies, presents a set of theoretical explanations for the adoption of lobbying laws in comparative perspective.

4. EXPLAINING THE ADOPTION OF LOBBYING LAWS

What are the key factors explaining the adoption of lobbying regulations considered in previous literature? Why is the evidence collected in previous studies not sufficient to provide a complete understanding of the dynamics related to the introduction of lobbying regulations? These are the questions I will endeavour to answer in this section. Before presenting my theoretical explanations to answer the first research question (presented Chapter 2), I will discuss the previous contributions.

Several studies revealed that governments introduce lobbying laws to respond to scandals of political corruption. The case studies by Thomas (1998), Warhurst (1998) and Rush (1998) define cases of corruption as a determining factor of the introduction of lobbying rules in the US, Australia and Canada. Thomas (1998)

shows that the eruption of corruption scandals in the US encouraged both the federal and state governments to introduce lobbying regulations. Similarly, lobbying scandals in Australia were a driving factor behind the government's decision to introduce lobbying rules in 1983 and 2008 (Warhurst, 1998, 2007). For instance, in relation to the regulation introduced in 2008, he shows that the scandal erupted around former prime minister of Western Australia, now firm lobbyist Brian Burke, led to the adoption of lobbying regulations in Western Australia and at the federal level. With regard to Canada, Rush (1998) explains that since 1969, 19 proposals to regulate lobbying were presented in Parliament. The Canadian federal government finally adopted a lobbying law in 1989. What made the difference? Rush (1998) shows that media attention, attracted by a scandal of influence peddling around the Canadian lobbyist and former politician Frank Moores, helped the introduction of rules on lobbying.¹⁰

As far as more recent European regulations are concerned, Köppl and Wippersberg (2014) identified a series of scandals involving corruption and non-transparent financing of political parties as the main drivers of reform in lobbying regulations in Austria. Little empirical investigation about the effect of scandals on the introduction of lobbying laws has been conducted thus far with respect to other European countries. Nevertheless, the recent studies by McGrath (2009), Murphy *et al.* (2011), Coman (2006) and Lumi (2014) suggest that scandals represented the main driving force behind the presentation of legislative proposals to regulate lobbying in unregulated countries. For example, Murphy *et al.* (2011) argue that the investigations of the *Mahon Tribunal* in relation to

¹⁰ Frank Moores was found using his connections to secure favourable treatments to clients (Stark, 1992).

allegations of corruption in Ireland encouraged the government to put the reform of transparency and ethics policy - including lobbying regulations - on the agenda. Eventually, this resulted in the adoption of the Irish lobbying law in 2014.

Like the case studies of Thomas (1998), Rush (1998), Warhust (1998) and Köppl and Wippersberg (2014) suggest, the results found in comparative analyses of the introduction of lobbying laws in US states advocate that scandals about policy-makers often lead to reforms. More specifically, it is the news coverage of the scandals that gives the impulse for major changes in anti-corruption policies, ethics policy and lobbying laws (Rosenson, 2003; Newmark, 2005; Witko, 2007; Ozymy, 2013). This argument, based on the relevance of scandals, builds on the theory of political agenda-setting effects that claims that the coverage of scandals in the media has a *direct* effect on the priorities of policy-makers (Kingdon, 1984; Van Aelst *et al.*, 2014). However, a study of the quantitative effect of scandals on the introduction of lobbying laws in political systems other than the US is missing. In Chapter 2, I will build upon this literature to hypothesize that scandals of political corruption have a political agenda-setting effect on the adoption of lobbying laws in contemporary democracies.

From the studies discussed thus far, it seems that governments react to scandals by introducing lobbying laws. However, scholars believe that some governments are more likely to introduce rules on lobbying than others. For example, in addition to the study of the effects of corruption scandals, several scholars explored to which extent political culture influences the introduction of lobbying laws. Building upon Elazar's (1970) definition of political culture, Opheim (1991), Newmark (2005) and Ozymy (2013) found evidence for the impact of political

culture on the adoption of lobbying laws. Elazar's work claims that political culture is determined by the individualistic-moralistic dichotomy. By individualistic, he means that it is accepted, in the political culture of the citizens, that public office holders make private gain from public office. By moralistic, instead, he intends that public office holders are expected to carry out public office honestly and selflessly (Rosenson, 2003). Based on these definitions, the authors argue that lobbying regulations are more likely to be introduced in jurisdictions characterized by moralistic political culture, because citizens of these political systems do not accept that policymakers make private gains from their public office. For example, obtaining benefits, favours, gifts and contributions from lobbyists is seen as something intrinsically wrong in political systems characterized by moralistic political culture. As a result, governments are expected to introduce lobbying regulations in these systems to prevent public officeholders from obtaining private benefits from the interaction with lobbyists (Newmark, 2005). The results of these researches suggest that lobbying laws are indeed more likely to be introduced in political systems with moralistic political culture (Opheim 1991; Newmark, 2005; Ozymy, 2013). Nevertheless, there are at least two problems with this argument about the influence of political culture.

First, the argument assumes that policymakers in government deliberately decide to restrict their own opportunities to obtain private benefits from public office. However, as Rosenson (2003, 2005) shows in relation to the introduction of ethics policy in the US, policymakers are not likely to regulate themselves if incentives to do so are not sufficiently high. For example, Rosenson shows that political culture is not a significant predictor of the adoption of ethics policy if

scandals of corruption are absent. In fact, her empirical analysis reveals that scandals are sole consistent factor of influence on the passage of ethics policy.

Secondly, the use of political culture as an independent variable has often been under debate in the realm of comparative politics. Scholars have shown why such a variable is of little use in research designs involving hypothesis testing on heterogeneous cases of analysis (Reisinger, 1995; Johnson 2003). The main problem underlined by methodologists is the phenomenon of 'stretching of the concept' (Sartori, 1970). Concept stretching refers to 'the distortion that occurs when a concept does not fit the new cases of analysis' (Collier and Mahon, 1993). For example, as far as the concept of political culture is concerned, scholars would find it difficult to apply moralistic/individualistic political cultures to EU politics. As a result, Cultural Theory based on Elazar's (1970) work has acquired little popularity in the domain of European and global comparative politics (see Mamadouh, 1997).

Chari *et al.* (2010) offer perhaps the only argument in the literature about the effect of political culture on lobbying regulation. The authors argue that the different approach to lobbying regulations in Taiwan might be explained by the tradition of accepting gifts: gifts in Asian democracies are in fact considered as an accepted exchange between public office holders and the public. As a result, rules that regulate the provision of gifts could therefore be perceived as unacceptable by some Eastern Asian governments. In a case study of lobbying in Japan, Hrebendar *et al.* (1998, p. 555) raise the question of 'how to regulate bribery in a gift-giving political culture'. This argument however appears to be of little use for the purpose of a global comparative study.

In the study of the introduction of lobbying laws in the US, Thomas (1998) defines two additional factors beyond corruption scandals. *First*, the government wanted to create a level playing field in a society 'born of liberalism' (Thomas, 1998, p. 503). *Secondly*, the government wished to enhance decision-making capacity and public influence by providing access to information (Thomas, 1998, p. 503). I am going to focus on each of the arguments respectively.

Thomas (1998) *first* argues that governments introduce lobbying laws to prevent undue influence and install a level playing field for interest group participation in the policy-making process. Greenwood (1998, 2011) finds similar theoretical reasons to explain the introduction of lobbying laws in the EU. He argues that issues of equality of access to policy-making, overcrowded lobbying and lobbying abuses have encouraged the introduction of lobbying regulations in the EU (Greenwood, 1998). In other words, in large and complexity lobbying environments governments should be more likely to introduce lobbying laws.

Rechtman and Larsen-Ledet (1998) have used Greenwood's argument and related it to different systems of interest representation. They argue that the spread of political power and the increase in the number of players in the lobbying environment can encourage governments to regulate lobbying (Rechtman and Larsen-Ledet, 1998). This argument associates the presence of lobbying laws to pluralist systems of interest representation and their absence to corporatist ones. The authors submit that corporatism – described as a hierarchical and simple lobbying environment – has retained Denmark and Sweden from introducing rules on lobbying. Greenwood and Thomas (1998, p.498) support this argument: they assert that 'lobby regulation belongs to a pluralist world, where the structure and

formal incorporation of economic interests in politics which is characteristic of corporatism is alien.'

In sum, the authors suggest that there is a link between lobbying regulations and different systems of interest representation. In corporatist systems, lobbying regulations are absent because the participation in the policymaking system is hierarchical al dominated by a selection of interest groups (trade unions and business). More precisely, the government 'incorporates' them in the policy-making process and additional rules to regulate this process are therefore not needed (Rechtman and Larsen-Ledet, 1998). In pluralist systems, by contrast, interest representation is competitive and rules are needed to make sense of overcrowded lobbying (Greenwood and Thomas, 1998). In Chapter 2, I elaborate on this argument and provide a detailed theoretical explanation to the introduction of lobbying laws in pluralist and corporatist systems. My analysis represents the first study that extends this argument to a broad comparative analysis of the dynamics related to lobbying regulations.

Thomas' (1998) *second* argument builds upon the idea that the government wished to enhance decision-making capacity and give the citizens' access to information about it. Indeed, Thomas (1998) finds that the US government both at the state and at the federal level introduced lobbying laws to provide policy-makers and citizens with the 'benefits of transparency' and the 'provision of public information'. Similarly, Stark (1992) investigates the benefits to policymakers and to the public in relation to the introduction of the Canadian regulation in 1989. Analysing the political debate in official government documents, he shows that the government perceived lobbying regulations as 'a reasonable response to the

public's right to know and to judge whether public policy decisions are being made on their merits' (Stark, 1992, p. 518). As far as public officeholder are concerned, Stark (1992, p. 522) finds that the Canadian Government introduced lobbying regulations to help policymakers to take 'meritorious decisions' because transparency allows them to know who is behind the act of representation.

The studies conducted by Thomas (1998) and Stark (1992) show empirically that governments perceive lobbying regulations as beneficial to citizens and government. Similarly to these studies, but using an approach based on surveys, several scholars explored the governments' and lobbyists' support for lobbying regulations to explain the laws' introduction.

In their comparative work on lobbying regulations in contemporary democracies, Chari *et al.* (2010) survey politicians, administrators and lobbyists over their attitudes towards the presence of lobbying laws in their countries. The authors find that the majority of the surveyed individuals agree that lobbyists should be required to register when lobbying public officials (Chari *et al.*, 2010, p. 141). Hogan *et al.* (2008), Holman & Susman (2009), Murphy *et al.* (2011) find similar results in their surveys. However, while these studies tell us that lobbying laws are generally supported in regulated countries, they tell us little about why they have been introduced.

To provide a better understanding of why government introduce lobbying regulations, Hogan *et al.* (2008) and Chari *et al.* (2010) investigated politicians', lobbyists' and administrators' perceptions of lobbying laws in unregulated systems. The surveys were conducted in one American state, five Canadian

provinces and two EU institutions, all unregulated when the research was carried out (Chari *et al.*, 2010). According to the respondents, the main reasons for the absence of lobbying laws are the lack of a developed lobbying environment and the belief that self-regulations are sufficient. Politicians, in particular, argue that lobbying rules are not needed in small lobbying industries, while lobbyists and administrators believe that self-regulation is more appealing. From these results, the authors conclude that political systems with a limited lobbying tradition and a small lobbying environment are less likely to introduce rules on lobbying; politicians, administrators and lobbyists perceive them as unnecessary (Chari *et al.*, 2010, p. 140). These findings support the already mentioned case studies of Thomas (1998) and Greenwood (1998), which associate the presence of lobbying laws to complex lobbying environments.

Other authors have focussed on different interest groups' perceptions of lobbying laws. In their studies, these authors argue that lobbyists might represent an obstacle to the introduction of lobbying laws. In fact, lobbyists might decide to mobilize with the aim of preventing the adoption of regulations. By contrast, if interest group support lobbying regulations, then their passage is more likely.

To better investigate this theoretical argument, Holman and Susman (2009) survey 189 representatives of different lobbying industries in Brussels. The results of their survey suggest that the majority of the respondents support any sort of lobbying rules. The majority of surveyed representatives of non-profit organizations believe that regulation should be statutory and managed by the government (Holman and Susman, 2009, p. 50). However, lobbying firms believe that self-regulation is preferable, while corporate lobbyists are quite indifferent to

whether self-regulate or be managed by the government (Holman and Susman, 2009, p. 50). The lobbying firms' preference for self-regulation has been also underlined in the studies of the UK conducted by Jordan (1998) and Dinan & Miller (2012), which however collect evidence from official documents published by the government rather than from surveys (this aspect is better discussed later in this section).

Lobbying firms, non-profit organizations and corporations appear to have different ideas about self-regulation as well. The vast majority of corporate lobbyists and lobbying firms believe that codes of ethics provided by a company or an association are a useful guidance to ethical lobbying (Holman and Susman, 2009, p.38). Non-profit organizations are, instead, rather sceptical towards this statement and prefer government regulation (Holman and Susman, 2009, p.38). As a result, if business and consultancies dominate the lobbying stage, then the adoption of regulation becomes less likely.

These studies (and the ones by Chari *et al.* and Hogan *et al.* about unregulated systems) have deepened the understanding of the reasons for the absence of lobbying laws in certain political systems. They showed that the introduction of lobbying laws often depends from the attitudes of policymakers and lobbyists towards these regulations. The studies have, however, not engaged with the analysis of the dynamics of the *introduction* of lobbying laws. More precisely, they have not provided an analysis of the causal mechanisms that lead to the adoption of lobbying laws. For example, we know from Holman and Susman's study that business and consultancies in the EU are less supportive of lobbying regulations than NGOs. The study, however, does not offer a theoretical reason for why this is

the case. As a result, their work asks for a stronger theoretical foundation. In addition, some of the political systems investigated by these scholars, like the EU and the UK, have now introduced lobbying rules. This suggests that 'negative attitude' towards regulation is not a sufficient explanatory factor.

A last rationale behind the *absence* of lobbying laws is analysed by Jordan (1998) and Dinan & Miller (2012). Their case studies focussed on the voluntary system of self-regulation put in place by lobbyists in the UK. The authors suggest that the culture of self-regulation in lobbying represented a major obstacle to the introduction of lobbying laws in the UK. Similar patterns are found in the work of McGrath (2009, 2011) concerning Ireland: Associations of Public Consultants had put in place a self-regulation in response to a lobby regulation bill presented in Parliament. However, both Ireland and the UK have introduced statutory rules on lobbying in 2014. The external validity of the argument is thereby diminished.

The literature provides important theoretical and empirical insights for scholars wishing to research this topic. As far as this study is concerned, this review has four implications on the development of my theory (presented in the next chapter). *First*, several studies suggested that scandals represent the main determinate of the introduction of lobbying laws (Thomas, 1998; Rush, 1998; Warhurst, 1998; Köppl and Wippersberg, 2014). Even in unregulated countries, authors find that episodes of corruption encouraged government to propose the introduction of lobbying regulations (Coman, 2006; McGrath, 2009; 2011; Murphy *et al.*, 2011). I elaborate on these findings in Chapter 2 and hypothesize that the coverage of corruption scandals in the media has a political agenda-setting effect of the governments' decision to introduce lobbying regulations (Van Aelst *et al.*,

2014). Certainly, as the study by Coman (2006) about Romania reveals, some of these proposals fail to become laws. To account for this aspect, both in Chapter 2 and 3, I discuss and empirically investigate the *adoption* and the *presentation of legislative proposals* separately. More precisely, in Chapter 2 I argue that the political agenda-setting effect of scandals influences the adoption of lobbying laws. However, in Chapter 3 I show empirically that scandals correlate with the presentation of legislative proposals of lobbying regulation but not their adoption.

Secondly, authors found that political culture influences the introduction of lobbying regulations (Newmark, 2005; Ozymy, 2013). Other studies however have challenged this finding showing that reforms happen after the eruption of scandals despite of political culture (Rosenson, 2005). I have additionally criticised the study of political culture as a research approach because it often relies of country-specific evidence and becomes of little use in comparative analysis. This factor is therefore excluded from the discussion of my theoretical explanations in Chapter 2.

Thirdly, the review revealed that complex and overcrowded lobbying environments encourage the government to adopt regulatory solutions. In relation to this finding, Greenwood & Thomas (1998) and Rechtman and Larsen-Ledet (1998) explained that lobbying regulations are needed in pluralist systems and unnecessary in corporatist ones. However, their studies do not offer a theoretical foundation for this argument or an empirical test of the causal mechanism. I develop the argument based on systems of interest representation in Chapter 2 and present theoretical explanations for the presence of lobbying regulation in pluralist systems and their absence in corporatist ones.

Finally, my review showed that several scholars have used policymakers' and lobbyists' 'attitudes towards' regulation to explain their presence/absence. These studies suggest that the introduction of lobbying laws is less likely when regulation do not have the support of government and interest groups. While I argued that this is an important finding, I also explained that the study of the attitudes fails to test causal mechanisms of the introduction of lobbying laws. I develop these theoretical mechanisms in Chapter 2 in relation to the theories of corporatism in pluralism.

In addition to the theoretical explanations reviewed in this section, in Chapter 2 I present a new argument derived from the literature on policy diffusion. Policy diffusion theories are popular in the study of policy change in the field of international relations. For example, a study by True and Minstrom (2001) reveals that international organizations serve as a basis for the diffusion of policy in their member states. In a different study, Shipan and Volden (2008) suggest that neighbouring countries tend to imitate each other and introduce similar policies. Taking these and other similar studies as example, I develop a theoretical argument based on the effect of international organizations and geographical proximity on the adoption of lobbying laws via policy diffusion. The present study therefore wishes to widen the scope of the existing research on this topic by combining different theoretical frameworks in a comparative analysis of the introduction of lobbying laws.

5. SECOND RESEACH QUESTION – ROBUSTNESS OF LOBBYING LAWS

Previous researchers have identified different levels of transparency and accountability lobbying regulations can guarantee. The robustness of a lobbying law is defined by its capacity to increase transparency and accountability and calculated in terms of efficiency and force of disclosure (Crepaz, 2016). Some authors have referred to this concept as the ‘rigor’ (Opheim, 1991) or the ‘relative strength’ of lobbying regulations (Chari *et al.*, 2010).

Lobbying regulations have been found to have different levels of robustness (Chari *et al.*, 2010). For instance, the US federal regulation is considered robust (Chari *et al.*, 2010; Holman and Luneburg, 2012) because it involves strict provisions for almost all of the key features previously discussed in Section 2. For example, all lobbyists have to register and submit quarterly information about their activity and the expenses related to it. Lobbyists who fail to do so can incur fines or even imprisonment.

Other regulations are considered to be less robust, such as Germany’s case or for the UK: their regulations are less rigid concerning disclosure, sanctions and enforcement. In contrast with the American legislation, the British legislation does not impose disclosure of spending information and sanctions are limited to fines. In the case of Germany, legislation is voluntary: lobbyists are not required to register but are allowed to if they decide so. There are no sanctions for cases of non-compliance (Holman and Luneburg, 2012).

These examples give an idea of what is intended by different levels of robustness.

It appears clearly in this case that the US regulation is more robust than Germany's and the UK's. The observation of these differences in strength has led me to formulate my second research question: why are some lobbying regulations more robust than others?

Building on the evidence presented in previous studies, in section 2 I argued that transparency and accountability mechanisms in policy making help democratic functioning in three ways. First, transparency allows citizens to observe and hold policymakers accountable for their decisions (Stasavage, 2004). Secondly, transparency helps to increase public trust in government institutions (Grimmelikhuijsen *et al.*, 2013). Thirdly, transparency and accountability reduce the risks of corruption (Rosenson, 2005)

As far as lobbying regulations are concerned, Holman and Luneburg (2012) explain that levels transparency and in lobbying have, at least theoretically, the following benefits: first, by forcing lobbyists to disclosure they help prevent corruption; secondly, they improve the accountability of public officeholders; thirdly, they allow decision-makers to identify who is behind representation. This helps policymakers in taking decisions (Stark, 1992); fourthly, they level the playing field for interest groups 'by permitting responses (that is, counter-lobbying) to counteract the efforts of those who might otherwise be able to achieve their aims more effectively behind closed doors' (Holman and Luneburg, 2012, p. 5). All these studies stressed the importance of transparency and accountability in lobbying for democratic governance and public legitimacy (Greenwood, 2011). However, these studies do not make the distinction between

high and low levels of transparency and accountability. In fact, Holman and Luneburg (2012, p. 5) raise the question of 'how much' transparency is needed.

Scholars of transparency and ethics policies have stressed the importance of levels of transparency and accountability for democratic governance (Rosenson, 2005; Witko, 2007). For example, Rosenson (2005) suggests that ethics policies placing stricter limits to the behaviour of politicians serve as more efficient mechanisms in the fight against corruption. However, Rosenson (2005, p. 8) shows that 'legislators often charge that ethics regulation is merely a symbolic way of appeasing misguided journalists, reformers and the public'. Whether these policies are effective or not, depends from the levels of transparency and accountability that these forms of regulations guarantee. As a result, it becomes important for scholars interested in the study of lobbying regulations, or of ethics and transparency policy more in general, to understand the dynamics related to the introduction of more/less robust lobbying laws.

My analysis suggests a key for the understanding of why governments decide to introduce *strong/weak* provisions in lobbying laws.¹¹ This research helps scholars to understand which conditions allow the government to promote transparency and accountability and which, by contrast, represent a 'symbolic way' of formulating these regulations.

Researchers concerned with the robustness of lobbying laws have designed innovative methods that allowed for the calculation of levels of transparency and accountability. These measurements are based on a coding procedure that take

¹¹ The definitions of *strong* and *weak* are discussed later in this section with reference to the measurements of the robustness of lobbying laws.

into account a set of key elements of a given regulation: what is defined as lobbying by the law, which category of lobbyists and political institutions are affected by the regulation, how strict the registration and disclosure requirements are, whether the register is public or not and how strict the sanctions for non-compliance or misbehaviour are.

To date, four main measurement methods have been developed: Opheim's index (1991), Newmark's index (2005), Chari, Hogan and Murphy's CPI index (2010) and Holman and Luneburg's index (2012). The first two indices are based on the analysis of developments in the US while Chari *et al.* (2010) applied an index developed by the American think tank Centre for Public Integrity¹² to lobbying regulations in seven political systems across the world. Holman and Luneburg (2012), in turn, were the first to give a theoretical ground for the conception of robustness in the European context. The indices developed by Opheim (1991), Newmark (2005) and Chari *et al.* (2010) are additive indices based on the manual coding of the regulation applying point-scores. Holman and Luneburg, by contrast, design their classification on 21 items that characterize lobbying regulation, which allows for an additive-index to be made as I have recently performed (Crepaz, 2016).

Opheim (1991) and Newmark (2005) scored the robustness level of lobbying regulations at the US state level. They found that regulations in the US vary considerably in terms of robustness according to the state. For example, Opheim (1991) shows that the lobbying law of New Jersey was the most robust of the 47

¹² The methodology used by the CPI to develop this index is found here <https://www.publicintegrity.org/2003/05/15/5914/methodology> and better discussed in Chapter 5 in relation to the assessment of the validity and the reliability of robustness measures, last accessed September 20, 2016.

regulated states in 1991. Newmark (2005) shows that South Carolina moved from having one of the weakest regulations in 1991 to adopting the most robust one in 2003.

Chari *et al.* (2010) and Holman and Luneburg (2012), conversely, extended their calculation of the variations in the robustness of lobbying laws to the jurisdictions across the world. Holman and Luneburg's (2012) study focuses on the robustness of European legislations. Chari *et al.* (2010), by contrast, take a global comparative approach. They analysed the national and subnational regulations (if present) in the US, Canada, Australia, Germany, the EU, Lithuania, Poland, Taiwan and Hungary. Overall, the authors conclude that the US and the Canadian legislations are more robust than others while the EU and Germany appear to have significantly looser systems of regulation.

With these considerations about the variations of robustness in mind, later in the thesis I will show the different levels of robustness I calculated for 14 lobbying regulations across the world using a measurement developed by myself based on Holman and Luneburg's (2012) method of classifications (Crepaz, 2016). In fact, Holman and Luneburg (2012) do not really offer a measurement, but rather provide a theoretical classification on regulated systems (Holman and Luneburg, 2012, p. 21). The authors build their classification on 21 elements that characterize lobbying regulation. These elements include the definition of lobbying, the disclosure requirements and the enforcement of the rules. In addition, they also take into account the mandatory or voluntary status of the regulations, and whether the law exempts any interest groups or not. The regulated systems in Europe can be classified from *strong* to *weak* depending on

their performance for these 21 elements (Holman and Luneburg, 2012, p. 21). Regulations that score at least 13 point out of 21 elements are to be considered *strong*. Regulations with scores below this threshold are categorized as *weak*.

With the aim of transforming the theoretical classification provided by the authors into a quantitative measurement index of the robustness of lobbying regulations, I have coded the scores into a dichotomous index ranging from 0 (lowest level of robustness) to 21 (highest level of robustness). The choice to use this measurement is motivated by the results of validity and reliability tests presented in Chapter 5 of this thesis. More precisely, my work dedicates Chapter 5 to the analysis the measurements with the aim of selecting the one that maximizes the trade-off between validity and reliability. The measurements are therefore not discussed in detail in this section.

Nevertheless, Table 3 shows the calculated levels of robustness of 14 lobbying regulations for each of the 21 items of the measurement, which serves as a basis to show the variation of the dependent variable to be explained in the second research question. The year of introduction of the regulation is showed next to the name of the regulated political system. The analysis of each item allows to identify major differences in the robustness between the investigated regulations. I discuss these differences by looking at each item separately in the next paragraph.

Table 3: Robustness scores by item using index by Holman and Luneburg (2012)

Item (1. -21.)	DEU 1972	AUT 2012	AUS 2008	UK 2014	PL 2005	NL 2012	MX 2010	FR 2013	LIT 2001	EU 2011	SL 2010	IRE 2015	CND 2008	US 2007
1. Mandatory registration	0	1	1	1	1	1	1	0	1	0	1	1	1	1
2. Access pass to lawmakers	1	0	0	0	1	1	1	1	1	1	0	0	0	0
3. Non-profit	1	1	0	0	0	1	1	1	0	1	0	1	1	1
4. For-profit	1	0	0	0	0	1	1	1	0	1	0	1	1	1
5. Consultants	0	0	1	1	1	1	1	1	1	1	1	1	1	1
6. Legislative	1	1	0	0	1	1	1	1	1	1	1	1	1	1
7. Executive	0	1	1	1	1	0	0	0	0	1	1	1	1	1
8. Lobbyist Name	0	0	1	1	1	1	1	1	1	1	1	1	1	1
9. Lobbyist Employer	1	0	1	0	1	1	1	1	1	1	1	0	1	1
10. Lobbyist Client	0	0	1	1	1	1	0	1	1	1	1	1	1	1
11. General issue lobbied	0	0	0	0	0	1	1	0	0	1	0	1	1	1
12. Specific measure lobbied	0	0	0	0	1	0	1	1	1	0	1	0	1	1
13. Aggregate lobbying income	0	0	0	0	0	0	0	1	1	0	1	0	0	1
14. Lobbying income per client	0	0	0	0	0	0	0	0	1	1	1	0	0	1
15. Aggregate lobbying spending	0	1	0	0	0	0	0	1	1	1	0	0	0	1
16. Lobbying spending per issue	0	0	0	0	0	0	0	0	0	0	0	0	0	1
17. Lobbying contacts	0	0	0	0	1	0	1	0	0	0	1	1	1	0
18. Political spending/contributions	0	1	0	1	0	1	1	0	0	0	1	1	1	1
19. Fines/imprisonment	0	0	0	1	1	0	0	0	1	0	1	1	1	1
20. Internet access	0	1	1	1	0	1	1	1	1	1	1	1	1	1
21. Code of Conduct	0	0	1	0	0	0	0	1	0	1	0	1	0	0
TOTAL	5	7	8	8	11	12	13	13	13	14	14	14	15	18
TOTAL Normalized (Range 0-1)	0.24	0.33	0.38	0.38	0.52	0.57	0.62	0.62	0.62	0.67	0.67	0.67	0.71	0.86

Source: Holman and Luneburg (2012) for Slovenia, Germany, Lithuania, Poland. Own calculations for other political system

Among all 14 regulated systems, France, Germany and the EU have a voluntary system of regulation (item 1 in Table 3). These structures allow interest groups to avoid registration and sanctions. The level of transparency is therefore reduced considering that adherence to the rules is not mandatory.

In particular, the EU regulation has been often criticised for its voluntary system. For example, the European transparency campaigning group ALTER-EU claims that many interest groups (in particular law firms) tend to avoid registration.⁷ As a result, according to ALTER-EU the activities of a proportion of European groups are non-transparent. In relation to this problem, Kanol (2012) argues that the voluntary nature of the regulation undermines transparency. In addition, voluntary registration makes the enforcement of the rules problematic (Chari and O'Donovan, 2011). The authors criticise the EU system for the lack of sanctions that makes the EU regulation rather ineffective.

Nevertheless, the recent study by Holman and Luneburg (2012) scored the EU system as a strong form of regulation. 'Although this new EU registry remains a voluntary system, it has somewhat enhanced the quality of the lobbyist disclosure system' (Holman and Luneburg, 2012, p. 19). This result is supported by the case studies of Greenwood & Dreger (2013) and Crepaz & Chari (2014) that find high levels of compliance despite the voluntary nature of the system. For example, the EU transparency register of lobbyists has collected, so far, more than 8,000 entries.⁸ Greenwood and Dreger (2013, p. 139) also show that 'the

⁷ See <https://www.alter-eu.org/press-releases/2016/05/31/law-firms-ignore-lobby-register>, last accessed September 13, 2016.

⁸ Joint Transparency Register Secretariat EU, 2016. See <http://ec.europa.eu/transparencyregister/public/homePage.do>, last accessed September 13, 2016.

quality of the data in the TR has progressively improved from the starting point of its predecessor schemes'. Finally, more recent developments and statistics testify to the argument of Holman and Luneburg (2012) about the robustness of the EU regulation. First, in 2014 President Juncker clarified that Commissioners 'should only meet organisations and self-employed individuals which feature in the Transparency Register' making the JTR *de facto* a mandatory regulation (Commission, 2015).⁹ Secondly, despite the voluntary regulation, the Joint Transparency Secretariat shows high levels of enforcement activism typical of mandatory regulations. In 2015 it sanctioned and removed 808 from the register challenging Chari and O'Donovan's critique of the EU enforcement mechanisms.¹⁰

Overall, it appears that the voluntary nature of the registration system does not make regulation ineffective. It can be rather concluded that the EU has a robust system of lobbying regulation, although there is clearly room for improvement in terms of enforcement of the rules, quality of the data and mandatory registration (Crepaz and Chari, 2014). For these reasons, many civil society organizations, the EP, and the Juncker Commission are currently discussing the latest proposal for a mandatory register of lobbyists.

More than half of the regulated systems, shown in Table 3 (item 2), introduced a pass system making registration mandatory for interest groups who want to

⁹ Commission and Parliament Implement New Rules on Transparency Register. Press release, Brussels, 27 January 2015. Downloaded from http://europa.eu/rapid/press-release_IP-15-3740_en.htm, last accessed January, 2017.

¹⁰ Joint Transparency Register Secretariat (2015). Annual Report on the operations of the Transparency Register. Presented by the Secretaries-General of the European Parliament and the European Commission to Ms Sylvie Guillaume, Vice-President of the European Parliament and Mr Frans Timmermans, First Vice-President of the European Commission.

enter the Parliament building. This pass-system has been previously introduced in Germany (1972) and later adopted in the European Parliament (1996). France, Lithuania, Poland, the Netherlands and Mexico have currently introduced this system as well. The greatest gap in this system is the fact that lobbyists are nevertheless free to meet public officials outside of the Parliament buildings without having to register (Chari *et al.*, 2010; Chari and O'Donovan, 2011). In fact, as Chari *et al.* (2010) pointed out concerning the pass system in the European Parliament, lobbyists can simply avoid registration and meet policymakers in a café on Place du Luxembourg.

The majority of the regulations in Table 3 affect for-profit, non-profit interest groups and consultant lobbyists (items 3, 4 and 5). This means that, regardless of whether lobbyists are in-house or are hired by a client, they need to follow the rules set out by the regulation. This makes the majority of regulations, considering this item, robust. By contrast, less robust ones tend to not affect for-profit, non-profit interest groups and consultant lobbyists equally. For example, an interesting feature of the regulations of Lithuania, Poland, Australia and the UK is that only consultant lobbyists are affected and a consistent part of the lobbying industry is exempted, such as all in-house lobbyists. The unique regulation of Germany, on the contrary, only concerns in-house lobbyists and exempts consultant lobbyists. Finally, the Austrian regulation covers all interest groups but treats them differently in terms of duties and obligations (OECD, 2014).

More precisely, strict disclosure requirements are in place only for lobbying consultancies and corporate lobbyists (Crepaz, 2016). Sanctions (in forms of

fines) are applicable only to consultancies and in-house lobbyists, while representatives of trade unions and business associations are exempted (Crepaz, 2016). Holman and Luneburg (2012) argue that limited scope generally characterises weak forms of regulation, making the Austrian regulation more similar to the British or the Australian regulation, where only consultancies are regulated. I argue that this justifies its categorization in Table 3 as *weak* system. However, it is important to clarify that the Austrian regulation has different levels of robustness depending on the target of the regulation.¹¹

A further feature that characterizes the different levels of robustness of the 14 regulations shown in Table 3 is whether or not the regulation affects the lobbying activity, taking place in the legislative or in the executive branch of government, equally (items 6 and 7). Seven regulatory systems regulate lobbying in both the legislative and the executive branch, namely Austria, Poland, the EU (Commission and EP), Canada, the US, Slovenia and Ireland. These are considered as robust provisions. In the case of France, Germany, Lithuania, the Netherlands and Mexico, lobbying is regulated exclusively in the legislative branch. These last countries have, for the most part, also introduced a pass-system to enter the parliament. This means that citizens that wish to monitor the policy-making process are only allowed to see what happens inside the Parliament, while the lobbying in the executive remains a non-transparent activity. Recent regulations, like in Australia (2008) or in the UK (2014) have

¹¹ Table 3 shows the lowest level of robustness, which covers trade unions, business associations and other social partners. The level of robustness is 10 for non-profit interest groups and associations of professionals, 14 for corporate lobbyists and 17 for consultants. More details are provided in footnotes 18 and 21.

been concerned with the regulation of lobbyists' access to ministries and high-level civil servants working in the ministries. In these two regulations, the regulations do not shed light over the activity of lobbyists in the Parliament making the lobbying law less robust.

The different regulations include a high variety of rules when it comes to registration requirements (from item 8 to item 14 in Table 3). The information that lobbyists need to disclose at the moment of registration determines the level of transparency that the regulation guarantees. Regulation that force interest groups to disclose information about their organization, their goals and their income are more robust than regulations that request lobbyists to give business card information. All of the regulations under scrutiny ask lobbyists to disclose their business card information which contains the name of the lobbyist and organization he/she is working for, the business address and contact details and the name of the employer or client (items 8, 9 and 10). However, only for half of the regulations analysed in Table 3, lobbyists do have to provide information on the general or specific issue they are seeking to influence (items 11 and 12). Besides, half of the regulations studied demand interest groups to disclose their income (aggregate or per client in case of contract lobbyists)(items 13 and 14).

It is the spending disclosure related clauses that make the major difference between weak and strong robustness (Chari *et al.*, 2010). These are the items 15 and 16 in Holman and Luneburg's (2012) measurement construction. Provisions that force lobbyists to disclose expenditures allow the general public to know how much money is spent in lobbying. The general belief is that money buys influence and robust disclosure provisions allow the public to verify if this is the

case. Generally, lobbying laws that force lobbyists to disclose expenditure have robust provisions also for other important key features, such as registration requirements and sanctions. In Table 3, only four of the studied political systems have rules that require interest groups to disclose aggregate spending (US, Lithuania, the EU and France).¹² Lobbyists have to disclose itemised spending on each issue lobbied only in the US (which, as I will discuss later, has the highest level of robustness).

A further aspect of the robustness of lobbying laws shown in Table 3 involves the disclosure of the targets of lobbying (item 17 in Table 3). Generally these provisions ask to declare the name of the Member of Parliament or Government that has been lobbied. These provisions (together with other disclosure requirements) shed light over *who* is lobbied and to *what* purpose. Regulations that do not disclose such information are considered less robust. Only in five studied countries (Slovenia, Canada, Mexico, Ireland and Poland), lobbyists have to disclose their contacts, that is to say that they have to specify which public officer they have been in contact with. Interestingly, in Poland, the responsibility to register falls on public officers. All other lobbying laws (in Australia, Austria, Germany, UK, US, Lithuania, Netherlands, France and the EU) do not introduce provisions about this feature.

Provisions that force lobbyists to disclose campaign contributions and gifts to public officeholders increase the level of transparency of a regulation and make lobbying laws more robust. Holman and Luneburg (2012) consider this aspect of

¹² The Austrian regulation requires contract lobbyists and corporate lobbyists to disclose spending. NGOs and professional association have to disclose their total budget. Social partners do not have disclosure requirements in relation to spending..

the regulation in item 8 of their classification. In Table 3, the majority of the systems have rules on campaign contributions and/or gifts given to politicians by lobbyists. These rules range from the obligation to disclose spending related to gifts or contributions above a certain amount to the complete prohibition of these practices. It is important to clarify, however, that even the political systems that score 0 on this item have rules on campaign contributions. In these cases, the rules are nonetheless part of a different piece of legislation that is not specifically related to lobbying and interest group. For example, laws that regulate individual campaign donations represent a different form of ethics and transparency policy.¹³

A relevant aspect of the robustness of lobbying laws is the enforcement of the regulation. If there is no credible threat of sanctions in cases of misbehaviour, then it is more likely that lobbyists are not going to follow the rules. As a result, enforcement provisions are important features of robust regulations (Chari *et al.*, 2010). In Table 3 (item 19), seven out of the fourteen studied systems have a statutory enforcement of the rules, in other words, sanctions for breaking the law that range from fines to imprisonment.¹⁴ The regulations in France, Germany, the EU, Australia, Netherlands and Mexico are less robust from this point of view, since they provide only non-statutory penalties. In cases of breaches of the rules, interest groups are removed or banned from the register. The removal from the register sometimes precludes lobbyists from pursuing their activity and causes economic losses and reputational damage. Finally, in

¹³ See Political Finance Database by the Institute of Democracy and Electoral Assistance (<http://www.idea.int/political-finance/>) for an overview of these forms of regulation. Last accessed September 12, 2016.

¹⁴ These political systems are the UK, Poland, Lithuania, Slovenia, Ireland, Canada and the US.

Austria (being the least robust considering enforcement), no form of sanction has been introduced in case of non-compliance of trade unions and business associations.¹⁵

Item 20 concerns open access to lobbying related data. Transparent regulations provide the general public with open access with the information collected in the lobbying registers. All countries, except Poland, have legalized it.¹⁶ Data containing all the information on lobbyists and their activities is overall stored in searchable or downloadable databases with free access. This regulatory characteristic is perceived as an increase of the level of transparency and therefore of robustness.

The last feature related to the robustness of lobbying laws concerns codes of conduct (Item 21 in Table 3). Some regulations require lobbyists to sign a code of conduct at the moment of registration. These codes set the rules of behaviour for lobbyists. For example, the EU code of conduct forces interest groups that employ former EU staff to respect their obligation to abide by the rules and confidentiality requirements which apply to them.¹⁷ In France, the EU and Australia, lobbyists are required to sign a code of conduct at the moment of registration. These codes' objective is to set standards for the ethics of lobbying

¹⁵ It is however important to clarify that the Austrian regulation has statutory sanctions in place for contract lobbyists, corporate lobbyists, representatives of NGOs and professional associations. Such rules include sanctions in form of fines and do not affect social partners (trade unions and business associations).

¹⁶ Holman and Luneburg (2012) argue that the German regulation does not provide users with online data. However this work has retrieved the information which is publicly available on <http://www.bundestag.de/dokumente/lobbyliste/>.

¹⁷ Article 7 of the EU code of conduct: 'European Transparency Initiative A framework for relations with interest representatives (Register and Code of Conduct)'. Downloadable from http://ec.europa.eu/transparency/docs/323_en.pdf, last accessed September 12, 2016.

and ethical lobbying behaviour. Depending on the regulation, statutory or non-statutory sanctions may apply.

To sum up the descriptive results, the analysis of the robustness scores shown in Table 3 reveals that some regulations have introduced more/less robust provisions than others. These provisions might concern the registration requirements, the disclosure of financial information or enforcement. I have discussed these provisions in relation to the 21 key items of lobbying regulations identified by Holman and Luneburg (2012). Table 4 provides the overall robustness score of a regulation, calculated adding up the scores for each item. In Table 4, I additionally provide a normalized score obtained by dividing the total score by the maximum of 21. The normalized score range from 0 to 1 where low scores indicate low robustness and high values signify high robustness. In addition, according to Holman and Luneburg's method of classification, the threshold between *weak* and *strong* systems lies at 0.61. Scores above this number refer to *strong* regulations while scores below it define *weak* regulations.

Table 4: Robustness of lobbying regulations according to Holman and Luneburg (2012)

Regulatory System	H&L Robustness	H&L Robustness Normalized (Range 0-1)	H&L Classification
US (2007)	18	0.86	Strong
Canada (2008)	15	0.71	Strong
EU (2011)	14	0.67	Strong
Slovenia (2010)	14	0.67	Strong
Ireland (2015)	14	0.67	Strong
France (2013)	13	0.62	Strong
Lithuania (2001)	13	0.62	Strong
Mexico (2010)	13	0.62	Strong
Netherlands (2012)	12	0.57	Weak
Poland (2005)	11	0.52	Weak
UK (2014)	8	0.38	Weak
Australia (2008)	8	0.38	Weak
Austria (2012)	7	0.33	Weak
Germany (1972)	5	0.24	Weak

Source: Holman and Luneburg (2012) for Slovenia, Germany, Lithuania, Poland. Own calculations for other political systems.

The scores presented in Table 4 reveal that the US represents the political system with highest total robustness in its lobbying regulation (score of 0.86). It is a system that forces all lobbyists to register (for details on definition of lobbyists and spending threshold see Chari *et al.* 2010) that covers both the legislative and the executive branch, has the strongest registration requirements (they include itemised spending disclosure) and it inflicts strong sanctions in case of breaches (fines and imprisonment).

Canada (0.71), Slovenia (0.67), Ireland (0.67) and the EU (0.67) have similar robustness levels. The lobbying laws cover legislative and executive lobbying, include registration and aggregate spending disclosure requirements (with the exception of Ireland) and all the information is available in searchable databases.

However, these countries are divided in two categories: Slovenia, Ireland and Canada have mandatory systems while the EU regulation is voluntary.

France (0.62), Lithuania (0.62), the Netherlands (0.57) and Mexico (0.62) have similar robustness levels (although the Netherlands is classified as weak). The four systems only regulate legislative lobbying with a pass system to enter parliament that requires the disclosure of a similar amount of information. However, in France and Lithuania lobbyists have to disclose aggregate spending while it is not compulsory in Mexico and the Netherlands. France, Mexico and the Netherlands do not have statutory penalties, either like in Lithuania (France being a voluntary system like the EU's).

Poland (0.52), the UK (0.38) and Australia (0.38) all regulate consultant lobbyists only. Austria (0.33) is scored according to the rules that regulate social partners. The focus of the registration procedure is put on the disclosure of business card information and client related information. The rules do not cover disclosure of income or spending. The four regulations although differ on many items, such as executive and legislative lobbying, presence of codes of conduct, use of parliament passes, internet access to register information and presence or absence of statutory sanctions.

Germany (0.24) currently has the regulation with the lowest level of robustness. It is of a voluntary nature and asks interest groups to provide only very limited amount of information to enter the Parliament building. Disclosure of expenses and statutory penalties for non-compliance are not mentioned whatsoever.

In light of these differences, I am interested in exploring the variations in the levels of robustness of the 14 regulations. Levels of robustness of the EU and US (both at the state and federal level) legislation have been investigated in previous contributions that I will discuss in turn. These contributors determined path dependency, policy learning and lobbying scandals as main determinants of the levels of robustness.

6. EXPLAINING THE LEVELS OF ROBUSTNESS OF LOBBYING LAWS

Several researchers have studied the robustness of lobbying laws as the independent variable of analysis (Brining *et al.*, 1993; Ainsworth, 1993; Hamm *et al.*, 1994; Lowery and Gray, 1997; Gray and Lowery, 1998). For example, Brining *et al.* (1993) studied whether or not stricter lobbying laws, by placing stronger limits on lobbying, influence the legislative activity. Few researchers, by contrast, have actually used the robustness of lobbying regulations as a dependent variable. In other words, few studies have tried to understand why some regulations are more robust than others. This section reviews the few studies on this topic with the aim of setting the basis for Chapter 4, which presents my theoretical explanations to the variations of robustness in lobbying laws. My review focuses on two approaches. The first has been taken by scholars interested in the study of the EU lobbying regulation. The approach focuses on path dependency and policy learning to explain the levels of robustness of the EU regulation. The second approach looks at the US state regulations and defines

lobbying scandals, interest group influence and political culture as the main determinants of the robustness of lobbying laws. The review reveals that research, thus far, has focused solely on the lobbying laws in the EU and the US (state regulations). My study wishes to extend the analysis of the robustness of lobbying laws beyond the regulations of the EU and the US providing a new testing ground for existing and new theoretical explanations.

As far as the EU is concerned, the first set of studies in my review considers the robustness of lobbying regulations in relation to path-dependency. Path dependency refers to how decisions taken in the past affect the set of decisions one faces subsequently (Pierson, 2000). Applied to the development of lobbying regulations in the EU, means that the regulation's robustness depends on contingent events happening before its introduction. Greenwood and Dreger (2013) investigated the development of the EU Transparency Register and found that the EU has progressively strengthened lobbying rules because of its path dependent mechanism. For example, they observed that the adoption of the transparency register in the EU originates from a set of 'access to documents' instruments 'articulating an underlying discourse about transparency' (Greenwood and Dreger, 2013, p. 145). The authors mention the White Paper on Governance (2001), the Mandelkern Report on Better Regulation (2001) as examples of documents published by the EU in relation to transparency. According the authors, the documents represented 'a necessary precondition' for the creation of the European Transparency Initiative (ETI) in 2005 and ultimately for the adoption of the Transparency Register in 2011.

Secondly, Crepaz and Chari (2014) advocated a similar argument concerning the development of the European lobbying regulation. The authors stressed the importance of *policy learning* mechanisms that have induced European institutions to adopt more and more robust lobbying laws. More precisely, Crepaz and Chari (2014) argue that the development of the level of robustness over time mirrors the incrementalist theories of decision making that postulates that the introduction of new policies is the result from a learning and evaluation process of previous policies (Lindblom, 1959).

Incrementalist theory ‘rejects the notion that policymakers conduct rational, comprehensive assessments of options and consequences when making policy choices’ (Mintrom and Norman, 2009, p. 654). Policies rather emerge from compromises mirroring the policymakers concerns of making missteps. As a result, policy change is slow and occurs one step at a time (incrementally) (Lindblom, 1959).

In fact, Crepaz and Chari’s (2014) empirical analysis reveals that the European lobbying law has slowly evolved from a system of ‘low robustness’ into a system of ‘medium robustness’. To show this, they apply the CPI index¹⁸ (discussed in the previous section) to the regulations of the European Parliament (EP) (1996), of the Commission (2008) and the Joint Transparency Register of both institutions (JTR) (adopted by the EP and the Commission in 2011). They find that the level of robustness of these three regulations improved over time. More importantly, the robustness scores revealed that, while the EP’s and the

¹⁸ The CPI index is a measurement of the robustness of lobbying law developed by the Centre of Public Integrity. It ranges from 0 (no robustness) to 100 (maximum robustness). Its construction is explained in detail in Chapter 5 in relation to evaluations of the validity and the reliability of robustness measures.

Commission regulations were classified as ‘lowly-regulated’ (defined by a CPI robustness score ranging from 0 to 29), their joint form of regulation (adopted in 2011) was considered as system of ‘medium strength’ (CPI scores ranging from 30 to 59). From this observation, the authors conclude that EU institutions have incrementally put in place stronger forms of regulations learning and evaluating their previous policies.

The studies conducted by Greenwood & Dreger (2013) and Crepaz & Chari (2014) shed light over the development of robust lobbying rules in the EU. However, both analyses fail to explain the reasons why European rules were not considered robust in the first place. Both studies build upon theories of historical institutionalism grounding upon the assumption that policy change tends to be conservative and that big changes occur from many small choices (Peters *et al.*, 2005). However, several research designs in this field conceptualise policy change in terms of major events. For example, Holman and Luneburg (2012) have suggested that the history of political scandals has driven policy changes in the EU lobbying regulation. Even though they make suggestions of the importance of scandals in the development of EU rules, the arguments by both Greenwood & Dreger (2013) and Crepaz & Chari (2014) are not supported by any solid investigation of the causal mechanisms that led to the formulation of robust policies. Therefore, the next body of literature in my review looks at the impact of scandals on the robustness of lobbying laws. This body is in sharp contrast with the theoretical approaches used by Greenwood & Dreger (2013) and Crepaz & Chari (2014) because it assumes that policy change results from

independent factors that exclude incremental policy change. The discussion follows the work of researchers of lobbying laws found in the US.

This research tradition has been concerned with the investigation of the adoption of robust lobbying laws in the US. One of the main findings of these studies is that the presence of political scandals and the media attention to these scandals has a political agenda-setting effect on the government's agenda encouraging the formulation of robust regulatory policy (Ensign, 1997; Newmark, 2005; Ozymy, 2013). Newmark's (2005) analysis empirically supports this argument and shows that state governments that experienced lobbying scandals from 1991 to 2003 have introduced stronger lobbying laws. Newmark (2005) presents evidence in support of this finding discussing the eruption of scandals of corruption in Kentucky, South Carolina, New York and Ohio and how the media's attention to these episodes of corruption has driven the introduction of stronger lobbying rules in these states. However, one might reasonably argue that not all scandals receive the same attention and that more salient scandals might therefore have stronger effects on the robustness of lobbying laws. Rosenson (2005) identifies more salient scandals as those involving Members of the Congress, Senate or of the Federal Government while those erupted around state employees are less salient. As far as ethics policy is concerned, Rosenson (2005) shows that more salient scandals have a stronger impact on the passage of strict ethics policy.¹⁹

Elaborating on these findings and this conceptualizing of salient scandals, in

¹⁹ Rosenson (2005) defines the strictness as the degree of power delegated to independent ethics commissions to monitor the behaviour of politicians according to the ethical standards defined by law.

Chapter 4, I hypothesise that salient lobbying scandals are more likely to influence the introduction of robust rules as opposed to less salient ones (or in absence of scandals). I build this theoretical expectation developing my explanations on theories of agenda setting.

Similarly to Newmark (2005), Ozymy (2013) finds that states that experienced scandals of political corruption tend to introduce more robust lobbying regulations.²⁰ In his study, Ozymy (2013) additionally shows that the degree of interest group influence over policy influences the adoption of robust/less robust regulations. He explains that, in theory, interest groups should oppose the adoption of strong forms of regulation because robust rules limit their ability to influence policymaking. Under this assumption, he hypothesises that when interest groups have strong influence over the legislative process, then they are more likely to prevent the state government from introducing robust regulations.²¹ Ozymy's (2013) empirical results confirm this hypothesis and find that high interest group influence corresponds to weak lobbying laws. With Ozymy's study in mind, I will elaborate on this finding in Chapter 4 in relation to the robustness of lobbying laws in corporatist and pluralist systems. I will argue that trade unions and business associations have a strong influence over policy-making in corporatist systems and that this positions allows them to block the adoption of robust lobbying rules.

Ozymy's (2013) study additionally reveals the importance of political culture in

²⁰ Ozymy uses Newmark's (2005) index to measure the level of robustness of lobbying laws.

²¹ Ozymy (2013) operationalizes the levels of influence over policy making using the survey responses of policymakers to a question that asked them to evaluate the influence of interest groups over the legislative process in their state.

determining the robustness of lobbying laws. Similar results are found in the work of Opheim (1991) about lobbying regulations and in the studies by Rosenson (2005) and Witko (2007) on ethics policy and campaign finance regulations. These studies building upon Elazar's (1970) conceptualization of moralistic and traditionalistic political culture (discussed in Section 4) and theorize that states in which citizens have a moralistic political culture are more likely to support the introduction of robust regulations. As far as lobbying regulations are concerned, Opheim (1991, p. 417) argues that:

Moralistic states are more likely to adopt rigorous regulations to formally govern the influence-peddling activities of lobbyists. Conversely, legislators in traditionalistic political cultures are less likely to challenge the role of traditional elites or narrowly organized interests. While these formal regulations do not insure disclosure and enforcement in all cases, they are the first and most fundamental step in checking the power and influence of special interest lobbies'

Both Opheim (1991) and Ozymy (2013) find empirical support for this statement of their studies of the US states while Witko's (2007) study of the stringency of campaign finance regulation does not find evidence for it.²²

In Section 4, I discussed the limits of the study of political culture in relation to my work. Similarly, in this section I argue that the comparative study of the robustness of lobbying regulation in 14 political systems across the world does not offers an adequate testing ground for the explanation based on political culture. The study of the political culture (elaborating Elazar's work) in systems, such as the US, to Austria, Ireland or the EU, incurs in the risk of a wrong application of the concept or of concept stretching. It is therefore not surprising

²² Similar to the measures of robustness of lobbying regulations, Witko (2007) developed a coding methodology of campaign finance regulation to determine which regulations guarantee higher levels of transparency and introduce stricter limits to contributions.

that Elazar's work found little space in comparative work outside the realm of American politics (Mamadouh, 1997).

This section reviewed the existent literature about the variations in the robustness of lobby regulation around the world and different approaches taken by scholars to explain them. It revealed that few researchers have attempted to explain levels of robustness of lobbying laws. Chapter 4 therefore hope to widen the scope of existing research on the levels of robustness of lobbying laws. It builds upon existing theoretical explanations and develops new explanations derived from other fields of study. In addition, it proposes a model extendible to all jurisdictions with lobbying laws in place.

CONCLUSION

In this first chapter, I outlined the research questions underlying this thesis. The aim of this study is to investigate the introduction of lobbying laws and their levels robustness in a globally comparative perspective. It is an underdeveloped topic that deserves more attention, especially in the context of the increasing popularity of lobbying laws across the world as acknowledged in the current literature (Chari *et al.* 2010; Greenwood and Dreger, 2013; Holman and Luneburg, 2012; Holyoke, 2015; Brandt and Svendsen, 2016). As such, the next step towards a better understanding of this phenomenon is to engage in a systematic investigation of the dynamics of the introduction of lobbying laws (Chapters 2 and 3) and the reasons for the variations of robustness levels (Chapters 4, 5 and 6). Ultimately, this information will also help political actors

to understand whether or not to regulate lobbying and how to regulate it in the real world of politics.

The next chapter offers a set of theoretical explanations of the *adoption* of lobbying laws across the world. My detailed arguments will build on the theories of political-agenda setting, policy diffusion and systems of interest representation.

CHAPTER 2

THEORY – EXPLAINING THE ADOPTION OF LOBBYING LAWS IN CONTEMPORARY DEMOCRACIES

INTRODUCTION

In the previous chapter, I reviewed the existing literature on the topic of lobby regulation. I argued that few comparative studies, be it theoretical and empirical, have focused on the introduction of lobbying laws from a global perspective. Nevertheless, lobbying laws have recently gained popularity in the real world of politics. In this chapter, I focus on the theoretical arguments that try to explain the mechanisms of the introduction of lobbying laws. I explore the first research question (*Why do political systems introduce rules on lobbying?*) by developing a set of hypotheses based on the theories of political agenda-setting, policy diffusion/transfer and systems of interest representation.

Scholars of political-agenda setting effects theorize that the media has a direct effect on the governments' priorities over the initiation and the formulation of certain policies (Van Aelst *et al.*, 2014). I argue, more precisely, that the presence of *political corruption scandals* in the media has a political agenda-setting effect on governments wishing to regulate lobbying.

I furthermore develop two theoretical arguments based on mechanisms of policy diffusion or transfer (the two definitions are used interchangeably throughout the chapter) effect borrowed from the field of International Relations. True and Minstorm (2001) argued that International Organizations (IOs) serve as a support for the diffusion of policy from the supranational to the domestic level. Shipan and Volden (2008) explained that geographically proximate states influence each other's policy by means of mechanisms of policy diffusion (such as imitation and policy learning). Similarly to these studies, I submit that being a member of IOs that promote the introduction of lobbying laws globally encourages the diffusion

and the transfer of lobbying laws. I base my argument on two international organizations, namely the OECD and the EU, and refer to these factors as *external promotion* variables. Additionally, I argue that unregulated countries that share borders with regulated systems are more likely to introduce lobbying laws. I refer to this aspect as the effect of *neighbouring states*.

My last theoretical explanation builds on the literature on systems of interest representation. Scholars of lobbying laws have argued that lobbying laws are alien to corporatist systems because they are incompatible with the system of interest representation in place (Greenwood and Thomas, 1998). Based on this argument, I hypothesise that in *corporatist systems* of interest representation, governments are discouraged/unlikely to adopt lobbying laws.

The above four factors represent the key explanatory variables of my analysis. My arguments are drawn from already existing theories and I will test them empirically for the first time on the adoption of lobbying laws (Chapter 3).

Additional to the four key explanatory factors, in this chapter I briefly introduce six other factors that might encourage or discourage governments to introduce lobbying laws. These are control variables in the empirical analysis presented in Chapter 3 and are generally considered in policy analysis studies (Huber *et al.*, 1993; Spiller and Tommasi, 2003). These factors are related to four different elements: institutional components of the political system (such as the *composition of the government*, the *level of parliamentary fragmentation*, the *bicameral structure* of parliaments and the *federal structure* of the state) and *partisan ideology* of governments in power and *levels of corruption*.

The chapter is structured in four main sections. In the first section, I explore the link between the eruption of political scandals and the adoption of lobbying regulations. The second section concerns policy diffusion/transfer effects. First, I discuss the role of international organizations in the diffusion and transfer of lobbying laws. Then, I analyse the impact of neighbouring countries (and their legislation) on policy diffusion. In the third section, I develop a theory of the effects of systems of interest representation on the adoption of lobbying laws. The fourth section mentions other relevant factors (used as control variables in Chapter 3). I close by synthesizing my theoretical expectations about the causal relationship between the independent factors and the adoption of lobbying laws.

1. POLITICAL AGENDA-SETTING EFFECTS – POLITICAL CORRUPTION SCANDALS

In this section, I present my hypothesis about the effect of political corruption scandals on the adoption of lobbying laws. To develop this argument, I rely on the theory of the political agenda-setting effect.

The study of agenda-setting explains how actors decide to give attention, or ignore a particular issue. For example, in the study of health and transport policy in the US, Kingdon (1984) explained that political agendas result from the meeting of what he calls three streams: agendas form when the ‘policy stream’ (the ideas that politicians have and work with), the ‘problem stream’ (what policy-makers perceive as a problem) and ‘political stream’ (what is determined by political

events, such as elections) overlap. In the study of the streams, Kingdon's work often encountered mass media as a determinant of political agendas.

In fact, a substantial proportion of all agenda-setting studies focuses on the effect of mass media on politics. Scholars have, however, drawn a distinction between the effect of the mass media on the public and its effect on politicians. For example, McCombs and Shaw (1972) investigated the media's coverage of electoral campaigns to study its effect on the public's voting choices. Cohen (1963), conversely, studied the agenda-setting effect of the press on the US government's choices about foreign policy. While, McCombs and Shaw's study focuses on the effect of the press on citizens, the latter study by Cohen is concerned with the 'political agenda-setting effect' of media.

Scholars define 'political agenda-setting effects' as 'the influence of media over the agendas of *political actors*' (Van Aelst *et al.*, 2014, p. 200). This effect assumes that mass media *directly* influence the agendas of politician while bypassing those of ordinary citizens (Thesen, 2013). Why does media influence politicians and the public differently? Walgrave and Van Aelst (2006) offer a simple answer to this question. They argue that the political agenda is a 'hypercompetitive environment with actors deliberately besieging the political agenda, while the public agenda is relatively empty, were it not for the media' (Walgrave and Van Aelst, 2006, p. 99). They explain that politicians react to media's content for two main reasons (that differentiates them from ordinary citizens): First, politicians 'react on media cues to communicate to each other' (Walgrave and Van Aelst, 2006, p. 99). In other words, cabinet members, presidents, prime minister and members of parliament compete and collaborate through messages of reaction to media content. Secondly,

politicians react to media content because they ‘believe that TV and newspapers determine the public’s issue priorities’ (Walgrave and Van Aelst, 2006, p. 100). With this perception that political actors have of the importance of media for the electorate in mind, the authors explain that political actors ‘will anticipate the expected media impact on the public and build their political strategy on that premise’ (Walgrave and Van Aelst, 2006, p. 100).

Bearing this in mind, scholars studied the determinants of political agenda effects under different conditions. Walgrave and Van Aelst (2006) argued that not all media carry the same effect: newspapers, TV and radio have different effects on the agendas of politicians. Val Aelst *et al.* (2014) tried to understand whether also the magnitude of journalistic attention for a given issue implies more attention from politicians or not. Other scholars focused on the importance of issues in explaining the political agenda-setting effect. Green-Pedersen and Stubager (2010) showed the media’s effect on political parties is stronger when it covers issues that parties already care about. Baumgartner *et al.* (1997) demonstrated that negative coverage of events has a stronger political agenda-setting effect. Finally, Soroka (2002) showed that sensational news, like the coverage of episodes of crime or natural catastrophes, have more influence of the politicians’ agendas.

With this idea in mind, Rosenson (2003, 2005), Newmark (2005), Witko (2007) and Ozymy (2013) investigated the effect of the news coverage of political corruption scandals on the passage of ethics and transparency policy. Their argument draws upon previous agenda-setting theory and the idea that scandals concerning policy-makers often lead to reforms (Rose-Ackerman, 1999). Their studies find strong evidence to support the hypothesis that political corruption

scandals have a political agenda-setting effect for the issue of passage of ethics and transparency policy.

Rosenson (2003 and 2005) showed that the eruption of corruption scandals in the news encouraged the adoption of ethics policy in US states government. More precisely, she used the Watergate scandal to explain the government's choice to regulate the behaviour of politicians according to standards of ethics. Witko (2007) found that the eruption of scandals around illegal campaign funds encouraged US state governments to introduce new campaign finance regulations. Ozymy (2013) found that US states that experienced scandals of ethics violation by legislators or lobbyists are more likely to introduce lobbying regulations. In sum, these studies reveal that the news coverage of scandals therefore gives the impulse for major changes in ethics and transparency policies in the US. Based on these results, I hypothesize that the same effect can be observed in relation to the introduction of lobbying laws across the world.

According to the political agenda-setting hypothesis, political actors are expected to be responsive to the coverage of political scandals in the news (Walgrave and Van Aelst, 2006). They are expected to react to media cues about episodes of corruption and to quickly adopt a political strategy to anticipate the media's reaction on the public (Walgrave and Van Aelst, 2006). As far as the adoption of lobbying regulations is concerned, policy-makers are expected to identify ethics violations by legislators and lobbyists as a problem. Scandals of bribery or influence peddling run the risk of undermining the legitimacy of the government, or more in general, public institutions. As a result, politicians will react to the media cues about corruption scandals by selecting a political strategy to fight

corruption. In this situation, lobbying regulations provide the legislator with regulatory tools to reduce the risks of corruption (Ozymy, 2010): first, transparency in lobbying allows the public to monitor the activities of lobbyists and politicians; secondly, revolving door provisions prevent the cases of conflict of interest; finally, sanctions allow legislators to punish lobbyists that misbehave. As a result, politicians see lobbying regulation as a policy solution to the ‘problem stream’ (the episode of corruption) as described by Kingdon (1984). I theorize that this encourages the government to place lobbying regulations on the agenda and to formulate new policies. With the aim of winning back its credibility after a corruption scandal and gaining public adhesion, the government in power is expected to initiate the policy-making process and support the passage of lobby regulations to the end. This is the base argument on which the hypothesis that news coverage of lobbying scandals stimulates the adoption of lobbying laws is formed.

Hypothesis 1: If political corruption scandals appear in the news, then governments are more likely to adopt lobbying regulations.

Certainly, there is no guarantee that proposals to regulate lobbying will be transformed into laws despite the placement of lobbying regulations on the agenda. Scholars underline that, in many political systems, policy proposals often fail to become laws because they are killed at the bill stage (Mahoney, 2008). Researchers of agenda-setting effects stressed the role of ‘symbolic politics’ in explaining the actions of governments. For example, Baumgartner *et al.* (1997) and Soroka (2002) showed that political agendas often reflect exercises of rhetoric

rather than the intention to introduce policy. Politicians often receive merits for their announcements without however having taken action (Blühdorn, 2007). As a result, governments might declare their intentions to regulate lobbying after the eruption of a scandal without however taking any action in that direction. To account for the role of ‘symbolic politics’ in the determination of political agendas, I therefore consider whether scandals have a similar effect, as hypothesised for the adoption of lobbying laws, on the presentation of legislative proposals to regulate lobbying that fail to become law. In Chapter 3, I will therefore additionally investigate whether or not - in addition to the *adoption* of lobbying laws - the presentation of legislative proposals to regulate lobbying that fail to become law can be explained by the eruption of scandals of political corruption.

2. POLICY DIFFUSION EFFECTS

In this section, I present two arguments based on the theories of policy diffusion (sometimes also referred to as policy transfer). I first argue that membership in international organizations (IOs) serves as a support for the diffusion of policy from the supranational to the domestic level. I define this as the effect of *external promotion* by IOs. Secondly, I argue that geographical proximity between states serves as a basis for the diffusion of policy across borders. The argument is based on the idea that close countries imitate each other and learn from one another. I refer to this factor as the effect of *neighbouring states*. Both arguments are addressed in the following Sections 2.1 and 2.2.

2.1 POLICY DIFFUSION - EXTERNAL PROMOTION BY INTERNATIONAL ORGANIZATIONS

Policy diffusion can be best described as a complex policy mechanism in which 'knowledge about policies, administrative arrangements, institutions and ideas in one political setting (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political setting' (Dolowitz and Marsh, 2000, p.5). Generally, the diffusion of policy occurs from one level of governance to another (Stone, 2004). Scholars draw a distinction between *vertical* and *horizontal* transfer: a vertical transfer of policy occurs between a higher and a lower level of governance (Stone, 2004). The transposition of policy from the national to the local level represents an example of vertical transfer. A horizontal transfer of policy takes place between equal levels of governance (For instance, between two local governments) (Stone, 2004). Scholars have observed the phenomenon of diffusion in international organizations, between different political systems, or within the different levels of administration of the same jurisdiction.

As far as international organizations are concerned, Dolowitz and Marsh explained that IOs are 'increasingly playing a role in the spread of ideas, programs and institutions around the globe. These organizations influence national policy-making directly, through their policies [...], and indirectly, through the information and policies spread at their conferences and reports' (Dolowitz and Marsh, 2000, p. 11). Researchers discovered that membership in IOs serves as a basis for the diffusion of policies. For example, True and Mintrom (2001) found that membership in intergovernmental organizations helps states to adopt gender

mainstream policy at the national level. Their analysis shows that the policy recommendations developed by IOs effectively encouraged national governments to introduce new forms of gender mainstream policy. In the discussion of the results, the authors argued that the participation of states to IOs encouraged government officials to create a network of exchange of information that made the promotion of policies at the domestic level more likely. These networks facilitated the consultation and discussion of 'best practices' as well as the diffusion of policy goals (True and Mintrom, 2001, p. 41). Using a different example, national government officials participating at WHO meetings (where generally policy recommendations and best practices are discussed) should be more likely to share information and exchange ideas about health policy than non-WHO members. According to True and Mintrom (2001), this exchange between state officials in IOs would make the adoption of new health policy at the domestic level more likely.

In the study of the single currency, tax policy and media ownership policy in the EU and its member states, Radaelli (2000) theorized that membership in IOs makes the diffusion of policy from the supranational to national level (or vice versa) more likely. He explains that the transfer from one level of governance to the other occurs by means of *isomorphism*. From the ancient Greek language (*iso*, equal and *morpho*, shape), *isomorphism* indicates a similarity between the IO and its member states. In other words, Radaelli (2000) argues that IOs and their member states tend to become alike. In the case of the EU, this process of isomorphism could be better explained using the example of the process of European integration.

Over the last sixty years, the member states of European Union have increasingly delegated sovereignty over important policy fields, such as trade and monetary policy, to EU institutions. On the other hand, EU institutions have claimed policy-making powers over policy fields that were once controlled only by member states. A relevant aspect encouraging European political and economic integration represented the harmonisation of policy. Harmonization refers to the process of creating shared standards and provisions between different jurisdictions. In the case of the EU, member states harmonise laws (based on EU directives) to create a unified system of regulations and practices. As a result of this process, EU and its member states tend to adopt similar standards and practices and, according to Radaelli (2000), tend to become alike.

With these arguments in mind, I argue that policy diffusion in IOs have potential implications on the adoption of lobbying laws. More precisely, the external promotion of lobbying laws by international organizations (IOs) might be conceived as a leading factor for the introduction of lobbying regulations.

As discussed in the next paragraph, both the EU and the OECD promote the adoption of lobbying laws. Hence, I argue that the EU and OECD membership represents an encouraging factor for the introduction of regulation. However, scholars have stressed the importance of ‘theory development’ in this field of research. Rosenson (2005, p.72) argues that ‘policy diffusion studies not always specify the precise process by which diffusion occurs’. Similarly, Braun and Gilardi (2006, p. 298) have stressed the ‘lack of a coherent theoretical framework’ in the policy diffusion literature. With the purpose of filling this gap, I will focus on these

mechanisms of policy diffusion and policy transfer in the context of the OECD and the EU separately.

OECD – Policy Diffusion Effect:

The Department of Government Integrity of the OECD has dedicated particular attention to the topic of lobbying regulation in the context of the policy-goal *Fighting Corruption in the Public Sector*. With the support of a team of researchers, the OECD Government Integrity Department publishes yearly reports on lobbying activities and each member state's regulation since 2008. In 2008, they published *Lobbyists, Government and Public Trust: Increasing Transparency through Legislation*, a document that provided a legal framework for lobbying laws 'that meets public expectations for transparency and accountability' (OECD, 2008, p.1). In 2010, they released the *OECD Recommendation on Principles for Transparency and Integrity in Lobbying* (OECD, 2010). The publication of these reports testifies that members of OECD have been increasingly encouraged to adopt lobbying rules after 2008 and 2010. However, the OECD does not have the power to enforce its policy recommendations. As a consequence, one may reasonably ask: why would member states of the OECD accept to regulate lobbying if it is not mandatory? The theory of policy diffusion offers an answer to this question.

I explained that membership to IOs allows state officials to participate in policy networks of knowledge. Existing studies showed that these networks promote the diffusion of policy recommendations and best practices which, accordingly, encourage the diffusion of policy in member states (True and Mintrom, 2001).

Similarly, the production of the OECD policy recommendations about lobbying regulations should have encouraged state officials to diffuse best practices and consequently the introduction of lobbying laws. The OECD's reports of 2008 and 2010 were designed to provide national governments with a sound legal framework for the adoption of lobbying laws. I briefly explain how the reports were developed:

The first OECD report about lobbying (*Lobbyists, Government and Public Trust: Increasing Transparency through Legislation*, published in 2008) 'draws upon a consultation with OECD member countries' about the issue of regulating lobbying (OECD, 2008, p. 9). The results of the research 'were discussed with the officials in charge of designing and implementing legislation and government regulations on lobbying' at an OECD special session on lobbying organized in June 2007 in Paris (OECD, 2008, p. 10). 'The Special Session and the consultations confirmed a strong interest in bringing together lessons learned to develop guidance that could support the policy debate' (OECD, 2008, p. 10). In 2009, the OECD reviewed its data collected for the first report and opened a new consultation with member states (OECD, 2008). In light of the results of this process, the OECD developed the *Recommendation on Principles for Transparency and Integrity in Lobbying* in 2010, which contained 10 policy recommendations for the adoption of lobbying laws in member states.

In sum, in the development of the policy recommendations, OECD officials and state officials were constantly in contact. On the one hand, OECD officials discussed the results of their research with national government. On the other, state officials took part to processes of consultation and were invited to meetings. The

interactions between the officials working for the OECD and those employed by national governments represent a policy network where information, best practices and policy goals are exchanged making the diffusion of lobbying regulations more likely.

European Union – Policy Diffusion Effect:

As explained in relation to isomorphism, the political system of the European Union is characterized by high levels of political and economic integration. As far as lobbying regulations are concerned, the European Union has been the first IO to commit to the introduction of lobbying regulations in its institutions. In 2005, the European Commission (the executive organ of the EU together with the Council) committed to the introduction of a set of transparency policies in EU institutions. The initiative, named *European Transparency Initiative* (ETI), was aimed at shedding light over the policy making process through the adoption of a system of disclosure of the beneficiaries of EU funds, a system of standardized consultation between interest groups and the Commission and a lobbying regulation. The initiative established a plan to introduce a lobbying regulation in the EU by 2009. The initiative soon caught the attention of several interested member state governments. For example, the Danish, the Estonian, the UK and the Lithuanian Governments all sent a letter of support to the Commission in 2006.

Beyond these letters of support, I argue that the *European Transparency Initiative* encouraged EU member states to adopt lobbying regulations. After the launch of the ETI, the member states of the EU, encouraged by the processes of political

integration, transposed the provisions of the Initiative at the domestic level (similar to a process of harmonization). This process represents a vertical diffusion of policy from the supranational to the domestic level. The policy diffusion effect is expected to be relevant for lobbying regulations after the EU started to promote the passage of lobbying laws among its institutions by means of the European Transparency Initiative (2005).

The observation of the processes through which governments are encouraged to adopt lobbying laws has led me to formulate my second hypothesis based the influence of IOs on domestic policy:

Hypothesis 2: If a state is a member of an IO (OECD or EU) that promotes the introduction of lobbying laws, then it is more likely that it will adopt a lobbying law.

2.2 POLICY DIFFUSION - NEIGHBOURING STATES

Rosenson (2003, and 2005) and Witko (2007) have both argued that geographical proximity can influence the diffusion of ethics and transparency policy. For example, in her study of the adoption of ethics policy in the US states, Rosenson (2003) shows that states are more likely to establish independent legislative ethics commissions if neighbouring states have already done so. Her finding grounds upon the argument found in the literature that ‘ethics reform in other states may provide a resource for advocates who can use the success of innovative policies elsewhere to strengthen their case for reform in their own state’ (Rosenson, 2003,

p. 46). According to Shipan and Volden (2008) there are two rationales behind this mechanism of policy diffusion.

First, states can copy successful legislation in neighbouring jurisdictions. Stone (2004) and Shipan and Volden (2008) defined this phenomenon as *imitation* as it entails following the others' trends in policy-making (Meseguer, 2006). Meseguer (2006) explains that this process generally involves governments imitating the policies of 'leader' countries. Leader countries are those that appear to be most successful in the policy field of interests. For example, Ikenberry (1990) showed that privatization policy in western European democracies exemplifies the efforts to imitate the Japanese success in this sector. Weyland (2005) observed a similar effect in the case of pension reforms. He found that a famous model of social insurance – developed in Germany under Bismarck – first spread in Europe reaching South America only during the early 20th century.

A second mechanism of policy diffusion between neighbouring states is the phenomenon of *policy learning*. In distinction to *imitation*, governments in cases of *policy learning* chose policies 'due to an improved understanding of the consequences of their choices' (Meseguer, 2006, p. 172). In this situation, policymakers learn from other governments by 'observing the politics of policy adoption and the impact of those policies from other governments' (Shipan and Volden, 2008, p. 841). In the study of the diffusion of anti-smoke policies in US cities, Shipan and Volden (2008) show that large cities tend to *learn* from each other's experiments about regulating smoking bans. More importantly, Shipan and Volden (2008) show that the likelihood of introducing anti-smoke policy decreases

if no neighbouring city has done so. In other words, in the absence of someone close to learn from, the diffusion of policy is less likely to happen.

With the above justifications in mind, my study will, in turn, evaluate the impact of geographical proximity to countries with lobbying regulations on the diffusion of lobbying laws in unregulated political systems. By observing neighbouring jurisdictions with regulations in place, governments of unregulated systems can evaluate the benefits of adopting lobbying laws. Based on these evaluations, they can decide to imitate or to learn from their neighbours' experience and introduce their own lobbying law accordingly. Intuitively, their probability of introducing lobbying laws increases as the number of regulated neighbours increases. For example, unregulated systems surrounded by regulated countries will have a higher probability of introducing a lobbying law (than a system with only one regulated neighbour) because they have more experiences to imitate or to learn from. Conversely, this mechanism of policy diffusion is less likely to happen in systems that have unregulated neighbours. Similarly to what Shipan and Volden (2008) explained about anti-smoke policy, the absence of regulations in the nearby jurisdictions makes the processes of imitation and policy learning unlikely to happen. With these arguments in mind, I hypothesize that unregulated systems that share borders with (one or more) states with regulations in place are more likely to adopt lobbying laws than systems without regulated neighbours. The probability of introducing a lobbying law should additionally increase as the number of regulated neighbours increases.

Hypothesis 3: If unregulated systems share borders with states with lobbying regulations in place, then the former are more likely to introduce lobbying laws.

3. SYSTEMS OF INTEREST REPRESENTATION

Interest group theory sets its basis on the study of pluralism and corporatism as systems of interest representation and processes of policy formation (Lehmbruch, 1977; Harrison, 1980). Pluralism defines a system of interest representation in which interest groups mobilize every time their interests are under threat and compete for influence over government institutions in the absence of an overall bias (Truman, 1951; Dahl, 1961). In other words, pluralism describes a system of open and competitive participation of interests groups to the formation of public policy whereby ‘no single type of group or groups is capable to dominate the process and no groups are excluded’ (Chalmers, 2011, p. 473). Government policy therefore represents a balanced outcome, in which all interest groups had equal opportunity to participate and equal saying.

Corporatism, by contrast, is defined as

‘A system of interest representation in which the constituent units are organized into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within the irrelative categories in exchange for observing certain controls on their selection of leaders and articulation of demands and support’ (Schmitter, 1974, pp.93-94)

This theory of interest representation is in opposition to pluralism because it describes a collaborative (rather than competitive) but functionally segmented process of policy formation (Harrison, 1980). It outlines a system of policy formation in which a low number of interest groups - which are officially recognised by the state as legitimate representatives of a particular sector - participate to decision-making and negotiate with the government in a coordinated way. Groups that are not recognised by the government (or not licensed to be representatives of a particular sector) are excluded from the process. That is why corporatism is often described as a non-competitive and hierarchical system of interest representation in which some groups occupy a privileged position (Lehmbruch, 1977). The idea behind this partnership between government and a limited number of interest groups is that the latter provide the government with large input legitimacy and support for policy. However, the distinctive feature of this system, in contrast to pluralism, is that interest representation is non-competitive, hierarchical and, generally elitist (Kenworthy, 2003).

The literature identifies the representatives of capital and labour as the ‘insiders’ in corporatist systems. Kenworthy showed that in corporatist systems ‘important political-economic decisions are reached via negotiation between or in consultation with peak-level representation of employers and employees’ (Kenworthy, 2003, p.11). ‘Peak-level representation of employers and employees’ are referred to as social partners, which are respectively the main trade union organization and the largest business organization. Müller (1997) explains that trade unions and the business movements in corporatist systems are generally

concentrated into two large organizations. The two main organizations represent the interests of labour and capital to government institutions. The participation of the social partners to the policy-making process is generally guaranteed by formal platforms of participation. In exchange, social partners keep levels of conflict in the field of industrial relations low and guarantee syndicalist peace (Wallerstein *et al.*, 1997).

Corporatism as described so far is an ideal type, which faces a more complex reality in the world of politics. Nevertheless, scholars of different disciplines observed this process of interest representation during the formulation of economic policy in different forms. Müller (1997) showed that the participation of social partners in policy making in Austria is institutionalized through a special joint commission (*Paritätische Kommission für Preis - und Lohnfrage*). Schmitter (1974) observed that corporatism in Sweden is characterised by a lower government participation in industrial relations than in Austria. Lehmbruch (1977) showed that the government in Germany plays a stronger part in the formulation of income policy than in Austria. Lehmbruch (1977) again suggested that corporatism in the Netherlands is highly institutionalised despite trade union fragmentation. Wallerstein *et al.* (1997) observed that union strength varies substantially across what they identify as corporatist systems (Austria, Belgium, Netherlands, Sweden, Finland, Germany and Norway). Cox and Mason (2000) suggested that union strength is an important determinant of successful tripartite negotiations between government and social partners in Poland, Hungary and the Czech Republic. Lijphart and Crepaz (1991) showed that consensus building is an important feature of corporatist democracies. Finally, Teague (2006) showed that

corporatist arrangements between social partners and government can arise also in liberal market economies. For example, the study of Irish case shows that social partners and the government formulate macroeconomic policy in the National Economic and Social Council (NESC).

Despite these differences, the literature considers countries, such as Austria, Sweden or Norway, as strongly corporatist (Kenworthy, 2003). The governments of these three political systems established institutional platforms for the negotiation of economic policy with a ‘cartel’ of organizations formed by highly concentrated and centralised associations of workers and industry (Lehmbruch, 1977). The Netherlands, Denmark, Germany, Finland and Belgium are still considered as corporatist, however, the structures of collective bargaining in these countries is less centralised or institutionalised and social partners are more fragmented (Schmitter, 1974; Siaroff, 1999). Other countries, such as Ireland or Italy are *weakly* corporatist, in the sense that corporatist settings are present but not always used by the governments in power. Less agreement of placement is found for political systems that present the characteristics of both pluralist and corporatist systems of interest representation. For example, Siaroff (1999) observed that countries such as Switzerland, Japan and France are too often classified differently in the literature to find an agreement on their placement. In particular, Japan and France are both characterised by a strong interventionist role of their state and a concentrated business community which makes them often appear as corporatist systems (Siaroff, 1999). However, their trade union community is fragmented and the regular involvement of social partners in decision-making in these two countries is weak (Siaroff, 1999). To resolve this

problem of mis-categorization, Schmitter (1974) suggested unpacking the concept of corporatism in its components. Originally, Collier and Collier (1979) followed this advice to draw a line between the repressive state corporatism of non-democratic countries in Latin America of the 1940s and a more democratic version of societal corporatism in Western Europe. In relation to modern days, Siaroff (1998) successfully categorised Japan and France according to a set of components of industrial relations (which were Siaroff's variables of interest) and showed that France and Japan are to be classified as non-corporatist systems.

For the purposes of this study, I consider corporatism and pluralism in terms of their participatory components, namely those elements that define the participation of interest groups to policy formation. I described pluralism as an open and competitive system of representation in opposition to corporatism, which is less open to participation and more elitist. Lobbying laws regulate the participation of interest groups to policy-making and therefore alter the functioning of interest representation in pluralist and corporatist systems. Authors argued that the interest group regulations find their roots in the pluralist conception of the political world. For example, Greenwood and Thomas (1998, p.498) suggested that 'lobby regulation may belong to a pluralist world, where the structure and formal incorporation of economic interests in politics which is characteristic of corporatism is alien.'

Similarly, Rechtman and Larsen-Ledet (1998) explained that regulating lobbying 'is not seen as essential to the political system so long it is dominated by corporatism. However, when the structure is challenged by pluralist streams (e.g. a spread of political power and an increase in the number of players), insecurity

pervades the government and lobby regulations become a necessity (Rechtman and Larsen-Ledet, 1998, p.581). The authors' arguments is based on the belief that lobbying regulations are necessary in pluralist systems to overcome problems of overcrowded lobbying and undue influence. In corporatist systems - in which a small number of interest groups is regularly incorporated in the policy-making process by the government - lobbying rules are seen as unnecessary.

However, the results of empirical investigations often revealed that interest representation is more complex than what pluralist scholars assume. For example, Coen's (1998) studies reveal the presence of a bias in favour of business in the participation of interest groups to EU policy-making. In the study of lobbying in the US, Baumgartner and Leech (2001) showed that, even in pluralist systems, the number of organized interests lobbying the government is low (they find that, in the majority of cases, on average only 15 groups participate to the policy making process). Other scholars, like Greenwood and Thomas (1998, p.488), argued that the participation of a high number of organized interests to the policy-making process leads to several problems:

The range of problems immediately presented by increasing interest representation include overcrowded lobbying and democratic overload; the ways in which public affairs come to be influenced, including standards in public life; and inequality of access to public affairs between different types of interests, particularly between economic and non-economic interests.

The same authors conclude that 'once these issues are defined in such terms, they become problems, and so regulatory solutions emerge' (Greenwood and Thomas, 1998). The 'regulatory solutions' Greenwood and Thomas refer to are lobbying regulations. As described in Chapter 1, lobbying laws regulate the activity of private actors who are seeking to influence the state. By forcing lobbyists to

disclose information about their activity in public registers before contact with public office holders is made, they shed light over the policy-making and regulate the access of organized interests to government institutions. Governments use these regulatory solutions to install a level playing field in lobbying and to overcome the problems of overcrowded participation and undue influence described by Greenwood and Thomas (1998). Given that the same authors observed these problems in pluralistic interest representation, I hypothesise that governments are more likely to adopt lobbying laws in pluralist systems (as opposed to corporatist systems).

The idea that lobbying regulations are incompatible with corporatist systems of interest representation was first put forward by Rechtman and Larsen-Ledet (1998). The authors analysed the policy debates around lobbying regulations in Denmark and observed that governments perceive lobbying regulations as unnecessary in corporatist settings. In corporatist systems, social partners dominate interest representation. Other associations, groups and movements continue to exist and are encouraged, however they are either excluded or marginalized from corporatist settings (Schmitter, 1974). The government guarantees the participation to the policy-making process to trade unions and business associations but not to other interest groups that represent ‘outsiders’ (Harrison, 1980). Given that lobbying regulations seek to install a level playing field for interest groups, governments and social partners in corporatist perceive lobbying regulations as unnecessary or even unwelcomed.

In fact, rules that regulate the access of interest groups to government might undermine the system of social partnership. For example, provisions that regulate

the contacts between interest representatives and policy makers might make the routine involvement of social partners to decision-making more complicated. In addition, transparency in interest representation might shed light over negotiations that generally happen behind closed doors.

As a result, both government and social partners are likely to look unfavourably at lobbying regulations. On the one hand, social partners oppose lobbying laws to preserve their privileged position in the system of interest representation. For these reason, it is likely that social partners put pressure on the government to keep lobbying unregulated. On the other, governments in corporatist systems want to preserve social partnership as a mean to gain a broad consensus (the consensus of capital and labour) over its policies. This makes governments in corporatist systems less likely to introduce lobbying laws than in pluralist ones.

With these ideas in mind, I hypothesise that governments in corporatist systems are less likely to adopt lobbying rules. On the contrary, in pluralist interest representation systems, governments are more likely to introduce lobbying laws.

Hypothesis 4: If the system of interest representation is pluralistic, then the government is more likely to introduce lobbying laws. If the system of interest representation is corporatist, then the government is less likely to adopt lobbying laws.

4. OTHER RELEVANT FACTORS

The previous three sections discussed the *four* key explanatory factors of the introduction of lobbying laws in contemporary democracies. In this section, I briefly introduce three additional explanations to the introduction of lobbying laws in contemporary democracies, which serve as control factors in the quantitative analysis that follows (Chapter 3). I *first* discuss whether or not institutional variables influence the adoption of lobbying laws. The *second* argument asserts that partisan ideology influences the introduction of lobbying laws. This argument builds on the idea found in the literature that the left-right ideological composition of government influences the government policy. The *third* subsection discusses the role of a country's level of corruption in relation to its decision to adopt lobbying regulations.

It is important to clarify that these three elements do not represent key explanatory factors of my analysis. However, previous studies of the adoption of lobbying laws, and public policy more in general, revealed that it is important to account for these factors in the analysis. For now, I limit the discussion to the theoretical justification of their choice as control factors.

4.1 INSTITUTIONAL VETO PLAYERS

As for any other legislative act, lobbying regulations go through different stages of the policy-making process before they are transformed into laws. Generally, proposals to regulate lobbying are initiated by the government. Governments tend to commit to the introduction of lobbying regulation in government programs. For

example, both the UK and the Irish government introduced lobbying regulations in the government program in 2011 and 2012. Soon after, government departments (normally the Department of Justice or the Department responsible for administrative affairs to the Irish case) formulate a legislative proposal to table in Parliament for consideration. Depending on the political system, the bill might need to be approved under different conditions. For example, the bill might need the approval of only one or both houses of parliament to become law. According to special legislative procedures, it might require the approval of large parliamentary majorities. As a result, all these institutional features might influence the introduction of lobbying laws in contemporary democracies. More precisely, institutional veto players can make the passage of a regulation more or less likely. According to Tsebelis (2002), veto players are actors or procedures who can stop a change from the status quo. As far as the introduction of lobbying laws is concerned, they can prevent proposals to regulate lobbying from being adopted.

In the study of consensus and majoritarian democracies, Lijphart (1999) identified four institutional features that make the passage of legislation more or less difficult. First, Lijphart suggests that cabinet dominance over the legislative branch increases the likelihood of changing the status quo. Governments that can count on a large support in parliament are more likely to be capable of changing the status quo than governments supported by a parliamentary minority.

Secondly, Lijphart (1999) noted that high levels of fragmentation in parliament decrease the efficiency of the policy making process: If many parties sit in parliament, then it is less likely that they will find an agreement to pass legislation; If it needs more than two parties to form a majority for the adoption, then this

likelihood decreases even more; If the legislative procedure to pass legislation requires to form large majority, then adoption of legislation is almost impossible in fragmented parliaments. As a result, lobbying regulations are less likely to be adopted by fragmented parliaments. This is a reasonable argument given that the adoption of lobbying regulations has sometimes required special majorities. For example, the Austrian Parliament needed to adopt its lobbying regulation with a two-thirds majority.²⁹

Federalism and bicameralism can also inhibit the decisiveness, the speed and the coherence of the central government's policy making, in comparison with unitary systems and unicameralism (Lijphart, 1999, p.272). For example, if a legislative proposal has implications over the subnational government units, then legislation in federalist systems might need the approval of the upper parliament house (generally responsible for federalist matters). For example, the Austrian lobbying law introduced provisions to regulate lobbying also in subnational governments. As a result, the bill needed the approval of the Upper House (*Bundesrat*) that deals with federal issues.³⁰ This process can block the adoption of lobbying laws. Having to deal with the potential impact of lobbying laws on the federal structure of the state, federal systems are less likely to introduce lobbying laws than unitary ones.

Finally, the bicameral structure of the Parliament might influence the adoption of lobbying laws, and or laws more in general. While decentralization of power from

²⁹ See the website of the Austrian Parliament for an overview of the legislative process of the adoption of the lobbying regulation:
https://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01465/index.shtml, last access September 17, 2016.

³⁰ See the website of the Austrian Parliament for an overview of the legislative process of the adoption of the lobbying regulation:
https://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01465/index.shtml, last access September 17, 2016.

the centre to the periphery is commonly conceptualized as a dichotomy between *federal* and *unitary* systems, the distribution of power inside the Parliament can be more complex. According to the Tsebelis' (2002) theory of veto players, legislation is more likely to pass when the number of veto players is reduced. Intuitively, this means that legislation is more likely to be adopted in unicameral than in bicameral systems. However, the upper chamber's power to block legislation varies considerably also within bicameral systems (Heller and Branduse, 2014). As a result, the likelihood of lobbying laws to be adopted depends on whether or not upper chambers can block, modify or delay the passage of legislation.

4.2 IDEOLOGICAL COMPOSITION OF GOVERNMENT

Researchers of comparative politics have long debated about the effect of partisanship on policy outputs. In particular, scholars dedicated attention to the influence of ideological composition of government (on a left-right scale) on public policy. For example, Hicks and Swank (1992) argued that social-democratic government ideology favours welfare spending. Grounding upon the idea that social democratic ideology favours 'bigger governments', Cusack (1997) showed that public employment tends to be higher when leftist governments are in power. Finally, in the study of the adoption of ethics and transparency laws in US states, Rosenson (2003, 2005) and Witko (2007) showed that conservative government ideology correlates with less regulatory intervention in ethical matters and transparency. All these studies are based on the key hypothesis that a change in the left-right ideological composition of the government is mirrored by a change in policy (Imbeau *et al.*, 2001). As far as lobbying regulations are concerned, the left-

right composition of government might influence the adoption of lobbying laws. To explain my argument, I need to discuss Rosenson's (2003) and Witko's (2007) work in more detail.

Rosenson (2003) studied the establishment of independent ethics commissions in US states. The commissions regulate and monitor the behaviour of politicians according to ethical standards defined by law (Rosenson, 2003). With respect to ideology, the author hypothesised that citizens in liberal states should be more supportive of ethics policy (Rosenson, 2003, p. 47). As a result, state governments controlled by the Democratic Party should be likely to authorize independent commissions to enforce their ethics laws. Her argument is based on the observations, collected in previous studies, that liberals are generally more supportive of government regulation (Erikson, Wright and McIver, 1989). The same studies found that conservatives, conversely, tend to see government intervention (especially in economic regulations) as a barrier. As a result, the adoption of government regulation should be less likely in states controlled by the Republican Party. Although Rosenson (2003) did not find evidence for an effect based on the liberal-conservative ideology³¹, scholars have decided to account for this variable also in later studies.

For example, also Witko argued that 'a key distinction between liberals and conservatives in the US is a greater willingness by liberals to allow the government to regulate a variety of activities, including campaign finance' (Witko, 2007, p.

³¹ Perhaps Rosenson did not find an effect because she measures liberal-conservative ideology on citizens' rather than policy-makers. The use of this measurement however assumes that governments in power will account for the citizens' ideology in the adoption of regulatory policy. More similar to other studies, like in the work of Rueda (2005) or Hicks and Swank (1992), my analysis will look at the ideological composition of government and its effect on policy outputs. Compared to Rosenson's approach, this represents a more direct link between ideology and policy.

374). Witko's argument bases on the observations collected by Kuttner (1998) that liberals and conservatives in the US have different views about campaign finance regulations: while conservatives tend to see campaign finance regulations as a restriction to the political liberty to materially support candidates, liberals perceive them as a way of installing a level playing field between candidates. Unlike Rosenson (2003), Witko (2007) accounted for the influence of ideology considering the ideological composition of government and found a strong effect in the expected direction: State governments controlled by the Democratic Party are more likely to introduce campaign finance regulations.

Similar to Witko (2007), I theorise that the ideological composition of government influences the adoption of lobbying laws. I argue that rightist (or centre rightist) parties in government are less likely to adopt regulations (than leftist or centre-leftist parties in government), because they perceive lobbying laws as a barrier to political participation. On the one hand, by regulating the activity of lobbyists who are seeking to influence the government, lobbying laws try to install a level playing field for the participation of interest groups to the policy-making process (Thomas, 1998). On the other, these forms of regulations have also downsides: they restrict the activity of organized interests therefore reducing the government's benefits deriving from lobbying (Brining *et al.*, 1993). As a result, rightist parties in government will leave lobbying unregulated because they are concerned that regulations will restrict the opportunities of interest groups to participate to the policy-making process. Conversely, leftist (or centre-leftist) parties will be concerned with creating a level playing field for interest groups and will therefore tend to adopt lobbying regulations.

4.3 CORRUPTION

In Chapter 1, I explained that lobbying laws also serve to fight corruption. For example, lobbying laws introduce public scrutiny of lobbying, which conversely discourages corrupt behaviour (Holman and Luneburg, 2012). Codes of conduct set common standards of professional behaviour for lobbyists reducing the risks of inappropriate conduct (Holman and Luneburg, 2012). Additionally, lobbying laws regulate revolving doors between business and politics helping to fight cases of conflict of interests and influence peddling (Chari *et al.*, 2010). In addition, the availability of information about lobbyists in public registers theoretically helps judicial authorities in the investigation of other serious forms of corruption, such as bribe or nepotism.

Bearing these beneficial effects of lobbying laws on the fight against corruption in mind, governments of corrupt countries might encourage the adoption of lobbying laws. However, I also remain critical of this argument since Chari *et al.*'s (2010) prominent study observed that lobbying regulations are present in political systems regardless of their level of corruption (I refer to the levels of corruption as estimated by the NGO, Transparency International. I discuss their methodology to measure corruption in more detail in Chapter 3 in the section on data and measurements). For example, both Canada (low levels of corruption according to Transparency International) and Poland (high levels of corruption) have lobbying regulations in place. However, political systems like Switzerland (low levels of corruption) and Bulgaria (high levels of corruption) are unregulated. With these observations in mind, Chari *et al.* argued that political systems with low tendencies towards corruption might introduce lobbying legislation in order to 'increase the

public's awareness of links between policy makers and lobbyists, not simply to prevent corruption' (Chari *et al.*, 2010, p.112). The effect of corruption on the emergence of lobbying laws is thus difficult to predict.

CONCLUSION

This chapter focused on the theoretical foundations of the dynamics of the adoption of lobbying laws. My arguments, based on theories of political agenda-setting effects, policy diffusion effects and systems of interest representation, seek to answer to the first research question of this work: *why do political systems introduce rules on lobbying?* The explanatory factors that I have considered in relation to the mentioned theoretical frameworks are: the presence of political corruption scandals, the external promotion by IOs, the geographical proximity to regulated states (I called this factor *neighbouring states* throughout the sections), and the role of corporatism and pluralism. Additional to these independent factors, I introduced three control factors in relation to the *institutional features* of the political systems, *the ideological composition of government* and the state's *levels of corruption*. Based on the explanatory factors my theoretical expectations are synthesized in Table 5.

In the next chapter, I test these theoretical explanations by investigating the introduction of lobbying laws in a global comparative perspective. The analysis is built on a data set composed by observations on 34 OECD and EU member for the period of 1995 to 2014. I use quantitative research methods to estimate the effect of all the variables discussed in this chapter on the adoption of lobbying laws. The

next chapter also includes a discussion of the data collection, of the construction of the variables and of the analysis and results of the investigation.

Table 5: Theoretical foundations of the adoption of lobbying laws

Theory	Variables	Direction of the Expected Effect	Expected Outcome
Key explanatory variables			
Political Agenda-Setting	Political Corruption Scandals	+	Introduction of Lobbying Law
Policy Diffusion and Policy Transfer	External Promotion by IOs	+	Introduction of Lobbying Law
	OECD and EU		
	Neighbouring States with Lobbying Laws in place	+	Introduction of Lobbying Law
System of Interest Representation	Corporatism	-	Absence of Lobbying Law
	Pluralism	+	Introduction of Lobbying Law
Factors that I consider as control variables in Chapter 3			
Institutional Veto Players	Cabinet Dominance over the Legislative	+	Introduction of Lobbying Law
	Parliamentary Fragmentation	-	Absence of Lobbying Law
	Federalism	-	Absence of Lobbying Law
	Unicameral Parliament	+	Introduction of Lobbying Law
Ideology	Government Ideology	+ If left - If right	Introduction of Lobbying Law Absence of Lobbying Law
Corruption	High Levels of Corruption	+	Introduction of Lobbying Law

CHAPTER 3

EXPLAINING THE ADOPTION OF LOBBYING LAWS IN 34 OECD AND EU MEMBER STATES (1995-2014)

INTRODUCTION

In this chapter, I explore the first research question by empirically testing the four hypotheses about the adoption of lobbying laws in contemporary democracies presented in Chapter 2. I developed the key hypotheses building on the theories of political agenda-setting effects, policy diffusion effects and systems of interest representation (hypotheses 1 to 4 in Chapter 2). In the present analysis, I try to understand if the explanatory variables *political corruption scandals*, *external promotion*, *neighbouring states*, and *corporatism* explain the adoption of lobbying laws or not. The analysis is conducted on 34 member states of the OECD and the EU for the period of 1995 to 2014.

In order to estimate the impact of the explanatory variables on the outcome variable, I use event history analysis and multinomial regression methods. The results of the study reveal that external promotion, in particular by the EU since 2005 and by the OECD since 2008, encouraged the diffusion of lobbying laws among its member states. Further, the findings reveal that *political corruption scandals* are not significant determinants for the introduction of lobbying laws. Nevertheless, the results of the analysis suggest that scandals have a positive correlation with the presentation of legislative proposals to regulate lobbying in Parliament. However, policymakers often fail to transform these proposals into laws. The results suggest that legislative proposals about regulating lobbying are an expression of symbolic politics, rather than an effective policy program: ‘after a corruption scandal the government seems to do something while changing little’ (Lowery and Gray, 1997, p.145). According to Blühdorn (2007), the term symbolic politics refers to the ‘criticism of insufficient policies and the criticism to those that

make them’ (Blühdorn, 2007, p. 252). In other words, the introduction of lobbying laws appears to be often mere rhetorical, and less reflective of decisive action.

More importantly, the analysis suggests that *corporatism* does not have the expected negative effects on the adoption of lobbying laws. This finding challenges the existing literature by suggesting that interest groups and policy makers have actually acknowledged the legitimacy of lobbying rules in corporatist systems. In Chapter 4, I will nevertheless argue that the link between corporatism and lobbying laws is significant in terms of *levels of robustness* of lobbying regulations, helping us better understand the answer to the second main question addressed in this thesis.

Despite the novelty of the results, readers should be careful in considering these findings as sufficient to make generalizable claims about the effects of the studied variables. The scarcity of data is a major problem for the pursuit of the research. An accurate collection of data on scandals and draft proposals of lobbying laws in more EU and OECD member states would widen the scope of the present work. In fact, the lack of variation between EU and OECD countries represents a problem for several model specifications. In addition, extending the analysed time period would also improve the study in different ways. Not only it would help to dispel problems related to EHA, such as the ‘left-truncation’ and right censoring, but it would also give more accurate results. Including more country-year observations for Slovenia, Lithuania, Hungary and Ireland would increase the number of failures and the impact of the variables under investigation would thus be magnified.

In terms of structure, this chapter is divided in three sections. In the first, I present the data used for the analysis. This section also includes a description of the

processes of collection of the data of construction for the variables and a discussion of the descriptive statistics. In the second section, I describe the methodological tools used for the analysis and show the results of the quantitative investigation. The final section presents the results of the analysis and discusses the implications for future studies.

1. DATA AND MEASUREMENTS

The analysis is based on yearly data for 34 countries from 1995 to 2014. The data is truncated on the left, as no data is available before 1995. Nevertheless, only the US, Germany and Canada had lobbying regulations in place before 1995 (the German and the American regulation dating back to the 1940s and 1950s. These omitted observations might cause a bias in the estimations. However, the size of the bias might be small as these lobbying laws were introduced many years before the reference year 1995.

The cases under investigation are 34 OECD and EU member states: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Greece, Germany, Hungary, Luxembourg, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the UK are both EU and OECD member states (or they became EU and OECD member states during the studied period. For example, Estonia joined the EU in 2004 and the OECD in 2010); Australia, Canada, Japan, Norway, New Zealand, Switzerland, and the US are uniquely OECD members; Bulgaria, Cyprus, Latvia, Lithuania, Romania are uniquely EU-member states.

1.1 DATA COLLECTION MEASUREMENTS

The data has been extracted from several existing datasets, including Armingeon *et al.* (2016); Visser (2016); Transparency International (2014); and the World Bank dataset (2015). My dataset also includes original data I have compiled on corporatism, legislative activity around lobbying (including successful or unsuccessful legislative proposals on regulating lobbying, adoption of lobbying laws and passage of amendments to existing legislation) and political corruption scandals that have not been used before in previous contributions. Future publication of these datasets will hopefully encourage studies in the field ethics and transparency regulations.

The collection of the original data has been, however, problematic in some cases. The availability of data on corporatist interest representation, legislative activity around lobbying and political corruption scandals is limited for some of the OECD and EU member states. In addition, regulated countries, such as Chile, Israel and Mexico had to be left out due to the lack of complete data. The problems related to each variable are explained in the following paragraphs.

1.1.1 DEPENDENT VARIABLES

The main dependent variable, *adopted*, is coded 1 when the regulation has been introduced (at time t) and 0 if no regulation has been adopted. In the dataset, nine countries have adopted lobbying laws (during the studied period) and are coded as 1 for this variable (Austria, Australia, France, Hungary, Lithuania, Netherlands,

Poland, Slovenia and the UK).³² In terms of validity of this measurement, this operationalization is largely used in previous the literature on lobbying regulations (Opheim, 1991; Chari *et al.* 2010; Holman and Luneburg, 2012; Ozymy, 2013). In terms of reliability of the measure, my construction is in line with the operationalization found in comparative studies by Chari *et al.* (2010), Holman and Luneburg (2012) and in the more recent researches published by the OECD and the Council of Europe.³³ This operationalization is used in the first part of the analysis.

In the second part of the analysis, I also explore the presentation of legislative proposals to regulate lobbying. Students of legislative procedures and passage of policy suggested that many legislative proposals are killed during the legislative process (Mahoney, 2008; Hix and Hoyland, 2011). Similarly, the proposals to regulate lobbying could fail to become laws because they are killed at the bill stage. The analysis of this aspect allows me to draw a distinction between those countries that are unregulated because they have never attempted to introduce regulations and those that have tried to do so but were not successful. To this end, my investigation provides a key understanding of the transformation of these proposals into laws.

To account for the presentation of legislative proposals of lobby regulation and amendments to existing regulations, the study also includes another dependent variable that takes into account the legislative activity around regulating lobbying

³² Also Canada, Germany and the US are regulated but they adopted their lobbying laws before 1995. Ireland adopted its regulation in 2015 (outside of the studied period) and is therefore classified as unregulated in this analysis. However, it is considered in detail in Chapter 6, which concerns the *robustness* of lobbying laws.

³³ For information about the OECD see <http://www.oecd.org/gov/ethics/lobbying.htm> and for information about the CoE see <https://www.coe.int/en/web/human-rights-rule-of-law/-/consultation-on-the-legal-regulation-of-lobbying-activities>, last accessed March 20, 2017.

(this variable is used in the second part of the section 2.2). The term ‘legislative activity around lobby regulation’ refers to the presentation of legislative proposals on lobbying regulation in Parliament, the passage of the proposals and the amendments to existing regulations. *Legislative activity* is built as a nominal variable that can take three possible outcomes. The three possible values are: lobby regulation proposals that are presented in Parliament but subsequently defeated are coded as 1; adopted or amended regulations are coded as 2; no activity is coded as 0. Concerning this variable, I could rely on data for 20 countries. The data is incomplete for Bulgaria, Cyprus, Greece, Hungary, Japan, Latvia, Lithuania, Luxembourg, Malta, New Zealand, Portugal, Spain, Slovenia and Switzerland. Out of 420 observations (20 countries of the 34 for which data is complete), the dataset contains 46 proposals and 15 passed or amended regulations.

The data concerning adopted legislation and amendments to existing laws has been collected with the help of the existing literature (such as Chari *et al.*, 2010; Holman and Luneburg, 2012), of the websites of the Government and Integrity Unit of the OECD, and of the Joint Transparency Register of the European Commission.³⁴ The data on the legislative proposals tabled in Parliament has been collected with reliance on the OECD reports on regulating lobbying³⁵ and on the project *Lifting the Lid on Lobbying* by Transparency International.³⁶ I have also collected data from other useful sources such as Murphy *et al.* (2011) for Ireland,

³⁴ See <http://www.oecd.org/gov/ethics/lobbying.htm> and http://ec.europa.eu/transparencyregister/public/staticPage/displayStaticPage.do?locale=en&reference=USEFULL_LINKS, last accessed December 17, 2015.

³⁵ See <http://www.oecd.org/gov/ethics/lobbying.htm>, last accessed December 17, 2015.

³⁶ See http://www.transparency.org/news/feature/veiled_in_secrecy_lobbying_in_europe last accessed December 17, 2015.

Warhurst (1998, and 2007) for Australia, Mavrov (2011) for Bulgaria, the website of the Canadian Lobbying Register³⁷, Špok *et al.* (2011) for the Czech Republic and Slovakia, Lumi (2014) for Denmark and Estonia, the Government Reform Unit of the Department of Public Expenditure and Reform for Ireland, Graziano (2001), Diritto.it³⁸ and the transparency think tank Openpolis³⁹ for Italy, Coman (2006) for Romania, the online newspaper Elconfidencial⁴⁰ for Spain, and Johanson (2011) for Sweden. A full list of the sources of data collection and construction of the dependent variables is provided in the appendix (Table 1A). Table 6 summarizes the operationalizations of the dependent variable.

Table 6: Operationalizations of the dependent variable

Dependent Variable Name	Nature	Description	Operationalization
<i>Adopted</i>	Dichotomous	Measures whether a country has adopted a lobbying law during a given year	1 = adopted lobbying law 0 = no lobbying law adopted
<i>Legislative Activity</i>	Nominal	Measures whether a country has introduced a legislative proposal to regulate lobbying in Parliament or not, if a lobbying laws has been adopted or if existing regulations have been amended	0 = no activity 1 = proposal 2 = law or amendment to existing law passed

³⁷ See http://www.oclc.ca/eic/site/012.nsf/eng/h_00008.html, last accessed December 17, 2015.

³⁸ See <http://www.diritto.it/docs/28241-l-attivita-di-lobbying-in-italia-i-flebil-tentativi-di-una-possibile-regolamentazione?page=2>, last accessed December 17, 2015.

³⁹ See <http://parlamento.openpolis.it/>, last accessed December 17, 2015.

⁴⁰ See http://www.elconfidencial.com/espana/2014-01-22/cuenta-atras-en-la-camara-a-la-primera-reglamentacion-del-lobby-en-espana_79001/, last accessed December 17, 2015.

1.1.2 INDEPENDENT VARIABLES

Political Corruption Scandals:

The first independent variable accounts for scandals. Like in Ozymy's study (2013), the variable *scandal* is coded 1 if an episode of corruption involving a formal investigation on bribery or influence peddling erupted during a given year and was reported by the countries' newspapers. The variable is coded 0 otherwise. Scandals involving systemic corruption, such as illegal campaign contributions or other political scandals (sex scandals, for instance) have been excluded because they are more likely to lead to the introduction of other forms of ethics policy than lobby regulations (See for example Witko's work on campaign contribution regulations). The scandals at local levels of government have also been excluded, as they are less likely to affect national legislation.

The primary sources for the research on scandals have been taken from the political science literature and from the results of Google searches. Lumi (2014), Warhurst (2007), Köppl and Wippersberg (2014), Kollmannová and Matušková (2014) and McGrath (2009 and 2011) have all contributed to corruption studies. Besides, the Transparency International report, *Lifting the Lid on Lobbying* and the OECD reports, *Transparency and Integrity in Government*, have also been useful sources. The sum of these documents gave me access to an overview of the history of political scandals for each of the analysed cases. I have additionally researched national newspapers for each case using the name of a given scandal (e.g. *cash for access scandal* in the EU) as a key word to find more information (date of eruption and formal investigations). To this end, I have considered each country's two

largest newspapers (in terms of diffusion). To enter my data set, the scandals had to be reported in one of the outlets.

However, the collection of such data is limited to the 20 aforementioned countries. No data has been found for 14 of the 34 countries, namely Bulgaria, Cyprus, Greece, Hungary, Japan, Latvia, Lithuania, Luxembourg, Malta, New Zealand, Portugal, Slovenia, Spain and Switzerland. The collection of data has been made impossible for these countries for different reasons: language barriers, unavailability of reports on corruption episodes in the English language and absence of a social science literature focused on specific political corruption episodes. The results of this analysis should therefore be interpreted cautiously and no generalizable implications should be drawn for countries outside of the sample.

External Promotion:

The variable *external promotion* is used to create a series of dummy variables. A similar operationalization is found in True and Mintrom's study (2001) of policy diffusion effects of IOs on Gender Mainstreaming. The authors coded a country with membership in international organizations, in any given years, as 1 and 0 otherwise (True and Minstrom, 2001, p. 41).

Similarly, in my investigation, *OECD2008* is coded as 1 if the country under investigation was an OECD member in 2008 and 2009. *OECD2010* is coded as 1 if the country under investigation was an OECD member in 2010 and 2011. 2008 and 2010 have been chosen as the reference years because the OECD published

the recommendations *Lobbyists, Government and Public Trust: Increasing Transparency through Legislation* and *Principles for Transparency and Integrity in Lobbying* in these years. The successive years, 2009 and 2011 account for the time-lag in the political agenda-setting effect of IOs policy on member states. Similarly, *ETI* is coded 1 if the country under investigation was a EU member state in 2005 and 2006 when the European Transparency Initiative (ETI) was signed.

This operationalization allows me to study the effect of membership to IOs when important documents concerning the diffusion of lobbying laws were signed. At the same time, this operationalization is not without problems. First, by creating a series of dummy variables, this measurement does not allow me to fully disentangle the complex mechanisms of policy diffusion described in Chapter 2.⁴¹ Secondly, there is little variation for the set of countries under investigation. All countries under investigation are member of the EU or the OECD (or both). As a result, the quality of the analysis would benefit from the collection of data for countries that are not members of such organizations. Unfortunately, up to date there is no data available for countries, such as Argentina, Brazil or India.

Neighbouring States:

Like in Rosenson (2003, 2005) and Witko's studies, (2007), the presence of *neighbouring states* with implemented lobbying laws will be operationalized by counting the number of countries with implemented lobbying laws that share a

⁴¹ A more refined measurement could look at whether or not representatives of member states participated in the meetings organized by the EU in 2005 and the OECD in 2007 to formulate the policy recommendations. Unfortunately the attendance of state representatives at these meetings is not recorded on the official documents and such measure cannot be constructed without a refined collection of data (perhaps through a set of elite interviews).

border with each country under investigation. Countries that do not share borders with regulated jurisdictions are not expected to introduce lobbying laws. The likelihood of adoption is expected to increase as the number of regulated neighbours increases. Intuitively, countries surrounded by two (or more) regulated systems are more likely to introduce lobbying laws than countries with only one regulated neighbour. As explained in Chapter 2, the effect of *imitation* and *policy learning* theorized by Shipan and Volden (2008), is expected to be stronger as the number of regulated neighbours increases.

Corporatism:

I have operationalized the variable *corporatism* by constructing an index composed of three measurements that describe the access of labour and capital to policy making. The index ranges from 0 to 1: Countries below 0.5 are to be considered pluralist while are classified as corporatist above this threshold (Lijphart and Crepaz, 1991). The three measurements used to construct the index are the following: index of concentration of interest group organization which represents a summary measure of concentration of unions at peak and sectorial level (Visser, 2016); wage coordination measures that indicate the coordination and centralization of wage-bargaining structures and is here used as a proxy for the monopoly of representation of peak business associations and unions (Kenworthy, 2003; Armingeon et al., 2016); and a measurement of routine involvement of interest groups in policy making (Visser, 2016). I constructed the index in two steps. First, I transformed the scale of the three above measures into

a 0 to 1 scale. Next, I calculated the mean of the three measures for each country-year observation.

The *corporatism* index correlates with other existing measures of corporatism by Kenworthy (2003) and Siaroff (1999) by +0.75 and +0.79 according to Pearson's r test for correlation. This is a quite satisfying result considering that the constructed index focuses on the lobbying dimension rather than on economic aspects typical of Coordinated Market Economies (CMEs) (see Hall and Soskice, 2001, for a discussion about the varieties of capitalism). In fact, my measurement excludes indicators of integrated economies and considers only 'privileged' access to policy-making. This decision is justified by the need to focus on lobbying laws and their goal, namely to regulate lobbying. For example, there is no reason to believe that the existence of works councils in the main industrial firms – used by Siaroff (1999) as an indicator of corporatism – influences the adoption of lobbying laws. However, as explained in Chapter 2, I have presented many reasons for which the routine involvement of social partners in the policy-making is expected to influence the introduction of lobbying laws.

Table 7 shows the composition of the variables introduced in this subsection.

Table 7: Operationalizations of the independent variables

Independent Variable Name	Description	Operationalization
<i>Political Corruption Scandal</i>	Whether a scandal of political corruption erupted at the national level during a given year or not	0 = no scandal 1 = scandal
<i>OECD 2008</i>	Year-dummy variable for 2008 and 2009 in OECD member states	0 = not a member in 2008 and 2009 1 = member in 2008 and 2009
<i>OECD 2010</i>	Year-dummy variable for 2010 and 2011 in OECD member states	0 = not a member in 2010 and 2011 1 = member in 2010 and 2011
<i>ETI</i>	Year-dummy variable for 2005 and 2006 in EU member states that were members when the European Transparency Initiative was launched	0 = not a member in 2005 and 2006 1 = member in 2005 and 2006
<i>Neighbouring States</i>	Counts the number of regulated states adjacent to a given country in a given year	Counts the number of regulated states adjacent to a given country in a given year
<i>Corporatism</i>	Measures the level of corporatism during a given year.	Ranges from 0 (pluralism) to 1 (highest level of corporatism)

1.1.3 CONTROL VARIABLES

The control variables, as discussed in Section four of Chapter 2, include institutional and non-institutional factors.

Institutional Variables:

Among the institutional variables, the presence of a *majority government* is operationalized as binary: it is valued 1 if a single party majority, a minimal winning coalition or a surplus coalition is in government in a given year (Armingeon *et al.*, 2016) and 0 if the government is formed by a minority or is a caretaker government (Armingeon *et al.*, 2016).

Parliamentary fragmentation is measured using the index of effective number of parliamentary parties (Laakso and Taagepera, 1979). Low values indicate low parliamentary fragmentation and vice versa. The variable is continuous and takes a minimum value of 1.98 and a maximum value 7.88 in my data. In other words, in my data, two is the lowest and eight is the highest effective number of parties sitting in Parliament.

Federal systems are operationalized according to a Huber *et al.*'s (2004) classification. This classification is superior to a binary categorization because it goes beyond the representation of territories in central government policy-making as the essence of federalism (Rodden, 2004). Huber *et al.*'s (2004) categorization considers the strength of constitutional arrangements (and other bargains) that distribute authority between levels of government. This allows to provide a more refined distinction between, for example, Germany – a federalist country in which district representatives are appointed by territory governments, states are overrepresented and qualified majorities are needed in certain policy areas – from Austria – a federation in which the upper legislative chamber is not particularly strong nor highly malappointed (Rodden, 2004). It also distinguishes between Italy – regionalized unitary system in which the representation and distribution of authority to territories is weak – from Spain – a regionalized state in which the central government engages in bargaining with the regional governments (Rodden, 2004). Countries with strong constitutional (or intergovernmental) structures in place are coded as 2. Systems with weak structures of either federalist representation or distribution of power are coded as 1. Systems in which these structures are absent are considered unitary and receive the code 0.

Bicameralism is operationalized adopting Heller and Branduse's (2014) measurement of bicameralism. The coding captures purely institutional differences between the chambers of parliament. Different codes are assigned to whether upper chambers can veto all legislation, a subset of bills, or merely delay passage. The scores are added up and adjusted for whether a veto can be overridden or not (Heller and Branduse, 2014, p. 341). The index scores from 0 to 1, with 0 indicating unicameralism and 1 indicating perfect bicameralism (in which both chambers have essentially equal powers).

Non-Institutional Variables:

Non-institutional control variables include measures of the ideological composition of Government and a measurement of corruption built on the *Index of Perceived Corruption* developed by Transparency International.

A common way to measure the partisan composition of government is to count the percentage of cabinet seats occupied by leftist (or right) and centre-leftist (or centre-right) parties (Rueda, 2005; Jensen, 2011). I decided to use the measure developed by Huber *et al.* (2004) that calculated the percentage of government position occupied by leftist (or centre-leftist) parties. If this percentage is 100%, then it means that the cabinet is fully occupied by leftist (or centre-leftist) parties. If this percentage is, for example, 70%, then the remaining 30% of the cabinet is occupied by rightist, centrist (or centre-rightist) parties (Huber *et al.*, 2004). This allows me to consider the effect of partisan ideology based on the left-right dimension.

To measure corruption, I use the *Index of Perceived Corruption* developed by Transparency International (TI).⁴² The *Index of Perceived Corruption* ranges from 0 to 10: low values indicate high corruption while high values indicate low corruption. Measurements of corruption are notoriously inaccurate because it is very difficult to measure phenomena that are hidden from public scrutiny. To overcome this problem, scholars have developed measurements, which are based perceived levels of corruption calculated from survey data (Golden and Picci, 2005). The index developed by TI represents the most diffused measurement in corruption studies (Treisman, 2007; Chang and Golden, 2007).

Table 8 shows the structure of the measurements for each of the control variables discussed in this subsection.

Table 8: Operationalization of the control variables

Independent Variable Name	Description	Operationalization
<i>Majority Government</i>	Measures the type of government: single party majority, minimal winning coalition or a surplus coalition for a given year	0 = minority government, caretaker government 1 = single party majority government, minimum winning coalition, oversized winning coalition
<i>Parliamentary Fragmentation</i>	Measures fragmentation in Parliament counting the number of parliamentary parties and evaluating their relative electoral strength.	Index of Effective Number of Parliamentary Parties Continuous
<i>Federalism</i>	Measures the strength of constitutional (or non-constitutional) federal structures	0 = unitary 1 = weak federalism 2 = strong federalism
<i>Bicameralism</i>	Measures the institutional differences between chambers of the parliament	Index of bicameralism Continuous (0 – 1)
<i>Left Cabinet</i>	Measures the percentage of cabinet seats occupied by leftist parties	Percentage of cabinet seats occupied by leftist parties. Range: 0-100%
<i>Corruption</i>	Measures levels of corruption using levels of perceived corruption (TI) as a proxy	Transparency International index of perceived corruption. Range: 1 -10 where 1 means high corruption and 10 means no perceived corruption

⁴² See <http://www.transparency.org/research/cpi/overview>, last accessed October 10, 2015.

1.2 DESCRIPTIVE STATISTICS

This sub-section provides the reader with descriptive statistics about the variables under investigation in the dataset (in particular the dependent variable). These statistics give a better understanding of the dataset and the variables that compose it by helping the reader to identify the relationship between the studied factors.

1.2.1 DEPENDENT VARIABLES

The dataset includes 34 OECD and EU member states, ten of which are currently regulated. However, only seven have adopted lobbying regulations during the investigated period.⁴³ Table 9 shows the variation of the dependent variable *adoption* in the studied countries.

Table 9: Variation in the dependent variable *adopted*

Regulated before 1995	Regulated between 1995 and 2014	Unregulated to 2014
US (1946), Canada (1989), Germany (1951)	Lithuania (2001), Poland (2005), Hungary (2006), Australia (2008), France (2009), Slovenia (2010), Austria (2012), Netherlands (2012), the UK (2014)	Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Ireland, ⁴⁴ Italy, Japan, Latvia, Luxembourg, Malta, New Zealand, New Zealand, Norway, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland

In the previous section, I mentioned how my analysis additionally considers legislative activity around lobbying (including the presentation of legislative proposals of lobby regulations and the passage of amendments to existing

⁴³ It is important to remember that also Chile, Israel, and Mexico have lobbying laws but I could not include them in the analysis due to the lack of complete data.

⁴⁴ Ireland introduced a lobbying law in 2015. Unfortunately data is lacking for 2015 for several variables and it is therefore not possible to run the analysis. The analysis in this chapter covers the adoption of lobbying laws from 1995 to 2014. However, I consider Ireland one case of analysis in Chapter 6 that is concerned with the investigation of the *robustness* of lobbying regulations.

legislation). Figure 1 shows the number of legislative proposals and the number of passed amendments to existing regulations in 20 regulated and unregulated countries. As explained in the previous section, I show data for only 20 countries for this variable, as the observations are incomplete for eight countries.

13 out of 20 studied countries have tabled at least one legislative proposal in order to regulate lobbying between 1995 and 2013. The governments of nine countries have tabled more than one, while six have never done so. Amendments have been adopted in five political systems (with the US and Canada having adopted more than one amendment to existing regulations).

Figure 1: Variation in the legislative activity around regulating lobbying in 20 OECD and EU member states in the period from 1995 to 2014.

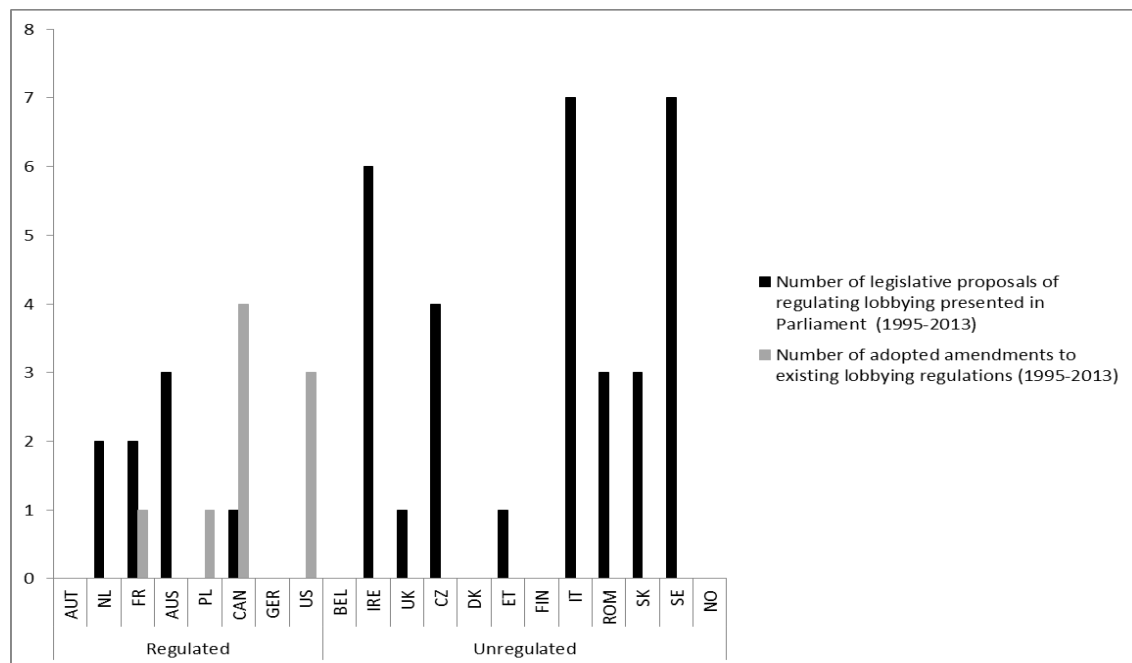


Table 9 and Figure 1 show an interesting variation in both the *adoption* and in the *legislative activity* variables. The following subsection shows bivariate relations between the *adoption* of lobbying laws in the main explanatory variables. The

results help to understand these relationships before I present the results of the multivariate analysis.

1.2.3 INDEPENDENT VARIABLES

Figure 2 illustrates the number of *political corruption scandals* (according to the definition provided in the subsection concerning data and measurements) in regulated and unregulated countries during the period 1995-2014. The list of the scandal names is found in the appendix. All regulated political systems (with the exception of France and Germany) have experienced at least one political corruption scandal in the period from 1995 to 2014. Scandals have, however, erupted also in seven out of eleven unregulated countries. Additionally, lobbying rules are absent in the country with the highest number of scandals (Romania). These observations suggest that scandals (as understood by this analysis) are poor predictors of the introduction of lobbying laws. However, the data shown in Figure 2 does not take into account *timing* issues: in order to understand whether scandals have an agenda-setting effect on the adoption of lobby regulations or not, scholars have to consider the *time* elapsed between the eruption of scandals and the adoption of laws. My statistical analysis, in the following section, will therefore explore the effects of scandals considering variations in time.

Figure 2: Number of Political Corruption Scandals in 20 regulated and unregulated countries from 1995 to 2014.

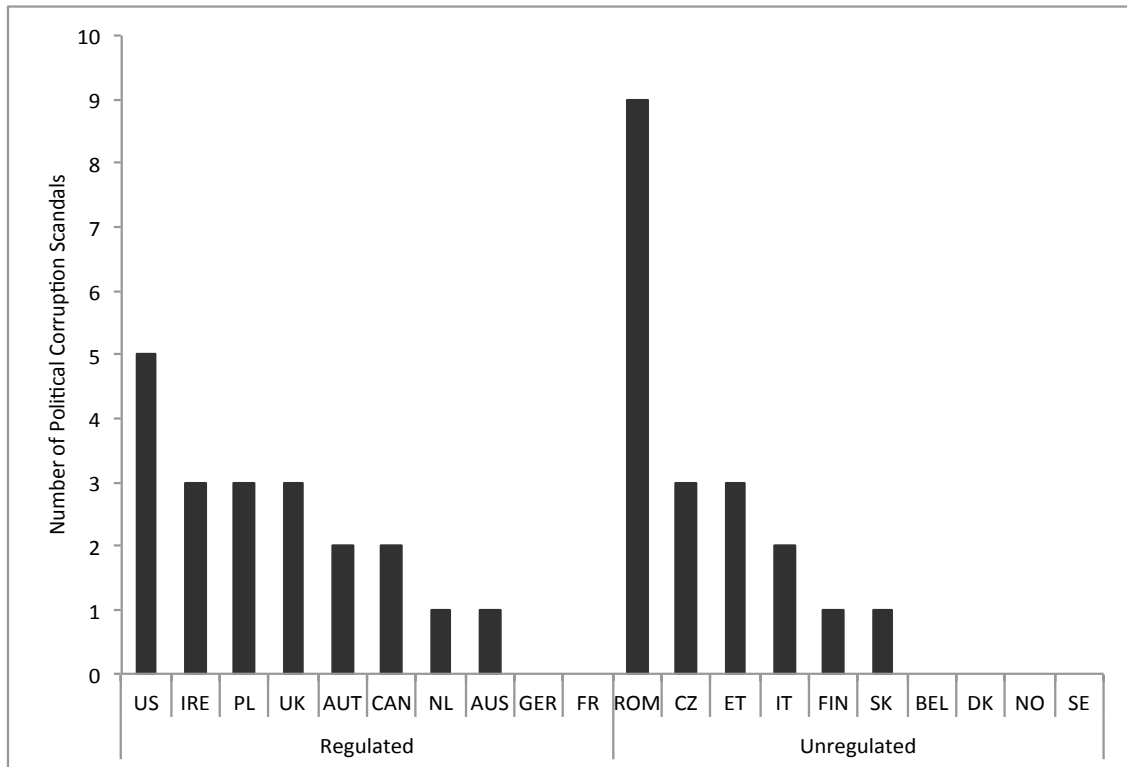
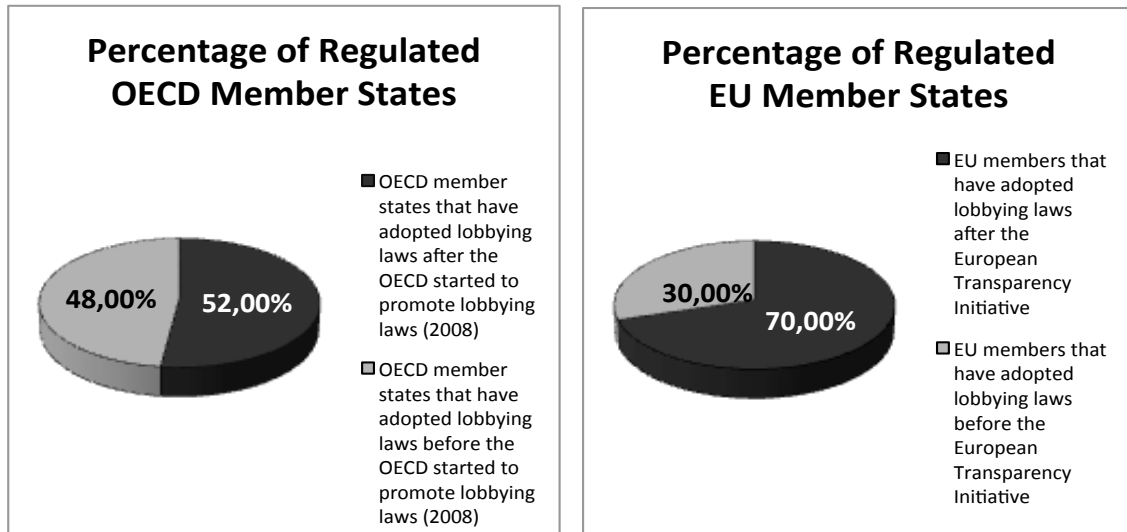


Figure 3 shows the percentage of EU and OECD member states that have passed lobbying regulations *after* the two IOs started to promote their introduction. It is important to remind that Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the UK are both EU and OECD member states. Australia, Canada, Japan, Norway, New Zealand, Switzerland and the US are uniquely OECD members while Bulgaria, Cyprus, Latvia, Lithuania, Malta and Romania are uniquely EU-member states. Figure 3 accounts to the membership to each international organization separately.

Figure 3: Percentage of regulated member states in IOs that promote the passage of lobbying laws

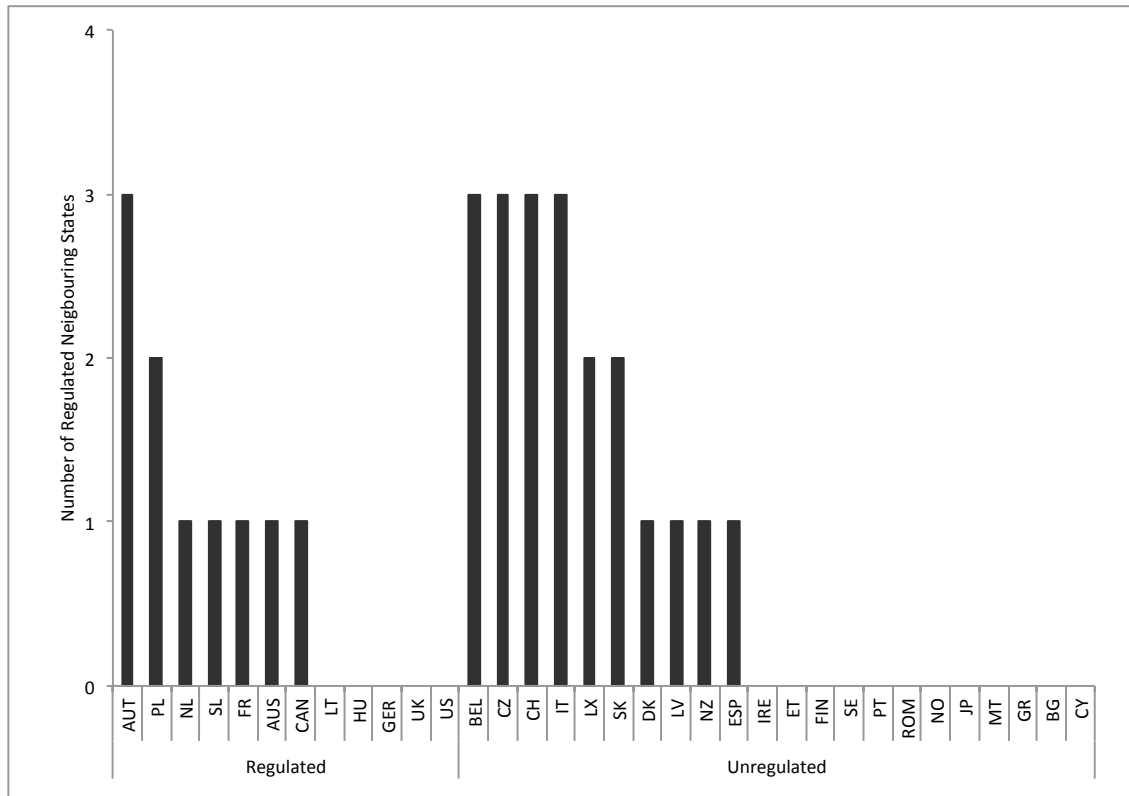


Since 2005, the European Union has promoted the introduction of transparency policy in EU institutions by means of the *European Transparency Initiative*. The OECD, by contrast, has promoted the diffusion of lobbying laws in its member states via policy recommendation. The percentage of states that have passed lobbying regulations after the IOs started to promote their introduction is higher than 50% for both EU and OECD member states. However, the percentage is considerably higher for EU member states (70%) than for OECD member states (52%).

Nevertheless, the above results do not reveal anything about unregulated countries. Figure 3 does not explain why, for example, some OECD and EU member states, like Belgium or Denmark, remained unregulated. Additionally, Figure 3 does not consider the timing of the adoption of lobbying laws. For example, it is unclear whether countries introduced lobbying regulations in the immediate period after the *ETI* or many years later. As the next section will demonstrate, these factors are significant elements of the multivariate statistical analysis.

Figure 4 lists the number of regulated neighbouring states of each investigated political system.

Figure 4: 34 Regulated and unregulated countries by number of regulated neighbouring states from 1995 to 2014.



At a first glance, there seems to be no substantive difference between the group of regulated countries and the unregulated one. Both regulated and unregulated political systems share borders with countries with lobbying regulations in place. Interestingly, the number of regulated neighbours appears to be higher for the group of unregulated political systems. Belgium, the Czech Republic, Switzerland and Italy share borders with three regulated systems, while, among regulated countries, only Austria counts that many. In other words, the results suggest that the geographical vicinity to regulated systems appears to be a poor predictor of the diffusion of lobbying laws.

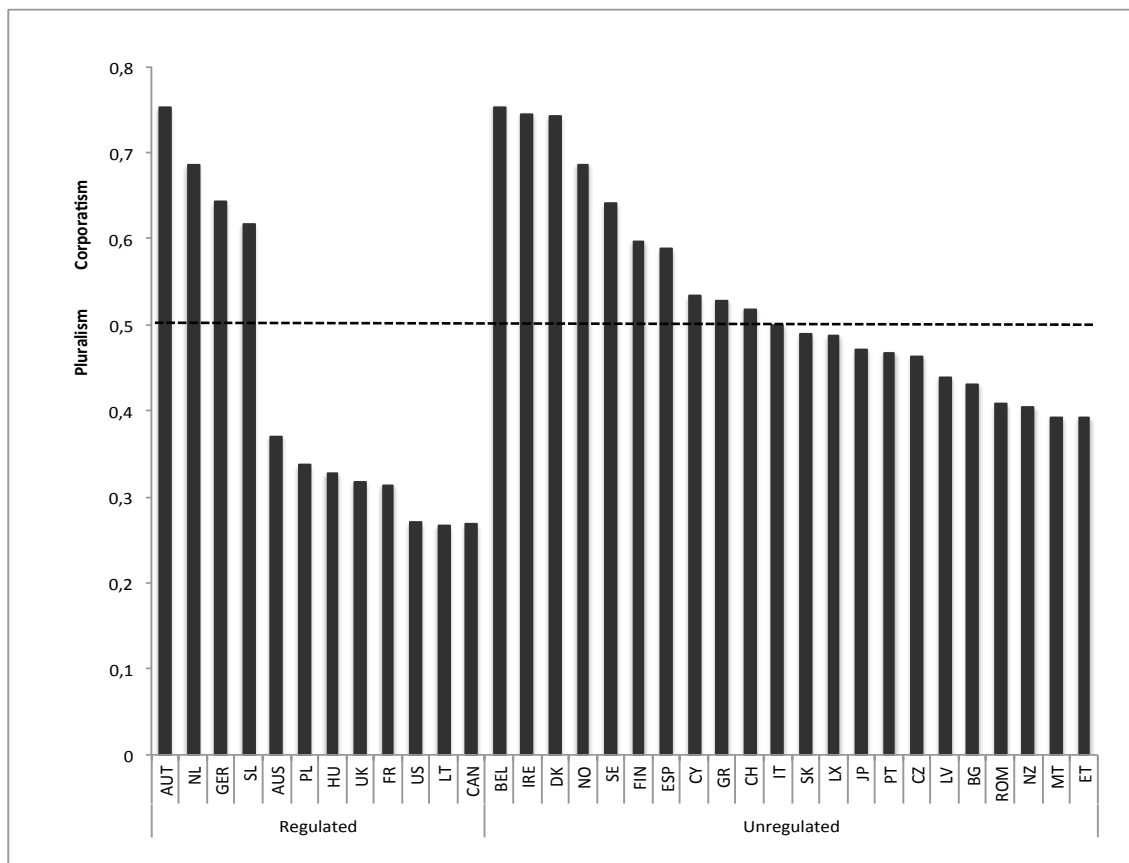
However, Figure 4 does not explain *when* regulations have been introduced. It might be that Belgium's vicinity to, for example, Germany (that is regulated since 1951) has not influenced the adoption of lobbying laws by the Belgian government. Conversely, the adoption of lobbying laws in Hungary in 2006 and in Slovenia in 2010 might have influenced the decision of the Austrian Government to introduce lobbying laws in 2012. The introduction of a time-variation in the multivariate analysis therefore provides better insights for the understanding of the relationship between the two analysed variables.

Figure 5 illustrates the levels of corporatism on the y-axis (where the closer the value is to 1, the more corporatist is the state; and the closer to 0 the more pluralist.) for both regulated and unregulated countries. The threshold dividing pluralist from corporatist systems is 0.5 (represented by the dashed line). As I explained in the previous section, this measurement captures the participatory dimensions of corporatist systems. It measures to which extent social partners are concentrated and centralized association (measure of their strength) and whether or not they are regularly involved in policy formation with the government. In line with the literature, my measure classifies Austria, Denmark, Norway, Germany, Belgium and the Netherlands as strongly-to-moderately corporatist (0.6 to 0.7) placing Sweden slightly below these countries because of its less interventionist government in negotiations between social partners (Lehmbruch, 1977; Siaroff, 1999). More importantly, this measure classifies Japan and France, 'the Achilles heel of empirical operationalizations' as non-corporatist (Shalev, 1990, p. 65). Ireland – which is generally considered as a weakly corporatist system (Siaroff, 1999) – is here interestingly classified as strongly

corporatist. This is because my measurement captures platforms of participation to policy formation for social partners. In Ireland the National Economic and Social Council (NESC) is an example of such a platform and I will extensively explain its role in Chapter 6.

As far as lobbying regulations are concerned, there is apparently no difference between the *adoption* of lobbying laws in corporatist systems and pluralist systems. Political systems are regulated or unregulated regardless of their levels of corporatism. It appears that systems of interest representation are a poor predictor of the adoption of lobbying laws during the studied period. I will investigate the relationship between levels of corporatism and the adoption of lobbying laws more in depth in the multivariate analysis.

Figure 5: Levels of Corporatism in 34 regulated and unregulated countries during the period between 1995 and 2014



With these observations in mind, the chapter now shifts to the statistical analysis of the adoption of lobbying laws in 34 EU and OECD countries. The analysis has been run with the help of event history analysis (EHA) and multinomial logistic regression. EHA represents a statistical method to estimate the duration of time needed until the event of interest happens. I use this method of analysis to explain the *adoption* of lobbying laws during the period between 1995 and 2014. Multinomial logistic regression represents a method of linear regression based on the extension of the standard logistic regression. It is used when the dependent variable is nominal with more than two possible outcomes. I use this method of estimation to analyse the three possible outcomes of the variable *legislative activity*. In the following section, I discuss the methodology in more detail and I present the results of the analysis.

2. ANALYSIS

2.1 METHODOLOGY

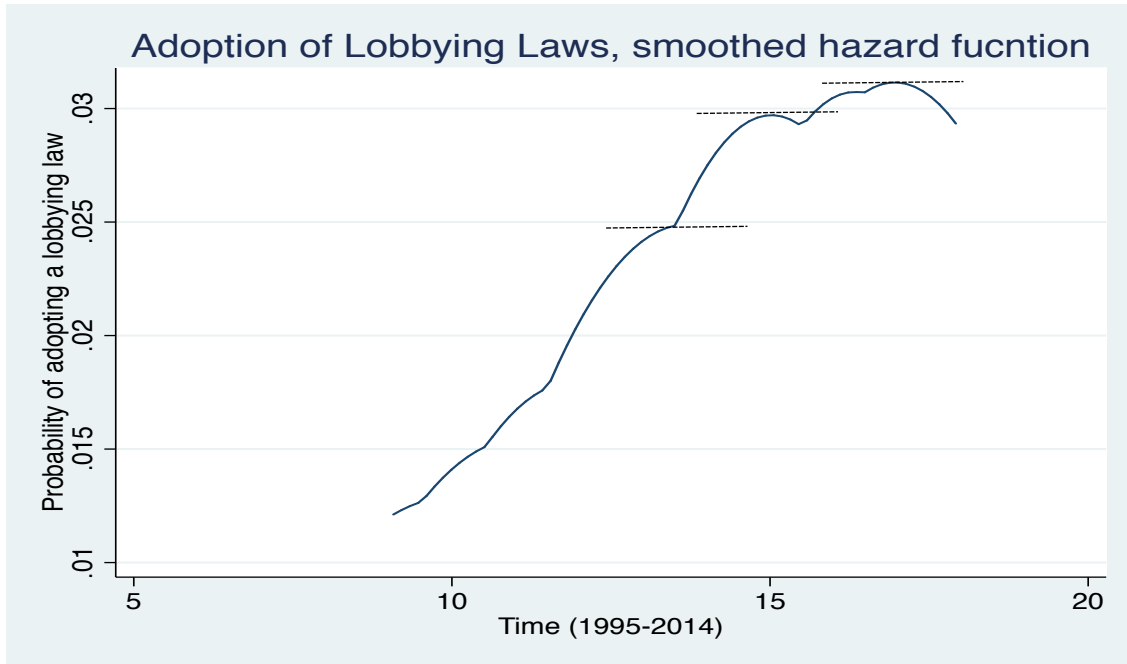
The first part of the analysis is performed using event history analysis (EHA). EHA represents a common method of analysis of the time spent in a given social state and the probability for an entity to make a transition to another social state (Box-Steffensmeier and Jones, 1997, p.1415). In other words, it is used to estimate the probability that the event of interest happens as time increases. This phenomenon is called the ‘probability of survival’ (or its reverse, ‘failure’) at time t , and it can be positively or negatively affected by covariates. This method of analysis allows me to estimate the probability that some country introduces a lobbying law and the

effect of my explanatory variables on this probability. The model is based on the assumption that all cases have a probability of ‘failure’ greater than 0 as time increases, meaning that all countries are likely to introduce a lobbying law. This is valid assumption as all countries under investigation have the same likelihood of introducing lobbying laws (all else being equal).

However, in my sample only 9 out of 34 countries experience failure, while 25 countries exit the study period without having experienced the introduction of a lobbying law. This condition potentially violating the model’s assumption and is referred to as ‘right censoring’ (a form of missing data problem). In my analysis, right censoring fortunately occurs because of a fixed-time condition and not because the number of studied events is fixed. The problem can therefore be resolved with an extension of the studied period in future studies because every country can experience the *adoption* of a lobbying law. The simple fact that the number of countries with lobbying regulations in place has more than doubled since 2007 testifies adds strength to this conclusion.

Figure 6 shows the shape of the probability of failure for the adoption of lobbying laws (y-axis) in 34 countries for a period of 20 years (x-axis). It shows that the countries under investigation are more likely to adopt lobbying laws as time increases. The shape of the function reveals that most countries in the dataset adopted lobbying laws after time 12 (=2006). There is a constant increase in the adoption of lobbying laws from time 12 (=2006) to time 15 (=2009) and a final substantive increase after time 16 (=2010).

Figure 6: Smoothed hazard function plotting the probability of adopting lobbying laws as time increases in 34 countries



Note: The bandwidth for the smoothed hazard function is two years, meaning that the weighted averages at time t are calculated on events distant maximum two years from the moment of failure.

My analysis explores whether variables of *political corruption scandals*, *external promotion*, *geographical proximity* to regulated systems and *corporatism* explain the probability function of failure shown in Figure 6.

The analysis is performed using piece-wise constant exponential model that relaxes the assumptions of the parametric model. The advantage of this model, compared to parametric models, is that it does not make strong assumptions about the shape of the probability function (unlike parametric models). Using this model, the probability function of failure is assumed to be constant within specified time-intervals but the intercept may differ for the different intervals.⁴⁵ This is the case for the function displayed in Figure 6: the probability of failure seems to have

⁴⁵ For further information see 'Survival Analysis using Stata' by S. P. Jenkins, <https://www.iser.essex.ac.uk/resources/survival-analysis-with-stata>, last accessed March 8, 2016.

three peaks represented by the dashed lines. This shape of distribution makes it suitable for the use of the piece-wise constant exponential model of estimation.

Multinomial logistic regression is used in the second part of the analysis to investigate the *legislative activity* around lobbying regulations. This methodology uses logistic regression to predict the probabilities of the outcomes of a nominal dependent variable with more than two possible outcomes. The three possible values taken by this variable are: no legislative activity (coded as 0); presentation of a legislative proposal in parliament (coded as 1); and the adoption of a regulation or of an amendment to a regulation (coded as 2).

2.2 RESULTS

2.2.1 EVENT HISTORY ANALYSIS

Table 10 (p. 150) shows the results of the survival analysis by group of covariates. The first group represents the political agenda-setting variable *political corruption scandal*. The second group contains variables of external promotion (*ETI, OECD 2008, OECD 2010*) and geographical proximity (*Neighbouring State*). The third group includes systems of interest representation (*corporatism*).

In the analysis I control for the institutional characteristics of the countries under investigation (*majority government, parliamentary fragmentation, federalism, bicameralism*). I also account for the ideological composition of government (*Left cabinet*) and for levels of corruption expressed in the *index of perceived corruption*.

Table 10 shows the result of the Event History Analysis using six different model specifications (Models 1 to 4 in Table 10). Each Model used a different set of variables to estimate the probability of adopting lobbying laws. The goodness of fit for each model is summarized by the pseudo R-squared in Table 10. However, this measure of goodness-of-fit is not widely used in the literature and is often supported by graphical evidence. Figure 7 gives a better idea of the goodness of fit by plotting the empirical distribution versus the theoretical distribution of my models.

Figure 7: Fit of the empirical distribution on empirical distribution for Models 1-4.

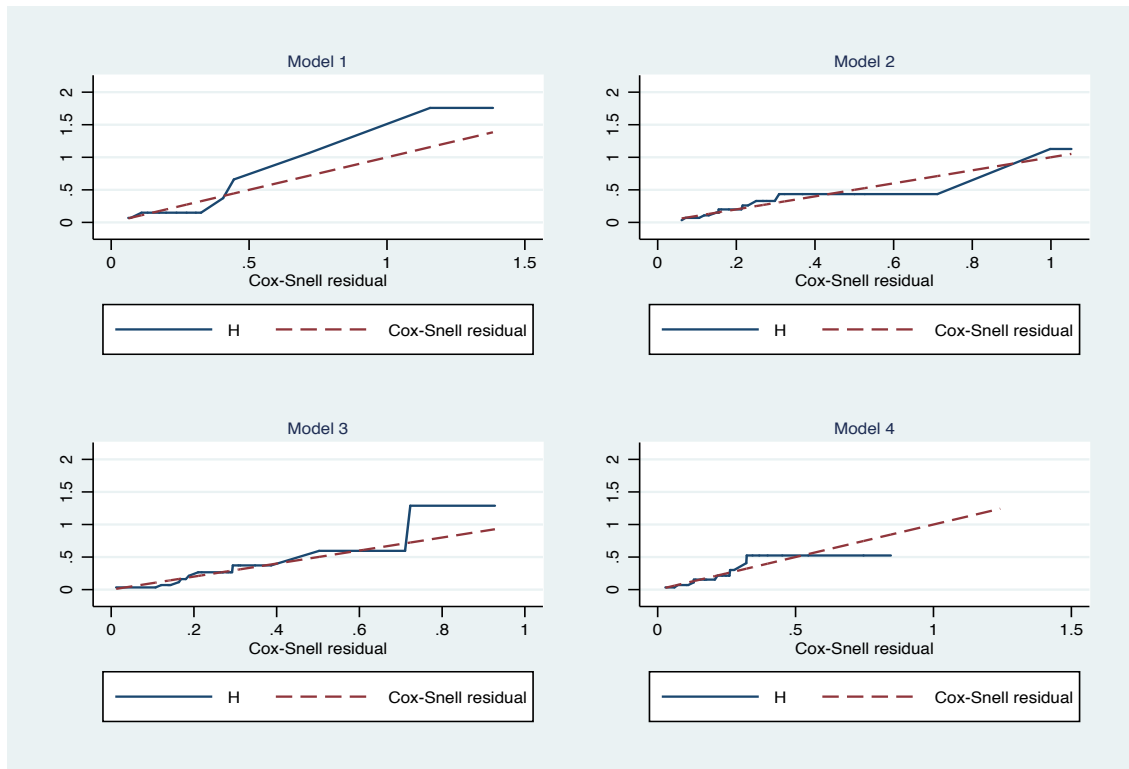


Figure 7 shows that my model of cumulative hazard tends to fit the dashed reference line of theoretical distribution for Models 1 to 4. The figure however also shows that my models might be too specified for the quality of this data. I have

already addressed the problems of the dataset and explained that future studies might help to increase its quality. Throughout the analysis, I will better explain the limits of the findings and possible avenues for improvement.

Table 10: Event history analysis of the adoption of lobbying laws

VARIABLES	(1) Adopted	(2) Adopted	(3) Adopted	(4) Adopted
Political Agenda-Setting				
<i>Scandal</i>	-16.73 (4,637)			
Policy Diffusion				
<i>ETI</i>		2.965** (1.321)		3.119** (1.339)
<i>OECD 2008</i>		3.230* (1.725)		3.479** (1.764)
<i>OECD 2010</i>		2.690 (1.878)		2.995 (1.919)
<i>Neighbouring States</i>		0.136 (0.400)		0.0809 (0.401)
System of Interest Representation				
<i>Corporatism</i>			-4.735 (3.671)	-5.483 (3.739)
Control Variables				
<i>Majority Government</i>	-1.160 (1.100)	-0.265 (0.834)	-0.229 (0.832)	-0.444 (0.847)
<i>Effective Number of Parties</i>	-0.596* (0.359)	-0.168 (0.290)	0.056 (0.305)	0.078 (0.342)
<i>Federal system</i>	0.785 (1.009)	-0.368 (0.616)	-0.0669 (0.635)	-0.0931 (0.657)
<i>Strength of Bicameralism</i>	1.879 (1.216)	1.297 (0.801)	1.067 (0.791)	1.158 (0.822)
<i>Left Cabinet</i>	0.007 (0.012)	0.01 (0.01)	0.01 (0.01)	0.01 (0.01)
<i>Index of Perceived Corruption</i>	0.058 (0.261)			
<i>Constant</i>	-3.780 (2.920)	-5.895*** (1.739)	-3.831** (1.869)	-4.241** (2.019)
Observations	231	548	548	548
Number of Groups	15	30	30	30
Number of Failures	6	9	9	9
Chi-square (p-value)	0.08	0.08	0.21	0.08
Pseudo R-square (Cox-Snell)	0.15	0.03	0.02	0.03

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

The results shown in Model 1 suggest that the variable *scandal* does not impact the passage of lobbying laws. This model specification covers only 20 of the 34 countries for which data on scandals and levels of corruption is available.

Model 2 focuses on the policy diffusion variables. The variables measuring external promotion *ETI* and *OECD 2008* are statistically significant and suggest that both the European Transparency Initiative and the OECD recommendations on lobby regulations of 2008 are associated to the passage of lobbying laws.⁴⁶ The variables *scandal* and *index of perceived corruption* have been excluded from this model specification to maximise variation in the policy diffusion variables. In fact, the variables *ETI*, *OECD2008* and *OECD2010* do not vary for 16 of the 20 countries under analysis. To resolve this problem, the number of countries for Model 2 (and also for Model 3 and 4) is increased from 20 to 31, the observations from 231 to 548 and the number of failures from 6 to 9. This specification intensifies the variation (now 7 states are non-EU members and 6 are non-OECD members) of the factors of external promotion and reduces the likelihood of having estimations that depend from the methods used to construct the variables. On the other side, Model 2 (and 3 and 4) forced me to drop the variables of *scandal* and *index of perceived corruption*. Both these variables are however of a little significance and excluding them does not negatively impact the overall quality of the model.

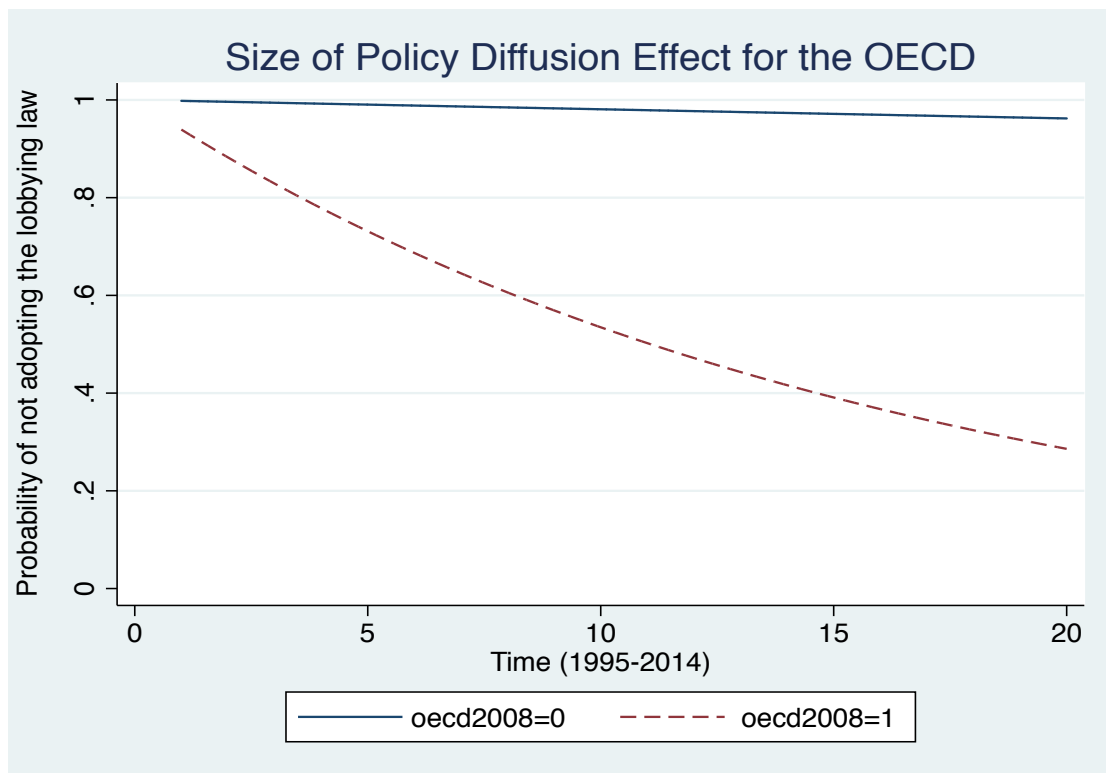
Model 3 specifies the variable *corporatism*. The coefficient of the system of interest representation is negative. This result is however not significant and implies that corporatism is not associated to the absence of lobbying laws.

Model 4 includes policy diffusion and interest representation variables. The policy transfer variable *ETI* and the policy diffusion variable *OECD 2008* are confirmed to be of a significant effect. The coefficients are also similar to those found in Model 2 and might therefore indicate that estimations are reliable.

⁴⁶ The effect of all the external promotion variables have been tested also separately with no substantial differences from the results showed in the tables.

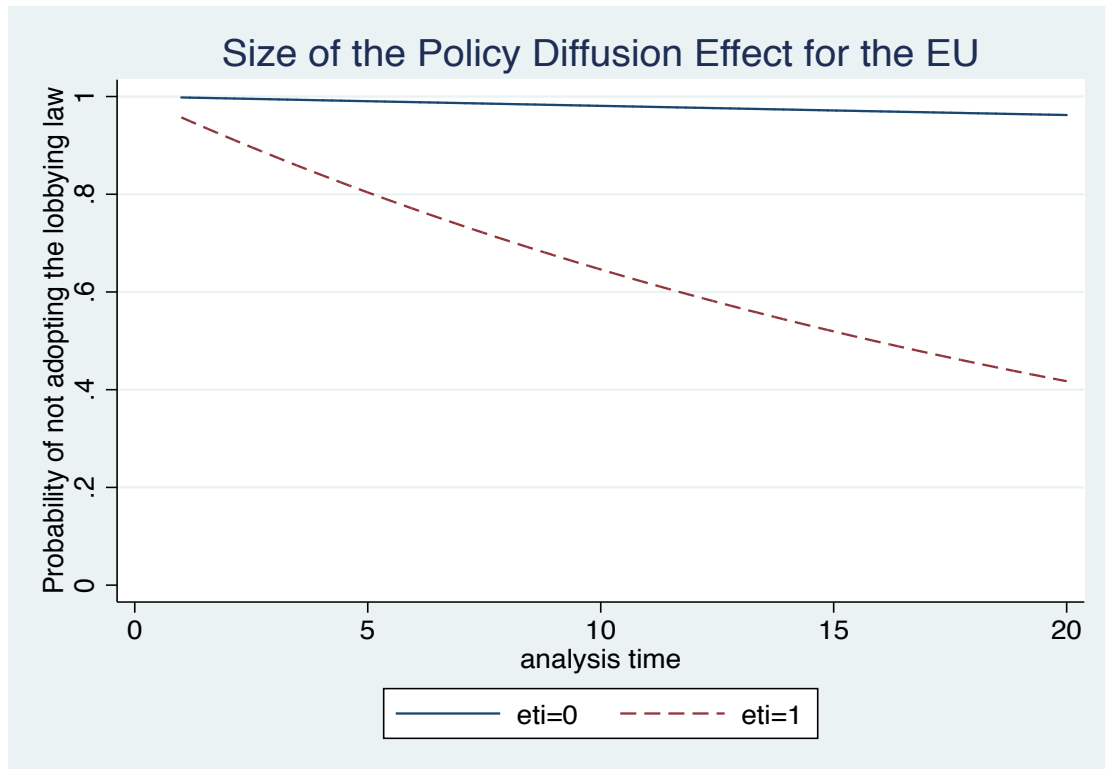
Concerning the strength of the effect, Model 4 suggests that, as time goes on, member states of IOs are more and more likely to pass a lobbying law. Figure 8 and 9 plot the distribution of the survival probability, which represents the probability of *not passing* lobbying laws for the countries under investigation. In Figure 7, the survival functions for OECD member and non-OECD members in 2008 (time 14) differ by 50% and diverge for a further 10% as time goes by.

Figure 8: Distribution of the probability of survival of OECD and non-OECD members and all other variables are at their mean and median



Similarly, Figure 9 shows the effect of the *ETI* variable on the likelihood of experiencing failure. The probabilities of passing a lobbying law or not differ by about 40% in 2005 (time 11), increase by 10% in 2008 (time14) and reach a divergence of about 60% before 2014 (time 20) for EU and non-EU member states.

Figure 9: Distribution of the probability of survival of EU and non-EU members after the adoption of the ETI and all other variables are at their mean and median



Both variables appear to be associated to the passage of lobbying laws as time passes. However, the variables as measured in this analysis do not allow to disentangle the complex process of policy diffusion behind membership to international organization. With the aim of better explaining this process, my empirical finding is supported by more qualitative evidence. For instance, in the cases of Austria and Ireland, several references to the OECD's policy recommendations can be found in policy documents. In the case of Austria, a policy document recalls the OECD principles of transparency to provide a level playing field for interest groups.⁴⁷ In the same document, the Ministry of Justice (that published the document) refers to the EU transparency register and the

⁴⁷ See http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME_00293/imfname_223599.pdf, p.1, last accessed, March 21, 2017.

OECD principles of transparency and integrity in lobbying as basis for the development of a regulation in Austria.⁴⁸ In the case of Ireland, the public consultation opened in 2011 on the topic of lobbying regulations was based on the OECD principles of transparency. In addition, an expert from the OECD was invited to give evidence during a hearing organized by the Irish Department for Public Expenditure and Reform.⁴⁹ This evidence provides insights for the understanding of the dynamics of lobby regulations and IOs that the existing literature on the topic will hopefully benefit from.

Beyond stressing the importance of processes of policy diffusion, the results of the EHA also reveal a list of null findings that is important to mention. First, The results of the EHA suggest that neither the institutional variables, nor partisanship and the indicators of corruption seem to effectively explain the dynamics of introduction of lobbying rules.

Secondly, systems of interest representation appear to not affect the passage of lobbying laws, as it has been widely assumed in the past contributions (Greenwood and Thomas, 1998; Rechtman and Larsen-Ledet, 1998). The results demonstrate that political systems with higher levels of pluralism are not more likely to introduce lobbying laws than corporatist countries. This is a rather significant finding especially when thinking of a case like Austria's that is a strongly corporatist country in which a lobbying law has been adopted recently. According the hypothesis developed in Chapter 2, corporatism should have worked as deterrence for the introduction of a lobbying law in Austria. In light of

⁴⁸ See http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME_00293/imfname_223599.pdf, p.4, last accessed, March 21, 2017.

⁴⁹ See <http://www.per.gov.ie/en/regulation-of-lobbying/>, last accessed May 18, 2016.

the findings of the EHA, the adoption of a regulation in this country is, however, less surprising. Hence, Austria – or any other corporatist system that introduces a lobbying law – cannot be considered as a *deviant case* (because, in light of the results, the adoption of a lobbying law in corporatist does not represent a *deviation* from the general expectations). The specific configuration of Austria (because it cannot be treated as a *deviant case*) has therefore allowed me to develop new methods of analysis for the understanding of the link between lobbying laws and corporatism. For example, the next chapter will try to give an in-depth understanding of the interactions between corporatism and levels of *robustness* of lobbying laws.

Finally, in contrast to results found by the American researchers, my results show that scandals have no effect on the introduction of lobbying laws whatsoever. This is a rather puzzling result considering it goes against all expectations. For example, Ozymy (2013) found that political corruption scandals encourage US state governments to introduce lobbying laws. However, in the next section, I show that the impact of scandals seems to be of greater importance as far as the legislative activity *around* a given policy is concerned. In the next section, I will show that scandals can intensify the legislative activity around lobbying regulations without necessarily lead to the adoption of a law. The impact of scandals on policy-making has been taken into account in previous contributions, although for a different area than lobby regulations (Gainsborough, 2009). This phenomenon is further investigated in the following section.

2.2.2 MULTINOMIAL LOGISTIC REGRESSION ANALYSIS

In Section 1.1.1, I explained that the term of ‘legislative activity around lobbying regulations’ refers to the parliamentary activity related to a draft proposal of a lobby regulation. This activity is operationalized as 1 if a draft regulation has been tabled and subsequently defeated and 2 if a proposal has been effectively transformed into a law (this includes amendments on existing regulations).⁵⁰ The variable is coded 0 in cases of no legislative activity around regulating lobbying at all.

In this section, I investigate to which extent the variables considered in the EHA influence the legislative activity around lobbying regulations. This analysis allows us to draw an important distinction within the category of unregulated systems: on the one hand, some states might be unregulated because they never attempted to introduce lobbying laws; on the other, unregulated countries might have introduced legislative proposals to regulate lobbying that were only later to be killed at the bill stage. This analysis allows us to draw this distinction and provides a key for the understanding of the presentation of legislative proposals to regulate lobbying.

Table 11 presents the results of a multinomial logistic regression with fixed effects. Unlike EHA, logistic regression does not assume that all countries will eventually experience the introduction of a lobbying law. The models hereunder also take into account the failed attempts to regulate lobbying.

⁵⁰ For example, the US is coded as 2 in the years 2007 and 2010 to indicate the amendments to the existing regulation of 1995.

Table 11: Multinomial logistic regressions with country fixed effects on the legislative activity around regulating lobbying

VARIABLES	Model 5	
	(1) Legislative Activity (proposed and defeated)	(2) Legislative Activity (adopted or amended)
Political Agenda-setting		
<i>Scandal</i>	1.029** (0.515)	-0.034 (0.833)
Policy Diffusion		
<i>Neighbouring States</i>	0.318 (0.285)	0.615* (0.349)
System of Interest Representation		
<i>Corporatism</i>	0.504 (2.028)	-4.371 (2.744)
Control Variables		
<i>Majority Government</i>	-0.429 (0.438)	-0.684 (0.699)
<i>Effective Number of Parties</i>	-0.425* (0.232)	-0.341 (0.402)
<i>Federal system</i>	-1.397* (0.682)	0.229 (0.478)
<i>Strength of Bicameralism</i>	0.805 (0.872)	0.754 (1.127)
<i>Left Cabinet</i>	0.002 (0.005)	0.002 (0.01)
<i>Constant</i>	-1.137 (1.400)	-0.778 (1.652)
Pseudo R-squared (McFadden) ⁵¹	0.09	0.09
Number of groups	20	20
Number of Observations	400	400

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

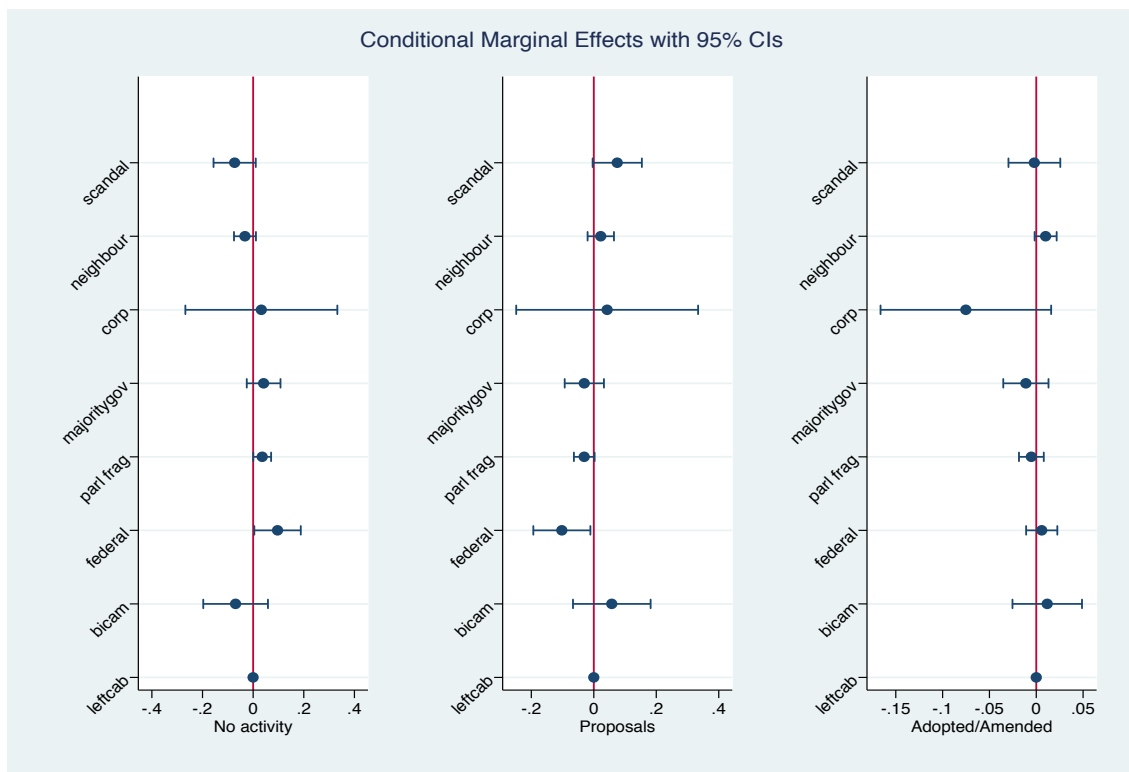
Model 5 is a multinomial-logistic regression that uses *legislative activity* as dependent variable and the agenda-setting, policy diffusion and interest representation system factors as covariates. The variables of external promotion *ETI*, *OECD2008* and *OECD2010* are excluded from Model 5 because they do not vary for the cases under investigation and might affect the estimation of the coefficients. Institutional and partisanship control variables are included (the

⁵¹ See Figure 1A in the appendix to Chapter 3 for a graphical display of the empirical distribution.

index of perceived corruption has been dropped for lack of data) because they are likely to influence the drafting of a regulation and its passage or not.

For the sake of visual simplicity, the model specification shows the results of the logistic regressions separately according to the possible outcome of the dependent variable. Model 5 shows the results for proposed and defeated bills in column (1) and the results for the adoption of the regulation and the passage of amendments in column (2). In addition, Figure 10 shows the marginal effects for each outcome of the dependent variable.

Figure 10: Marginal effects for each outcome of the depended variable



As shown in Model 5 and in Figure 10, *scandals* have a positive effect on the presentation of legislative proposals in Parliament. This finding suggests that scandals have an agenda-setting effect on the drafting of lobbying laws. The odds

for presenting a proposal are 2.8 times higher after the eruption of a scandal (in column 1 of Table 11) (as far as defeated proposals only are concerned). Policy proposals appear to be more likely to be tabled after cases of political corruption – even though these proposals systematically fail to become laws. For these reasons, Lowery and Gray (1997, p.145) argued that these ‘failed proposals’ function as a *trompe l’oeil* and are mere ‘exercises in symbolic politics whereby, following episodes of corruption, legislatures can appear to do something while changing little’. In other words, the presentation of legislative proposals to regulate lobbying is often an expression of a mere rhetoric exercise followed by little decisive action (Blühdorn, 2007).

The results listed in column 1 also suggest that fragmented parliaments and federal systems are less likely to present proposals to regulate lobbying. This finding is in line with the argument that both fragmentation of power in parliament and the distribution of authority to different levels of administration influences policy-making.

The second stage, represented in column 2 of Table 11, corresponds to the adoption of a law or an amendment to already existing regulations. Scandals have no significant effect at this stage. Corporatism shows to have no significant effect either.

Furthermore, the multinomial regression in Model 5 revealed that the odds for passing a lobbying law are 1.8 times higher for countries with 1 regulated neighbour, 3.4 times higher for countries with 2 regulated neighbours, etc. These results associates shared borders with regulated countries to an increase in the likelihood of passing or amending existing lobbying laws. Besides, this finding is

compatible with the results of Rosenson's (2003, 2005) findings on policy diffusion effects in US states. However, we should treat this finding with prudence for at least three reasons. First, the measurements of geographical proximity used in the analysis does not allow me to disentangle complex relationships of *policy imitation* and *policy learning* theorised by previous scholars (Shipan and Volden, 2008). Secondly, the analysis of policy documents published in Austria (country with the highest number of regulated neighbours in the data) shows that the Hungarian regulation (Hungary is a regulated neighbour) is mentioned together with other regulated systems, such as those present in Canada or Lithuania, that do not share borders with Austria. Thirdly, the EHA did not find evidence of a significant effect of geographical proximity on the adoption of lobbying laws. For these reasons the significance of *neighbouring states* might be driven by characteristics of the reduced sample of 20 countries used for the multinomial regression analysis.

Nevertheless, these results provide researchers with new insights into the formulation and adoption of lobbying laws. The implications of the findings of the multinomial regression analysis (and of the EHA) on the existing literature are discussed in the following section.

3. DISCUSSION

The analysis presented in this chapter addressed a gap in the literature concerning the introduction of lobby regulations from a global comparative perspective. With the help of the previous contributions, I studied existing theoretical explanations

to the adoption of lobbying laws on a total of 34 countries for the period between 1995 and 2014.

First of all, the analysis considered the effects of political agenda-setting variables on the passage of lobbying laws and demonstrated that political corruption scandals do not encourage the adoption of lobbying laws. If scandals have no impact on the passage of lobbying laws, they nevertheless affect the presentation of draft versions of lobby regulations. Proposals are more likely to be presented in Parliament after an episode of corruption. The systematic refusal of the proposals, however, suggests that scandals stimulate the realm of symbolic politics rather than actually affect the adoption of a law. This helps us understand why so few political systems currently have lobbying regulations, even though they have experienced at least one scandal.

Secondly, the analysis investigated the policy diffusion effects on the adoption of lobbying laws. The results showed that IOs seem to have a positive effect on the outcome variable. The qualitative evidence collected in relation to the influence of the OECD and the EU on the passage of lobbying laws in Austria and Ireland better described this policy diffusion effect and supported the assumption that IOs create networks of policy exchange between state officials through which the diffusion of policies is facilitated (Stone, 2004; True and Mintrom, 2001). However, the study also underlined an important limit of this analysis. The data used for this investigation does not cover non-EU and non-OECD countries. To produce reliable estimations, this study needs to include democracies, such as India or Brazil that are not part of these IOs. In addition, this analysis would benefit from a measurement refinement. As it stands, the measures of external promotion do not

capture the complex mechanisms of policy diffusion. This represents a major challenge for this and many policy diffusion studies using quantitative methods of analysis (Dolowitz and Marsh, 2000).

Thirdly, the results suggest that corporatism does not affect the likelihood of adopting lobbying regulations. In contrast to arguments developed by Greenwood and Thomas (1998) and Rechtman and Larsen-Ledet (1998), the chapter demonstrated that both pluralist and corporatist states introduce lobbying regulations. This finding might not be a surprise for researchers. Already in the 1990s, Crepaz (1992) identified the declining trends of the economic performance of corporatism in Europe. More recently, similar trends were found in Sweden (Lindvall and Sebring, 2006), Denmark and Norway (Rommetvedt *et al.*, 2012; Öberg *et al.*, 2011). With reference to Austria's move towards pluralism, Crepaz (1994, p. 62) explains that 'traditional corporatism is on the wane and is slowly but surely being replaced by a more competitive, innovative, authentic, but maybe less stable or even effective pattern of interest representation'. Similarly, Rommetvedt *et al.* (2012, p. 457) argue that 'corporatism has been supplemented and in some cases substituted by political lobbyism directed toward elected representatives in the parliament and the government'. Under these conditions, it is not surprising to find corporatism to have little or no explanatory power.

Nevertheless, I argue that the effects of corporatism can still to be observed in relation to interest representation and its regulation. Svenson and Öberg (2002) remind us that social partners are actively involved in policy formation in Sweden. Binderkrantz and Christiansen (2015) showed that corporatist structures are not dead in Danish public committees. In this situation, social partners might still view

lobbying laws as a form of regulation that influences their access to government. With this idea in mind, in the next chapter I provide a key for the understanding of the link between lobbying laws and systems of interest representation. Chapter 4 theorizes how corporatism may influence the *robustness* of regulations (where robustness represents the level of transparency and accountability that lobbying laws guarantee). I will argue that, while social partners might have accepted the idea of regulation, they might still perceive robust provisions as a threat to their position and will seek to reduce their robustness by lobbying the government. In other words, if they cannot stop the adoption of lobbying laws, they will try to influence their content.

CHAPTER 4

THEORY – EXPLAINING LEVELS OF ROBUSTNESS OF LOBBYING LAWS IN CONTEMPORARY DEMOCRACIES

INTRODUCTION

In this chapter, I investigate the relationship between the robustness of lobbying laws (defined as the level of transparency and accountability that lobbying laws guarantee) and systems of interest representation. More precisely, I theorize that the content of lobbying laws is different if formulated in a corporatist system (compared to what happens in pluralist systems). In corporatist systems, trade unions and business associations lobby the government in favour of the introduction of lobbying rules that do not undermine their position of privileged interest groups. In these systems, the government is more likely to surrender to the pressures of corporatist interests and to introduce weak lobbying laws. Concerning pluralist systems, by contrast, I argue that no organized interests can prevail over the government's preferences for strong regulation. As a result, I expect lobbying regulations to be less robust in corporatist and more robust in pluralist systems.

Additional to the influence of systems of interest representation, I argue that the presence of salient lobbying scandals and partisan ideology may influence the robustness of lobbying laws. I theorize that governments are more likely to introduce robust lobbying rules after the eruption of salient lobbying scandals. In addition, I argue that leftist (or centre-leftist) governments are expected to introduce more robust rules, while rightist cabinets see robust lobbying regulations as a potential barrier to the political participation of organized interests.

The theoretical justifications for the arguments presented in this chapter are found in the literature about systems of interest representations, political agenda

setting and partisanship. Using this literature as a foundation, I present a theory about the determinants of the robustness of lobbying laws. The theoretical arguments are summarized into a model describing the policy-making stages that lead to the introduction of weak or strong lobby rules. I argue that the theorized explanatory factors may influence the robustness of regulations during the three main policy stages: initiation, policy-formulation and decision-making.

The chapter is structured as follows. The first section presents systems of interest representation as the key explanatory factor. The second section turns to the other determinants of the robustness: salient lobbying scandals and partisanship. In the third section, I discuss the process of the introduction of lobbying laws in relation to the theorized explanatory factors. This section focuses on the stages of the policy initiation, policy-formulation and decision-making. The final section draws the conclusions and sets the basis for the next chapters.

1. SYSTEMS OF INTEREST REPRESENTATION

1.1 CORPORATISM

Greenwood & Thomas (1998) and Rechtman & Larsen-Ledet (1998) argued that lobby regulations are alien to corporatist systems but not to pluralist systems of intermediation. The empirical analysis conducted in Chapter 3 has, however, demonstrated that systems of interest representation are not significant determinants of the presence or absence of lobbying laws. Researchers would probably argue that corporatism, as a form of interest representation, is dead and that social partners in many so called corporatist states are slowly losing their

privileged position. Union density is decreasing (Wallerstein and Western, 2000); the impact of corporatism of economic growth has disappeared (Crepaz, 1994). However, Christiansen *et al.* (2010, p.22) correctly underline that

Corporatism may be seen as *variety of capitalism* in which specific structural prerequisites such as unionization, centralization, and strong states combined with bargaining and concertation produce certain economic outputs. Corporatism may also be seen as a *variety of democracy* in which interest groups are integrated in the preparation and/or implementation of public policies.

With reference to corporatism as a form of democracy, the recent literature has shown that social partners still occupy a privileged position during the formulation of policy in corporatist system. Binderkrantz and Christiansen (2015, p. 1035) argued that ‘corporatist institutions have systematically adapted rather than withered away over the last 35 years’. In their study of interest group participation in parliamentary committees in Denmark, the authors show that the representation in committees is still strongly biased in favour of social partners. With reference to social partners, Binderkrantz and Christiansen (2015, p. 1035) find that ‘a select set of groups occupy the lion’s share of seats and the concentration at the top is even more pronounced in 2010 than in 1975’. Similarly, Herman *et al.* (2015) show that corporatist advisory features prevail in the structures of scientific climate policy advice in Austria. Köppl and Wippersberg (2014) explain that Austrian social partners are still very active in the formulation of policy and use political parties as avenues to lobby government policy. Bubenheimer (2011) explains the importance of corporatist structures for the formulation of petroleum safety regulations in Norway. Afonso (2010) finds evidence of corporatist structures in recent formulations of labour market

regulations in Switzerland. Teague (2006) and Teague & Donaghey (2009) show that social on economic and social policy survived in Ireland until 2008.

In stark contrast with the literature analysing the decline of corporatism as a variety of capitalism, the above studies suggest that corporatism, as a variety of democracy, did not disappear despite the processes of deindustrialization, neoliberal economic policies, and European integration. These investigations show that social partners spend many resources to lobby government and that they are often successful in influencing the content of public policy.

In this section, I argue that corporatism influences the content of lobbying laws. In particular, I postulate that social partners will oppose the introduction of robust lobbying rules and that governments will be more likely to go along with these requests. This argument assumes that lobbying laws represent a threat to the activities of social partners. I explain this assumption more in detail in the coming paragraphs.

By setting the rules of participation of interest groups to policy formation, lobbying regulations are likely to influence the interaction between government and social partners, and interest groups more in general, in several ways. For example, lobbying rules generally regulate the access of interest groups to Parliament and Government buildings influencing the organization of face-to-face meetings. Registration requirements force groups to disclose their goals and expenditures providing rivals with important information for the organization of counter-lobbying strategies. The introduction of cooling-off periods restricts the revolving doors between government and the organized interests undermining the movement of actors between political parties and social partners.

With this idea in mind, Ozymy (2010) showed that robust lobbying regulations (as defined in Chapter 1) reduce the influence of interest groups over policy. His analysis reveals that rules with a broader definition of lobbyists, stricter disclosure requirements and the prohibition of gifts and contributions in place reduce the power of interest groups (measured as the legislators' perception of interest groups' influence over the legislative process). In a different study, Ozymy (2013) observed that organized interests actively lobby the process of introduction of lobbying laws with the aim of influencing the content of the regulation. Based on his previous finding that robust regulations reduce lobbying success (Ozymy, 2010), Ozymy expected interest groups to encourage the introduction of rules that do not harm their activity. His findings reveal that interest groups with stronger influence over policy successfully lobby for the adoption of weak lobbying rules.

Bearing in mind that social partners occupy a privileged position in corporatist systems, I expect them to oppose the introduction of lobbying rules for three main reasons:

The *first* reason is based on the argument that transparency in lobbying promotes competition. According to Greenwood and Thomas (1998), lobbying laws actively try to install a level playing field and to encourage competition between interest groups. In particular, Thomas argues that the rationale for the adoption of lobbying regulations is 'the need to prevent undue influence by interest groups with wealth and favoured access, in other words the need to even-up the political playing field' (Thomas, 1998, p. 503).

How do lobbying regulations promote competition? In theory, transparency in lobbying enhances the flow of information, which enhances the participation

capacity of interest groups. The availability of information about lobbying should reduce the costs of participation of excluded interest groups to the policy making process (Thomas, 1998). For example, if environmental groups can see that industry lobbyists are spending many resources in trying to influence carbon tax regulations, then it is reasonable to assume that the former will find it easier to organize a counter-active lobbying activity, as defined by Austen-Smith and Wright (1996). By making information about lobbying public, lobbying registers therefore boost participation and competition between interest groups. Considering this, social partners perceive lobbying rules as a threat to their privileged position. By encouraging the participation of other groups to the policy-making process, transparency in lobbying undermines the monopoly of representation of social partners, leading the system towards unwanted pluralism (Thomas, 1998). As a consequence, social partners are expected to oppose strict registration requirements or to lobby for an exemption from them. For example, social partners might convince the government to introduce weak registration requirements, or to introduce a special exemption from strict disclosure requirements from them.

The *second* reason relates to the effect of transparency on closed-door negotiations. Naurin (2007) studied the effect of transparency on the behaviour of lobbyists. He observed that lobbyists behave differently when their activity is under public scrutiny. In particular, in transparent jurisdictions lobbyists tend to give up arguments based on selfish or special interests. Naurin (2007, Ch. 2) calls this the ‘civilizing effect of transparency’ on elite behaviour. The negotiations between social partners and government often take place behind closed doors.

Robust lobbying rules would reduce the negotiation capacity of social partners, by shedding light over these opaque negotiations. Social partners are expected to oppose rules that make closed-door negotiations transparent.

Finally, the *third* reason relates to the politics of revolving doors. Revolving door provisions (such as cooling-off periods), by restricting the ability of politicians to enter the lobbying industry, undermine the elite formation of government and corporatist interest groups. Recent studies revealed that revolving doors between government and corporatist interest groups represent a substantial characteristic of the relationship between political parties and social partners. Allern *et al.* (2007) showed that revolving doors between government and social partners is a characteristic feature of Scandinavian democracies. Köppl and Wippersberg (2014) suggested that the Austrian social partners serve as a basin for the recruitment of politicians in government. Social partners are therefore expected to oppose rules that undermine their potential move into the world of politics.

In sum, I argue that trade unions and business associations, who do not want to see their strong policy-making roles diminished and their potential move into politics threatened, are expected to mobilize in favour of less robust rules. Social partners might seek to reduce the scope of the regulation, lobby against the introduction of revolving-door provisions and oppose the introduction of codes of conduct and strict enforcement mechanisms. They are expected to oppose strict registration requirements or to lobby for an exemption from them. The social partners' privileged position increases the likelihood of their lobbying effort to be successful and hence the likelihood of the final legislation to be of low robustness.

Hypothesis 1: If the system of interest representation is corporatist, then the lobbying regulation is expected to be less robust (or less robust for social partners).

1.2 PLURALISM

Opposite to corporatist theories, researchers of pluralism argued that, in pluralist systems of representation, organized interests compete for influence ‘when the needs arise’ (Dahl, 1961) and that groups mobilize in response to disturbances in the policy environment (Truman, 1951). In other words, these scholars suggested that interest groups form and mobilize spontaneously when their interests are under threat or need to be represented in the government. In this situation interest groups compete over influence in the overall absence of a consistent bias in favour of certain organizations (Bernhagen, 2012). This means that ‘no single type of group or groups dominates the process and no groups are excluded’ (Chalmers, 2011, p. 473).

Scholars of different disciplines, however, suggest that lobbying in pluralist systems is more complex than what Dahl and Truman have assumed: the studies of Bouwen (2002) and Coen (1998) revealed that interest groups with larger resources are more likely to engage with the government. Mahoney (2008) found that government institutions shape the participation of interest groups in the policy making process substantially and thus alter the pluralist assumption of *equal participation*. Despite this criticism, the existing literature altogether acknowledged pluralist systems as being ‘diverse’ and ‘competitive’ systems of

interest representation (Dahl, 1978) presenting a wide range of interests (Mahoney, 2008). In these systems, interest groups support the policy-making process through input legitimacy and technical information (Austen-Smith, 1993; Coen and Katsaitis, 2013; Chalmers, 2013) and compete over influence and access to the policy making process using financial, human and informational resources (Bouwen, 2002).

As far as the adoption of lobbying regulations is concerned, I expect to find a diversity of interest groups competing for influence and lobbying the government to shape the lobbying regulation according to their interests. However, dissimilar to corporatist systems, organized interests in pluralist systems are less likely to be successful in lobbying the government because of the high competition that they have to face.

The government, by contrast, is expected to try to introduce robust regulations for two main reasons. *First*, the government might want to create a level playing field for lobbyists by the means of robust lobbying rules (Thomas, 1998). Robust lobbying laws regulate the access of interest groups to political institutions and they set the rules for equal participation of organized interests to the policy-making process. In doing so, they even-up the political playing field and preserve the pluralist system of interest representation from biases deriving from the participation of wealthy groups.

Secondly, the government might wish to introduce robust rules to facilitate the exchange of information between interest groups and legislators. According to scholars of interest groups, information represents a valuable resource for both lobbyists and legislators (Bouwen, 2002). Chalmers (2011) argues that

information represents the ‘currency’ of the lobbying activity: lobbyists buy access to legislators providing them with worthwhile information about a policy issue. Bearing this in mind, governments might introduce transparency in lobbying in order to help the legislators to exchange information. By increasing transparency in lobbying, robust lobbying laws can serve this purpose. For instance, strict registration requirements will provide the legislator with information about the lobbyists’ activities and their goals. In theory, the availability of this information helps policy-makers to separate the groups that are able to provide worthwhile benefits from those who cannot. In addition, robust enforcement rules, such as strict sanctions, provide the legislator with tools to punish lobbyists that break the rules of exchange.

While interest groups are expected to compete for influence, governments in pluralist systems are expected to prefer robust lobbying regulations to less robust ones. I argue that governments will seek to maximize robustness and introduce strict regulations with the aim of making the access of lobbyists to policy-making transparent and competitive.

Hypothesis 2: If the system of interest representation is pluralist, then the lobbying regulation is expected to be robust.

In addition to the importance of systems of interest representation, the existing literature on lobbying laws, in particular, and transparency policies more generally, has postulated at least two other explanatory factors to explain the robustness of these policies. Using this as a foundation, I present two arguments

based on the salience of lobbying scandals and on partisan ideology in the next section.

2. SALIENT LOBBYING SCANDALS

The studies of Rosenson (2003, 2005) and Witko (2007) revealed that the eruption of scandals in the US encouraged the state governments to introduce stricter anti-corruption laws. Rosenson showed that ethics laws (regulating the behaviour of legislators), enacted after the Watergate scandal, included stricter limits for gifts and honoraria, longer cooling-off periods and more stringent financial disclosure requirements. Similarly, Witko (2007) showed that unveiled illegal funds to candidates encouraged state governments to enact more limitations to campaign financing. As far as lobbying regulations are concerned, Ozymy (2013) found evidence of the influence of lobbying scandals on the passage of stricter lobbying laws. Governments introduced broader definitions of lobbyists (to increase the scope of the regulation) and stricter disclosure requirements after the eruption of lobbying scandals. From these results, Chari *et al.* (2010, p. 112) infer that ‘a critical, watchful press, which results in scandals being reported quickly and with lots of visibility’ might represent a fundamental cause of the emergence of robust lobbying regulations.

Chari *et al.*’s argument is based on the ‘political agenda-setting effect’ of lobbying scandals on government (Van Aelst *et al.*, 2014). Political agenda-setting studies focus on the media’s influence on the agendas of political actors (Van Aelst *et al.*, 2014, p. 200). Researchers concerned with the study of this interaction between

media and politics suggest the existence of a direct effect of the media's coverage of the scandals on the priorities of policy makers at the early stage of the policy-making process (Van Aelst *et al.*, 2014). For instance, researchers have observed a direct effect of media's activity on the phases of problem identification, initiation and policy formulation (Cobb and Elder, 1981).

Studies of political agenda-setting effects postulate that a given issue enters the government's agenda via *outside-initiation*, that is to say that extra-institutional factors force governments to place a topic on their agenda (in this case through the media) (Jann and Wegrich, 2007). Studies focusing on the *outside-initiation* phenomenon are to be distinguished from those concerned with *inside-initiation*. The latter studies concern the involvement of particular actors, such as interest groups and policy experts, or the choice of institutional venues (Baumgartner and Jones, 1993; Baumgartner *et al.*, 2001; Kingdon, 1984) and are not relevant to the theorized effect of scandals on the robustness of lobbying laws.

In Chapter 3, I showed that the presence of political corruption scandals in the media is associated to the presentation of legislative proposals of lobbying regulations. This finding revealed that the media's attention to episodes of corruption forced the government to place an issue on its agenda in order to anticipate the public's concerns about corruption (Van Aelst *et al.*, 2014).

Concerning the adoption of ethics policy, Rosenson (2005) found that more 'salient' scandals have a stronger effect on the government's agenda. Depending on the involvement (or not) of state employees, legislators, governors, speakers of the House, House or Senate majority leaders and House or Senate presidents in the scandals, Rosenson (2005) identified different levels of saliency. She considered

scandals involving state employees less salient than scandals erupted around Members of the Congress or Senate. Using this criterion of saliency, Rosenson's (2005) found that more salient scandals attract more media attention and have therefore a stronger political agenda-setting effect on the government's fight against corruption. Using Rosenson's terminology, I argue that salient lobbying scandals are more likely to lead to the adoption of robust lobbying regulations.

According to the political agenda-setting hypothesis, political actors are expected to be responsive to the coverage of the scandals in the news after the eruption of a lobbying scandal. As a result, policy-makers are expected to identify corrupt lobbying as a problem and lobbying regulations as its solution and should be encouraged to place lobbying regulation on the government's agenda. 'Salient' lobbying scandals are therefore expected to encourage the government to develop robust lobbying regulations that reduce the risks of future corruption.

Hypothesis 3: If a lobbying scandal is salient, then the government is more likely to adopt robust lobbying regulations.

3. PARTISANSHIP

Several researchers dedicated attention to the study of the impact of partisanship on policy outputs. A relevant part of these studies is dedicated to the understanding of the effect of the partisan ideology on a left-right scale on several policy outputs: Rueda (2005) investigated the effect of partisanship on labour market policy; Hicks and Swank (1992) studied the relationship between partisanship and welfare spending; Cusack (1997) estimated the effect of partisan

ideology according to the ‘size’ of government (in terms of the number of state employees); Thompson and Scicchitano (1985) analysed the effect of partisanship on regulatory policy; and finally Imbeau *et al.* (2001) tried to estimate the overall effect of partisanship on politics by conducting a meta-analysis of the existent partisanship research. The underlying key hypothesis of all these studies is that a change in the left-right ideological composition of the government is mirrored by a change in policy (Imbeau *et al.*, 2001).

Rosenson (2003, 2005) studied the influence of liberal ideology on the adoption of strict ethics regulations in the US states. Similarly, Witko argued in his work on campaign finance regulations that ‘a key distinction between liberals and conservatives in the US is a greater willingness by liberals to allow the government to regulate a variety of activities’ (Witko, 2007, p. 374). According to Witko, conservatives, on the contrary, tend to see strict limitations to campaign funding as a restriction of political liberties. In the analysis of the adoption of campaign finance regulations, Witko found that Democrats in power in state governments are more likely to pass stringent regulations. As opposed to Democratic controlled states, Republican administrations perceive these regulations as a barrier to political participation and accordingly introduce less robust rules. I will, in turn, develop a similar argument in relation to the adoption of lobbying regulations in contemporary democracies.

The ideological composition of government institutions might influence the lobbying regulations formulated within. Elaborating on Witko’s (2007) study, I argue that leftist (centre-leftist) parties in government are expected to support robust lobbying regulation because they see lobbying rules as a tool to increase

transparency and to control interest groups' access to policy-making. Rightist (centre-rightist) parties in power, conversely, are expected to perceive robust rules as barriers for interest groups' political participation. For example, they might see strict registration requirements are time consuming; they might perceive the establishment to enter government buildings as costly and unnecessary; finally, they might perceive the establishment of codes of conduct as an attempt to restrict the behaviour of lobbyists. For these reasons, I expect rightist governments to develop weak lobbying laws.

Hypothesis 4: If the government is leftist (or centre-leftist), then it is more likely to adopt robust lobbying regulations. On the contrary, if a government is rightist (or centre-rightist), then it is more likely to adopt less robust lobbying regulations.

4. THE POLICY-MAKING PROCESS AND ITS STAGES

As previously discussed in the 'research design' section of the introduction, this study offers an approach to the investigation of levels of robustness based on the analysis of the stages of the policy-making process. This section offers a detailed explanation of this approach.

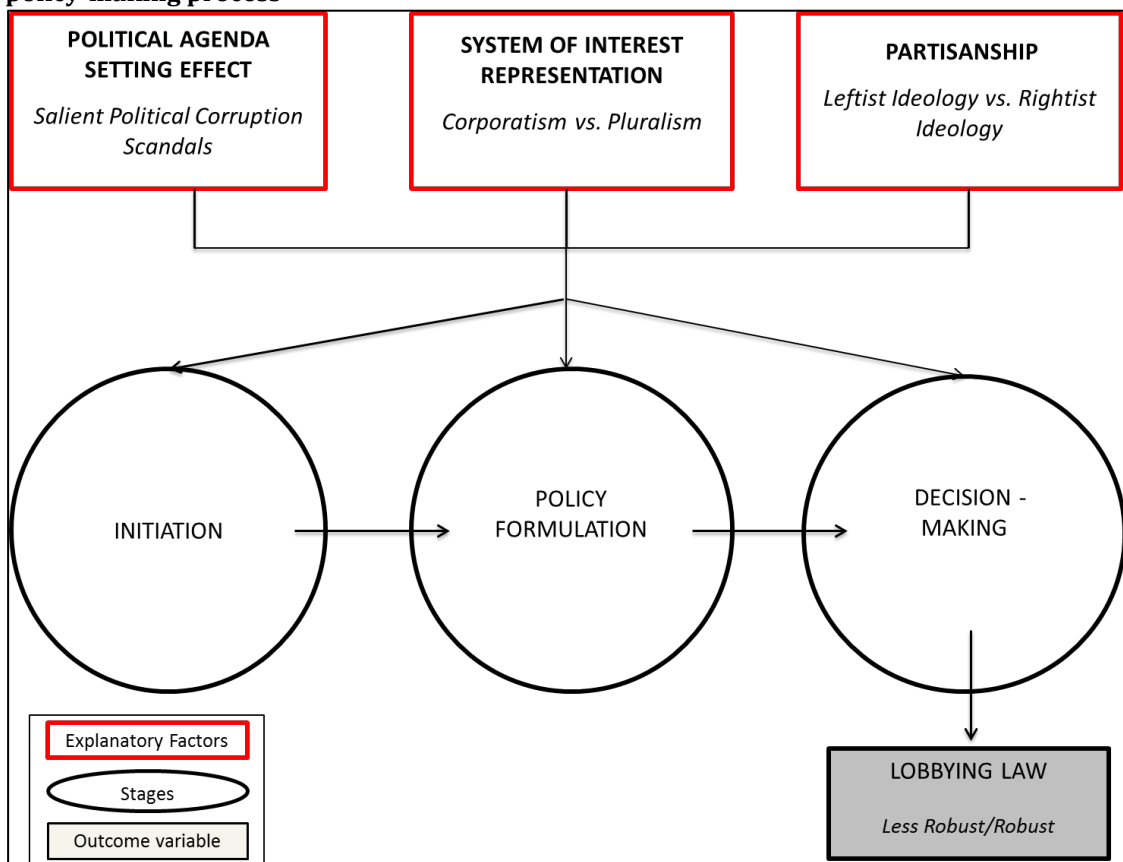
Lobbying regulations, as any other legislative act, go through different stages of the policy-making process before being transformed into laws. Researchers have described the different stages of the policy-making process as a cycle of processes 'evolving through a sequence of discrete phases' (Jann and Wegrich, 2007, p. 43). The most common conceptualization of this process identifies five phases:

initiation, policy-formulation, decision-making, implementation and evaluation. In my study, I investigate the influence of the explanatory factors on the robustness of lobbying regulations during the stages of *initiation, policy-formulation* and *decision-making* (Crepaz, 2016). *Initiation* refers to the stages of problem recognition and issue selection: first, the government defines a social problem and expresses the necessity for the state to intervene. Then, the issue enters the agenda and public action is considered (Jann and Wegrich, 2007). During this stage, governments generally set guidelines for the formulation of the policy that follows. Government programs represent an example of these guidelines. The stage of *policy-formulation* includes the preparation of legislative proposals from government programs determining what should be achieved with the policy and how. Finally, the *decision-making* phase refers to the adoption and amendment (generally by Parliaments) of legislative proposals.

I will not consider the phases of *implementation* and *evaluation* as I have centred my study on the analysis of the level of robustness as far as the process of introduction of the law is concerned (that runs from the initiation to its adoption in Parliament). In other work, I have analysed the stages of *implementation* and *evaluation* of the adoption of lobbying laws in the EU in relation to mechanisms of policy learning (Crepaz and Chari, 2014). Yet, in this present work I am interested in explaining not the implementation of policy *per se*, but rather, the levels of robustness observed on paper when the regulation is developed and passed into law (Holman and Luneburg, 2012; Crepaz, 2016). As such, attention is focused on the *initiation, policy-formulation* and *decision-making* stages on the policy process in a comparative perspective.

The present work therefore considers the effect of the type of system of interest representation (*corporatism vs. pluralism*), of *salient lobbying scandals* and of *partisanship* in relation to the three stages of the policy cycle *initiation, policy formulation, decision making*. With this structure in mind, Figure 11 illustrates the potential causal mechanisms that link the explanatory factors to the outcome variable.

Figure 11: Determinants of the robustness of lobbying laws in relation to the stages of the policy-making process



The boxes in Figure 11 represent the explanatory factors, the circles represent the studied stages of the policy-making process, namely *initiation, policy formulation* and *decision-making* and the shaded box represents the policy outcome. My investigation seeks to determine which factor(s) helps to explain variations in the

levels of robustness, where potentially some of the factors may be more (or less) salient in different policy-making phases.

CONCLUSION

In this chapter, I theorized that governments are likely to introduce weak lobbying regulations in corporatist systems of interest representation. In pluralist systems, by contrast, I expect governments to adopt strong lobbying rules. These expectations are based on the special role that social partners occupy in corporatist systems and their preferences for weak lobbying laws. The corporatist-pluralist dimension represents the key explanatory factor in my analysis. However, I have additionally postulated that salient lobbying scandals encourage governments to adopt lobbying rules. This argument is based on the effect that media coverage of scandals has on the government according to the theory of the political agenda-setting effect. Finally, I argued that the partisan composition of government influences the robustness of lobbying laws. Rightist governments are assumed to consider robust lobbying regulations as barriers to political participation and I therefore theorize that they are more likely to develop weak laws. By contrast, leftist governments are expected to welcome a stronger regulatory intervention of the government in lobbying.

The aim of the next chapter, Chapter 5, is to compare existing measurements of the robustness of lobbying laws. This comparison will allow me to choose the most adequate measurement of the robustness of lobbying laws for the case selection that follows in Chapter 6. The literature on lobbying laws has produced more than

one index to measure the robustness of such laws. Chapter 5 thus investigates whether existing measures are equally valid and reliable.

CHAPTER 5*

MEASURING ROBUSTNESS – ASSESSING VALIDITY AND RELIABILITY

* This chapter was written in co-authorship with R. Chari, TCD. The paper version of this chapter is published in the Journal of Public Policy

INTRODUCTION – WHY STUDY MEASUREMENTS OF ROBUSTNESS?

The purpose of this chapter is to assess the validity and the reliability of existing measures of the robustness of lobbying laws. Drawing upon four existing measurements of the robustness of lobbying laws and I show that use of different measures leads to different results. For instance, I demonstrate that some regulations appear to be more or less robust depending on the measurement used to catch the levels of transparency and accountability of the regulation. I therefore seek to understand which of the four measures ‘best’ captures the concept of robustness. For the purposes of this study, this evaluation will allow me to choose which of the four indices can be used consistently for the selection of cases of analysis (Chapter 6) by reducing the occurrence of measurement error. More in general, this chapter offers a methodological standard for the evaluation of measurements of public policy.

With this objective in mind, I evaluate the four measurements according to the scientific criteria of validity and reliability. To test the levels of validity and reliability of measurements represents a common procedure in social science because it serves as a basis for unbiased and consistent empirical research. Examples of similar comparative studies include those writing on mechanisms of policy diffusion (Maggetti and Gilardi, 2016), on the varieties of capitalism (McMenamin, 2004), on state capacity (Rogers and Weller, 2014), on institutional change (Rocco and Thurston, 2014) and on democracy (Munck and Verkuilen, 2002). My analysis builds on these works and offers fertile ground to contribute to the debate on measurement validity and reliability in social science.

The chapter is structured as follows. The first section introduces the indices of robustness developed in the lobbying regulation literature. Here, the measurements by Opheim (1991), Newmark (2005), Chari *et al.* (2010) and Holman & Luneburg (2012) are discussed. The following two sections consider which of the indices is the most *valid*, or, which ‘indicator plausibly measures the conceptual ideas it is intended to measure’ (Seawright and Collier, 2014, p.114). The analysis considers two alternative procedures for addressing the overall idea of measurement validity. The investigation starts with calculating the level of robustness (as measured by each of the four indices) in 13 jurisdictions around the world with lobbying laws. The section then pays attention to *convergent validation* and evaluates the levels of similarity between the indices, asking if the final scores ‘produced by alternative indicators... (are) empirically associated and thus convergent’ (Adcock and Collier, 2001, p.540).

The second section, which turns to *content validation*, then considers what elements are included and excluded in the indicators (Adcock and Collier, 2001, p.538) and thus seeks to measure the adequacy of content of the different indicators. It does so by using OECD principles on lobbying laws as a base line, which constitutes a ‘gold standard’ against which the indices can be evaluated. In this section, I propose the argument that performing content validation using an international best standard as a guide is a novel and useful way to assess indices designed to evaluate public policy.

In light of criticisms made in the first two sections on both convergent and content validity, the third section then considers which of the indices is the more *reliable*. Based on a coding test that I performed, the main question asked in section 3 is

thus: when twenty six younger scholars score lobbying legislation using these indices, which index is the most reliable? This is a significant question because it helps researchers to replicate and ground upon existing research in a consistent way. The question also serves as a foundation for making a more nuanced distinction between *validity* and *reliability*.

The results of the analysis suggest that the indices under investigation are ranked differently in terms of validity and reliability. The final section of the chapter thus synthesizes the results of this methodological exercise arguing that the measurement by Holman and Luneburg (2012) is the most adequate index of the robustness of lobbying laws as it maximizes validity and reliability compared to the other measures. Based on these results, I decide to use this index for the case selection and the empirical investigation presented in Chapter 6.

1. MEASURING THE ROBUSTNESS OF LOBBYING LAWS

The present study defined the robustness as the strictness of the regulation or, more precisely, the level of transparency and accountability that lobbying laws can guarantee. Measurements of the robustness of lobbying laws are based on a coding procedure according to a set of key dimensions of the regulation. As I have discussed these dimensions in Chapter 1, I mention them here only briefly.

A fundamental dimension of lobbying rules is that lobbyists must register with the state, usually an independent regulator, before contact is made with elected officials and high-level civil servants that are targeted. The legislation defines which lobbyists are regulated (such as consultancies, in-house corporate lobbyists,

NGOs, and professional associations) and which organizations may be exempt from registration (such as charities). The amount of information that lobbyists must disclose varies amongst jurisdictions with lobbying laws. This ranges from simply stating the name of the bill, ministry and official being targeted, to disclosing more detailed information on money spent on lobbying. The regulator generally publishes the registration information in an open on-line database, allowing citizens to access it and see who is lobbying whom and about what. If there is a breach of rules – say that a lobbyist is found to be active without being registered – the regulator may impose sanctions such as fines or imprisonment. In order to prevent potential conflicts of interest, many lobbying laws also have ‘revolving door’ (or ‘cooling-off’) provisions which stipulate the time period that public officials leaving office have to wait before entering the lobbying industry. The provisions in lobbying laws regarding these conceptual dimensions can be more or less robust. For example, disclosure requirements for lobbyists or sanctions in cases of misconduct can be more or less strict.

Four main measurements of the robustness of lobbying laws stand out in the literature: Opheim’s index (1991), Newmark’s index (2005), Chari *et al.*’s CPI index (2010) and Holman & Luneburg’s index (2012).

⁵² The first two measurements are based on the analysis of developments at the US state level, while Chari *et al.* (2010) were the first to investigate lobbying

⁵² The literature on lobbying regulation has produced two other measurements of robustness, which are however excluded from this examination for two reasons. The first is related to the fact that Brining, Holcombe and Schwartzstein (1993) do not provide guidelines on the construction of their measurement (Lowery and Gray, 1997, p. 146). Consequently it is not possible to include their index in this investigation. Second, is related to the exclusion of the measurement developed by Hamm, Weber and Anderson (1994). The low impact of their *lobbying registration constraint index* on the literature on lobbying regulation suggests the secondary importance of this measurement. The

regulations from a global perspective using a measurement developed on US state regulations.⁵³ Holman and Luneburg (2012) represents the first effort to conceptualize robustness focusing on laws in Europe.

Opheim's pioneering work on measuring the robustness of lobby laws at the US state level represents the first contribution to the quantitative analysis of interest groups regulation (1991, p.405). She looked at 47 state regulations identifying variations in terms of the degree of transparency and accountability that such laws guarantee. With the aim of investigating this variation, the author developed a measurement of the robustness of the regulation, which indicates the legislative independence and accountability from interest group pressure (1991, p.405). The measurement is based on a dichotomous coding procedure of the lobbying law according to 22 separately scored items drawn from three key dimensions of the lobbying regulation (Opheim, 1991, p.407). As the author argued, such key dimensions are 'critical to the state's effort to regulate special interest activity' (Opheim, 1991, p.407). The three dimensions are: the definition of a lobbyist (seven items); the frequency and quality of disclosure of personal and financial information (eight items); and, the enforcement of the regulation (seven items). Each item is coded 1 if the regulation includes the item and coded 0 if otherwise. The result is an additive index which scores from 0 to 22, where higher scores indicate more robustness. The impact of her work is reflected in main contributions to the US interest group literature – namely, Brining *et al.* (1993), Hamm *et al.* (1994), and Lowery and Gray (1997) - either discussing or drawing upon this study.

author's index has not been adopted by subsequent investigations on lobbying regulations.

⁵³ The Centre of Public Integrity has developed the CPI index at the US state level.

With the aim of producing a measurement, which is replicable over time, Newmark (2005, p.185) revised Opheim's measure 15 years later. Newmark's robustness measure is based on 18 items which include elements of how lobbying is defined in the regulation, what information lobbyists have to disclose, and what activities pursued by lobbyists are prohibited by the law. The coding procedure is dichotomous and the index results into a measure that varies from 0 to 18. Like Opheim's index, high scores indicate high robustness. Unlike Opheim, Newmark's index does not identify key elements of the regulation that represent critical features of any regulation. In addition, Newmark's index does not include items on the enforcement of lobbying laws.

Cognizant of the upsurge of jurisdictions beyond the US that were pursuing lobbying laws in the 2000s, noted by several scholars examining the worldwide experience, Chari *et al.* (2010) sought to perform a global comparative analysis of the robustness of lobbying laws. In order to do so, they applied an index developed by the American think tank *Centre for Public Integrity* to existing regulations.⁵⁴ This index, named the CPI index, results from a coding procedure based on 48 items and 8 key elements of the regulations. These key elements are: (1) the definition of lobbyists; (2) individual registration requirements; (3) individual disclosure of financial information; (4) employer spending disclosure; (5) electronic filing; (6) public access to a registry of lobbyists; (7) enforcement; (8) revolving-door provisions. In the case of the CPI index the coding procedure is not dichotomous. The procedure weighs some items more than others, depending on

⁵⁴ This is done by applying the methodology of the hired guns:
<http://www.publicintegrity.org/2003/05/15/5914/methodology>, last access
 October 14, 2015.

whether or not the item is to be considered a critical feature of the key element.⁵⁵ The index results in a measure ranging from 0 (meaning low robustness) to 100 (meaning highest robustness). According to the levels scored by each regulation on the key elements of the CPI index, the authors distinguish between lowly-regulated, medium-regulated and highly-regulated systems (Chari *et al.*, 2010, Ch. 4). At first glance, this index presented at least one advantage compared to the two previous measurements: its increased number of key elements (8 compared to 3 of Ophiem) and items (48 compared to 22 and 18 of Opheim and Newmark) allow one to consider robustness more precisely across and within the elements of the regulation.

Finally, Holman and Luneburg (2012) were the first to consider the relative strictness of lobbying rules within European political systems. They provided in their study a theoretical classification of regulated systems in line with Chari *et al.*'s (2010) contribution. The authors designed their classification on 21 items that characterize lobbying regulation, which allows for a measurement to be made (Crepaz, 2016). Similarly to previous studies, these items include the definition of lobbying, the disclosure requirements and the enforcement of the rules. In addition, some items include whether the regulation is mandatory or voluntary, whether or not the rules include the presence of codes of conduct for lobbyists and whether or not some interest groups are exempt from the rules. The regulated systems in Europe can be classified as *strong* or *weak* regulations depending on how they perform on the 21 items (Holman and Luneburg, 2012, p.21). The scores

⁵⁵ For example, the procedure assigns a minimum score to 0 and a maximum score of 3 to item 11 (*is a lobbyist required to file a spending report?*). Item 15 on *whether the spending in such report needs to be itemized* assigns a minimum score of 0 and a maximum score of 1 since the answer to item 15 depends on the answer to item 11.

have been summed up into a dichotomous index ranging from 0 (meaning low robustness) to 21 (meaning maximum robustness), with the aim of transforming the indicators provided by the authors into a quantitative measurement of the robustness of lobbying regulations (Crepaz, 2016). Compared to the previous measurements, this index presents the advantage of including features that are based on European lobbying regulations. However, its limited number of items does not allow one to consider all aspects of the robustness in detail.

With the above measurement constructions in mind, the next section asks the question: which of the four measurements is more valid? In order to answer this question, the analysis presents the results of two tests of validation. The first analyses the levels of dissimilarities in terms of standard deviations and correlations between the coding results of 13 regulations with the aim of testing the levels of convergent validity. This allows me to consider whether measures perform differently depending on the case of analysis and whether the degrees of similarity are high or low. The coding methodologies of the four measurements have been applied to the regulations of Austria (which established its law in 2012), Australia (2008), Canada (2008), EU (2011), France (2013), Germany (1951), Lithuania (2001), Mexico (2010), Netherlands (2012), Poland (2006), Slovenia (2010), UK (2014) and US (2007).

The second exercise tests content validation by analysing the construction of each measurement in relation to the OECD principles of transparency and accountability in lobbying regulations, which is used as a 'gold standard' in the investigation.

2. VALIDITY

2.1 CONVERGENT VALIDATION

I calculated the robustness levels for 13 lobbying laws by applying the four methods of measurement. The results of such coding are shown in Table 12, which shows nominal scores. The coding matches with the results presented by Chari *et al.* on Australia, Canada, Germany, Lithuania, Poland, and the US. Similarly, my results match with Holman and Luneburg on Germany, Lithuania, Poland, and Slovenia.

Table 12: Scores of 13 lobbying laws applying four different measurements of robustness

	Opheim Range (0-22)	Newmark Range (0-18)	Chari <i>et al.</i> Range (0-100)	Holman and Luneburg Range (0-21)
Austria	3	5	17	7
Australia	4	3	33	8
Canada	14	9	50	16
EU	9	9	31	14
France	8	11	30	13
Germany	4	5	17	5
Lithuania	10	7	44	13
Mexico	6	7	29	13
Netherlands	5	7	24	12
Poland	7	5	27	11
Slovenia	13	11	45	14
UK	9	7	27	8
US	12	11	62	18

Source: Own calculations

With the aim of allowing comparison of relative scores, I normalized the robustness scores, ranging from 0 (meaning lowest robustness) to 1 (meaning highest robustness), as seen in Table 13.⁵⁶

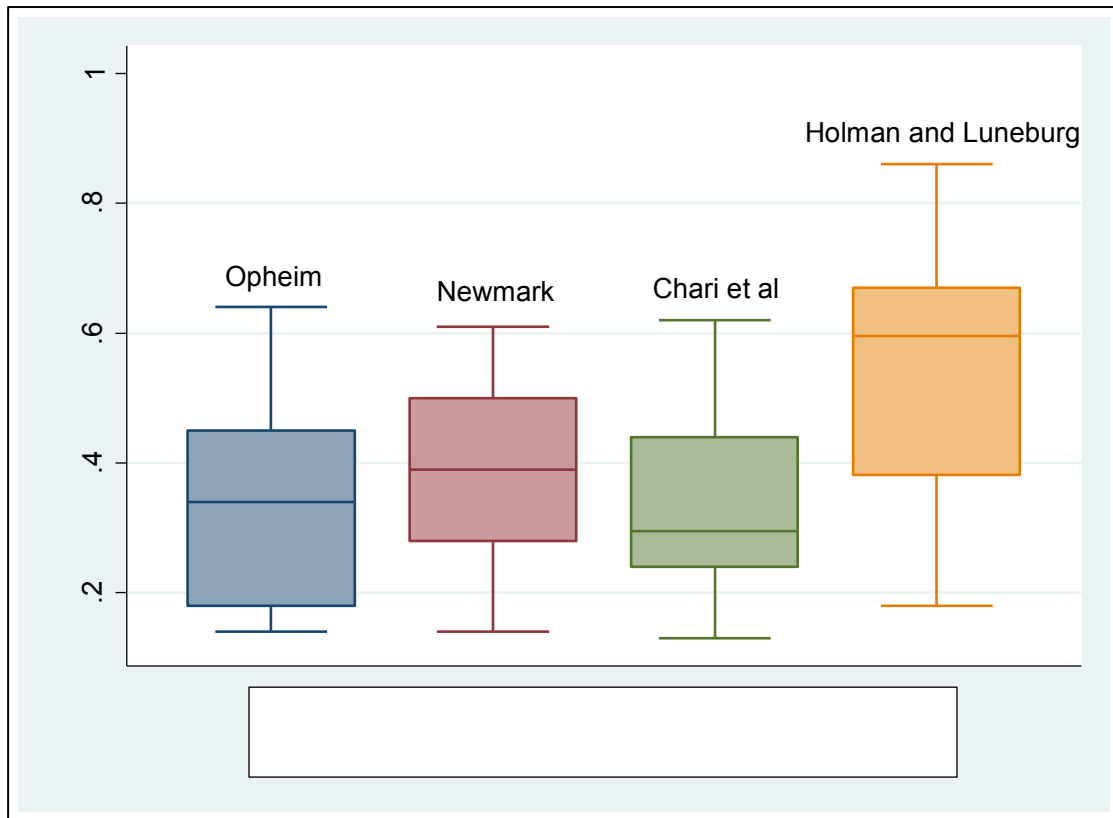
⁵⁶ Each score has been divided by its maximum (22 Opheim, 18 Newmark, 100 Chari *et al.* and 21 Holman and Luneburg)

Table 13: Normalized scores of 13 lobbying laws applying four measurements of robustness.

	Opheim	Newmark	Chari <i>et al.</i>	Holman and Luneburg	Standard Deviation
Austria	0.14	0.28	0.17	0.33	0.09
Australia	0.18	0.17	0.33	0.38	0.11
Canada	0.64	0.50	0.50	0.76	0.13
EU	0.41	0.50	0.31	0.67	0.15
France	0.36	0.61	0.30	0.62	0.17
Germany	0.18	0.28	0.17	0.24	0.05
Lithuania	0.45	0.39	0.44	0.62	0.10
Mexico	0.27	0.39	0.29	0.62	0.16
Netherlands	0.23	0.39	0.24	0.57	0.16
Poland	0.32	0.28	0.27	0.52	0.12
Slovenia	0.59	0.61	0.45	0.67	0.09
UK	0.41	0.39	0.27	0.38	0.06
US	0.55	0.61	0.62	0.86	0.14
Standard Deviation	0.16	0.14	0.13	0.18	

All scores vary from 0 to 1. Source: Own calculations

The last row shows the standard deviation for each measurement. Quantitative studies in political science typically have an approach that seeks to explain variation in the outcome (Mahoney and Goertz, 2006). Hence, the more variation scholars have in the outcome, the better it is for their empirical investigation. In the case of this analysis the measurement by Holman and Luneburg shows a higher variance compared to other measures. Figure 12 shows why this is the case.

Figure 12: Distribution of the scores applying four measurements of robustness

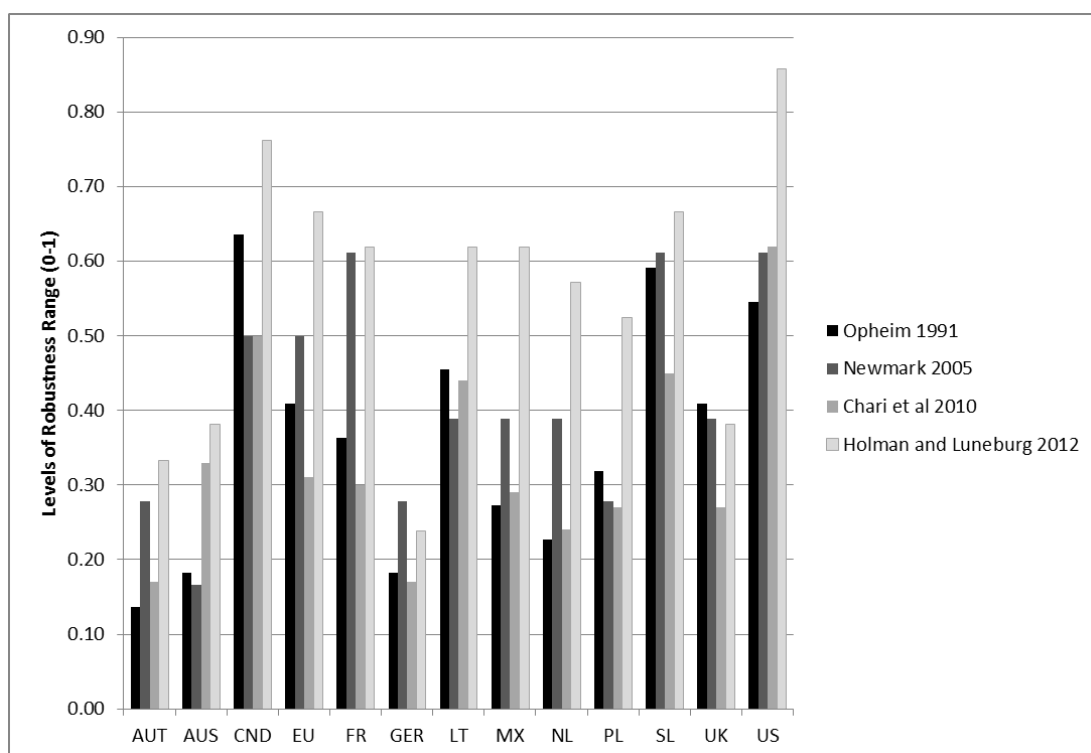
Source: Own calculations

The last boxplot shows the maximum (0.86 for the US) and the minimum value (0.24 for Germany). The minimum is treated as an outlier in the distribution. This is because 92% of the scores vary between 0.33 and 0.86. The distribution of the measurements by Opheim, Newmark and Chari *et al.* are similar in terms of minimum, maximum, median, first and third percentile.

Figure 12 also underlines a main difference between the first three measurements and the last measure by Holman and Luneburg. The latter tends, on average, to have higher levels of robustness compared to the other measurements. The following considers this idea in more detail.

The last column of Table 13 (p. 187) shows the standard deviation for each case. Low scores indicate similarity in the robustness level using the four measures, whereas high scores indicate dissimilarity. The results suggest that robustness levels are more dissimilar for some cases than for others. This is shown in Figure 13, which shows the robustness levels for the four measurements case by case.

Figure 13: Case by case scores applying four measurements of robustness

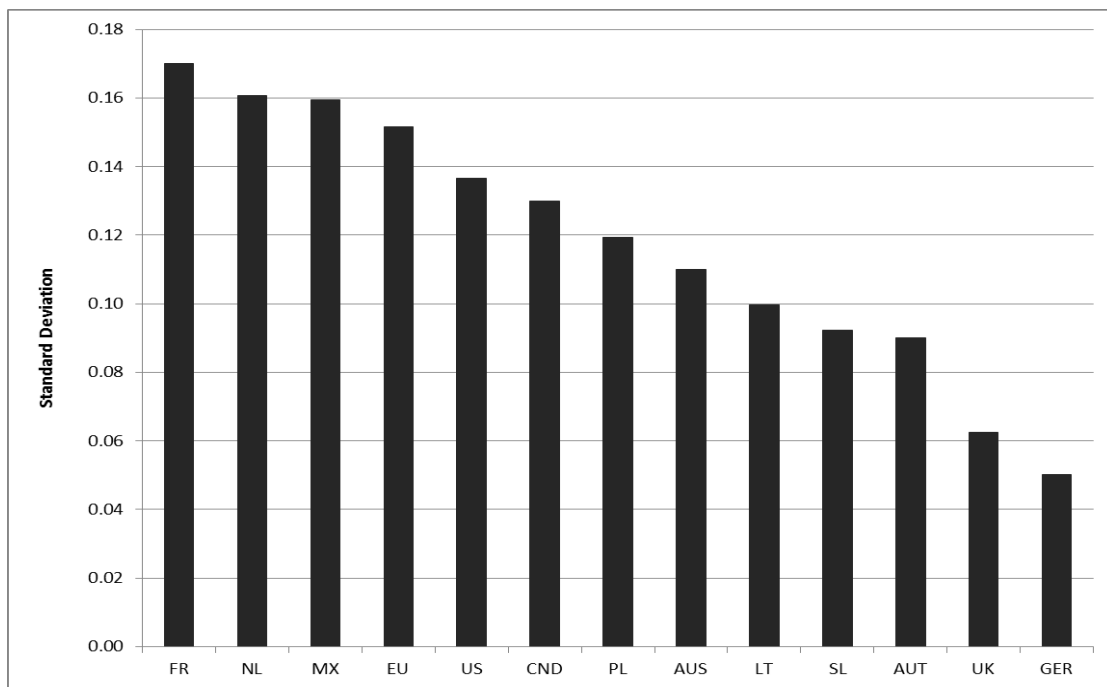


Source: Own calculations

It confirms that the measurement by Holman and Luneburg tends to show higher levels of robustness levels for all cases of analysis. On the contrary, the robustness scores using the measurements by Opheim, Newmark and Chari *et al.* tend to be more similar with the exception of some cases, such as the EU or France. In the rest of the cases, at least two measures have equal or similar values. Interestingly the calculated robustness score for the US shows a high similarity between the measures by Opheim, Newmark and Chari *et al.*, suggesting that these

measurements, developed on the American tradition of regulating lobbying, best apply to this case of analysis. The opposite is true on European lobbying laws, especially the EU or French laws. Figure 14, which displays the aggregate standard deviation case by case, shows that the four measurements perform differently depending on the analysed case.

Figure 14: Aggregate standard deviation of robustness scores



Source: Own calculations

Overall, the results show high levels of dissimilarity. The regulations in place in France, the EU, the Netherlands and Mexico appear to be robust for some indices and not robust for others (standard deviations above 0.15). More preoccupying, the measurements disagree on whether to classify these cases as weak or strong in terms of robustness. For example, in the case of the EU, Chari *et al.* would classify it as *medium* robustness while Holman and Luneburg would argue it is *strong*. On the contrary, the opposite result applies to Austria, Lithuania, Slovenia, the UK (all standard deviations < 0.10), and in particular Germany (standard deviation < 0.05).

Next, the study analyses whether or not the measurements under investigation perform differently on average. First, rank-order correlations between all measurements are provided. This sheds insight on the validity of each measurement using convergent validation (Adcock and Collier, 2001; Rogers and Weller, 2014). Correlations indicate the covariance of how the robustness scores are ranked expressed in deviations from their mean. In other words, they indicate *average similarity*. Results are shown in Table 14.

Table 14: Rank-order correlations between the scores of 13 lobbying laws using four measures of robustness

Rank-order Correlations	Opheim	Newmark	Chari <i>et al.</i>	Holman and Luneburg
Opheim	1	0.76	0.81	0.84
Newmark	0.76	1	0.57	0.80
Chari <i>et al.</i>	0.81	0.57	1	0.82
Holman and Luneburg	0.84	0.80	0.82	1

Source: Own calculations

The results of the correlation test suggest that there is a close similarity on average between the four measures of robustness, although some findings are worth highlighting. The CPI index by Chari *et al.* correlates closely with Opheim's and Holman and Luneburg's measurements (0.82 and 0.84, respectively). Its correlation with Newmark's index is however low (0.57). The second lowest correlation is between Newmark's index and Opheim's index (0.76). Holman and Luneburg correlates closely with all measurements under investigation (0.84, 0.80, and 0.82). This might suggest that the American and European traditions of coding lobbying laws are not a dividing principle. From this test of convergent validation

we conclude that, on average, Holman and Luneburg is most *similar* to other measurements, while Newman is most *dissimilar*.

In conclusion, the four measurements of robustness perform differently on multiple levels of analysis. Evidence has shown that some indices disagree on the robustness levels of some regulations. On average, however, Holman and Luneburg's index shows a higher degree of similarity to the other measurements.

A limitation to convergent validation, however, is that high correlations amongst indicators 'may reflect factors other than valid measurement. For example, two indicators may be strongly correlated because they measure some other concept; or they measure different concepts, one which causes the other' (Adcock and Collier, 2001, p.541). To dispel any possibility of misspecification between concept and measurement, it is necessary to consider another method of validation which seeks to examine if an indicator 'capture(s) the full content of the systematized concept' (Adcock and Collier, 2001, p.541), or namely, content validation.

2.2 CONTENT VALIDATION

In this second section, I investigate and evaluate the indices' construction, probing whether the items of the different measurements consider all relevant aspects of robustness of the lobbying regulation. Adcock and Collier (2001, p.539) examine various examples of content validation by focusing on developments in the literature on democracy, highlighting how authors such as Paxton (2000) consider the problems of 'omission of key elements from the indicator and inclusion of inappropriate elements.'

Although not developed in the extant literature, a novel way to evaluate what may be missing in an indicator, which is particularly useful when examining indices that attempt to evaluate a public policy, is to consider a relatively objective ‘gold standard’ from a reputable international organization that outlines what should be entailed in a law in terms of best practice, and then see how well indexes capture this. Such benchmarks are established by various international organizations, such as the OECD and the Council of Europe, for various public policies pursued at the domestic level, such as lobbying regulation, whistle-blowers legislation, ethics reform laws and privacy protection laws to name a few.

One reason for taking the OECD standard as a point of comparison is that national policymakers often seek inspiration in norms established by international organizations. Previous studies have shown that national policymakers gain such inspiration from standards that are established by international organizations (True and Minstrom, 2001; Stone, 2004). Yet, we should be careful to not consider the policy recommendations of international organizations as being scientific standards for validation, since these policy positions may be the result of subjective deliberations, or simply ill-informed discussions, that may have left out important indicators of what constitute robust lobbying laws. However, the relevance of the policy recommendations of international organizations about the adoption of lobbying laws has been shown in the Event History Analysis presented in Chapter 3. With this justification in mind, I decided to conduct content validation considering the elements that characterize robust regulations according to the OECD’s report on lobbying regulations (2008), which is worth considering in some detail.

The OECD focused on the promotion of lobbying laws over the last decade through its Department of Government Integrity, dedicating particular attention to the topic of regulating lobbying as part of fighting corruption in the public sector. Even though it is important to underline the OECD has no mandate to impose legislation in its member states, diffusion effects have shown to encourage the adoption of lobbying laws.

In 2008, the OECD published a report containing guidelines for the introduction of robust lobbying rules in its 34 member states.⁵⁷ The report was developed based on an OECD survey sent to member states and two rounds of consultation with stakeholders in 2007 and 2008. ‘The OECD survey and discussions with officials in charge of designing and implementing legislations and regulations on lobbying confirmed a strong interest in bringing together lessons learned to develop guidance that could support debate on lobbying’ (OECD, 2008, p.8).

Such guidance is based on the elements of: defining lobbying, disclosure requirements, reporting processes and technology, timeliness (namely update of information), enforcement and compliance (OECD, 2008, Ch. 2). According to the report, regulations which extensively consider these five key elements are to be considered robust (OECD, 2008, p. 16). Hence, the more the construction of the indices under investigation captures these key items, the more such measurements catch the concept of robustness as defined by the OECD, which thus represents what can be deemed to be the *gold standard*.

The key items, and how the different indices capture them, are as follows:

⁵⁷ Such guidelines are not aimed at measuring robustness but simply represent policy recommendations for the introduction of robust laws. The OECD’s principles in transparency and integrity in lobbying published in 2008, hence, cannot be used to ‘measure’ robustness.

1. *Defining lobbying:* In order to be robust, lobbying laws need to clearly define lobbying, critical for understanding ‘who is to be regulated’ (OECD, 2008, p.42). There are three main aspects of the definition of lobbyists. *First*, the regulation needs to distinguish between government officials and lobbyists (OECD, 2008, p.42). The measurements by Opheim and Newmark include this in items 3 and 4 asking whether the definition of lobbyists considers also public officeholders. Items 5, 6 and 7 of the same measurement consider whether a minimum compensation, expenditure, or time standard applies to the definition of lobbyist. Similarly item 2 of the CPI index by Chari *et al.* include the same aspects to the definition of lobbying activity. *Secondly*, a robust definition of lobbying should also include all interest group categories, meaning that it should aim at regulating consultants and in-house lobbyists working for both private and public interest groups (OECD, 2008, p.44). Only the index by Holman and Luneburg considers whether the regulation affects lobbying consultancies, for-profit interest groups and non-profit interest groups equally (items 3, 4 and 5). *Thirdly*, the definition of lobbying needs to clearly identify state actors targeted (OECD, 2008, p.46). The measures by Opheim and Newmark consider whether the regulation affects lobbyists seeking contacts with MPs and civil servants (items 1 and 2). Ministers are therefore excluded from these items. On the contrary, Holman and Luneburg include both legislative and executive lobbying in items 6 and 7. This excludes administrative lobbying at lower levels of government. Finally, the CPI index used by Chari *et al.* assumes that legislative lobbying is covered and codes executive lobbying only (item 1).

2. *Disclosure Requirements:* A further critical aspect of regulating lobbying is related to the disclosure requirements. Typically lobbyists need to enter a certain amount of information in a (public) register before establishing any contact with public officeholder, where the amount and accuracy of the information is directly related to the law's robustness. This includes personal details; objectives of lobbying; and financial disclosure (OECD, 2008, pp.50, 51, 57-8). Regarding the construction of the measurements, only the indices by Chari *et al.* and Holman and Luneburg consider the disclosure of personal information (items 8, 9 and 10 for both indices). These include personal details, such as name, address, contacts, and photograph. When it comes to items concerning the disclosure of objectives of lobbying, again Chari *et al.* and Holman and Luneburg provide the most complete index construction. In item 5 of the former index and in item 11 and 12 of the latter index, they consider whether lobbyists need to disclose the subject matter of the lobbying activity or even the specific measure lobbyists intend to target. Another item in Opheim's index (item 12) asks whether interest groups approve or oppose the legislation they are seeking to lobby on at the moment of registration.⁵⁸ On the disclosure of financial information all four measurements under investigation have some items, which consider total spending, categorized spending, disclosure of spending benefitting public officeholders such as gifts and contributions, total income of lobbyists and sources of income. In addition, only the CPI index by Chari *et al.* includes separate items for campaign contributions and gifts (items 23

⁵⁸ We know that the activity of lobbying is more complex than simply agreeing or disagreeing with a piece of legislation, but Opheim's item helps to distinguish *advisory* lobbying from *confrontational* lobbying aimed at opposing the introduction of certain pieces of legislation and their legitimacy.

and 24). The same measurement also considers whether employers of lobbyists need to submit financial information (items 26 and 27). On the contrary Holman and Luneburg (2012) do not consider gifts and other forms of donations benefitting public officeholders. Newmark focuses on whether campaign contributions and donations are considered as prohibited activities rather than to be disclosed (items 15-18). The last section of this key element focuses on *other* disclosure requirements (OECD, 2008, p.60), where additional elements are found as follows: Opheim's index provides one item on the disclosure of potential conflicts of interest or influence peddling (item 15); Holman and Luneburg consider whether lobbyists need to disclose every contact with public officeholders (item 17); and Chari *et al.* collect any additional form of disclosure (item 10.)

3. *Timeliness and Ethics:* The OECD report (2008, p.66) evaluates the quality of disclosure in lobbying regulations, such as the frequency of registration and updates of the information in the register. Opheim and Newmark provide items on the frequency of registration (items 8). Chari *et al.*, more in detail, provide items on whether or not registration needs to be completed before lobbying (item 4 and 6), whether or not the regulation sets rules on the notification of changes in the registered information (item 7), whether or not lobbyists need to submit a no activity report (item 25). Further, the OECD outlines that lobbyists should sign a code of conduct (2008, p.67), where the index by Holman and Luneburg uniquely considers such codes of conducts in item 21.

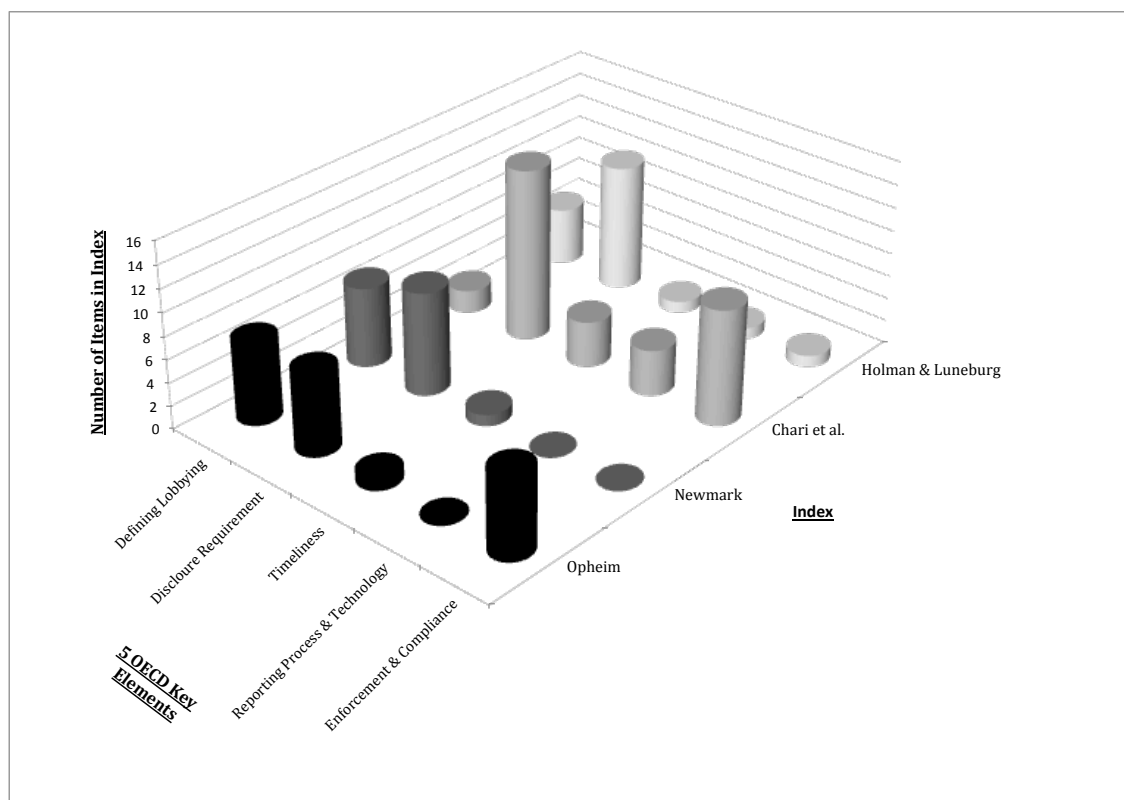
4. *Reporting Processes and Technology*: This element focuses on the electronic filing of information and the public access to such information (OECD 2008, pp.65-66). While Opheim and Newmark do not dedicate items to this, Holman and Luneburg consider whether or not the information on the lobbying register is accessible by the public (item 20).⁵⁹ Chari *et al.* dedicates more attention to this aspect of the robustness of lobbying laws, considering whether the access to the register is public (items 31-34), whether the register provides users with summary reports (items 35-37), whether lists are updated frequently (item 38) and whether lobbyists can file their reports electronically (items 28-29).
5. *Enforcement and Compliance*: This key element considers four aspects of enforcement and compliance (OECD 2008, pp.71-73). The *first* considers education and training on the compliance to lobbying rules. Chari *et al.*'s index is the only one considering this aspect (item 30). The *second* aspect focuses on whether the regulation is voluntary or mandatory in nature. Here, only Holman and Luneburg include this aspect in their robustness measure (item 1). The *third* aspect considers the enforcement of the rules (and the efficiency thereof) by the public body entrusted to monitor compliance. Opheim's includes the following items on the powers of the monitoring agency: to review information and reports (item 16), to demand subpoena witness or record (items 17-18), to conduct administrative hearings (item 19), to apply fines or penalties in cases of non-compliance (item 20-21), and to file an independent court action (item 22). The index

⁵⁹ Opheim does not consider items on this key element due to the absence of E-Government services at the time of writing.

by Newmark does not include any items on this key element. Conversely Chari *et al.*'s CPI index shows a high number of items concerning this aspect, including the power to: review reports (item 40); publish the names of lobbyists infringing the rules (item 47); apply fines or penalties for non-compliance (items 41-42, 44-45); and to ask about the last levied case of non-compliance (items 43, 46). Less detailed, Holman and Luneburg include whether the monitoring agency can apply fines or penalties for cases on non-compliance in one single item (19). The last aspect of this key element concerns cooling-off periods, which delay politicians and civil servants from entering the lobbying industry. The CPI index used by Chari *et al.* is the only measurement considering this aspect (item 48).

Figure 15 illustrates the number of items (per measurement) that fall within the conceptual dimensions of the robustness of lobbying laws as identified in the OECD policy recommendations. The figure shows, for example, that, on the first key element *Defining Lobbying*, the measurements by Opheim and Newmark count 7 items each, while Chari *et al.*'s and Holman and Luneburg's indices dedicate 2 and 5 items respectively to this dimension. This suggests that, compared to others, the first two measurements demonstrate more content validity on this element, meaning that the index is better able to catch the concept of robustness using the OECD's report as *gold standard*. Considering all five OECD's key elements of the robustness of lobbying laws, Chari *et al.*'s index appears as the most valid (in terms of content) as the highest number of items falls in conceptual dimensions identified by the OECD, followed by Opheim's index, Holman and Luneburg's and then Newmark's.

Figure 15: Number of items (per measurement) that fall in the 5 OECD key elements of the robustness of lobbying laws



Source: own calculations.

The results in favour of the CPI index suggest that, if the right key elements are addressed in the construction of the index, having more items makes an index more valid in terms of content. In other words, if you ask more questions, you are more likely to come up with a more complete and objective answer. In fact, Opheim's index, which is constructed by 22 items, scores second, Holman and Luneburg's, which is constructed by 21 items scores third and Newmark's with its 18 items scores last. Nevertheless, content validation is limited by a

trade-off between parsimony and completeness that arises because indicators routinely fail to capture the full content of a systemized concept. Capturing this content may require a complex indicator that is hard to use and adds greatly to the time and cost of completing the research. It is a matter of judgment for scholars to decide when efforts to further improve the adequacy of content may become counterproductive (Adcock and Collier, 2001, p.539).

The next section thus elaborates on this argument in more detail, first considering how the trade-off referred to impacts on reliability and then focusing on the indices.

3. RELIABILITY

The importance of the ‘lack of reliability’ is based on an emerging concern within the natural science community related to challenges in reproducible research. This section argues that reliability is a function of ‘repeatability’ and ‘reproducibility’. Repeatability is attained when the same observer or rater attains consistent measurements while reproducibility is attained when different observers or raters attain similar results to the initial observer (Bartlett and Frost, 2008, pp.467-68). Both repeatability and reproducibility refer to a variation in the level of agreement adopting the same measurements on the same subject. This section tests the level of reproducibility as an exercise to evaluate levels of reliability of robustness measures. If coders obtain different levels of robustness for the same regulation, then one can safely conclude that the measurement is not reliable.

In the previous sections on methods of validation, I demonstrated that Holman and Luneburg and Chari *et al.*’s indices appear to be the most valid (the former in terms of convergence and the latter in terms of content). From these observations, I concluded that high-dimensional indices tend to be more valid than lower-dimensional ones. However, the application of a high-dimensional index runs the risks of reducing the reliability of the measurement (Adcock and Collier, 2001). For example, it is reasonable to hypothesize that more items in an index could lead to a

higher complexity of the coding procedure because items based on narrow aspects of the regulation leave room for arbitrary interpretation and, therefore, increase error when trying to measure the robustness of the law. With this in mind, this section considers whether or not the most valid indicators as seen in the previous sections are really the ones that researches would want to use in the context of being reliable, which refers to minimizing measurement error.

This reliability test is based on the comparison between the results presented in Table 13 (in the section 2.1 on convergent validity) and the results produced by trained coders. It is important to note that coding is a common procedure when research in social science involves the analysis of texts, where such procedures have been developed in measuring the position of political parties on a left-right dimension (Mikhaylov *et al.*, 2012), the degrees of populism (Rooduijn and Pauwels, 2011), and research on interest groups (Boräng *et al.*, 2014). However, when human coding is involved, vague, misleading or incomplete coding procedures may lead to arbitrariness in the coding (Krippendorff, 2004). Reliable coding procedures must not leave space for interpretation to coders (Mikhaylov *et al.*, 2012). In order to be perfectly reliable, a coding procedure needs to lead to the same result regardless of the coder. This is very unlikely and developers of coding procedures normally aim at minimizing *inter-coder error*.

The coding results were produced in two stages. First, a pilot-coding test was performed on 10 coders, allowing me to collect the robustness scores on 10 out of the 13 pieces of legislation of this work.⁶⁰ This preliminary test allowed me to

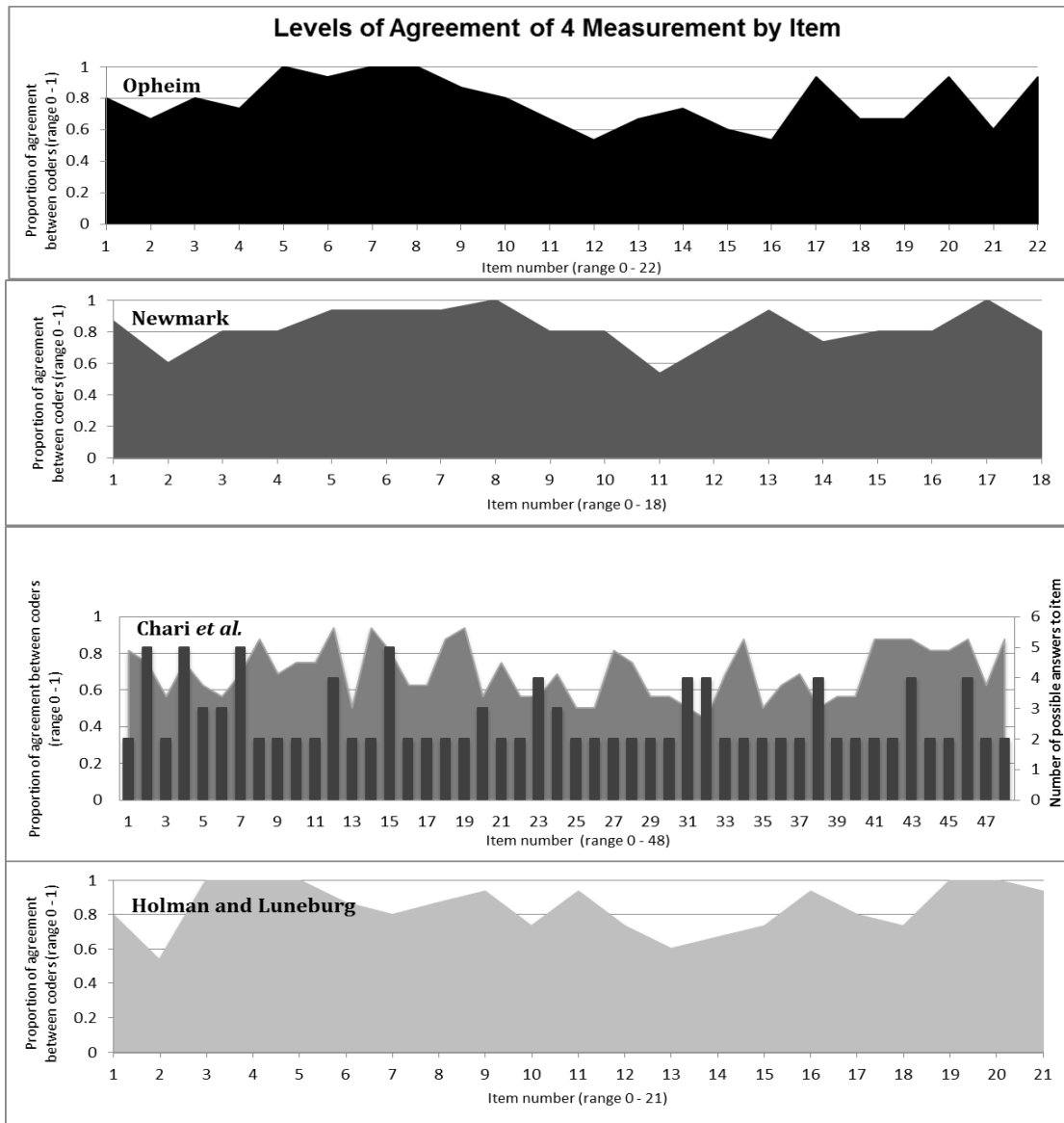
⁶⁰ This includes scores for Austria, Australia, the EU, France, Germany, Lithuania, Netherlands, Poland, UK, and the US. The coding was performed by PhD students in Political Science. Each coder coded one piece of legislation applying each of the four measurements under

understand some of the problems involved in the test and refine its methodology. From this pilot stage, it appeared that the EU legislation registered the lowest level of reliability, resulting in my decision to focus on the EU with a larger sample of coders in the second stage in order to guarantee a higher degree of accuracy.

The second coding test thus involved 16 trained coders that focused exclusively on EU lobbying regulations and used all four indices. This resulted in 64 robustness scores on one piece of legislation, reducing the confounding factor of coding different pieces of legislation. The coders were familiar with the EU lobbying law of 2011 and were familiar with the literature on lobbying regulation as well as the coding procedures found therein. The coders were third year undergraduate students enrolled in the module on EU politics which covers also the issue of lobbying in the EU and policies aimed at increasing transparency in the European Parliament and in the Commission. The students chose to partake in the test on a voluntary nature given their interest in the topic. The Ethics Research Committee of Trinity College Dublin approved the methodology and the procedures of the test.

In terms of the findings, I first present the distribution of the coding error, where the error is expressed in proportion of agreement between coders. For each code assigned to each item of the measurements' construction I calculated the level of agreement (range 0 to 1), as displayed in Figure 16.

investigation. For each of the four measurements, the surveys, the instructions to coding, and all relevant documents of the law were given to the coders. The test resulted in 40 robustness scores which were compared to my coding results.

Figure 16: Distribution of the coding error expressed in proportion of agreement for each item

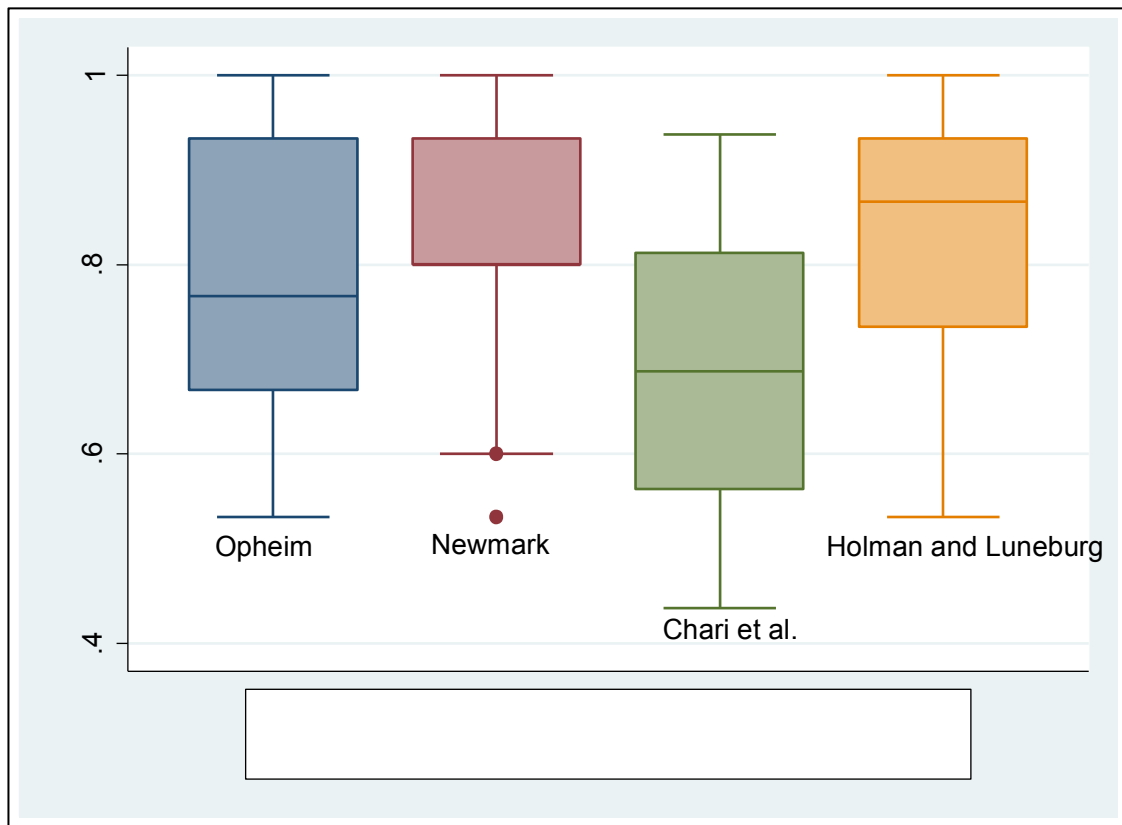
Source: Own Calculations

The closer the level of agreement for each item is to 1, the better the index performs in terms of reliability on that particular item. The y-axis shows the proportion of levels of agreements. For instance, a value of 0.8 on item 10 of Opheim's index means that 80% of the coders answered in the same way to item 10 of Opheim's coding methodology.

In the distribution of the levels of agreement between coders for Chari *et al.*'s

index I also included the number of possible answers to the items (according to the scoring methodology). For example, the scoring methodology for item 1 is dichotomous, while for item 2 coders can assign a score choosing from 5 different options. This accounts for the number of possible answers because I believe that a more complex answer-scheme could impact the overall level of reliability of the index. For example, the proportion of agreement of Chari *et al.*'s index for item 32 is below 0.50. This might be due to the fact that the scoring methodology allows coders to choose between 4 different answers to item 32 with the risk of reducing the overall reliability of the index on this particular item.

The results shown in Figure 16 suggest that the index by Chari *et al.* appears to have the lowest inter-coder agreement expressed in proportion of agreement for each item. The measurements by Opheim, Newmark and Holman & Luneburg show higher levels of agreement. In particular, the index by Holman and Luneburg reaches levels of 100% of agreement in 24% of the items and agreement levels above 90% in 43% of the items. This is the highest result compared to the other measurements. On average (for all items and for each measure), the proportion of agreement equals 70% for the index of Chari *et al.*, 78% for Opheim, 82% for Newmark and 84% for Holman & Luneburg. This is better shown in Figure 17, which illustrates the distribution of the levels of agreement for each measurement.

Figure 17: Distribution of the levels of agreement for each measurement

Source: own calculations

The results shown in Figure 17 suggest that levels of agreement, on average, seem to be highest for the index by Holman & Luneburg and lowest for the CPI index of Chari *et al.* To test whether this agreement is statistically consistent or not, I provided the results of an inter-coder agreement test using *Krippendorff's alpha* statistic (as shown in Table 15), which is commonly used by researchers to evaluate levels of agreement (Mikhaylov *et al.*, 2012).

Table 15. Inter-coder agreement using Krippendorff's Alpha Statistic

Correlations	Opheim	Newmark	Chari <i>et al</i>	Holman and Luneburg
Opheim	1	0.68	0.74	0.77
Newmark	0.68	1	0.51	0.81
Chari <i>et al</i>	0.74	0.51	1	0.73
Holman and Luneburg	0.77	0.81	0.73	1

Source: Own calculations. Level of Agreement is defined by the categories of no agreement (0), slight agreement (0.01-0.20), fair agreement (0.21-0.40), moderate agreement (0.41-0.60), substantial agreement (0.61-0.80) and almost perfect agreement (0.81-1) (Landis and Koch 1977).

All calculated *Alphas* are statistically significant meaning that levels of agreement are not random. The level of agreement varies from fair (for the indices of Opheim and Chari *et al*.) to moderate (for the indices of Newmark and Holman & Luneburg). Above all, the index by Holman and Luneburg has the highest *Alpha statistic* confirming the argument that levels of agreement are more consistent throughout all elements that compose the measurement. One may reasonably argue, however, that there is no measure that is more reliable than ‘moderate’, which is still not very high. This lack of reliability for scholars interested in lobbying regulations suggests that while some perform reasonably well, there is room for improvement to develop new ones in future research. A unique way of evaluating whether or not new index is reliable would be to fruitfully test its reliability throughout the development stage of the index, asking coders to score legislation as was performed in this section.

CONCLUSION

Lobbying regulation has been increasingly adopted by countries throughout the world over the last 15 years and in this context scholars from both the US and

Europe have developed different indices to measure the robustness of such laws, seeking to answer whether or not they promote transparency and accountability. This chapter investigated the extent to which the four main measures of robustness of lobbying laws - namely, the indices constructed by Opheim (1991), by Newmark (2005), by Chari *et al.* (2010) and by Holman and Luneburg (2012) – have performed differently in comparative perspective. I examined legislation in 13 jurisdictions throughout the world, namely, Austria, Australia, Canada, the EU, France, Germany, Lithuania, Mexico, Netherlands, Poland, Slovenia, the UK and the US.

With this observation in mind, the main question that has guided the chapter was: which of the indices is the most valid and reliable? The answer to this question allows researchers of lobbying laws to select the ‘most adequate’ measurement based on the scientific criteria of validity and reliability. The use of valid and reliable measurements in social science is necessary for two main reasons. First, it reduces the risk of incurring in bias deriving from measurement error. Secondly, it allows scholars to replicate and build upon existing research. The following results of the validity and reliability tests serve as a justification for the selection of the measurement of robustness (i.e. the dependent variable) used in the empirical chapter that follows.

In Chapter 6, I investigate the regulations in place in Ireland, Austria, the UK and the EU. Without the methodological exercise presented in this chapter, the selection of cases would have been different. For example, the section on convergent validity presented evidence of large disagreement between the levels of robustness of the EU regulation. Furthermore, the section on reliability showed

that levels of agreement were low for the case of the EU allowing me to conclude that this legislation merited closer examination.

Overall, the index developed by Holman and Luneburg appeared to maximize validity and reliability, compared to the measurements constructed by Opheim, Newmark and Chari *et al.* The index demonstrated high convergent and content validity (surpassed only by Chari *et al.*'s index in terms of content validation) and higher levels of reliability. In practical terms, this means that Holman and Luneburg's index captures the full dimensions of the concept of *robustness* and it reduces the occurrence of measurement error. For these reasons, I decide to use this measurement in the case selection and the empirical investigation that follows.

In the next chapter, I thus investigate the relationship between the robustness of lobbying laws and the three factors outlined in Chapter 4, namely systems of interest representation, the saliency of lobbying scandals, and the left-right composition of Parliament. The analysis considers the robustness in four political systems with lobbying regulations in place. According to Holman and Luneburg's measurement, two regulations are considered as strong (EU and Ireland) while three are classified as weak (Austria and the UK).

CHAPTER 6

EXPLAINING THE ROBUSTNESS OF LOBBYING LAWS – COMPARATIVE CASE STUDIES OF THE EU, AUSTRIA, THE UK AND IRELAND

INTRODUCTION

This chapter answers the second main question in this dissertation, namely ‘*why are some regulations more robust than others?*’ It does so by gathering the empirical investigation of the effects of corporatism, salient lobbying scandals and partisanship on the robustness of lobbying laws in four different political systems. The analysis explores the argument developed in Chapter 4 according to which governments of corporatist systems are more likely to adopt weak lobbying laws. Social partners are expected to lobby in favour of less robust rules because strict regulations might undermine their privileged position in the system of interest representation. In pluralist systems, by contrast, no interest group dominates the process of policy-making and the government can therefore introduce strict regulations. As a result, I expect to observe more robust rules in pluralist systems of interest representation.

The analysis accounts for the presence of salient lobbying scandals and partisan composition of government as both variables might represent additional explanatory factors of the robustness of lobbying laws. First, the eruption of salient lobbying scandals in politics might give incentives to governments to introduce strict rules with the aim of fighting corruption. Secondly, leftist and rightist parties are believed to have opposing preferences towards lobbying regulations. This argument is based on the different ideas that political parties have about government intervention in participatory democracy. Leftist parties encourage government intervention with the aim of providing a level playing field for interest groups that want to influence public policy. Rightist parties advocate less intervention in order to avoid unnecessary burdens on organized interests.

I explore these arguments by analysing the introduction of lobbying laws in two pluralist (the EU and the UK) and two corporatist systems (Austria and Ireland). The strategy used for case selection is based on the dichotomy *typical/deviant* case. *Typical* cases are ‘on-liers’ because the studied outcome follows the researcher’s expectations. The analysis of these cases is generally used to explore the validity of certain arguments. In deviant cases, by contrast, the outcome of interest falls far from the hypothesised result. As a result, the study of deviant cases helps researchers to find biases and reformulate theories.

My research methodology traces the process of the introduction of the lobbying laws through the policy-making stages composed of the 1) initiation, 2) policy formulation and 3) decision-making. In Chapter 4, I explained that the analysis of these three stages represents the best way to understand the impact of the studied variables on the content of lobbying laws. In this chapter, I explain more specifically how lobbying laws are initiated, formulated and adopted.

The results of my analysis suggest that systems of interest representation influence the robustness of lobbying laws in the two *typical* cases (the EU and Austria). Pluralism in the EU encouraged the Commission and the European Parliament to introduce strong lobbying regulations. The finding emerges from the analysis of the policy-formulation stage. Corporatism in Austria, by contrast, favoured the adoption of weak rules. In the case of Austria, I additionally observed that the effect of corporatism is amplified by the presence of strong ties between the parties in Government (Christian Democratic Party and Social-Democratic Party) and the two main social partners (ÖGB and WKÖ). The Government

adopted less robust regulations in order to avoid undermining the system of revolving doors in place between parties in government and social partners.

My investigation reveals that systems of interest representation do not have any influence in the case of the UK and Ireland; they are both *deviant* cases. In the case of the UK, I observe that the Conservative Government in power was worried that strong regulations would appear as an obstacle to the participation of lobbyists in the policy making process and preferred to adopt weak rules. From this observation, I conclude that rightist partisan ideology led to this result, while pluralism and salient lobbying scandals had no effect.

The analysis of the Irish case, by contrast, reveals that salient lobbying scandals influenced the robustness of the regulation. The allegations of corruption disclosed by the investigation of the Mahon Tribunal during the period from 1997 to 2012 significantly shaped the Government's agenda in favour of robust lobbying rules. In the analysis of the Irish case, I also observe that the expected effect of corporatism is reduced by the weakness of the ties between social partners and political parties in Government. Irish social partnership between trade unions, business associations and government was coordinated and led by Fianna Fáil (FF) politicians, such as Ahern and Haughey.⁶¹ After the financial crisis, the change in Government, from FF to Fine Gael and Labour, provoked the exit of key FF actors from politics, undermining the relationship between government and social partners. The absence of these key players in government system weakened the social partner's ability to influence public policy.

⁶¹ Fianna Fáil was the main political party in government in the period before the Irish financial crisis of 2009.

In sum, the analysis of the four cases suggests that all three variables matter in determining the robustness of lobbying laws. However, depending on each case, some of the variables may be more/less important when compared to others. Additionally, the analysed factors influence the stages of the policy-making process at different times in each case. Interestingly, in the *typical* cases of Austria and the EU, the effect of corporatism and pluralism is seen in evidence from the policy-formulation stage (and during the decision-making stage in Austria). In the UK, partisanship appears to influence the low robustness of the regulation in the initiation and decision-making stage. Finally, the robustness of the Irish regulation is best explained by the salience of scandals during the initiation stage.

The chapter is structured as follows. In the first section, I give an overview of the descriptive statistics concerning the robustness of lobbying laws and levels of corporatism that have helped me in selecting the cases of analysis. I furthermore argue that the selection of the independent variable *system of interest representation* represents the best strategy for the analysis.

In the second section, I discuss the methodology used to conduct the analysis. I justify the use of qualitative methodologies and describe the shortcomings of case study research. This section also introduces process tracing as a research methodology in relation to the stages of initiation, policy-formulation and decision-making stages of the policy-making process – as previously discussed in chapter 4.

Then, I show the results of four case studies in four sections. First, the results of the studies of the *typical* cases (EU and Austria) and then, the results of the analysis of *deviant* cases (UK and Ireland). Finally, the final section discusses the

findings of the four case studies in comparative perspective. The observations are then synthesized with the aim of strengthening the validity of the results.

1. CASE SELECTION: LEVELS OF ROBUSTNESS AND LEVELS OF CORPORATISM

In Chapter 1 and 5, I showed that lobbying laws have different levels of robustness (defined as the levels of transparency and accountability that the lobbying regulation can guarantee). Strong lobbying laws (in terms of robustness) cover a broad scope of activities: they regulate the lobbying efforts of for-profit groups, non-profit groups and consultancies; they regulate lobbying efforts directed towards both the executive and the legislative; they introduce stricter registration requirements for lobbyists and require the disclosure of the expenditures related to lobbying; finally, they put in place codes of conduct and harsher sanctions in cases of non-compliance. Weak lobbying laws fail to introduce these detailed provisions.

Levels of robustness are registered using to Holman and Luneburg's method of classification discussed in Chapter 5. Weak systems generally have limited scope and limited disclosure of information (Holman and Luneburg, 2012). In strong systems, all lobbyists need to register and submit detailed information. These regulations also establish statutory sanctions in cases of non-compliance (Holman and Luneburg, 2012). According to this system of classification, eight regulations are considered *strong* (the US, Canada, the EU, Slovenia, Ireland, France, Lithuania

and Mexico) and six are classified as *weak* (the Netherlands, Poland, the UK, Australia, Austria and Germany).

Concerning the Austrian regulation, it needs to be noted that Holman and Luneburg (2012) place it in the category of *strong* regulations. However, the authors fail to highlight that the Austrian regulation introduced an exemption for trade unions and business associations that reduces the overall robustness of the regulation (OECD, 2014). In fact, the Austrian regulation has different levels of robustness depending on the target of the regulation. Crepaz (2016) shows that the Austrian regulation is more robust for lobbying consultancies and corporate lobbyists and less robust for NGOs, trade unions and business association. For example, strict disclosure requirements are in place only for lobbying consultancies and corporate lobbyists (Crepaz, 2016). Sanctions (in forms of fines) are applicable only to consultancies and in-house lobbyists, while representatives of trade unions and business associations are exempted (Crepaz, 2016). Limited scope generally characterises weak forms of regulation (Holman and Luneburg, 2012), making the Austrian regulation more similar to the British or the Australian regulation, where only consultancies are regulated.

As far as the EU regulation is concerned, some might criticise its classification as *strong* system of regulation. Nevertheless, as extensively discussed in Chapter 1, Holman and Luneburg (2012) scored the EU system as a strong form. Despite its voluntary nature, the European system of registration has demonstrated levels of compliance similar to other robust systems (Greenwood and Dreger, 2013; Crepaz

and Chari, 2014). In addition, its mechanism of enforcement (often considered as its Achilles heel) is registering increasing rates of success.⁶²

With this clarification in mind, the analysis in this section provides a key for the understanding of the variation in the robustness of regulations considering systems of interest representation. In particular, the procedure for the case selection considers the robustness of lobbying laws and the levels of corporatism. At the present, only 16 political systems have lobbying rules and 14 have been considered so far in this study.⁶³ This number is too low to run a quantitative analysis of the relationship between the robustness of lobbying laws and the role of systems of interest representation and, for this reasons, I opted for an analysis based on case study research.

Case study research represents an established research methodology in conditions of small-N analyses (Geddes, 2003; Mahoney and Goertz, 2006; Gerring, 2007) and is defined as ‘an intensive study of a single unit or a small number of units (the cases), for the purpose of understanding a larger class of similar units (a population of cases)’ (Gerring, 2006, p. 37). Scholars in political science showed that case study research can serve several purposes. Case studies can be hypothesis generating: the close observation of a single case (or a low number of cases) can help the research of an explanatory nature (Gerring, 2006). Case study research can also serve concept (re)formulation and measurement refinement (Mahoney, 2007). For instance, close attention to a single case can help the researcher to identify relevant conceptual dimensions that have not been

⁶² Joint Transparency Register Secretariat. Annual Reports on the operations of the Transparency Register. Presented by the Secretaries-General of the European Parliament and the European Commission.

⁶³ Israel and Chile have not been considered, as I could not collect data on the variables studied in this work.

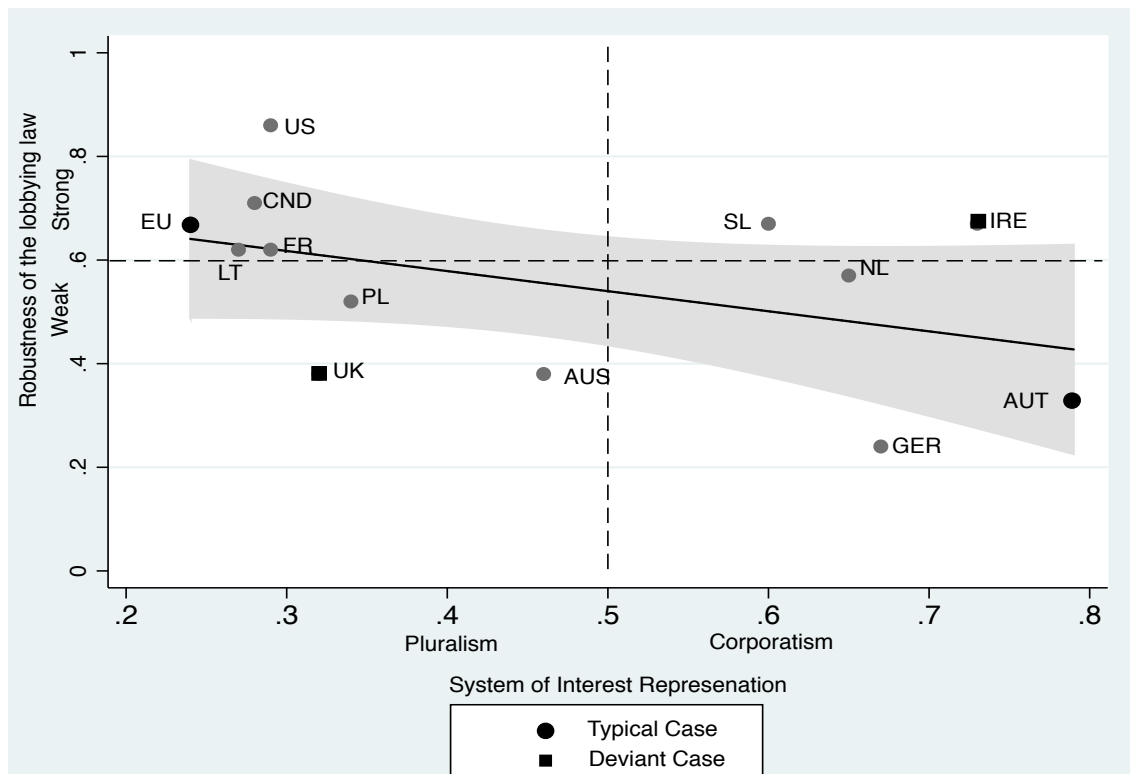
previously considered and how to measure them. Finally, case studies can be used to evaluate theories. The fine-grained analysis of one case allows researchers to explore the causal mechanisms related to different theories. In my work, I use a case study approach for theory evaluating and hypothesis generating purposes: I explore causal mechanisms related to systems of interest representation in the analysis of *typical* cases (the EU and Austria) and I evaluate deviations from the expected outcome by looking at two *deviant* (the UK and Ireland). The categories of *typical* and *deviant* are assigned to cases depending on the outcome's distance from the researcher's expectations. *Typical* cases follow the theoretical expectations of the research while *deviant* ones disconfirm the researcher's hypotheses (Seawright, 2016).

The selection of cases of analysis is a significant aspect of the research methodology considering that it generally follows a non-random selection procedure because of the smaller universe of cases and the risk of selection bias (King *et al.*, 1994; Mahoney and Goertz, 2006; Seawright and Gerring, 2008; Seawright, 2016). King *et al.* (1994) and Geddes (2003) both warned researchers about selection bias in small-N studies and argued that the problem of the 'selection on the dependent variable' can often make the identification of causal factors difficult. For example, the selection and the analysis of 'extreme' cases (where the dependent variable takes exceptionally high or low values) does not help to understand causal factors in non-extreme cases. For these reasons, the selection of cases of analysis is particularly relevant in qualitative methods of analysis. Seawright (2016) recently argued that the procedure of selection from a baseline regression can reveal relevant cases for both theory testing (*typical*) and

theory generating (*deviant*). In this situation, case studies are to be used to refine and improve the regression models (Seawright, 2016, p.2).

The selection technique I use has revealed adequate cases for the exploration of my theoretical arguments. The selected cases are both ‘positive’ (where the outcome of interest occurs) and ‘negative’ (where the outcome of interest does not occur) (according to the denomination of Mahoney and Goertz, 2004, 2006; Seawright and Gerring, 2008). This means my selection includes both cases with high levels of robustness and cases with low levels of robustness.

In this selection process, I use the following approach: I first conduct a cross-case analysis to understand the correlation between the dependent variable *robustness* and the key independent variable level of *corporatism*. Figure 18 shows the relation between the robustness of the lobbying laws and the levels of corporatism in the 14 political systems. I plot the levels of robustness as measured by Holman and Luneburg (y-axis) and the levels of corporatism (x-axis), as measured in Chapter 3, for each case of analysis. I also fit the regression line and calculate a confidence interval at 95% level of confidence. The correlation between corporatism and the robustness of lobbying laws appears to be negative, as expected, but not particularly strong. The weakness of relationship might suggest that other omitted explanatory factors are correlated with the dependent variable. For example, levels of robustness could be explained by different levels of saliency of lobbying scandals or partisanship.

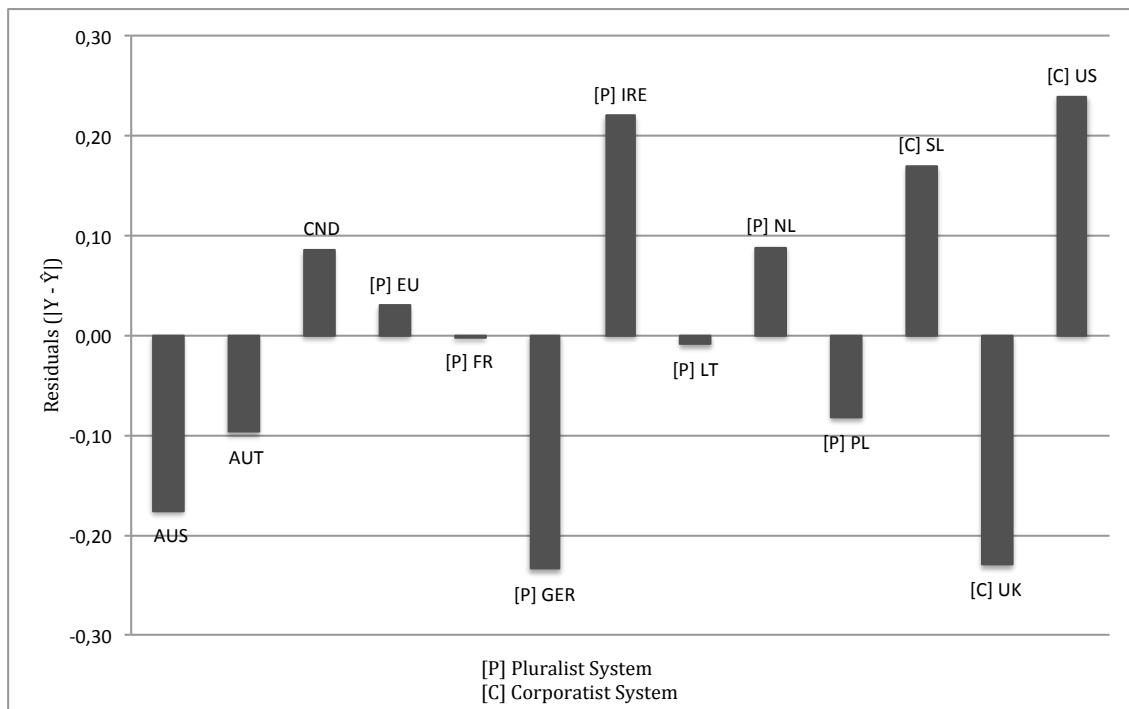
Figure 18: Levels of Robustness by Levels of Corporatism in 14 regulated political systems

In the cross-case analysis, I observe the residuals (difference between observed value and expected value) of the bivariate relationship between the two variables of interest. Small residuals indicate that the outcome of a given case meets the expectations. Large residuals, by contrast, indicate that the outcome falls far from general expectations.

Departing from this baseline correlation, I divide the cases of analysis into *typical* and *deviant*. *Typical* cases are hypotheses-confirming cases that have low residuals (on-liers) while *deviant* cases have large residuals (outliers) and are used to understand why the outcomes are different from general expectations (Gerring, 2006). These analyses of *deviant* cases are generally hypotheses generating studies and exemplify anomalies in the relationship between the dependent and the independent variable (Seawright and Gerring, 2008).

In the selection of typical cases, Seawright (2016) explains to minimize the distance between predicted value and observed value ($|Y_i - \hat{Y}_i|$). While for deviant cases, the researcher seeks to maximize this distance in order to identify anomalies. Figure 19 shows the distance between fitted value and observed value (residuals) for each case of analysis. The *typical* cases fall within the range of 0 and $|0.1|$. The residuals of *deviant* cases are larger than $|0.2|$.

Figure 19: Difference between fitted values and observed values (residuals)



Typical cases: In Figure 19, the levels of pluralism seem to coincide with the expected strong robustness of the lobbying laws for the case of France, Lithuania, Canada and the EU (residuals $< |0.1|$). This suggests that the levels of pluralism might be associated with the introduction of *strong* lobbying laws in France, Lithuania, Canada and the EU. In corporatist systems, the association between

system of interest representation and low robustness seems to hold only in the case of the Netherlands and Austria (residuals $< |0.1|$). In both cases, the high levels of corporatism are likely to have negatively influenced the robustness of the lobbying law (although the level of robustness of the lobbying law in the Netherlands is not far from the threshold between *weak* and *strong* regulations, making the case of Austria a more appealing choice).

From this set of regulated political systems, I decide to select the EU and Austria. Both cases are ‘positive cases’ in which the event of interest occurs for Y (low/high robustness) given X (corporatism/pluralism). I treat them as *typical* cases (Gerring, 2006) because they are representative of a broader set of cases: the EU represents a pluralist system with robust lobbying laws and Austria resembles a typical corporatist system with a weak lobbying law.

Deviant cases: From Figure 18, the selection technique reveals that five cases have residuals larger than $|0.2|$: Germany, the US, the UK and Ireland. Only the UK and Ireland can be however seen as *deviant cases* as, in these two cases, the direction of the relationship between the corporatism and the robustness is positive and therefore against general expectations (they are ‘negative’ cases). The UK is a pluralist system with *weak* lobbying regulations; Ireland is a corporatist system with a *strong* lobbying law. Deviant cases are extremely useful because they help to disconfirm a theory, to find theoretical anomalies and to look for omitted variables in the analysis (Mahoney and Goertz, 2006; Seawright, 2016). They help to understand why the relationship of interest moves against the general expectations (Seawright and Gerring, 2008; Seawright, 2016). Germany and the US, by contrast, are ‘positive’ cases: the relationship between corporatism and

robustness moves as expected but the values taken by the dependent variable are particularly large making them rather *extreme cases* (Gerring, 2006). I therefore select the UK and Ireland for the analysis of deviant cases.

Using the selection techniques based on cross-case analysis of the relationship between *corporatism* and levels of *robustness* of lobbying regulations, I selected two *typical* (EU and Austria) and two *deviant* cases (the UK and Ireland). The analysis of these cases is aimed at exploring the argument that different systems of interest representation influence the robustness of lobbying laws. To this end, *typical* cases help me to confirm the expectations about the relationship, while *deviant* cases offer an understanding of the anomalies that underpin my theory. The analysis additionally considers the salience of lobbying scandals and the partisanship of government as explanatory variables.

Before I present the results of the analysis of the four cases, I discuss the qualitative methodology used in the investigation. In particular, in the next section I discuss process-tracing analysis as a research methodology for the study of the introduction of lobbying laws.

2. METHODOLOGY: PROCESS-TRACING ANALYSIS

Process-tracing is an analytical tool for drawing descriptive and causal inference from temporally sequenced pieces of evidence (George and Bennett, 2005; Vennesson, 2008; Collier, 2011). The process of analysis is similar to investigations described in mystery novels: in order to find the one piece of evidence that incriminates the murderer, ‘the detective pursues several suspects and clues,

constructing possible chronologies and causal paths backward from the crime scene and forward from the last known whereabouts of the suspects' (George and Bennett, 2005, p. 218). Similarly, in public policy research, scholars reconstruct the process of introduction of public policy to understand *who* (or *what*) determined the outcome of interest. The analysis therefore focuses on causal-process observations (as opposed to data-set observations), as they contain information about context, process and mechanism that led to the event of interest. In a nutshell, scholars using this research methodology trace the introduction of public policy through the investigation of the stages of the policy-making process that lead to the adoption of the studied law.

Scholars, like detectives, look for the incriminating piece of evidence, described by the metaphor of the 'smoking gun': the suspect who is caught holding the smoking gun is presumed to be guilty (Collier, 2011). This represents a *sufficient* but not *necessary* condition for accepting causal inference. This means that while the holder of the gun is definitively guilty, other suspects might not be innocent either (Collier, 2011). As its main weakness, process tracing might not be able to exclude all but one explanation, but it allows to discard at least some of them (George and Bennett, 2005). This research methodology is widely used in the context of public policy research as it allows one to evaluate theories in the temporal sequence of the policy-making process.

The choice of using the process-tracing in the present analysis is inspired by the literature on the influence of interest groups on public policy (Cowles, 1995; Dür and De Bièvre, 2007; Dür, 2008; Michalowitz, 2007). Dür (2008, p. 562) argued that process-tracing applied to this topic allows one to 'scrutinize groups'

preferences, their influence attempts, their access to decision-makers' responses to the influence attempts and the degree to which groups' preferences are reflected in outcomes'. This allows for 'in-depth assessments of actor preferences and a comprehensive survey of countervailing forces' that follow through the policy-making process (Dür and De Bièvre, 2007, p. 8).

However, such a methodology has also two main limits. First, process-tracing is useful only if it establishes an uninterrupted path between explanatory factors and the outcome variable (George and Bennett, 2005). Consequently, analyses that lack causal-process observations (as data), or of theoretical underdevelopment, are inconclusive (George and Bennett, 2005). According to Vennesson (2008), studies based on process-tracing are useful if based on a sufficiently high level of accuracy and reliability. Secondly, the results of process-tracing analyses could suffer from *equifinality*, meaning that more than one theoretical mechanism could have caused the outcome. In this situation, no single factor can be recognized as the determinant of the event of interest (George and Bennett, 2005; Mahoney, 2010).

Moreover, methodologists claim that the results of single case studies using process tracing provide little advantage for causal inference. The fine-grained analysis of causal-process observations makes generalization of the results problematic. In particular, the process under investigation might be different in each case under investigation. In this situation, the researcher faces the difficulty of drawing generalizable conclusions from the analysis of the processes.

Despite these limits, I argue that process-tracing provides can provide researchers with important insights on the relationship between systems of interest representation and the robustness of lobbying laws for several reasons. First, the

analysis grounds upon a wide range of data sources that allow me to reconstruct the causal-process observations. The study is based on official documents (generally published by Governmental departments and other institutions, such as Parliamentary Committees) on the process of introduction of lobbying laws. These observations are supported by official statements released by interest groups during the process of introduction of the regulation. Finally, the analysis is reinforced by elite-interviews with a selection of actors involved in the process of introduction of the lobbying law. This variety of data source guarantees robust accuracy and reliability of the studied process.

Secondly, *equifinality* represents a problem in single case study designs (George and Bennett, 2005). However, cross-case analyses of a small-N of cases represents an established qualitative research methodology for theory evaluation. In my analysis of *four* cases, I offer a comparative understanding of the causal-process observations helping to dispel problems related to *equifinality*.

Finally, the introduction of the lobbying laws in the four cases under investigation follows similar processes (or events). In particular, the stages of the policy-making process, which describe the adoption of the lobbying regulation, were the same for each case under investigation allowing me to draw comparative conclusions from the analysed processes. These were the stages of the *initiation*, *policy formulation* and *decision-making* (better explained in Figure 11 p. 175).

The policy-making process concerning the studied lobbying laws typically involves the following sequential stages: During the stage of *initiation*, governments departments initiate the regulation; interest groups participate in the *policy formulation* by submitting opinions on the topic. Typically they also participate to

hearings organized by the government or by parliamentary committees; parliamentary committees play an important role in the draft of reports and of policy recommendations; During the *decision-making stage*, the government finalizes the formulation of the regulation and tables the bill before parliament. Here, members of parliament present amendments to the proposal before the final approval of the regulation.

My analysis seeks to determine which factor(s) helps to explain levels of robustness, where potentially some of the factors may be more (or less) salient in different policy-making phases. The analysis of the four cases collects evidence from a broad range of primary sources. In tracing the process of the adoption of lobbying laws, I analyse official documents published by government institutions during the process of introduction of the law. Examples of these documents include, government programs, consultation papers (drafted by specific government departments), submissions sent to the government by interest groups, bills, explanatory notes, committee reports, minutes of hearings, minutes of floor debates and notices of amendments. Other non-governmental documents are relevant primary sources. In the case of the UK, electoral manifestos of political parties are used in the analysis. In the study of the EU, speeches given by members of the Commission prove to be important primary sources. In Ireland, the analysis of reports published by tribunals of inquiry represents a substantial aspect of the case study.

The analysis of this broad range of primary sources is supported by 15 elite interviews with high-level civil servants, politicians and lobbyists. All interviewees participated in the process of adoption of the regulation and were selected

according to their role in it. For example, high-level civil servants are generally involved in the preparation of legislative proposals. As a result, the interview of these officeholders focused on the stages of the *initiation* and *policy-formulation*. On the contrary, politicians were interviewed in relation to the stages of *decision-making*. Finally, I interviewed lobbyists with respect to the *policy-formulation* stage because of their involvement in consultation processes during this phase.

The interviewees were asked to reconstruct the policy process of introduction of the policy. With respect to the stage they were involved in, interviewees were asked to identify key actors, stakeholders, and explain their role in the process. Specifically for civil servants, government officials and politicians, the interviews dedicated attention to the stages of *initiation* and *decision-making*. The interviews dedicated attention to the processes that shaped the agenda of different government institutions. As far as the *policy formulation* stage is concerned, interviewed lobbyists were asked to describe the goals of their organization and the adopted strategies to represent their interests. Lobbyists were also asked to describe the strategies adopted by other interest groups involved in the process. Finally, lobbyists evaluated the importance of different interest groups in the process, revealing the dynamics in relation to access. The interviews were semi-structured, closely following the chronological stages of the policy-making process previously identified in official government documents. All questions were open-ended and allowed interviewees to identify key processes and factors. The collected material was then cross-validated and cross-referenced with the findings extrapolated from the text analysis of the official documents listed above to add robustness to the case study (Beyers *et al.* 2014).

As far as secondary sources are concerned, each case study begins with a literature review about the jurisdictions' systems of interest representation, political parties and recent history of corruption. This overview grounds upon the academic work that specifically addresses the political system (here) under investigation. Concerning political corruption, newspaper articles represent an important secondary source for the description of scandals of corruption. Throughout the analysis, I describe the circumstances of scandals directly referring to articles found in established outlets, such as the *Telegraph*, the *Guardian*, or the *Irish Independent*.

In the next section, I present the results of the analysis of these primary and secondary in *typical* cases: the EU and Austria. I argue that the EU is a typical case of a *pluralist* system with a *strong* lobbying law in place. Conversely, Austria is a typical example of a *corporatist* system with a *weak* lobbying law in place. With the aim of understanding the influence of systems of interest representations on the levels of robustness in these two cases, I conduct an analysis of the introduction of the *Inter-institutional Agreement between the European Commission and European Parliament* of 2011 and of the *Transparency Law in Lobbying and Interest Representation* adopted in Austria in 2012.

3. TYPICAL CASES: THE EU

The case selection on the independent variable reveals that the EU is a typically pluralist system of interest representation. Despite the corporatist tradition of its

many member states⁶⁴, the EU encouraged the development of a *pluralist* system of interest representation (Streeck and Schmitter, 1991). Scholars of EU social policy tend to disagree with this view and describe the EU as corporatist (Falkner, 2003). However, these studies focus uniquely on social policy, which represents a *second order* EU policy field, still under the sovereignty of member states (Chari and Kritiznger, 2006).

The vast literature on interest groups politics agrees with the EU's classification of a pluralist system, although researchers have, over the last twenty years, provided more nuanced descriptions of the Union's system of interest representation. For example, by studying the access of firms to the policy-making process in the EU, Coen (1997) describes the Union's system of interest representation as *elite-pluralist*. The author finds that 'policy-making is generally restricted to a few policy-players' and therefore *elitist* (Coen, 1997, p. 98). However, 'the numerous points of access to the EU policy process and the interdependency of many of these channels hinder the identification of an institutional hierarchy' giving it a *pluralistic* feature (as opposed to the hierarchical structure typical of corporatist systems) (Coen, 1997, p. 98). Bouwen (2002) analyses the lobbying activities of firms, EU-level and domestic associations and finds that the access to the policy-making process is biased in favour of firms. Eising (2007) finds similar results during the investigation of the access of various interest groups to different EU institutions. However, he additionally showed that the imbalances of access between interest groups vary across EU institutions. From this observation, he concludes that the institutional fragmentation of the EU (rather than elite pluralism) better describes interest representation (Eising, 2007). This approach

⁶⁴ For example, Austria, Germany or Sweden.

is famously represented in Mahoney's (2008) work, which shows that lobbying success is heavily influenced by the institutional structure of the political system. The agenda-setting power of the Commission and the decision-making power of the Council and the European Parliament vary across policy areas and legislative procedures, thereby influencing interest group participation (Hix and Hoyland, 2011). The Commission is considered by many scholars as the 'hotbed' of lobbying because of its agenda-setting powers, its open dialogue with interest groups and its constant need for knowledge and expertise (Chari and Kritizinger, 2006; Chari *et al.*, 2010; Hix and Hoyland, 2011). Several studies of EU interest groups therefore focus on lobbying in the Commission.

With the aim of analysing the transmission of knowledge and information from interest groups to political institutions through lobbying, Chalmers (2011) surveyed more than 300 interest groups active in the Commission and found evidence of *pluralist* interest group representation. He argues that 'interest group influence in the EU is, on balance, fair and impartial. No single type of group or groups dominates the process and no groups are excluded' (Chalmers, 2011, p. 473). Coen and Katsaitis (2013) conduct a similar analysis by focusing on the activity of interest groups in the Commission by policy field and show that the access of interest groups to policy-making depends on the demand for input and output legitimacy of the policy. Input legitimacy refers to the need of public consensus and a high level of participation over policy, while output legitimacy is associated to the quality of the policy and the technical information required for its formulation (Coen and Katsaitis, 2013). The authors show that private interests dominate output-legitimacy policy fields, while public groups are more numerous

input-legitimacy ones (Coen and Katsaitis, 2013). This lead them to assert that EU interest group representation is best described by *Chameleon Pluralism*, whereby the pluralistic system of interest representation of the EU ‘changes its appearance over time during the policy cycle for a given policy problem or within a sub-sector over a longer period of time’ (Richardson and Coen, 2009, p. 348).

Despite the different approaches taken towards the study of pluralism, scholars of interest groups acknowledge the pluralist nature of the EU interest representation (Mahoney, 2008). As Greenwood argues (2011, p.22), overall ‘no one type of interest can ever routinely dominate the EU political system’. Whether or not this entirely depends from the institutional structure of the EU (Mahoney, 2008; Esing, 2007), from the policy field (Coen, 2007) or from the absence of a popular engagement in the EU and, therefore, the need for input legitimacy by interest groups (Greenwood, 2011; Coen and Katsaitis, 2013) is open to debate. However, the description of the EU’s system of interest representation as the world’s second most complex and largest lobbying environment is a fact (McGrath, 2005). For this reason, the analysis of EU lobbying and lobbying regulations has attracted the attention of many scholars.

At present, the EU sees the participation of more than 9,500 interest groups in its policy-making process, of which 1,000 are consultancies, 4,800 are firms, trade, business and professional associations, 2,400 are NGOs, 660 are think thanks, research and academic institutions, 44 represent churches and religious organizations and 430 are regional or municipal authorities.⁶⁵ Among these

⁶⁵ See: Transparency Register of the European Union, <http://ec.europa.eu/transparencyregister/public/homePage.do?locale=en#en>, last seen July 17, 2016.

groups, some deserve more attention because of their size and their ability to mobilize.

UNICE (Union of Industrial and Employer's Confederation of Europe), now known as BUSINESSEUROPE, and the ERT (European Round Table of Industrialists) are the largest umbrella organizations for business. Both organizations are regularly involved in EU policy-making, in particular, in the formulation of regulatory policy (Chari and Kritizinger, 2006; Hix and Hoyland, 2011). COPA-COGECA represents the largest business group in the field of agriculture, which represents the policy field receiving the largest slice of the EU budget. The European Trade Union Confederation (ETUC) represents the peak association for trade unions. It comprises 89 national organizations from 39 countries (inside and outside the EU). This organization is the main negotiation partner in the 'social dialogue' of the Commission over European social policy. The study of the history of European integration in this policy field has however suggested the second-order relevance of EU social policies (Chari and Kritzing, 2006).

The EU also exhibits a flourishing public affairs sector, best represented by Society of European Affairs Practitioners (SEAP), the European Public Affairs Consultancies' Association (EPACA) and the European Centre for Public Affairs (ECPA) (OECD, 2012). Finally, as the EU continued to expand its policy competence, a large sector of civil society organizations developed in Brussels. Large and small NGOs actively participate and try to influence the EU policy-making in several policy fields, such as environment, agriculture, energy, food safety, public health, humanitarian aid, justice, fundamental rights and youth. Several giants of the sector, such as Greenpeace, Friends of the Earth and Amnesty

International, have offices in Brussels testifying to the importance they give to European policy-making. In the category of the NGOs that promote transparency in government, ALTER-EU, Friends of the Earth, the Corporate Europe Observatory represent important actors during the introduction of the EU lobbying regulation in 2011.

As discussed in Chapter 1, Holman and Luneburg (2012) classify the EU lobbying law of 2011 as a *strong* system of regulation. The rules establish a register for lobbyists that seek to influence the European Commission and the European Parliament.⁶⁶ Lobbyists that register have to disclose their identity, to declare the interests of the organization or the client they represent, to state the policy issue they seek to influence and to disclose their sources of income and the lobbying expenditure. The process of registration is open to all types of interest groups and includes the acceptance of a code of conduct in return for a special pass for the admission into the Parliament building. However, the regulation is voluntary, meaning that being on the register does not represent a requirement for interest groups that want to lobby EU institutions. Additionally, the sanctions for registered groups that break the rules do not go beyond a suspension (or ban) from the register.

Scholars often criticise the EU lobbying law based on the aforementioned weaknesses. Chari and O'Donovan (2011) argue that the lack of sanctions makes the EU regulation rather ineffective. Kanol (2012) explains that the voluntary nature of the regulation undermines transparency. However, similar waves of studies suggest that EU regulation is *robust* despite the weakness identified by

⁶⁶ The Council is excluded from the scope of the regulation.

Chari & Donovan and Kanol. ‘Although this new EU registry remains a voluntary system, it has somewhat enhanced the quality of the lobbyist disclosure system’ (Holman and Luneburg, 2012, p. 19). Greenwood and Dreger (2013) show that the interest groups are increasingly accepting registration and the quality of the data is progressing. Finally, Crepaz and Chari (2014) explain that levels of registration have grown over time, despite the voluntary nature of the system. The authors suggest that interest groups register voluntarily with the aim of building a positive reputation. Overall, it appears that the voluntary nature of the registration system does not make regulation ineffective. It can be rather concluded that the EU has a robust system of lobbying regulation, although there is clearly room for improvement in terms of enforcement of the rules and mandatory registration (Crepaz and Chari, 2014).

In this case study, I investigate the introduction of the EU lobbying law from its initiation stage in 2005 during the launch of the *European Transparency Initiative* (ETI), through its policy-formulation stage, taking place in the period from 2006 to 2008 and the final decision-making stage, taking place from 2008 to 2011. The results of this analysis suggest that pluralism has positively influenced the robustness of the lobbying law during the policy-formulation stage. In the analysis, I also account for the factors of the *saliency of lobbying scandals* and *partisanship*, whose features are discussed next.

EU institutions are relatively free from strong evidence of corruption until 2011.⁶⁷ In the late winter of 2011, the Anti-Fraud Office of the European Commission

⁶⁷ A noteworthy political scandal erupted before 2011 involved the Santer Commission in the period between 1995 and 1999. Two Commissioners were forced to resign after the charges of incompetence, cronyism, nepotism and fraud. However, the accusations (in

opened an investigation against four Members of the European Parliament for corrupt allegations. Three MEPs were found guilty of having tried to influence EU legislation in exchange of money. The cases of corruption were uncovered when journalists of the *Sunday Times*, posing as lobbyists, approached MEPs willing to accept bribes in return of tabling amendments to EU legislation. The scandal was brought on the front pages of the main European newspapers in March 2011. The EU lobbying law was, at the time, awaiting its final approval, eventually obtained in April of 2011. There is no evidence of the influence of the scandal on the regulation during the short period of time between March and April 2011, besides, perhaps, encouraging a prompt adoption of the regulation (Crepaz and Chari, 2014).

Greenwood and Dreger (2013) interestingly suggested that the robustness of the EU lobbying law was not influenced by European scandals but rather by the ‘Abramoff’ scandal erupted in the US in 2005. A former lobbyist, Jack Abramoff, was investigated (and found guilty) of fraud, tax evasion and conspiracy to bribe public officials.⁶⁸ The wrongdoings were uncovered with the help of the US Lobbying Disclosure Act introduced in 1995 (Holman and Luneburg, 2012). Greenwood and Dreger (2013, p.156) find that the Abramoff scandal is ‘widely quoted’ in relation to the Commission’s *European Transparency Initiative* (ETI), which advocates in favour of the introduction of a lobbying regulation. This suggests that the foreign scandal influenced the robustness of the lobbying law. As will be seen, my analysis of the EU case, however, shows that, while the Abramoff

⁶⁸ particular, against Commissioner Manuel Marin) remain contested (Ringe, 2003). Investigating Abramoff - A special report, Washington Post, June 2005. <http://www.washingtonpost.com/wpdyn/content/linkset/2005/06/22/LI20050622036.html>, last accessed July 17, 2016.

scandal certainly played a role in the launch of the ETI, it has not influenced the robustness of the lobbying regulation.

I additionally found that *partisanship* did not influence the robustness of the EU regulation. The Commission, which initiated the policy proposal for the lobbying regulation, is generally believed to be non-partisan (Chari and Kritzinger, 2006). The European Council, which is formed by the heads of the domestic governments, collectively elects the President of the Commission. Next, each member state's government appoints a Commissioner (to whom the President gives responsibility over a portfolio). Member states generally appoint former politicians with technical abilities and seniority (Chari and Kritzinger, 2006). This mechanism of selection encourages the formation of a relatively partisan-free institution, although scholars have punctually found national (Thomson, 2008) or partisan affiliation (Hix and Hoyland, 2011) of Commissioners.

The European partisan institution *par excellence* is notoriously the European Parliament in which domestic political parties are organized in party-groups. In the current legislature, those groups are (in descending order of legislative power in the EP) the European People's Party (Christian Democrats), the Progressive Alliance of Socialists and Democrats (Social Democrats), the European Conservatives and Reformists Group (Centre-right), the Alliance of Liberals and Democrats for Europe (Liberals), the European United Left (Radical Left), the Greens/European Free Alliance (Green and Regionalists), the Europe of Freedom and Direct Democracy and the Europe of Nations and Freedom. Hix *et al.* (2007) assigned the party families in brackets to party groups. Albeit these groups were initially umbrella organizations of the domestic political parties, they gradually

developed into proper ‘Euro-parties’ with the increasing engagement of the Parliament in EU legislation under the ordinary legislative procedure (Hix and Hoyland, 2011).

In the study of legislative politics, there is a current debate about the left-right placement of European political parties. McElroy and Benoit (2010) use expert surveys to estimate the left-right positions of EU party groups during the 2004 legislature. The authors show that there is strong policy congruence on the left-right dimension between the European party groups and the domestic political parties affiliated to them (McElroy and Benoit, 2010, p. 385). This finding suggests that EP party groups and affiliated domestic parties share similar policy positions. As a consequence, partisan ideology is likely to drive the legislative activity of EP groups.

The process of introduction of the EU lobbying regulation covered two legislatures of the European Parliament. In the period from 2004 to 2009, the centre-rightist European People’s Party (EPP-ED) occupied the highest number of seats in the EP, although it did not control its majority. The Social Democrats (S&D) and the Alliance of Liberals (ALDE) both occupied enough seats to form a majority with the EPP-ED without, however, signing coalitions. Similar to the results of the 2004 elections, the EPP did not win a clear majority in 2009. During this legislature, the S&D represented its main negotiation partner in the EP. However, the main negotiation partner of the EPP concerning the adoption of the lobbying regulation was ALDE (the third largest group in the EP).

The centre-rightist parliamentary formation between EPP and ALDE in the EP during the adoption of the lobbying law should have, according to my expectations,

encouraged the adoption of a weak lobbying law. However, the EU regulation is an example of a strong form of regulation and I did not find evidence of partisanship influencing its robustness in the analysis of the official documents published by the European Parliament.

Overall, my analysis discusses in detail the following processes in relation to the policy-making stages of the *initiation*, *policy formulation* and *decision-making*. First, the introduction of the lobbying law entered the agenda of the Commission in 2005 with the development of the ETI. The Commissioner for Administrative Affairs, Audit and Anti-Fraud (ADMIN) and Vice-President of the Commission from 2004 to 2009, Siim Kallas, quickly realized that the lobbying regulation was a salient aspect of the ETI. This stage represents the *initiation*. Secondly, after the launch of the ETI, ADMIN opened two periods of consultation (the first about the lobbying register and the second about the code of conduct for lobbyists). The consultations had the effect of strengthening the regulation and call for the involvement of the European Parliament. This stage represents the *policy-formulation*. Finally, in 2008, the EP started to work on an inter-institutional agreement with the Commission to extend the scope of the regulation. The regulation was finally approved in April 2011 after three years of work in the Parliament. The final approval concluded the stage of *decision-making*.

I conduct the analysis by using evidence from official documents published by the Commission and the European Parliament. Additionally, I retrieve the interest groups' positions about the lobbying law from their submissions to the Commission during the consultation phase. I also conducted three interviews with two high level civil servants working for the Commission and the EP and one

representative of the transparency NGOs (that were strongly involved in the process). The interviews focused on the reconstruction of the stages of the policy-making process. In particular, interviewees were asked to focus on the main actors and the chronological order of their actions. These interviews served to cross-validate the causal-process observations collected from the process tracing analysis. All interviews were held in Brussels in September 2015.

3.1 INITIATION STAGE

The College of Commissioner held a meeting in May 2005 about a ‘possible launch of a European Transparency Initiative’.⁶⁹ The Initiative’s goal was to take ‘further steps to increase the transparency’ in four main pillars of European policy. The first pillar was ‘intended to increase financial accountability and information about the way EU budget is used’ by pushing information about EU funds to civil society organizations, to agriculture and to disadvantaged regions.⁷⁰ The second pillar represented anti-fraud policy. The Commission’s objective was to raise awareness and campaign against fraud in Europe. The third pillar addressed ethical standards in the political intuitions of the EU. The main objective represented the reform of the ethical code of conduct for Commissioners, Members of Parliament and of the Council. The fourth pillar concerned transparency in lobbying and the Commission intended to introduce a lobbying regulation. The responsibility over the fourth pillar of the Initiative was given to the Commissioner for Administrative Affairs, Audit and Anti-Fraud, Siim Kallas.

⁶⁹ PV(2005)1702 final Minutes of the 1702nd meeting of the Commission held in Brussels (Berlaymont) on Wednesday 18 May 2005 (morning), Brussels, May 25, 2005.

⁷⁰ Siim Kallas at The European Foundation for Management, Nottingham Business School Nottingham, March 3, 2005.

In one of his several speeches about the launch of the European Transparency Initiative, Kallas explained the main rationale behind the adoption of a lobbying regulation in the EU. Surveys had shown that the citizens' confidence in EU institution had progressively decreased since the adoption of the Maastricht Treaty.⁷¹ Addressing the issue of decreasing trust in EU institutions, Kallas explained the idea behind the Initiative:

I want to focus on one particular issue: how to restore confidence in the European Union? My reply is simple: increase the level of transparency.' 'At the moment there are about 15.000 lobbyists established in Brussels, while around 2,600 interest groups have a permanent office in the capital of Europe. Lobbying activities are estimated to produce 60 to 90 million € in annual revenues. But transparency is lacking. There is no mandatory regulation on reporting or registering lobby activities. Registers provided by lobbyists' organisations in the EU are voluntary and incomprehensive and do not provide much information on the specific interests represented or how it is financed. Self-imposed codes of conduct have few signatories and have so far lacked serious sanctions.'⁷²

Kallas' statement stresses the complexity of the EU lobbying: numerous lobbyists produce impressive revenues every day in an opaque system of participatory democracy. An increase in transparency in lobbying would strengthen citizens' already low trust in political institutions and legitimize the interest group's participation to the policy-making process. In order to do so, regulations would have to shed light over advocacy and over the financial activity of lobbyists. The Green Paper (published in May 2006) that formally launched the Initiative states: 'When lobby groups seek to contribute to EU policy development, it must be clear to the *general public* which input they provide to the European institutions. It must also be clear who they represent, what their mission is and how they are funded.'⁷³

⁷¹ 'Proposing the Launch of the European Transparency Initiative', Memorandum to the Commission, May 18, 2005.

⁷² 'Transparency restores confidence in Europe', Speech of Vice President of the European Commission, Siim Kallas, to the European Policy Institutes Network, at the Centre of European Policy Studies. Brussels, October 20, 2005, p.5.

⁷³ Green Paper ETI, May 3, 2006, p.5.

According to the Green Paper, lobby groups are all organizations that carry out their activity ‘with the objective of influencing the policy formulation and decision-making processes of the European institutions’ whether or not they represent ‘public affairs consultancies, law firms, NGOs, think-tanks, corporate lobby units (“in-house representatives”) or trade associations.’⁷⁴ In carrying out their activities, ‘lobbyists should be required to disclose personal information and declare the interests they represent.’⁷⁵ From these statements it appears that, rather than fighting corruption, the Commission launched the ETI to give citizens the chance to observe what is happening inside the ‘black box’ of the political system.

Additionally, it appears that the scandal around former lobbyist Jack Abramoff (erupted in the US in 2005) influenced Kallas’ agenda for the adoption of the lobbying regulation. Greenwood and Dreger (2013) show that the Abramoff scandal is highly cited throughout all of Kallas’ speeches.

No-one can guarantee that there's not a European Abramoff-affair that we simply do not know about. Also, although the Washington and Brussels lobbying communities are on different continents, they're not on different planets. Some positive and negative cross-fertilization takes place and no-one can disagree that the Abramoff-affair again underlines the need to implement the ETI.⁷⁶

The scandal clearly influenced the promotion of the initiative in the European context. However, from other public statements by Kallas, it becomes clear that it did not influence the robustness of the lobbying law: The Abramoff scandal ‘reinforced US rules’ in a way that they now ‘go into a level of detail I believe most

⁷⁴ Green Paper ETI, May 3, 2006, p.5.

⁷⁵ ‘Report of the Inter-Departmental Working Group on a possible European Transparency Initiative’. Commission Staff Working Group Document. October, 2005, p.18.

⁷⁶ Speech given by Mr Siim Kallas, Vice-President of the European Commission at the European Public Affairs Consultancies’ Associations (EPACA) Annual General Meeting, Brussels, January 25, 2006, p.1.

of us would agree would be unnecessarily detailed for the European context'.⁷⁷ To be clear, 'the Commission's approach is very "soft" compared to the US Lobbying disclosure Act'.⁷⁸

Overall, the analysis of the initiation stage suggests that salient lobbying scandals have not influenced the robustness of the EU lobbying law. While the EU did not experience cases of political corruption, the Abramoff-scandal (erupted in the US) worked as a driving force behind the launch of the ETI. The analysis of Kallas' (Commissioner for ADMIN) statements about the Initiative however revealed that the American scandal did not encourage the Commission to introduce robust lobbying rules. The analysis of Kallas' speeches rather suggests that strict rules served as a tool to increase transparency in a complex lobbying environment. Kallas explains that with over 15,000 lobbyists operating in Brussels, mandatory rules are needed to increase transparency. This finding is in line with the results of several studies conducted by Greenwood (1998, 2003, 2013) on the EU. The author suggests that the Commission and the EP introduced lobbying rules to resolve a problem of overcrowded lobbying.

However, complex lobbying industries are generally associated with pluralist systems of interest representation, whose influence over the policy-formulation stage is analysed next. With the ETI, the Commission tried to improve the system of participation of interest groups by encouraging a level playing field and opening the gates for robust regulation.

⁷⁷ 'Lobbying: what Europe can learn from the US'. Speech given by Kallas at the American Chamber of Commerce EU Plenary Meeting, September 18, 2007, p.3.

⁷⁸ 'Lobbying: what Europe can learn from the US'. Speech given by Kallas at the American Chamber of Commerce EU Plenary Meeting, September 18, 2007, p.3.

The Commissions opened the policy-making process to the participation of interest groups in two occasions: the first in 2006 and the second between 2007 and 2008. During both processes of consultation, a total of 170 interest groups sent policy recommendations about the lobbying regulation to the Commission. I analyse the groups' opinions and their influence over the policy-formulation process in the next section.

3.2 POLICY-FORMULATION STAGE

From May to December 2006, the Commission opened the formulation of the ETI to interest groups. During this period, a total of 113 interest groups sent policy recommendations about the lobbying regulation to the Commission.⁷⁹ The letters came from 28 national trade associations, 34 EU trade associations and professional organizations, 6 international trade associations, 4 firms, 17 national NGOs and 24 European NGOs. A second wave of consultation was launched in the period between December 2007 and February 2008. The aim of the second period of consultation was to collect opinions about a draft code of conduct for lobbyists to sustain the regulation. Overall, 40 corporate actors, 17 NGOs and think tanks participated to this consultation.⁸⁰

I analyse the groups' letters and retrieve their policy positions over the regulation of lobbyists. I then observe their influence over the formulation of the regulation and assess the impact of pluralism on its robustness. Michel (2013) conducted a

⁷⁹ Downloaded from http://ec.europa.eu/archives/transparency/eti/contributions_en.htm, last accessed July 19, 2016.

⁸⁰ Downloaded from http://ec.europa.eu/transparency/consultation_code/contributions_en.htm, last accessed July 19, 2016.

similar investigation of the consultation process during the formulation of the ETI. Michel (2013) shows that interest groups have divided opinions about how to regulate lobbying. Her analysis suggests that the NGOs advocating for the introduction of more transparency were more successful than other interest groups. However, the evidence suggests that important goals promoted by NGOs, such as making registration of lobbyists mandatory, were not achieved. My analysis, to which I now turn, reveals that the pluralistic participation of interest groups in the formulation of the ETI allowed the Commission to pick from the groups' diverse policy positions about the lobbying regulation and to produce a regulation that substantially increases the level of transparency in EU institutions.

Business associations expressed scepticism for strict lobbying rules. For example, the Union of Industrial and Employer's Confederation of Europe (UNICE) explains that the register should be voluntary 'and not discriminatory'.⁸¹ The European associations of the banking sector 'strongly objects to the disclosure of financial information, such as lobbyists' budget'.⁸² Similar positions were expressed by the largest Agricultural Organizations in the EU⁸³, Business Europe (UNICE changed name to Business Europe in 2007)⁸⁴, the European Association of Fish Producers Organization⁸⁵, the Federation of the European Sporting Goods Industry⁸⁶ and the European Builders Confederation.⁸⁷

⁸¹ UNICE submission, July 25, 2006, p.1.

⁸² 'Joint contribution of European associations representing the banking sector' submission, August 1, 2006, p.3.

⁸³ COPA-COGECA submission, August 25, 2006.

⁸⁴ Business Europe submission, February 1, 2008.

⁸⁵ EAPO submission, July, 2006.

⁸⁶ FESI submission, August 31, 2006.

⁸⁷ EBC submission, August 31, 2006.

As already pointed out by Michel (2013), lobbying consultancies represented the main opposition to robust regulations. The Society of European Affairs Professionals advocated for self-regulation based on individual responsibility and a code of conduct set by the organization.⁸⁸ The three main representatives of the profession, the Society of European Affairs Practitioners (SEAP), the European Public Affairs Consultancies' Association (EPACA), and the European Centre for Public Affairs (ECPA), were concerned that robust rules, such as the disclosure of financial information for each client, would harm their activity. They also argued that such rules would introduce a disadvantage for consultants *vis a vis* in-house lobbyists and NGOs because it would provide the latter with sensitive information about the activities of lobbying firms.⁸⁹

European trade unions, by contrast, called for their exclusion from the scope of the regulation. The European Confederation of Trade Unions (ETUC) declared that their organization 'is not a pressure group'.⁹⁰ Interestingly, the Austrian trade unions *Bundesarbeitskammer* (BAK) and the Austrian Trade Union Federation (ÖGB) expressed a positive opinion for robust rules in their submissions. Both organizations favour the adoption of a mandatory regulation, a wider scope including also the EP and the Council, strong registration requirements and the disclosure of lobbying expenditures and incomes.⁹¹ This represents a significant finding because I will later (in the analysis of the Austrian corporatist case) show that both organizations heavily opposed the introduction of robust lobbying laws in their country of origin.

⁸⁸ SEAP submission, July 28, 2006.

⁸⁹ SEPA, EPACA and ECPA submissions, July, 2006.

⁹⁰ ETUC submission, 2006, p.1.

⁹¹ ÖGB submission, February 12, 2008 and BAK submission, February 11, 2008.

Several interest groups appeared to be concerned about creating a level playing field for all organizations operating at the EU level. For example, the business association EUROCHAMBER advocated for the equal treatment of all interest groups in the regulation. They additionally called for the involvement of the European Parliament in the scope of the regulation.⁹²

NGOs appeared to be the strongest promoters of robust rules. Above all, the transparency NGOs ALTER-EU⁹³, Friends of the Earth, Transparency International (TI), Corporate Europe Observatory (CEO), LobbyControl and EU Civil Society Contact Group expressed the strongest preferences for robust lobby regulations.⁹⁴ The head of CEO, Erik Wasselius, already advocated for the introduction of a mandatory lobbying law in the Commission with an open letter to Siim Kallas in 2005 (Wasselius, 2005). Overall, these NGOs asked for a mandatory regulation, the establishment of a register for all interest groups, the disclosure of personal, organizational and financial information from all registered lobbyists, the declaration of the subject matter of the lobbying activity, revolving-door provisions and the introduction of a common code of conduct backed up by sanctions and the establishment of a fully independent public body responsible for the enforcement of the regulation.⁹⁵

The Commission produced two relevant policy papers as a result of both periods of consultation. The first is a ‘follow up’ document to the Green Paper about the

⁹² EUROCHAMBERS submission, August 2006.

⁹³ ALTER-EU is a coalition of NGOs advocating for ethics and integrity reforms in EU institutions. The member organizations are Friends of the Earth, Corporate Europe Observatory, Spinwatch, LobbyControl, Greenpeace European Unit and the European Federation of Journalists.

⁹⁴ Submissions ALTER-EU and its member organizations, EU Civil Society Contact Group and Transparency International.

⁹⁵ ALTER-EU submission, 2006 and Transparency International submission, 2006.

ETI.⁹⁶ The second represents a draft code of conduct for lobbyists.⁹⁷ The analysis of these documents reveals that the Commission welcomed several of the policy recommendations of the interest groups that make the regulation more robust:⁹⁸ the registration will be open to all interest groups and will include the disclosure of personal and financial information. Registered lobbyists will have to declare the subject matter of their activity and the general interest of the organization they represent. As advocated by NGOs, the disclosure of the expenditures will involve ‘the breakdown on major clients and/or funding sources’⁹⁹, and be based on a common code of conduct backed up by sanctions.¹⁰⁰ However, the regulation (as requested by the majority of corporate actors and consultancies) was to remain voluntary and sanctions would not go beyond de-registration.¹⁰¹ Finally, the Commission welcomed the groups’ call for an inter-institutional agreement with the European Parliament and other EU institutions on the adoption of a lobby regulation’.¹⁰² As a result, the Commission invited ‘the European Parliament, the Committee of the Regions and the European Economic and Social Committee to examine the possibility of closer cooperation in this area’¹⁰³ widening the scope of the rules to legislative lobbying and making the regulation more robust.

From the analysis of the groups’ contributions, Michel (2013, p. 64) has observed ‘how the Commission has produced pluralism’. With the ETI, the Commission has generated, selected, dismissed and promoted organizations involved in its

⁹⁶ Downloaded from <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52007DC0127>, last accessed July 19, 2016.

⁹⁷ Downloaded from http://ec.europa.eu/transparency/consultation_code/docs/gp_en.pdf, last accessed July 19, 2016.

⁹⁸ Follow Up to the Green Paper ‘European Transparency Initiative’, March 21, 2007.

⁹⁹ Follow Up to the Green Paper ‘European Transparency Initiative’, March 21, 2007, p.4.

¹⁰⁰ Follow Up to the Green Paper ‘European Transparency Initiative’, March 21, 2007, p.3.

¹⁰¹ Follow Up to the Green Paper ‘European Transparency Initiative’, March 21, 2007, p.3.

¹⁰² Follow Up to the Green Paper ‘European Transparency Initiative’, March 21, 2007, p.3.

¹⁰³ Follow Up to the Green Paper ‘European Transparency Initiative’, March 21, 2007, p.6.

formulation (Michel, 2013, p. 53). My analysis has additionally shown that the Commission has accepted several policy recommendations suggested by interest groups. The interaction between the Commission and organized interests has in this case produced the formulation of a robust lobbying regulation.

During both consultation phases, interest groups produced a variety of policy positions about how lobbying should be regulated. In this process, no interest group (or group of organizations) appears to dominate the consultation. The absence of a dominant group allowed the Commission to pick from the different policy positions and produce a regulation which would introduce strong levels of transparency and accountability. Additionally, the policy formulation stage extended the scope of the regulation to the EP. In this regard, the Commission implemented its own register (in July 2008) and invited the EP to develop an inter-institutional agreement between the two institutions that extended the regulation to the Parliament, to which I now turn.

3.3 DECISION-MAKING STAGE

The European Parliament had a system of registration of interest groups in place before the introduction of the inter-institutional agreement. Since 1996, the representatives of organized interests who enter the Parliament building were required to sign a code of conduct and disclose personal information. Chari *et al.* (2010) argued that this system allowed lobbyists to meet outside the parliamentary building thereby avoiding registration. With the ETI, the Commission opened a debate in the EP about reforming these rules in an inter-institutional agreement between the two institutions and encouraging the

adoption of robust lobbying rules. According to my theoretical expectations, the centre-rightist composition of the EP and, in particular, the collaboration the centre-rightist party groups EPP and ALDE should have produced less robust rules during the decision-making stage. The findings on the contrary suggest that the EP supported the Commission's proposal, as drafted during the policy-formulation stage, and therefore adopted the lobbying regulation in an inter-institutional agreement without further modifications.

The Committee on Constitutional Affairs of the EP had contacts with DG ADMIN since September of 2007.¹⁰⁴ The correspondence between the Committee and the DG was aimed at collaborating on the adoption of the lobbying regulation. To this end, the Committee appointed Alexander Stubb (EPP) to the responsible Rapporteur in charge of communicating with the Commission and pushing the legislative proposal through the EP.

Rapporteurs are appointed by the President of the EP based on their affiliation to European party groups. Rapporteurs are responsible for the presentation of reports, adopted by European Parliament's committees, during the EP's plenary session. Studies of their leadership role inside the Committees suggested that they can often influence the Parliament's opinion (Costello and Thomson, 2010) by controlling the flow of information between political institutions (Farell and Heritier, 2004). This gives a substantial agenda-setting power to the rapporteur over the European Parliament and the power to influence it in favour of her political party.

¹⁰⁴ Letter to Siim Kallas from the Committee on Constitutional Affairs, September 12, 2007. Downloaded from http://ec.europa.eu/archives/commission_2004_2009/kallas/work/eu_transparency/lobbying_en.htm, last accessed July 19, 2016.

The composition of the Committee resembled the distribution of seats in the EP with the EPP having the majority of seats followed by S&D and ALDE. The 18 votes (with 1 dissenting and 3 abstained votes) in favour of the adoption of the report underline the large consensus among party groups for the introduction of the Commission's proposal of lobbying regulation in the EP.

The responsible rapporteur presented the Committee's report in April 2008. In the report, the members of the Committee presented a motion for a Parliament's resolution about the lobbying regulation. Concerning the details of the regulation, the Committee welcomed:

The Commission's proposal for a 'one-stop shop' where lobbyists could register with both the Commission and Parliament and calls for an inter-institutional agreement on a common mandatory register between the Council, the Commission and Parliament that would be applicable in all institutions and include full financial disclosure, a common mechanism of expulsion from the register and a common code of ethical behaviour.¹⁰⁵

In May 2008 the EP's plenary session adopted the resolution on 'the development of the framework for the activities of interest representatives (lobbyists) in the European institutions'.¹⁰⁶ The resolution welcomed the recommendations outlined in the Committee's report, showed full support to the Commission's proposal and called on the responsible Committees to prepare necessary amendments to the EP's rules of procedure.¹⁰⁷ The resolution also proposed the establishment of a

¹⁰⁵ Report on the development of the framework for the activities of interest representatives (lobbyists) in the European institutions. Committee on Constitutional Affairs, April 2, 2008, p. 5.

¹⁰⁶ Downloadable from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=//EP//TEXT+TA+P6-TA-2008-0197+0+DOC+XML+V0//en>, last accessed July 31, 2016.

¹⁰⁷ European Parliament resolution on the development of the framework for the activities of interest representatives (lobbyists) in the European institutions (2007/2115(INI)), May 8, 2008, pp. 3-5.

Joint Working Group between EP and Commission, appointed by the Conference of Presidents, for the preparation of the inter-institutional agreement.¹⁰⁸

The parliamentary works on the formulation of an inter-institutional agreement with the Commission experienced a slow-down in 2009 because of the European Parliament elections. In the aftermath of the elections, both party groups EPP and ALDE maintained the position of leadership in the establishment of a common lobbying regulation, despite their electoral losses (23 seats and 20 seats respectively). In particular, Vice-President and responsible for Transparency in the EP, Diana Wallis (ALDE), was placed in a leadership position in the negotiations with the new Barroso Commission. In the working group, her work was supported by the presence of Jo Leinen (S&D), Chair of the Committee on Environment, Public Health and Food Safety, Carlo Casini (EPP), Chair of the Committee on Constitutional Affairs, and Siim Kallas (later replaced by Maroš Šefčovič in the new Commission).¹⁰⁹

After a year of work, the Joint Working Group produced a draft text of the inter-institutional agreement in November 2010. During the same month the Conference of Presidents declared that the draft proposal had been agreed *unanimously* at the level of working group, stressing the level of consensus that it produced. The Conference of Presidents additionally '*warmly welcomed and endorsed* (original emphasis) the draft text'.¹¹⁰

¹⁰⁸ The Conference of Presidents represents a body of the European Parliament composed by the President and the Chairmen of the party groups. It is responsible for the organization of the legislative works under Rule 27 of the Parliament's rules of procedures.

¹⁰⁹ Press release of the European Parliament, downloadable from <http://www.europarl.europa.eu/sides/getDoc.do?language=SL&type=IMPRESS&reference=20091117IPR64653>, last accessed July 31, 2016.

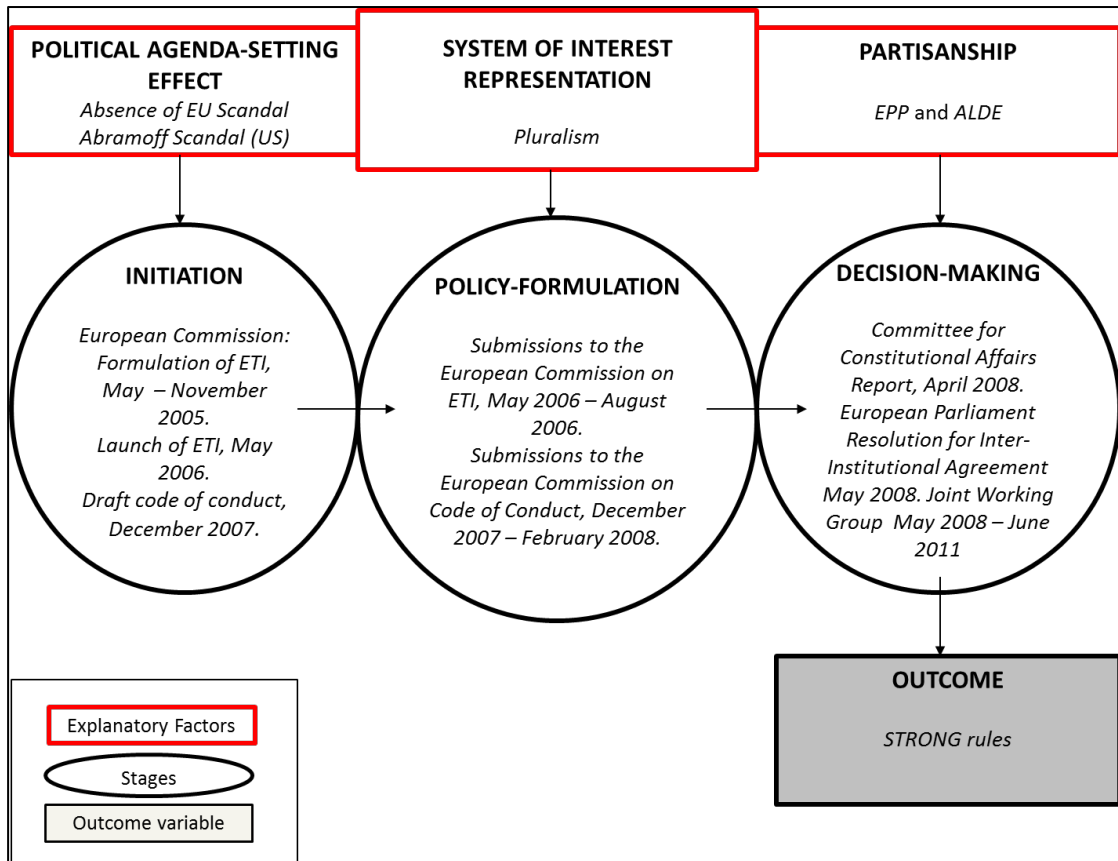
¹¹⁰ European Parliament, Conference of Presidents, Minutes. November 18, 2010, pp. 19-20.

The draft agreement was successfully adopted by the EP in April and implemented in June 2011. Despite the relevance of the centre-rightist party groups, EPP and ALDE, in ushering the proposal through the decision-making process, the level of robustness of the regulation did not change from the Commission's proposal.

Overall, the analysis of the decision-making process found strong consensus for the adoption of robust lobbying regulations in EU institutions. Additionally, the appointment of centre-rightist MEPs (particularly of ALDE) in key positions of the decision-making process (such as rapporteur of the Committee on Constitutional Affairs or to President of the Joint Working Group) demonstrated to have no negative influence on the robustness of the lobbying regulation. Rather, the work of the EP supported the Commission's proposal for robust lobbying rules.

3.4 CONCLUSIONS

The case study showed that the pluralist system of interest representation has positively influenced the robustness of lobbying regulations in the EU. I analysed the introduction of the lobbying regulation by investigating the stages of the initiation, policy-formulation and decision-making of the legislative process. The results of the introduction of the lobbying law and the effect of the explanatory factors are shown in Figure 20.

Figure 20: Features of the policy-making in the case of the EU lobbying regulation

The introduction of a lobbying law entered the agenda of the Commission in 2005, when the Commissioner for Administrative Affairs, Audit and Anti-Fraud launched the ETI, an initiative aimed at promoting transparency in EU institutions. The analysis of the official documents published by the Commission revealed the secondary importance of lobbying scandals in encouraging robust regulations. While EU institutions appeared to be corruption-free during the analysed period, the lobbying scandals that erupted in the US around Jack Abramoff helped set the Commission's agenda for lobbying regulations. However, the scandal had no additional effect on Siim Kallas' preferences for robust rules. The results of the analysis of the initiation stage suggest, instead, that the Commission was concerned about promoting trust in EU institutions. The Commission saw robust

levels of transparency in policy-making as a tool to increase the citizen's trust in the project of European integration.

For the formulation of the legislative proposal, the Commission relied on the results of a broad consultation process. In the period from 2006 to 2008, business groups, firms, trade unions, professional associations, consultancies and NGOs tried to influence the process of formulation of the lobbying regulation. My analysis of the policy recommendations sent to the Commission by these interest groups revealed that the interest group community was heavily divided on this topic: while economic groups and consultancies advocated for less robust rules (in particular on financial disclosure and voluntary registration), the NGO community actively lobbied for strict regulations (in particular for maximum disclosure and mandatory registration). The analysis suggests that no interest group dominated the policy-formulation stage as correctly theorized by pluralist scholars. The absence of a privileged organization (or interest group type) allowed the Commission to choose those provisions that maximize transparency (as discussed in the section on the initiation stage) resulting in the formulation of a robust legislative proposal of lobbying regulation.

The Commission's proposal was next examined by the EP with the aim of extending the regulation to the Parliament. MEPs of the party groups of the EPP and ALDE played determinant roles throughout the decision-making process. Despite the centre-rightist ideology of both European Party Groups, the analysis of the official documents published by the Parliament did not find evidence of partisanship influencing the robustness the lobbying regulation. Rather, the EP

showed full support for the Commission's proposal, which was approved by an inter-institutional agreement in June 2011.

In sum, the introduction of robust lobbying rules in the EU can be better explained by the presence of a pluralist system of interest representation and the need, expressed by EU intuitions. Next, I present the results of the analysis of the Austrian case which looks at the influence of corporatism on the introduction of weak lobbying laws.

4. TYPICAL CASES: AUSTRIA

As a typical *corporatist* system of interest representation (Lijphart and Crepaz, 1991; Kenworthy, 2003; Siaroff, 1999), Austria represents an ideal case for the analysis of the corporatism. Köppl and Wippersberg (2014) have shown the importance of revolving doors between politics, trade unions, and business associations in their analysis of lobbying activities in Austria. Two main actors appear to be particularly relevant to Austrian corporatism: the confederal trade union (ÖGB) and the largest business association (WKÖ). Both interest groups regularly take part in the policy-making process via formal structures of participation and negotiation (Müller, 1997). Both also have close ties to the political parties in government (the ÖGB with the Social Democratic Party and the WKÖ with the Christian Democratic Party). For example, the party structure often overlaps with the membership of organized interests. Members are 'exchanged' between the organizations through a system of revolving doors. This exchange often results in members of interest groups having important roles in the affiliated political party or government. For instance, the president of the ÖGB is often

appointed as minister of social policy under social-democratic governments. Köppl and Wippersberg argue that this intertwining has been particularly important in the case of the legislature from 2008 to 2013, which passed the lobbying law (Köppl and Wippersberg, 2014, p. 33).

The Austrian case also reveals the following distinctive features about the two independent factors of *salient lobbying scandals* and *partisanship* that the analysis accounts for. First, media activism on detecting lobbying scandals during the years between 2010 and 2012 shed light on two affairs involving Austrian politicians and unclean lobbying, namely the *Telekom Affair* and the *Cash for Law* scandal. These are considered by the media as the biggest corruption scandals of contemporary Austrian politics, and the only salient lobbying scandals of the last 15 years.¹¹¹ In total, the scandals personally involved two members of the Government, one MP, one Austrian MEP and two former Ministers. According to Rosenson (2005), this represents a sequence of *salient* scandals and it can be safely argued that they undermined the credibility of the government in front of the Austrian public opinion. Holman and Luneburg (2012, p. 20) noted that the scandals drove change in ethics policy in Austrian politics. However, their work failed to observe the causal mechanism at work between the eruption of the scandals and the adoption of ethics policy, such as lobbying regulations.

Secondly, in the process of introduction of the law, an oversized parliamentary majority formed by the Social Democratic Party (SPÖ) and by the Christian Democratic Party (ÖVP) negotiated the bill. According to the literature, the Social

¹¹¹ Der Standard, see <http://derstandard.at/r1353207016471/Causa-Strasser> for an overview of the Cash for Law scandal, and <http://derstandard.at/2000042908374/Telekom-Affaere-Ex-Lobbyist-Hochegger-verhaftet>, for an overview of the Telekom Affair, last access September 21, 2016.

Democratic Party (SPÖ) falls in the category *centre-leftist party*, while the Christian Democratic Party (ÖVP) is considered a *centrist party* (based on Armingeon *et al*, 2014) or a *centre-rightist party* (according to Benoit and Laver, 2007). The coalition between the two parties forms a centrist majority expected to negotiate over medium-robust lobbying rules. Since 1945, the two parties have been sitting together in government for 33 years (Luther and Müller, 2014). The historical cooperation between these parties dispels obstructionism and fragmentation. Rather, the analysis shows the importance of the ties between social partners and political parties. The two organizations are tied through a system of affiliation and integration that places the organized interests in a privileged position in the policy-making process. This position allowed the Austrian trade unions to be successful in weakening the robustness of the lobbying law.

I conduct the analysis by using evidence emerging from the official documents of the floor debates (in the *Nationalrat* and in the *Bundesrat*) and from official statements on the introduction of the piece of legislation submitted by interest groups. In addition, I conducted interviews with key actors involved at all stages of the process. All interviews were held in Vienna (Austria) in May 2014. I selected interviewees according to their participation in the stages of the process.

First, I interviewed the Minister of Justice on the processes that characterized the *initiation* stage. The interview dedicated attention to the role of the scandals in the media in determining the agenda of the government. The interviewee was asked to reconstruct the process of initiation of the policy, identify key actors and stakeholders accordingly, and explain how media attention to the scandals shaped the agenda of the Ministry.

Second, two interviews involved lobbyists (one considered to be an expert in anti-corruption policy), which were participating at the stage of *policy formulation* with submissions to the government. Both also took part in an expert hearing organized by the Justice Committee in the Lower House. In this stage, I collected evidence on the processes of lobbying and corporatism. Interviewees were asked to describe their role in the process and to explain the strategies adopted to represent their interests. Lobbyists were also asked about strategies adopted by interest groups representing opposed interests. Lobbyists were asked to evaluate the importance of different interest groups in the process, revealing the dynamics in relation to access. In particular, they were asked to evaluate whether social partners enjoyed privileged access in the process.

A third round of interviews involved a member of the Justice Committee of the Lower House in charge of negotiating amendments in order to gain insights into the processes of *decision-making*. The interviewee was asked to reconstruct the process of deliberation and to identify key actors and stakeholders involved. The interviewee was asked to evaluate the preferences of the different political parties, to reconstruct dynamics of negotiations in the Committee of the Lower House, and finally to describe links between such parties and the interest groups involved in the process.

The analysis first addresses the *initiation* stage in which the Ministry of Justice represents the main institutional actor and the salient lobbying scandals represent the main explanatory factor. The results reveal that the presence of a sequence of salient corruption scandals influenced the government's agenda during the initiation stage. The government proposed robust rules to prevent cases of future

corruption. However, these rules were stricter for consultancies and corporate lobbyists and weaker for professional and public interest groups. It therefore seems that salient lobbying scandals promoted the introduction of strong rules for consultancies and corporate lobbyists, rather than affecting the overall level of robustness of the regulation.

The second stage is the *policy-formulation* stage. During this stage, social partners sought to lobby the Government's legislative proposal by sending submissions, and participating in public hearings. The main explanatory factor in this stage is my key independent variable, corporatism. The analysis reveals that social partners influenced the formulation of weak lobbying rules.

The third stage is *decision-making*, in which the draft bill was presented in the Lower House and the Justice Committee. The hypothesized explanatory factor is partisanship; however, the results of the analysis suggest that corporatism influenced this stage. The parliamentary majority – under the pressure of social partners – introduced an amendment to the original proposal making the overall robustness of the regulation lower for social partners. I will go over all three phases in more detail in the next sections.

4.1 INITIATION STAGE

Debates about how to regulate lobbying were present in the period from 2006 to 2010, as a consequence of the European Transparency Initiative that promoted lobbying legislation in the EU. However, incentives to regulate lobbying without the presence of lobbying scandals were low and the debate was pushed off the

agenda, never reaching the bill stage.¹¹² From 2010 to 2012 a sequence of lobbying scandals hit the news.

The first lobbying scandal is known as the *Telekom Affair*. Politicians from four main parties FPÖ, BZÖ, ÖVP and SPÖ were found guilty of accepting bribes and illegal campaign funding from the company Telekom AG and from PR-lobbyists working for it. Particular attention has been dedicated to the PR-lobbyists of *Valora Solutions* Hochegger and Meischberger and their relation with former FPÖ Finance-Minister Grasser.

The second big scandal is known as the *Cash-for-Law* scandal. It erupted in 2011, involving the ÖVP-Member of the European Parliament and former Federal Minister of the Interior, Ernst Strasser. His participation in the scandal, which also embroiled a Slovenian, Spanish and a Romanian MEP, involved bribes in exchange of promoting and passing amendments in European legislation. Strasser was sentenced to 4 years in jail for corruption in January 2013.

In total, the scandals personally involved two members of the Government, one MP, one MEP and two former Ministers. According to Rosenson (2005), this can be considered as a sequence of salient scandals. As described in Chapter 4, Rosenson (2005) classifies scandals involving top government officials and members of parliament as salient. In addition, the scandals involved several PR-consultants and in-house lobbyists, members of four political parties and different factions and organizations affiliated to them.

¹¹² Interviews with two members of Expert Hearing Commission and member of the Justice Committee. 12/05/2014, 13/05/2014, 24/05/2014, Vienna.

The chief of staff to the Minister of Justice Georg Krakow (*Kabinettchef*) prepared a first draft bill testifying to the political agenda-setting effect that the scandals had on the demand for regulation. The bill contained provisions on the registration of consultancies, and cooling-off periods for lobbyists. However, in 2011 the Government experienced a reshuffle, which affected the Ministry of Justice. The newly settled Minister of Justice Beatrix Karl (ÖVP) presented a different draft version of the lobbying bill (discussed in the next paragraph). The initiative was accompanied by two further measures regarding the fight against corruption, namely new anti-corruption legislation and a regulation on private party financing. The three measures were called the *Transparenzpaket* (Transparency Measures) and were forcefully promoted by the government coalition after the corruption scandals. This represented the first bill in Austrian history aimed at regulating lobbying activity.

In June 2011, the government presented a draft proposal of the *Transparenzpaket*. The government delegated the work on the party financing system and the reform of the penal code to the Parliament, leaving the responsibility to draft the lobbying legislation to the Ministry of Justice. As a result, the Minister considered different provisions for different interest-group categories and the draft legislation contained different rules depending on the nature of the represented interests.¹¹³ Consultancies and in-house lobbyists working for firms had stronger registration requirements; professional and public groups had weaker requirements. Consultancies and in-house lobbyists had stronger disclosure requirements in

¹¹³ Interviews with two members of Expert Hearing Commission and member of the Justice Committee. 12/05/2014, 13/05/2014, 24/05/2014, Vienna.

relation to the expenditures of lobbying, while consultancies also had to disclose information about their contracts with their clients.

Despite these differences, the robustness of the draft regulation was high. Under this regulation, social partners would have had to register their lobbyists (entering personal details) seeking to lobby either the Government (including local governments) or the Parliament. In registering, the social partners would have had to disclose the number of their members and the budget of the organization, provide information about the activities of the organization and the goals of the interest representation. The sanctions for non-compliance with these rules involved fines up to 60,000€ and the deletion from the register with the consequent ban from lobbying for three years. The analysis of the official documents published by the government offers an explanation to why the ministry initiated robust lobbying rules.

The promotion of this piece of legislation was aimed at restoring the credibility of the government after the corruption scandals. Minister Beatrix Karl presented the transparency measures to the public by giving several interviews to national newspapers. In one of the interviews, the Minister of Justice clarified the aim of the lobbying legislation. ‘Lobbying should not be perceived as bad. The legislation should aim at promoting transparency in lobbying and interest representation’, further, ‘in order to prevent such cases [refers to the *Cash-for-Law affair*] from happening again’, suggesting that more robust rules were needed to prevent ‘unclean’ lobbying in the future.¹¹⁴

¹¹⁴ Interviews with two members of Expert Hearing Commission and member of the Justice Committee. 12/05/2014, 13/05/2014, 24/05/2014, Vienna.

However, the lobbyists involved in the Telekom scandals were professional lobbyists and former politicians entering the consultancy industry. With the end to better understand whether or not strong rules wished to primarily regulate the activity of consultancies and corporate lobbyists, I asked the interviewees if the Ministers' statements referred to the fact that the lobbying activity of corporate lobbyists and consultants needed robust rules in order to prevent corruption. The responses in three cases have suggested that this is the case.¹¹⁵ The government formulated a lobbying law aimed at preventing corruption in the future by regulating those who were seen as *bad lobbyists* more stringently. By doing so, the government also produced robust rules for other interest groups. As the analysis of the *policy-formulation* stage reveals, social partners strongly opposed these rules.

Far from assessing that corporate groups and consultancies are corrupt, this finding supports previous research on the perceptions towards lobbyists. McGrath (2008) found that professional lobbyists are often perceived as illegal or corrupt. Even in Austria, 'the term lobbying has a very negative image and is thus not used very much' (Köppl and Wippersberg, 2014, p. 34). In sum, the salient lobbying scandals had a substantive effect on the total robustness of the lobbying law formulated by the government. However, this effect is visible only considering the robustness of the rules that affected those that have been associated with lobbying scandals, namely consultants and corporate lobbyists. In a nutshell, the scandals induced the government to place robust rules on its agenda. However, such robust rules were aimed at regulating mainly for-hire and in-house lobbyists active in

¹¹⁵ Interviews with two members of Expert Hearing Commission and member of the Justice Committee. 12/05/2014, 13/05/2014, 24/05/2014, Vienna.

Austria (although social partners and other interest groups were affected by robust rules, albeit to a relatively minor extent).

This finding has strong implications on how governments initiate lobbying rules: when episodes of corruption are salient, governments can decide to put rules on the agenda that regulate the activity of some groups more than others. In the case of the Austrian draft regulation, the robust rules seem to have been motivated by the need to prevent future scandals involving consultancies and corporate lobbyists. The Austrian draft regulation, however, also aimed at introducing robust rules for other interest groups, such as social partners. In the analysis of the policy-formulation stage, I investigate the lobbying activity of social partners aimed at opposing the introduction of strict rules.

4.2 POLICY FORMULATION STAGE

The government invited interest groups to submit opinions on the government's bill. From June to August 2011 interest groups submitted 74 opinion reports on the draft bill to the Ministry of Justice.¹¹⁶ In particular, consultancies submitted four reports; corporate groups 14; professional associations submitted 20; public groups 10; and social partners 7. The peak-level trade union (ÖGB), which has a monopoly of representation, the largest employer association (WKÖ) and the Austrian Chamber of Employees (BAK) were lobbying the Ministry of Justice and the Justice Committee in this stage.¹¹⁷ The Interview with the Minister of Justice

¹¹⁶ Interviews with two members of Expert Hearing Commission and member of the Justice Committee. 12/05/2014, 13/05/2014, 24/05/2014, Vienna.

¹¹⁷ Interview with Minister of Justice. 20/05/2014, Vienna.

also suggests that the Ministry had been in constant touch with trade unions and business organizations.

In their official reports, the peak-level organizations expressed opposition to their inclusion in the category of lobbyists and requested exemptions. ‘Particularistic lobbying [referring to the representation of special interests] has to be distinguished from a system of social partnership’.¹¹⁸ Given the particular position of social partners in the system of intermediation, the ÖGB opposed their recognition as an ordinary interest organization and argued that ‘the consequent constraints and sanctions undermine the basic rights of unions’.¹¹⁹ On the basis of the absence of special provisions that guarantee the particular position of social partners, the ÖGB expressed a negative opinion on their inclusion in the scope of the regulation. Similarly the WKÖ underlined its central role in the representation of industrial interests at the peak level¹²⁰ and prevented, therefore, its inclusion as a lobbyist in the regulation.¹²¹ Interviews also suggested that being treated as ‘lobbyists’ represents a ‘cultural shock’ for Austrian social partners. For this reason, social partners were lobbying the Ministry of Justice for their exclusion from the scope of the regulation.¹²² However, the real success of this lobbying by social partners became visible at the *decision-making* stage when the bill reached the Lower House.

¹¹⁸ Submission of ÖGB, 2011, p. 2

¹¹⁹ Submission of ÖGB, 2011, p. 2

¹²⁰ Submission of WKÖ, 2011, p. 3

¹²¹ Submission of WKÖ, 2011, p. 40

¹²² Interview with the Minister of Justice, member of Justice Committee and a member of Expert Hearing Commission. 20/05/2014, 24/05/2014, 13/05/2014, Vienna.

4.3 DECISION MAKING STAGE

Contrary to what was expected under the partisan hypothesis, the centrist majority did not support the introduction of medium-robust rules at this stage. In light of what social partners argued in the submissions, in June 2012, the Justice Committee recommended the Lower House to address the issue of the exemptions of social partners from the lobbying law in the floor stage.¹²³ The parliamentary majority agreed on an amendment aimed at reducing the robustness level for social partners. This finding suggests the importance of corporatist interest representation also during this stage.

The bill reached the floor of the Lower House in late June. From its first draft, the legislation did not undergo changes. When the bill reached the Lower House, the Social-Democratic Party (SPÖ) presented an amendment aimed at excluding social partners from the legislation. The amendment established special provisions for social partners, which involved only minimal registration requirements (Art. 9 and 12).¹²⁴ Consequently, social partners were not recognized as lobbyists in the legislation and were exempt from the codes of conduct and sanctions for misbehaviour that applied to lobbyists.

After the adoption of the amendment, in her intervention in the Lower House, the Minister of Justice Beatrix Karl (ÖVP) argued, ‘the discussed policy paper reached the equilibrium between the private lobbying-industry and the social partners in the trade-off between transparency and the guarantee of interests.’¹²⁵

¹²³ Bericht des Justizausschusses. 8749 der Beilagen zu den Stenographischen Protokollen des Bundesrates. 28/06/2012.

¹²⁴ Lobbying- und Interessenvertretungs-Transparenz-Gesetz – LobbyG und Änderung des Gerichtsgebührengesetzes, 25/07/2012.

¹²⁵ Nationalrat Protokoll 163th, 2011, p. 48

Furthermore, SPÖ's speaker in the Justice Committee Johann Maier intervened by emphasizing the difference between lobbying and interest representation of capital and labour: 'the lobbying law establishes clear rules for lobbying professionals. The contents on the activities of public and professional interest organizations are already available on the webpages of the Chambers of Employees (AK)' suggesting that regulating their activity would be unnecessary.¹²⁶ According to the MP, no further rules were therefore needed. The MPs of the Greens and the Alliance for the Future of Austria (BZÖ) heavily contested these positions. BZÖ's speaker Josef Bucher claimed that social partners were voluntarily exempt from lobbying rules and this reflects a successful lobbying activity by trade unions and employer associations.¹²⁷

The lobbying law was approved by the Lower House (*Nationalrat*) in June 2012 by a majority of two-thirds formed by ÖVP, SPÖ and FPÖ, while Greens and BZÖ voted against it. The endorsement by the Federal Council (*Bundesrat*) of the lobbying regulation followed within a very short time period, concluding the introduction of the Austrian lobbying law.

The debate on the introduction of special provisions for social partners shows the importance of Austrian corporatist traditions when it comes to interest representation compared to the hypothesized partisan effect. The identification of trade unions and employer associations as lobbyists in the regulation would have undermined the corporatist system of intermediation in two ways. First, the codes of conducts and the procedures on establishing contacts with public officeholders are incompatible with the models of involvement of social partners in tripartite

¹²⁶ Nationalrat Protokoll 163th; 2011, p. 76

¹²⁷ Nationalrat Protokoll 163th; 2011, p. 76

meetings, the negotiation of social pacts or the collective bargaining at the central level with the involvement of the government.

Second, social partnership would have been incompatible with Article 8 of the law, which introduces the prohibition of role-accumulation between the position of public officeholder and lobbyist. This last aspect suggests that links between political parties and social partners are particularly important in Austria. In fact, both the SPÖ and the ÖVP are formed by internal sub-organizations, which are formally affiliated to the peak social partner organizations and their affiliates. The Christian Democratic Party is formed by six factions (*Bund*), whereby three of these are based on the traditional capital-labour cleavages.¹²⁸ Similarly, part of the Austrian Social-Democratic Party is formed by a labour oriented party sub-organization traditionally detaining considerable power (Müller, 1997).¹²⁹ These party sub-organizations and processes of revolving doors between party-organizations and social partners underline the link between capital-labour interests and party structures.¹³⁰

This finding suggests that the hypothesized partisan effect is not independent from corporatism in Austria. Rather, it supports the argument already found in the

¹²⁸ The Farmers' Confederation (*Der Bauernbund*), the Austrian Workers' Federation (*Der Österreichische ArbeitnehmerInnen – und Arbeiterbund*) and the Employers' Federation (*Wirtschaftsbund*).

¹²⁹ The Social Democratic Trade Unionists (*Fraktion sozialdemokratischer Gewerkschafterinnen und Gewerkschafter*).

¹³⁰ Recent examples of the centrality of sub-organizations in Austrian politics are: regarding the Legislation from 2008 to 2013 the Austrian Workers' Federation (ÖVP) had 22 representatives in Parliament and five in Government. The Employers' Federation (ÖVP) had 32 representatives in Parliament. In addition, if the two main parties form the Government, it is common practice that the Minister of Social Policy is a representative of the SPÖ's Trade-Unionists' Faction or of the ÖVP's Farmer-Unionists' Faction (Müller, 1997). Regarding the Left, the SPÖ also has a fixed number of positions on the party's candidate list for representatives of the peak-trade union ÖGB (Müller, 1997).

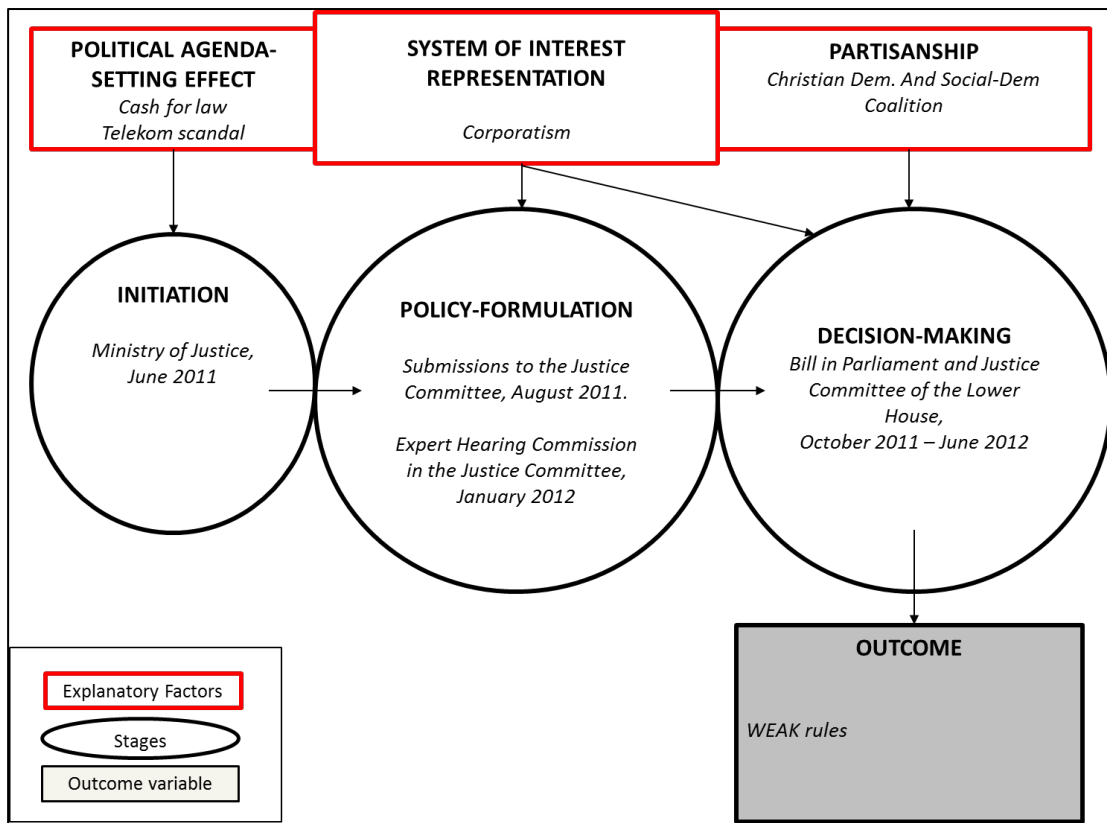
literature that underlines the importance of corporatism in Austrian party structures. As Köppl and Wippersberg (2014, p. 33) argue:

Throughout decades, all of those institutions became a plentiful reservoir for staffers in parliament as well as in the federal ministers' cabinets. Not only Members of Parliament were – and are – either elected representatives or high-ranking employees from one of the social partnership's institutions but also several members of the federal government came directly from the social partnerships' leadership offices. Furthermore, both big parties relied heavily on the policymaking and interest mediation powers of the social partnership in almost all policy areas.

These findings have implications for future investigation on the partisan effect in this policy area. When lobbying regulations are passed, party-interest group links can divert the effect of partisanship on the robustness of lobbying laws. Corporatism can correlate to partisanship, providing new ground for the formulation of new hypotheses. In particular, studying the linkage between parties and interest groups can provide an adequate theoretical framework for future scholars on the impact of party-interest group connections on the passage of lobbying laws.

4.4 CONCLUSION

The results of the analysis are synthesized in in Figure 21. The results of the analysis suggest that the lobbying scandals erupted in 2010 and 2012 set the agenda of the government for the introduction of lobbying rules during the initiation stage. However, the analysis of the all three stages revealed that the scandals did not influence the robustness of the regulation.

Figure 21: Features of the policy-making in the case of the Austrian lobbying regulation

The study of the stages of policy-formulation and decision-making revealed that corporatism offers a key to the understanding of the introduction of a weak lobbying regulation. In addition, the results of the analysis suggest that the effects of corporatism are to be considered in relation to partisanship. On the one hand, social partners used their solid ties to political parties to lobby for the introduction of less robust rules. On the other hand, the Parliament adopted less robust regulations in order to avoid undermining their relationship with social partners. Other interest groups, such as lobbying consultancies and firms, were not given the same treatment. This is due to their lack of political representation, which is focused on social partnership's actors.

In sum, the analysis of the development of the Austrian lobbying law offers a better understanding between the variations in the level of robustness in

corporatist systems of interest representation. The results additionally suggest that the effect of corporatism was amplified by the presence of strong ties between social partners and political parties in the parliamentary majority.

The chapter now turns to the study of two *deviant* cases. In deviant cases, the relationship of interest is expressed against the general expectations of the researcher. This helps scholars to identify biases deriving from measurement error or omitted variables. The UK and Ireland are both deviant cases, meaning that the sign of the relationship between systems of interest representation and robustness is opposite to the expectations. The study of the British and the Irish case reveals that systems of interest representation are not the only determinates of the robustness of lobbying laws. In the UK, I find that partisanship influenced the adoption of weak rules, while salient lobbying scandals are found to be relevant in Ireland. Both case studies thus offer a more nuanced understanding of the determinants of the robustness of lobbying laws.

5. DEVIANT CASES: THE UK

In 2014, the UK introduced a lobbying regulation that, according to Holman and Luneburg's (2012) method of classification of the robustness, is classified as weak: the regulation introduced a system of registration for consultant lobbyists that seek to influence policy-making. With this register, the government wanted to 'enhance the transparency of those seeking to lobby Ministers and Permanent Secretaries on behalf of a *third party*'.¹³¹ In fact, in-house lobbyists and

¹³¹ Website of the Registrar: <http://registrarofconsultantlobbyists.org.uk/about-us/>, last

representatives of the voluntary sector were explicitly excluded from the registration requirements. Additionally, the registration affected the activity of consultants seeking to lobby the executive while leaving the lobbying activity in Parliament unregulated. With the registration process, lobbyists have to disclose personal information and details about their clients. The disclosure of information about their lobbying activity and the expenditures related to it are excluded from the scope of the register. In cases of misconduct, the regulation introduced administrative sanctions in forms of fines.

The weak robustness of the lobbying law and the pluralist system of interest representation makes the UK a *deviant* case. Although the Confederation of British Industry (CBI) and the Trade Union Congress (TUC) used to occupy a strong role in the formulation of government policy in the past, the British system of interest representation is currently classified as pluralist (Grant, 2000). From the post-war period to the mid-1970s, TUC was strongly affiliated with the Labour Party while the CBI and the National Farmers Union (NFU) were close to the Conservative Party (Jordan and Maloney, 2001). These relationships empowered the main interest groups and allowed them to have a privileged access to the policy-making process. However, the impact of Thatcherism throughout the 1980s and the ‘New Labour strategy’ of Tony Blair in the 1990s encouraged British political parties to abandon their close ties to the main interest groups. Parties became reluctant to commit to the groups’ favouring a ‘catchall’ strategy with the aim of maximizing their electoral appeal. The rise of the financial sector in the city of London and the slow development of civil society organizations outside the realm of the capital-labour cleavage encouraged the emergence of a pluralist system of interest

representation in which interest groups competed over influence in the overall absence of a consistent bias in favour of certain organizations (Bernhagen, 2012). The UK quickly developed into the third largest lobbying industry after the US and the EU (McGrath, 2005). This rapid growth increased the necessity of the British government to introduce transparency in policy-making.

Assuming that the government is interested in maximizing transparency to facilitate the exchange of information with interest groups, I expected the UK to adopt a strong lobbying law. However, the robustness of the *Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill*, passed in January 2014, is low compared to other pluralist systems (see the EU case study for comparison). The main objective of this case study is therefore to explore *which* factors determined the weak robustness of the UK regulation. This thus seeks to provide a better understanding of the determinants of the robustness of lobbying laws outside of the realm of typical cases. In addition to pluralism, I account for the presence of salient of lobbying scandals and partisanship in the analysis.

In terms of a broad overview of the main factors, the case of the UK reveals the following distinctive features concerning the control factors *salient lobbying scandals* and *partisanship*:

The UK has a historical preference for self-regulation (Jordan, 1998; McGrath, 2005; OECD, 2012), meaning that the development of the lobbying industry since the mid-1990s has encouraged lobbyists to comply to voluntary codes of conduct set by the industry. However, after the eruption of a salient scandal of influence peddling in 2009, the British government decided to consider regulating lobbying

by law (OECD, 2012). The *Cash for Amendment* scandal embroiled four Labour MPs that were presenting amendments to legislation in exchange of payments. In 2010, media activism detected another scandal of influence peddling, known as *Cash for Influence*. In this occasion, three MPs (2 Labour and 1 Conservative) were found guilty of accepting payments in exchange of their services as ‘lobbyists’. In total, the scandals involved seven MPs, two of whom had been Cabinet Ministers under the Blair administration. Given that the politicians embroiled in the scandals were MPs with a career in top positions in government, scandals can be classified as salient according to Rosenson’s method of classification (2005).

At the time of the eruption of the scandal, the UK was preparing the general elections of 2010. In the aftermath of the scandals, the issue of regulating lobbying became a partisan issue in the electoral campaign. As elections approached, the introduction of a mandatory system for lobbyists entered the manifestos of Labour, Conservatives and Liberal Democrats. Cameron’s (leader of the Conservative party) speech on the ‘next big lobbying scandal waiting to happen’, held in February of 2010, drew the attention of the public on possible measures to regulate the lobbying industry.¹³²

While the Labour party and the Liberal Democrats favoured the introduction of a statutory register of lobbyists, the Conservative Party invited the lobbying industry to introduce new forms of self-regulation.¹³³ In the aftermath of the elections, the coalition government formed by Liberal Democrats (LibDem) and the Conservative Party committed to ‘regulating lobbying through introducing a

¹³² See: <http://www.telegraph.co.uk/news/election-2010/7189466/David-Cameron-warns-lobbying-is-next-political-scandal.html>, last accessed November 2, 2015

¹³³ Labour Party manifesto, 2010, p. 9; Liberal Democratic Party manifesto, 2010, p. 89; Conservative Party manifesto, 2010, p. 66.

statutory register of lobbyists and ensuring greater transparency’ (Coalition Government Agreement, 2010, p. 21).

Budge & Pennings (2007) and Benoit & Laver (2007) have long debated the placement of political parties on a left right spectrum finding inconsistencies of placement due to different methodologies of measuring left-right placement (such as expert surveys or automated text analysis of political manifestos). Despite the disagreement between measurements, Benoit and Laver (2007) find consistent results for the British political parties. Both the LibDem and the Conservative Party fall in the category of *centre-rightist parties* (Armingeon *et al.*, 2014), with the Conservative Party placed at the right of the spectrum and the LibDem occupying a more central position. This makes the Coalition Government of 2010 a centre-rightist government and I therefore expect it to introduce weak lobbying rules.

The three stages of the process of the development of the UK’s lobbying law are described as follows. The period between 2010 and January 2012 represents the phase of policy *initiation*. After the publication of the policy paper, the preparation of the bill entered a *policy-formulation* stage in the period between January 2012 and July 2013. In this occasion, Government and the Political and Constitutional Reform Committee conducted an inquiry on how to regulate lobbying. From October 2013 to January 2014 both Houses examined the bill. This represents the *decision-making* stage. The process-tracing analysis studies the stages of *initiation*, *policy-formulation* and *decision-making* with respect to the three variables under investigation.

The study is conducted by extrapolating evidence from multiple sources, which include: electoral manifestos of the main political parties in government and opposition, official statements on the introduction of the lobbying regulation submitted by interest groups and official documents on the introduction of the regulation published by the Government, the Parliament and its Committees. In addition, evidence from interviews with two high-level civil servants working for the Cabinet Office, two lobbyists and a Member of the House of Commons support the results of the process-tracing analysis. All interviews were held in London (UK) in October 2015. I selected Interviewees according to their participation in the stages of the process.

First, I interviewed two high level civil servants of the Cabinet Office on the processes that characterized the *initiation* stage. In the interview, I focused on the role of the scandals in the media and on the coalition agreement signed by Conservatives and LibDem about transparency in politics. The interviewees were asked to reconstruct the process of agenda setting, to explain how the media attention to the scandals shaped the agenda of the Government and how they were put in charge of initiating the policy.

Second, two interviews involved lobbyists. The first interviewee is a representative from a consultancy, while the second works for an important NGO advocating for transparency and deliberative democracy. Both actors participated in the stage of *policy formulation* with submissions to the Government and evidence to the Political and Constitutional Reform Committee. From the interviews with these actors, I collected evidence on the processes of lobbying and pluralism. Interviewees were asked to describe their policy preferences with

respect to lobbying regulations and to explain the strategies adopted by their organization to represent their interests in the government. I finally asked them to evaluate whether they have been successful in obtaining what they wanted and to describe the government's attitude towards their organizations' requests.

The final round of interviews involved a member of the Lower House for the Labour Party. During the *decision-making* stage, the MP strongly advocated in favour of strong rules in opposition to what had been promoted by the government thus far.

5.1 INITIATION STAGE

As described in the previous section, two salient scandals of influence peddling pushed the topic of lobbying regulations on the agenda of the government in 2010. First, the *Cash for Amendment* scandal in January 2009, involving four Labour peers.¹³⁴ The second, known as *Cash for Influence* scandal, erupted in March 2010 involving two former Labour cabinet ministers and one Conservative MP.¹³⁵

Despite the Conservatives' policy preference towards self-regulation, lobbying regulations formally entered the government's agenda in 2010 under the lead of the Liberal Democrats, which committed to the introduction of a lobbying law during their electoral campaign.¹³⁶ Similarly, the Labour party expressed its interests for the introduction of a statutory register of lobbyists.¹³⁷ The Conservatives, conversely, invited the lobbying industry to introduce new forms of

¹³⁴ See: <http://www.bbc.com/news/uk-politics-22754297>, last accessed July 31, 2016.

¹³⁵ See: <http://www.bbc.com/news/uk-politics-22754297>, last accessed July 31, 2016.

¹³⁶ Liberal Democratic Party manifesto, 2010, p. 89.

¹³⁷ Labour Party manifesto, 2010, p. 9.

self-regulation.¹³⁸ The appearance of lobbying regulations on the electoral manifesto of the main political parties testifies to the political agenda setting effect of scandals on the *demand* for regulation. However, the following evidence suggests that scandals did not have an effect on the robustness of the regulation.

In 2012, the Ministry for Government Policy and the Ministry for Political and Constitutional Reform published a policy paper on lobbying regulations.¹³⁹ The analysis of the content of the policy paper suggests that the lobbying scandals of the previous years did not represent a driving force behind the introduction of a robust lobbying law. In the policy paper, the government explained the reasons for the introduction of a statutory register: ‘When ministers meet lobbying firms, it is not transparent on whose behalf they are lobbying’¹⁴⁰. This statement suggests that the government’s goal was to regulate the work of professional lobbyists rather than the activity of the entire industry. In fact, the government explains that ‘the register is not intended to cover [...] the essential flow of communication between business leaders, civil figures, community organizations and Government and so on’.¹⁴¹ Consequently, the policy paper foresaw a register which excluded in-house lobbyists and the no-profit sector from the scope of the regulation reducing its overall robustness.

In terms of registration requirements for lobbying consultancies, the policy paper outlined rules that request lobbyists to register their name, their business address, the name of the company they work for and the name of their clients. Lobbyists

¹³⁸ Conservative Party manifesto, 2010, p. 66.

¹³⁹ Introducing a Statutory Register of Lobbyists. Consultation Paper Presented to Parliament by the Minister for Government Policy by Command of Her Majesty, January 2012.

¹⁴⁰ Introducing a Statutory Register of Lobbyists, 2012, p. 10.

¹⁴¹ Introducing a Statutory Register of Lobbyists, 2012, p. 10.

were additionally asked to declare whether or not they had previously served as former ministers or civil servants in the UK government.¹⁴² The policy paper did not include provisions concerning the disclosure of the subject matter of the lobbying activity, of the expenditures related to lobbying, of political spending and of the contributions in forms of gifts. Concerning the disclosure of lobbying expenditure, the Government argued that it ‘is not persuaded that requiring financial information would be justified’.¹⁴³ With respect to enforcement mechanisms of the regulation, the policy paper identified fines as the preferred form of sanction in cases of non-compliance. This increases the robustness of the regulation. However, the policy paper also explained that the government preferred to leave the formulation of codes of conduct for lobbyists ‘for the industry itself, not for the operator of the register.’¹⁴⁴

As already shown in the analysis presented in Chapter 3, the scandals had an agenda-setting effect on the placement of lobbying rules on the government’s agenda. However, the scandals did not influence the robustness of these rules: the absence of a wider scope of the register, of strict disclosure requirements and of a code of conduct set by the regulator testifies to the absence of such an effect on the robustness of the lobbying regulation. Instead, the content of the policy paper clearly revealed the Government’s preference towards a light touch regulation of lobbying. What then influenced the Government’s preference for weak rules?

The evidence extrapolated from the policy paper and from interviews with two high-level civil servants working for the Cabinet Office suggests that the

¹⁴² Introducing a Statutory Register of Lobbyists, 2012, p. 11.

¹⁴³ Introducing a Statutory Register of Lobbyists, 2012, p. 14.

¹⁴⁴ Introducing a Statutory Register of Lobbyists, 2012, p. 15.

Government's light touch approach to regulation was influenced by its centre-rightist partisan composition (LibDem-Conservative). Three additional pieces of evidence, collected from the Government's policy paper, support this finding emerging from the interviews: First, the government argued that registration requirements should be kept 'to a minimum in order to avoid creating unnecessary burdens and costs.'¹⁴⁵ Secondly, the government justified the absence of rules on financial disclosure in the policy paper by arguing that 'these would force companies to reveal sensitive commercial information, for example that different clients were charged different rates, which could undermine their business.'¹⁴⁶ Finally, the government explained that 'the register should be a register of activity, not a complete regulator for the industry'.¹⁴⁷

After the publication of the policy paper, the government opened a consultation in January 2012 and invited interest groups to submit opinions on the policy paper. During this stage, defined as the stage of *policy-formulation*, the UK's pluralist system was expected to positively influence the robustness of the regulation. However, the analysis of this stage suggests that pluralism had no effect.

5.2 POLICY FORMUALTION STAGE

In the period from January 2012 to April 2012, the Government accepted responses and recommendations from interest groups about its policy paper (published in January).¹⁴⁸ During these three months, the Government received

¹⁴⁵ Introducing a Statutory Register of Lobbyists, 2012, p. 14.

¹⁴⁶ Introducing a Statutory Register of Lobbyists, 2012, p. 14.

¹⁴⁷ Introducing a Statutory Register of Lobbyists, 2012, p. 15.

¹⁴⁸ A Summary of Responses to the Cabinet Office's Consultation Document 'Introducing a

259 written responses from different interest groups. In addition, the Cabinet Office organized two meetings with representatives of the consultancy industry and other interest groups to collect additional views from the lobbying sector.¹⁴⁹ The Political and Consultation Reform Committee (formed by six members of the majority, four of the opposition and chaired by a Labour MP) additionally launched an inquiry into the Government's consultation process. The Committee called for evidence in six sessions holding hearings with representatives of the industry, transparency NGOs and experts of lobbying regulations.¹⁵⁰ During these processes of consultation, different groups tried to influence the robustness of the regulation in different ways.

The 259 organizations that sent written submissions to the Government include 9 campaign groups, 34 civil society organizations, 34 firms, 80 trade associations, 10 think tanks/academic institutions and 10 trade unions. This large set of representatives of private and public interests testifies to the pluralist nature of the consultation process. The Government prepared a set of specific questions that interest groups had to answer in order to participate in the consultation process. The organizations participating in the consultation were asked to express an opinion about the scope of the regulation, the registration requirements, the frequency of updates, additional functions of the regulation, the funding of the

Statutory Register of Lobbyists', July 2012.

¹⁴⁹ Participants were the Chartered Institute of Public Relations, the UK Public Affairs Council, the Trade Association Forum, the Hansard Society, the PRCA and Unlock Democracy. A Summary of Responses to the Cabinet Office's Consultation Document 'Introducing a Statutory Register of Lobbyists', July 2012.

¹⁵⁰ Participants were Spinwatch and the Alliance for Lobbying Transparency, standup4lobbying, the UK Public Affairs Council, the Public Relations Consultants Association, the Chartered Institute of Public Relations, The Association of Professional Political Consultants, the National Council for Voluntary Organizations, the Trade Union Congress, the Law Society, Who's Lobbying, and three experts on the topic of lobbying and regulating lobbying. A Summary of Responses to the Cabinet Office's Consultation Document 'Introducing a Statutory Register of Lobbyists', July 2012.

register, and the enforcement mechanism.¹⁵¹ Based on the analysis of these written submissions, I consider the main responses given by interest groups.

Only 9% of the groups approved the narrow definition of the government considering only third party lobbyists. More than 50% agreed with a broader definition including other types of groups and forms of lobbying. Almost 40% of the respondents advocated for the introduction of financial disclosures whereas 25% opposed these provisions (35% are ‘don’t knows’ or did not respond). Only 26% mentioned the subject matter as an important registration requirement. In total, only 15% were in line with the government’s preference towards minimal standards for registration. The majority of the respondents suggested that enforcement should include civil or criminal sanctions (the majority favoured civil sanctions in form of fines). Only 26% supported non-statutory sanctions such as de-registration or a ban from lobbying. The majority of the respondents also favoured the creation of an independent monitoring agency in charge of the register.

The responses to the Government’s policy paper suggested that interest groups favoured the introduction of more robust rules for many aspects of the regulation. The majority of the respondents favoured a wider scope of the regulation and the inclusion of financial information in the registration requirements.

The oral and written evidence from the sessions in the Political and Constitutional Reform Committee suggest similar results: all parties (with the exception of the Law Society) that gave evidence during the sessions favoured more robustness,

¹⁵¹ Not all questions have been answered by the same number of interest groups suggesting that some interests had no opinion or no interest in some of the questions. For more details, see Summary of Responses to the Cabinet Office’s Consultation Document ‘Introducing a Statutory Register of Lobbyists’, July 2012.

such as to include in-house lobbyists and public interest groups in the scope of the regulation.¹⁵²

From these observations, it could be argued that, in a pluralist setting, the government could have opted for the introduction of robust lobbying rules. However, the policy positions advocated by interest groups during the consultation process - emerging from the report submitted to the Government by the Political and Constitutional Reform Committee after the consultation phase - did not transform into a more robust bill than the original policy proposal of the Government.

In July 2013, a new session of episodes of influence peddling shook the Parliament. The scandal - named *cash for questions* - involved 3 members of the House of Lords and MP Patrick Mercer accepting cash in exchange of tabling questions in Parliament. The scandal was provoked by undercover journalists pretending to represent a lobbying firm.¹⁵³ The scandal, largely covered by the British news, had the effect of speeding up the legislative process involving the passing of the lobbying regulation.

As such, in the aftermath of the scandal, the Government introduced its bill in the House of Commons with the name of *Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill*. In addition to the regulation of lobbyists, the bill contained provisions about campaign contributions to political parties by voluntary organizations and new registration rules for the members of trade unions. In a letter to the Political and Constitutional Reform Committee the

¹⁵² Introducing a Statutory Register of Lobbyists, Formal Minutes, House of Commons, Political and Constitutional Reform Committee, 2012, pp. 1- 38.

¹⁵³ See: <http://www.telegraph.co.uk/news/politics/10093806/House-of-Lords-drawn-into-lobbying-scandal.html>, last accessed November 4, 2015.

Government outlined the purpose behind the lobbying regulation after having considered the recommendations resulting from the consultation phase: ‘It is not always clear whose interests are being represented by consultant lobbyists when they communicate with government. Our proposals will identify those interests and enhance transparency by requiring consultant lobbyists to disclose details about their clients on a publicly available register’.¹⁵⁴ This statement confirmed the Government’s preference for a light touch approach to regulate lobbying (by regulating consultancies only) in a way to not be a burden for the industry. This reveals that pluralism was not an explanatory factor of the robustness of the lobbying regulation during this stage of the policy-making process. On the contrary, alike to what I presented in the analysis of the initiation stage, rightist partisan ideology favouring weaker regulatory policy encouraged the formulation of less robust lobbying rules.

5.3 DECISION MAKING STAGE

The analysis of the initiation and the policy-formulation has suggested that neither the saliency of lobbying scandals nor pluralism have positively affected the robustness of the lobbying regulation. On the contrary, centre-rightist partisan ideology has decreased the robustness of the regulation favouring a light touch approach, as represented in the Government’s policy paper and the draft bill. In the decision-making stage – the bill stage in Parliament – I expect the effect of partisanship to be consistent with the results presented in the two previous

¹⁵⁴ Introducing a Statutory Register of Lobbyists: Government’s Response to the Committee’s second report, 2013, p. 4.

sections. In addition, this stage provides important insights on whether leftist partisan ideology, on the contrary, would have led to rules that are more robust.

The first and the second readings of the bill took place in the Committee of the Whole House of Commons in September 2013. Subsequently, the bill was sent to the Committee of Standards in Public Life, which reported to the House by the end of September 2013. The House of Commons conducted a third reading of the bill in October 2013 and presented it in the House of Lords during the same month. Before the final approval, the first, second and third reading in the House of Lord took place between October 2013 and January 2014. The effect of partisanship appeared to be particularly relevant during the second and third reading in the House of Commons.

During the second reading of the bill in the House of Commons, the President of the House of Commons outlined the purpose of the Government's bill. His statement reflected the Conservatives' and Liberal Democrats' preference towards a less robust regulation. 'They [refers to the Political and Constitutional Reform Committee that conducted the inquiry in policy-formulation the stage] are seeking to regulate lobbying, while we [referring to the Conservative and LibDem coalition] are seeking to create a transparency regime so that we can see who is lobbying, but are not attempting to control the industry'.¹⁵⁵ Referring to a private Member's Bill presented by the a member of the Labour party in 2013¹⁵⁶, the Leader of the House of Commons continued: 'We [referring to the coalition] are not aiming for the creation of a bureaucratic monster that would result from an

¹⁵⁵ Floor debates, the House of Commons, Second Reading, September 3, 2013.

¹⁵⁶ See: <http://www.theguardian.com/politics/2013/feb/01/lobbyists-code-conduct-bill> debated, last accessed November 5, 2015.

action of that kind. We are aiming for transparency rather than control of lobbying'.¹⁵⁷

The contents of the floor debates thus reveal that centre-rightist ideology favoured the introduction of less robust rules in the decision-making stage as well as in the previous two stages. To challenge this finding, one could argue that there is no evidence that the Labour Party would have introduced a robust regulation if it had been in government. To be consistent, the argument supporting the presence an effect based on partisan ideology needs to hold also for a leftist/centre-leftist ideology. With reference to this argument, it is necessary to examine the legislative activity of the Labour Party concerning the adoption of the UK lobbying law. I present three pieces of evidence as follows.

First, in the second reading, two members of the Labour party argued in favour of more robust rules. 'The bill is ridiculously narrow – it is estimated to cover only 1% of ministerial meeting – and that ensures that more than 80% of the activity of the lobbying industry will not be regulated and will not have to register'.¹⁵⁸ Further, Labour members argue that the regulation 'will not require lobbyists to declare how much they spent on their lobbying activities. That is a crucial omission, but the biggest omission is the lack of a code of conduct backed by sanctions'. Testifying to the influence of partisan ideology, the Labour MP argued that the bill 'is full of vicious partisanship'.¹⁵⁹

Secondly, the analysis of the legislative activity of the Labour MPs during the third reading of the bill offers similar results. The Labour party tabled two amendments

¹⁵⁷ Floor debates, the House of Commons, Second Reading, September 3, 2013.

¹⁵⁸ Floor debates, the House of Commons, Second Reading, September 3, 2013.

¹⁵⁹ Floor debates, the House of Commons, Second Reading, September 3, 2013.

aimed at improving the robustness of the regulation in three ways: first, by widening the scope of the regulation to in-house lobbyists, non-profit groups and lobbying targeting the Members of Parliament; secondly, by introducing the disclosure of financial information; finally, by establishing a statutory code of conduct.¹⁶⁰ The floor of the House rejected both amendments. However, the Labour attempt to increase the robustness of the regulation testifies to the partisan effect on the robustness lobbying laws.

A *final* piece of evidence of the effect of partisanship was found in a statement published by Labour MP Jon Trickett in his blog after the approval of the regulation in January 2014: ‘Labour, should we win the 2015 election, will make the lobbying industry more transparent by introducing a register of all lobbyists backed by a code of conduct and sanctions’.¹⁶¹

The statements and the legislative activity of the Labour MPs in favour of more robust lobbying rules do not represent a counterfactual to the introduction of weak rules under a centre-rightist government. However, the collected evidence strongly points towards the importance of the effect of partisan ideology in the case of the UK. Nevertheless, neither Blair nor Brown ever introduced lobbying regulations in the UK in the period between 1997 and 2010. However, the conditions for the adoption of lobbying regulations in the UK changed since these Labour governments. In particular, in Chapter 3 I showed that the EU and the OECD have promoted the diffusion of lobbying laws. More precisely, the European Transparency Initiative encouraged member states to adopt lobbying laws after

¹⁶⁰ House of Commons, NOTICES OF AMENDMENTS given up to and including September 5, 2013. Amendments tables by Jon Trickett (Lab) and Graham Allen (Lab).

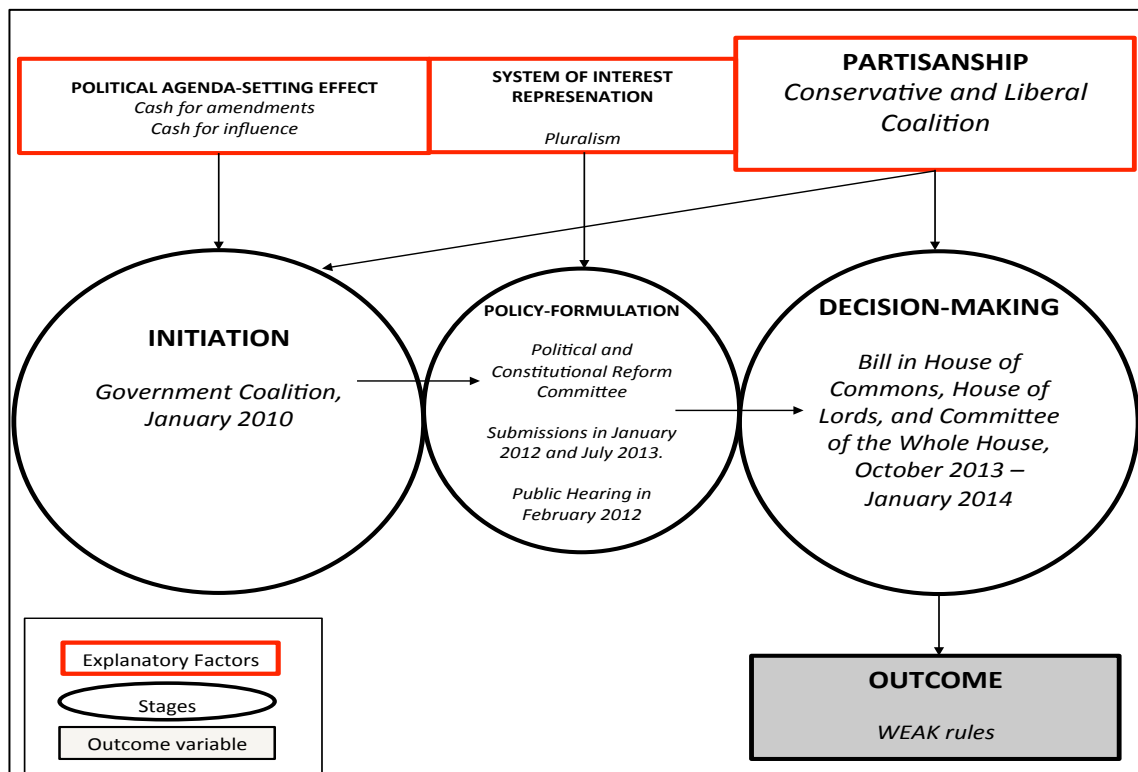
¹⁶¹ Jon Trickett Blog, Labour, April 2014
http://www.jontrickett.org.uk/_transparency_of_lobbying_non_party_campaigning_and_tade_union_administration_act_2014 last accessed November 4, 2015.

2005. The OECD's promotion of lobbying laws was found to be relevant after 2008. In addition, the analysis in Chapter 3 showed that the eruption of scandals makes the presentation of legislative proposals to regulate lobbying more likely. With these findings in mind, it could be argued that the combination between the promotion of lobbying laws by international organizations after 2005 and the scandals in 2009 and 2010 opened a window of opportunity for the adoption of lobbying regulations in the UK.

5.4 CONCLUSION

The analysis of the British case suggested that systems of interest representation are not always the driving force behind robust regulations. The main findings are synthesized in Figure 22.

Figure 22: Features of the policy-making in the case of the UK lobbying regulation



While interest groups promoted the idea of robust rules, the government favoured the adoption of a weak regulation. In particular, the analysis showed that the centre-rightist coalition formed by the Liberal Democrats and the Conservative Party favoured less robust rules. I showed that the coalition deemed robust rules as too costly and as a barrier to political participation. These findings largely confirm the results of a previous study by Witko (2007) on the effect of conservative ideology on the robustness of campaign finance regulations.

The same partisan effect has been observed during the decision-making stage. To strengthen the robustness of these results, I presented counter-evidence suggesting that the UK regulation would have been strong under a centre-leftist majority. The analysis of the legislative activity of the Labour MPs during the process of introduction of the law offered strong evidence demonstrating the presence of a partisan effect.

6. DEVIANT CASES: IRELAND

The case selection process revealed that Ireland is a *deviant* case: Ireland is a corporatist system with a strong lobbying regulation (according to Holman and Luneburg's method of classification, 2012). As opposed to what the analysis of the Austrian case illustrated, corporatism in Ireland does not correspond to low robustness. The main objective of this case study is therefore to understand *which* factor (other than, or additionally to corporatism) has influenced the strong robustness of the Irish regulation. Like in the case study of the UK lobbying law, the analysis of the Irish regulation provides a better understanding of the determinants of the robustness of lobbying laws outside of the realm of typical

cases. The factors that I consider in the analysis of the case are the *saliency of lobbying scandals*, the *systems of interest representation* and *partisanship*. I turn to how Ireland reveals distinctive features about the independent factors.

The literature has long debated about whether Ireland is to be considered a corporatist system or not. For instance, Teague and Donaghey (2009, p.55) have contested the argument, put forward by Hardiman (1992) and Roche (1992), that ‘the Anglo-Saxon characteristics of the economy have made Northern European corporatism unsuitable for the country’. The authors described Ireland’s system of interest representation to be characterized by a highly institutionalized and concentrated system of tripartite agreements between government, trade unions and business. Roche and Cradden (2003) refer to the Irish case as a system of ‘competitive corporatism’, whereby tripartite arrangements developed into ‘social pacts’ between government, trade unions and business. Such pacts were aimed at adjusting macroeconomic policy to the rising pressures of neo-liberalism. For these reasons, authors referred to Irish corporatism as ‘social partnership’. Scholars have therefore agreed on the definition of the Irish case as a system whereby government formulates agreements over policy in partnership with trade unions and business (O’Donnell, 2000; Teague, 2006; Teague and Donaghey, 2009; Murphy, 2010; Stafford, 2011). This system does ‘not only ensure that wage levels are consistent with macroeconomic policy, but also creates shared understandings between Government, business and civil society on what needs to be done to govern Ireland effectively and fairly’ (Teague and Donaghey, 2009, p. 56). Compared to other interest groups, trade unions and business association taking part in this partnership therefore occupy a privileged position.

Ireland's main social partners are the Irish Congress of Trade Unions (ICTU) and the Irish Business and Employer Confederation (IBEC). ICTU centralizes the large majority of Ireland's trade union activity (Murphy, 2010). IBEC is less centralized; however, it represents, by far, the largest employer association of the country (Murphy, 2010). Although trade unions and business associations have an important role in the formulation of social pacts, it is generally accepted that a third interest group occupies the system of interest representation, namely the Irish Farmer Association (IFA). The IFA is considered to have a privileged position in the policy making process, in particular on agricultural policy, which in Ireland represents highly salient policy field (Murphy, 2010, p. 333).

The three interest groups kept a solid policy network with the Irish government throughout the period running from 1960 to 1987 (during this period social partners were regularly involved in tripartite agreements). In 1987, the government established the National Economic and Social Council (NESC) (formed by members of each social partner) that institutionalized the policy-making role of ICTU, IBEC and IFA. The NESC was responsible for negotiating the economic programme with the government. This system of consultation maintained itself until 2008 (Doherty, 2011). Both Ireland's economic situation during the crisis and the change in government from Fianna Fáil (which occupied the government seats during the previous four decades) to Fine Gael and Labour decreased the power of social partners over the negotiation of the government's policy (Stafford, 2011). Despite the decline of NESC as a venue of social partnership, ICTU, IBEC and IFA are still considered as privileged interest groups in the Irish system of interest representation (Teague and Donaghey, 2009; Murphy, 2010). Teague and

Donaghey (2009, p. 74) argued that Irish social partnership has survived because it created a ‘symbiosis between the country’s institutional and productive system’.

Concerning the *saliency of corruption scandals*, the Lower House of the Irish Parliament established a public inquiry in 1997 to investigate a network of illegal donations and bribes to Irish politicians (mostly involving land rezoning and planning permissions). The public inquiry (first named *Flood Tribunal* and later known as the *Mahon Tribunal*) lasted for over 14 years. It proved to be the largest inquiry on ethics in politics in the history of the Republic and revealed several allegations of corruption involving current and former members of the government. I thereby expect the allegations of corruption, emerged from the Mahon Tribunal, to have influenced the introduction of robust lobbying rules. This argument is not new to the literature, as researchers have already acknowledged the importance of the *Mahon Tribunal* as major factor of reform in the Irish ethics policy. McGrath (2009) shows how the inquiry of the Mahon Tribunal influenced the Labour’s legislative proposals of lobbying regulation in 1999, 2000, 2003 and 2008. McMenamin (2013) studied the effects of the cases of corruption on the regulation of financial donations to Irish political parties.

With respect to the *partisanship* variable, researchers are still debating about the left-right placement of the Irish political parties (Weeks, 2010; O’Malley and Kerby, 2004). Unlike most traditional western European political parties, the main Irish parties, Fianna Fáil and Fine Gael, emerged from a radical independence movement rather than from a class cleavage (Weeks, 2010). Their different history explains the absence of a division based on the labour-capital dimension, making it difficult for current researchers to place the two parties on a left-right axis. The

emergence of other political parties, such as the centre-leftist Labour party or the (now, defunct) centre-rightist Progressive Democratic Party, has however helped scholars to classify Fine Gael and Fianna Fáil (Gallagher and Marsh, 2002). Benoit and Laver (2007) have argued that environmental politics represents a substantial predictor of the left-right placement of Irish political parties. For them, the emergence of the Green Party has determined left-right positioning of other parties. Armingeon *et al.* (2014) classifies Fine Gael as centrist and Fianna Fáil as centre-rightist. The parliamentary majority that adopted the Irish lobbying law was formed by the centre-leftist Labour Party and the centrist party Fine Gael, making it a centre-leftist majority (with strong centrist influence).

The three stages of the process of introduction of the Irish lobbying law are described as follows. The *initiation* stage occurred in the period between March 2011 and July 2012. The newly settled government committed to the introduction of lobbying rules, as part of the coalition agreement between Fine Gael and Labour.¹⁶² The Government delegated the responsibility of the initiation of a lobbying regulation to the Department of Public Expenditure and Reform (DPER) in March 2011. In the period between December 2011 and July 2012, DPER launched two rounds of consultation with stakeholders and a session of pre-legislative scrutiny in the Joint Committee of Finance, Public Expenses and Reform. This period represents the *policy-formulation* stage. The piece of legislation was tabled in the Dáil (Lower House) in June 2014. The bill's passage through Dáil and Senate ended in March 2015 with the enactment of the Regulation of Lobbying Act.

¹⁶² See:
https://www.corkchamber.ie/UserFiles/file/programme_for_national_government.pdf,
 last accessed December 1, 2015.

I identify this moment of the policy-making process as the stage of *decision-making*.

I conducted the study by extrapolating evidence from the following sources: electoral manifestos of the main political parties in government and opposition, post-electoral coalition agreements, official statements on the introduction of the lobbying regulation submitted by interest groups and official documents on the introduction of the regulation published by the Government, Parliament and its Committees. I have additionally conducted an interview with three high-level civil servants in DPER as a mean to reconstruct the stages of the adoption of the policy and as a robustness check of my findings. All interviews were held in Dublin in February 2016. The interviewees were asked to describe the stages of the policy-making process, the actors that participated in it and their policy positions on the policy proposal of the lobbying regulation.

The regulation of interest representation has been a topic of Irish politics since the late 1990s. The Labour party has tried to introduce a lobbying regulation on five occasions – twice in 1999, then in 2000, 2003 and 2008 (McGrath, 2009; Murphy *et al.*, 2011). In 2010, Fine Gael committed to regulating lobbying in its *New Politics*¹⁶³ document while Fianna Fáil tabled a legislative proposal about a lobbying regulation in 2012.¹⁶⁴ This study focuses on the *Regulation of Lobbying Act* initiated by the Department of Public Expenditure and Reform during the Fine Gael and Labour Government in 2011 and adopted by the Irish Parliament in March 2015.

¹⁶³ See: <http://cdn.thejournal.ie/media/2013/08/fine-gael-new-politics-march-2010.pdf> last accessed November 30, 2015.

¹⁶⁴ See: <http://cdn.thejournal.ie/media/2012/01/20120123lobbyistsbill.pdf> last accessed November 30, 2015.

The following provisions, which are relevant to the concept of robustness, characterize the Irish law: the regulation establishes a public register in which lobbyists have to sign a code of conduct, to disclose personal information about their lobbying activity (including the target of their activity) and their clients. The definition of ‘lobbyists’ provided by the law covers for-profit groups, non-profit organizations and consultancies targeting both the parliament and the executive. The rules additionally introduce post-employment cooling-off periods of one year for former ministers and special advisers. This restriction can be extended to other public servants if prescribed by the Minister of Public Expenditure and Reform. The rules are enforced by an independent agency with strong investigative powers, namely the Standards for Public Office Commission, which already works as a monitoring agency over political donations and ethics in politics. Sanctions involve fines or even imprisonment in cases of misconduct. These observations reveal the high level of robustness when compared to other lobbying laws. The following sub-sections analyse the *initiation*, *policy-formulation* and *decision-making* stages with the aim of understanding why the rules are robust.

6.1 INITIATION STAGE

The period between 1991 to 2012 represented a period to ‘clean up’ Irish politics: the *Greencore affair* and the *Telecom Eireann affair* over the privatization process of the two companies in the 1990s shed light over undue influences of business over politics (Byrne, 2012). The *Beef Tribunal* (1991-1994) revealed illegal political donations to Fianna Fáil by several businesspersons active in the meat industry. The *McCracken Tribunal* and the *Moriarty Tribunal* investigated a

sequence of secret payments by businesspersons Ben Dunne and Denis O'Brien (and others) to former Prime Minister Charles Haughey and former Cabinet Minister Michael Lowry. Finally, the *Tribunal of Inquiry into Certain Planning Matters and Payments*, better known as *Mahon Tribunal*, investigated corrupt allegations in planning permissions and land rezoning in the area around Dublin between 1997 and 2012.

The Parliament established the Mahon Tribunal in 1997 to inspect the sources of suspicious payments from several construction firms to Minister Ray Burke. The inquiry promptly shed light on a deeply rooted network of illegal payments in the construction sector. The investigations involved Dublin City councillors, several businesspersons, lobbyists, cabinet ministers, and the time Prime Minister Bertie Ahern. The scandal was punctually covered by all Irish media sources for almost fifteen years. As the inquiry came to an end, Byrne (2012) commented in the *Irish Independent*:

Fifteen years of tribunals and scandals boils down to what's known as legal corruption. That's where undue, but not illegal, influence by vested interests over regulation and policy-making happens, where elites have access to insider information that they use for their private benefit. This informal misuse of power and influence occurs where lobbying, personal relationships, political favours and political donations unduly influence the decision-making process even if no laws are broken.¹⁶⁵

The particular case of PR-lobbyist Frank Dunlop (who bribed various politicians on behalf of his clients in exchange of land rezoning permissions) proved to be significant for the outcomes of the inquiry. The *Dunlop case* unmasked a link between the lobbying profession and sources of political corruption in Irish

¹⁶⁵ See: <http://www.independent.ie/opinion/analysis/elaine-byrne-influence-is-everpresent-so-it-must-be-regulated-26848105.html>, last accessed August 20, 2016.

politics (McGrath, 2009). As a result, the revelations of the *Mahon Tribunal* represented an important step towards the regulation of lobbying in Ireland (McGrath, 2009, 2011; Murphy *et al*, 2011; McMenamin, 2013).

After 14 years of public inquiry and prison sentences for local councillors and a former Cabinet Minister, the Mahon Tribunal produced a detailed report containing policy recommendations to the Irish Government with the aim of decreasing the risks of political corruption. This specific report, together with media activism, revealed to be particularly important in the introduction of robust lobbying rules in Ireland. Concerning the policy-issue of transparency, the recommendations echoed the need of ‘transparency over the sources, amounts and use over money in politics’.¹⁶⁶ Particularly on lobbying activity the Mahon Tribunal Report (2012, p. 252) stated:

Lobbying is an important part of the process of government and provides policy makers with important information and feedback thereby contributing to better and more effective policy outputs. However, it is clear from this Tribunal’s inquiries, that lobbying is also associated with certain risks and in particular may play a key role in corruption. It can also result in unfair advantages for vested interests if there is insufficient transparency over lobbying activities. Lobbying is not currently regulated. However, the Tribunal is of the view that regulating lobbying is likely to decrease the corruption risks associated with that activity by increasing transparency and accountability in the policy making process. Such regulation would not however, adversely affect the positive role played by lobbyists in the political system. On the contrary, it could well help promote a more positive perception of that role.

The Mahon Tribunal stressed the risks of lobbying associated to political corruption and thereby recommended to ‘ensure the maximum degree of transparency over the lobbying process and the conduct of lobbyists’.¹⁶⁷

¹⁶⁶ Mahon Tribunal report, 2012, p.2527.

¹⁶⁷ Mahon Tribunal report, 2012, p. 2637.

In the aftermath of the scandals, the three main parties, Fine Gael, Labour and Fianna Fáil committed to the introduction of rules for lobbyists as part of their governmental agenda in the run for elections in 2011. The newly settled government, formed by Labour and Fine Gael, delegated the initiation of a lobbying regulation to the Department of Public Expenditure and Reform (DPER) in 2011, which produced a policy paper in July 2012 in line with the policy recommendations of the Mahon Tribunal (published in April of the same year).

The Tribunal's report recommended the introduction of robust provisions. According to the report, lobbying rules should regulate both in-house and consultant lobbyist¹⁶⁸; lobbyists should be required to disclose their personal details, the information about their clients, the object of their activity, and the details about the public institutions (or public officials) being lobbied¹⁶⁹; the information should be regularly updated and electronically available¹⁷⁰; enforcement authorities should have sufficient powers of investigation and sanctions should involve administrative fines¹⁷¹; the power of enforcement should be given to an independent agency identified in the Standards in Public Office (SIPO) Commission¹⁷²; the regulation should include a statutory code of conduct¹⁷³; finally, the regulation should address the corruption risks related to the revolving doors between politics and lobbying¹⁷⁴.

All of the above recommendations found in the Tribunal's report were included in the Government's policy proposal published by DPER. Additionally, DPER referred

¹⁶⁸ Mahon Tribunal report, 2012, pp. 2638-2639.

¹⁶⁹ Mahon Tribunal report, 2012, pp. 2638-2640.

¹⁷⁰ Mahon Tribunal report, 2012, p. 2640.

¹⁷¹ Mahon Tribunal report, 2012, pp. 2640-2641.

¹⁷² Mahon Tribunal report 2012, p. 2524.

¹⁷³ Mahon Tribunal report 2012, pp. 2641-2642.

¹⁷⁴ Mahon Tribunal report 2012, p. 2537.

to the report published by the Mahon Tribunal throughout the policy proposal suggesting that the report had a substantial influence over the work of the Ministry. For example, during the presentation of the Government's agenda, Minister Brendan Howlin (DPER) spoke about the need to rebuild trust in politics after the episodes of corruption and that 'the recommendations published by the Mahon Tribunal were important guidelines to achieve such goal'.¹⁷⁵

These observations support the presence of political agenda-setting effects of political corruption scandals on the initiation of robust lobbying rules. However, it seems that such political agenda-setting effect had come from the Mahon Tribunal's report rather than from media activism. More precisely, the recommendations of the Mahon Tribunal's inquiry concerning the allegations of corruption in Irish politics had an effect on DPER's agenda about how to regulate lobbying. This finding reveals the importance of the tribunals in influencing the behaviour of political actors.

According to Byrne, Tribunals in Ireland have the function of 'preventing the recurrence of corruption episodes' (Byrne, 2012, p. 175). The purpose of the inquiries is to 'investigate facts and make recommendations, not to punish individuals through criminal sanction' (Byrne, 2012, p. 175). As a result, the Tribunals serve as 'a wider political agenda for government either in demonstrating that 'something is being done' or 'in providing leverage for change' (Byrne, 2012, p. 175), giving judges strong influence over the policy-making process. My investigation confirms Byrne's argument revealing the presence of a

¹⁷⁵ See: <http://www.per.gov.ie/en/speaking-points-for-the-minister-of-public-expenditure-and-reform-mr-brendan-howlin-at-the-seminar-on-the-regulation-of-lobbying-thursday-5-july-2012/>, last accessed December 1, 2015.

political agenda-setting effect of the Tribunal (rather than of the media) on the work of the government.

In the period between December 2011 and July 2012, DPER ran two rounds of consultations open to interest groups. The Department further organized a hearing with interested organizations in July 2012 and a period of pre-legislative scrutiny in the Committee for Finance, Public Expenditure and Reform in November 2013. This period represents the stage of *policy-formulation* of the policy-making process and I explore the role of systems of interest representation during this phase.

6.2 POLICY FORMULATION STAGE

DPER launched two periods of consultation with interest groups during the policy-formulation stage: during the first period, from December 2011 to February 2012, 60 groups sent written recommendations to the Government with the aim of influencing the formulation of the policy.¹⁷⁶ Additionally, DPER held a meeting with key actors in June to discuss the contents of the submissions.¹⁷⁷ In the second period, running from July to September 2012, DPER organized a public hearing with a selection of interest groups and invited other groups to submit written comments about the Department's policy paper. In this occasion, 27 groups submitted written comments about the proposal.¹⁷⁸ Next, the policy paper was

¹⁷⁶ See: <http://www.per.gov.ie/en/regulation-of-lobbyists-submissions/>, last accessed December 7, 2015.

¹⁷⁷ Participating actors were the Public Relations Institute of Ireland (PRII), PRCA, IFA, IBEC, ICTU, Transparency International Ireland, The Wheel, Elaine Byrne (anti-corruption policy analyst), Conor McGrath (PR-lobbyist and independent researcher). See: <http://www.per.gov.ie/en/consultation-process-phase-1/>, last accessed December 7, 2015.

¹⁷⁸ See: <http://www.per.gov.ie/en/consultation-phase-11-submissions/>, last accessed December 7, 2015.

sent to the Committee for Finance, Public Expenditure and Reform for pre-legislative scrutiny. The Committee examined the recommendations formulated by interest groups and drafted a set of guidelines about the adoption of the policy. Further, the Committee organized a hearing with the Unit for Government Integrity of the OECD and submitted its final report to DPER in November 2013.

The Irish Congress of Trade Unions (ICTU), the Irish Business and Economic Council (IBEC) and the Irish Farmer Association (IFA) were actively involved in stage of policy-formulation. I expected the lobbying activity of these actors (in form of written or verbal communication with the government) to negatively influence the formulation of robust lobbying rules. The analysis of the written material, however, suggests that corporatism had no observable effect on the formulation of weak lobbying rules. Against my expectations, ICTU supported the introduction of robust rules. It supported the adoption of a robust definition of lobbying, of strong registration requirements, of financial disclosure, of a statutory code of conduct, of robust sanctions (enforced by an independent agency) and of a cooling-off period of two years for legislators and other senior officials.¹⁷⁹ This finding undermines my argument that trade unions perceive lobbying regulations as a threat to their involvement to government policy. The finding is also in contrast with my empirical observations of the Austrian trade unions that contested the introduction of robust rules in their country.

IBEC and IFA, by contrast, lobbied in favour of less robust rules. In its two written notifications to the government, IBEC argued that ‘the disclosure of detailed financial information causes challenges for all those [groups] involved and distorts

¹⁷⁹ See: <http://www.per.gov.ie/wp-content/uploads/Irish-Congress-of-Trade-Unions.pdf>, last accessed December 8, 2015.

public understanding of the interactions between Government and interest groups'.¹⁸⁰ IBEC additionally favoured a regulation 'focused on capturing data about so called *third-party* lobbying where the sources of influence are obscure' as opposed to an approach aimed at regulating both in-house lobbyists and consultancies.¹⁸¹ Finally, in its last submission to the government, IBEC advocated in favour of yearly reports (instead of four-monthly basis), was against the disclosure of personal information about the lobbyists and was not in favour of cooling-off periods.¹⁸² Similarly to the policy position found in IBEC's second written submission, IFA lobbied against the introduction of provisions setting up the disclosure of information about the lobbying activity on a four-monthly basis.¹⁸³

Despite the lobbying efforts, IBEC and IFA were not successful in influencing the formulation of less robust rules. Even the activity of ICTU advocating for more robust rules demonstrated to be unsuccessful. The analysis of the policy document published by the Government after the consultation phase provides an explanation for the lack of success of social partners. In April 2013, DPER published the document 'General Scheme of the Regulation of Lobbying'. The scheme closely followed the legislative framework set by the original policy proposal of the DPER (with the exception of a reduction of the cooling off periods to 1 year).¹⁸⁴ The

¹⁸⁰ See: <http://www.per.gov.ie/wp-content/uploads/Irish-Business-and-Employers-Confederation.pdf>, last accessed December 8, 2015

¹⁸¹ See: <http://www.per.gov.ie/wp-content/uploads/Irish-Business-and-Employers-Confederation.pdf>, last accessed December 8, 2015.

¹⁸² See: <http://www.per.gov.ie/wp-content/uploads/Irish-Business-and-Employers-Confederation1.pdf>, last accessed December 8, 2015.

¹⁸³ See: <http://www.per.gov.ie/wp-content/uploads/Irish-Farmers-Association.pdf> and <http://www.per.gov.ie/wp-content/uploads/Irish-Farmers-Association1.pdf>, last accessed December 7, 2015.

¹⁸⁴ See: <http://www.per.gov.ie/wp-content/uploads/General-Scheme-of-the-Regulation-of-Lobbying-Bill1.pdf>, last accessed December 8, 2015.

policy positions of IBEC and IFA (in favour of less robust rules) and ICTU (for more robust rules) were not considered by DPER in the formulation of the document which instead preferred to follow the guidelines that emerged from the initiation stage. Based on the ‘General Scheme’, Minister Howlin published the official *Registration of Lobbying Bill* in June 2014.¹⁸⁵

In sum, corporatism was not effective in the case of the Irish regulation: the lobbying efforts of IBEC and IFA to reduce the robustness of the lobbying regulation were not successful. Contrary to my expectations, ICTU advocated in favour of robust rules. Despite these lobbying efforts of social partners, DPER formulated a bill containing lobbying rules that resemble the policy recommendations of the Mahon Tribunal. These observations point to the importance of the political agenda-setting effects observed during the *initiation* stage. In the period between June 2014 and March 2015, the policy-making process entered the *decision-making* stage. In the analysis of this stage, I consider the influence of partisanship on the introduction of the lobbying law.

6.3 DECISION MAKING STAGE

The centre-leftist Labour Party and the centrist party Fine Gael controlled the legislative majority in the Irish Parliament during the studied period. The results of the analysis of the floor debates during the *decision-making* stage suggest that the centre-leftist composition of the Parliament did not positively influence the robustness of the lobbying law.

¹⁸⁵ See: <http://www.per.gov.ie/wp-content/uploads/Registration-of-Lobbying-Bill-2014-as-initiated.pdf> and <http://www.per.gov.ie/wp-content/uploads/ExplanatoryMemorandum-Published.pdf>, last accessed December 8, 2015.

In other words, the amendments presented by government and opposition did not influence the overall robustness of the lobbying bill.¹⁸⁶ During the second reading, the Minister of DPER underlined the importance of the Mahon Tribunal in determining the robustness of the lobbying law: ‘The reports of the Mahon and Moriarty tribunals have highlighted *inter alia* the risk that the legitimacy of the political system could be eroded by the corrosive impact of secrecy and undue influence. The regulation of lobbying bill is one of suite of measures which the Government is taking to address this [...]’.¹⁸⁷ Senator Whelan of the Labour Party later stated that ‘majority and opposition in both Houses acknowledged the action taken by the Government and supported the lobbying bill’.¹⁸⁸

Unlike the cases of the UK (where the importance of partisanship is central) or Austria (where partisanship is suppressed by the corporatist system of interest representation), in the Irish example, I do not observe the influence of partisanship on the robustness of the lobbying law. The weak left-right cleavage that characterizes the Irish party system might represent an explanation for the absence of a causal link between partisanship and robustness. In the legislative debate, the main opposition party, Fianna Fáil, proved to have similar preferences to FG and Labour about lobbying regulations. Besides, the Government’s bill found the support of independent members of Parliament (very numerous during the studied legislative period). Section 7, which discusses the results of the four cases studies in comparative perspective, offers an additional explanation to the absence

¹⁸⁶ Amendments have often involved technicalities, such as definitions or possible contrasts with other existing regulations. However, none of the amendments was aimed at improving the robustness of the lobbying bill.

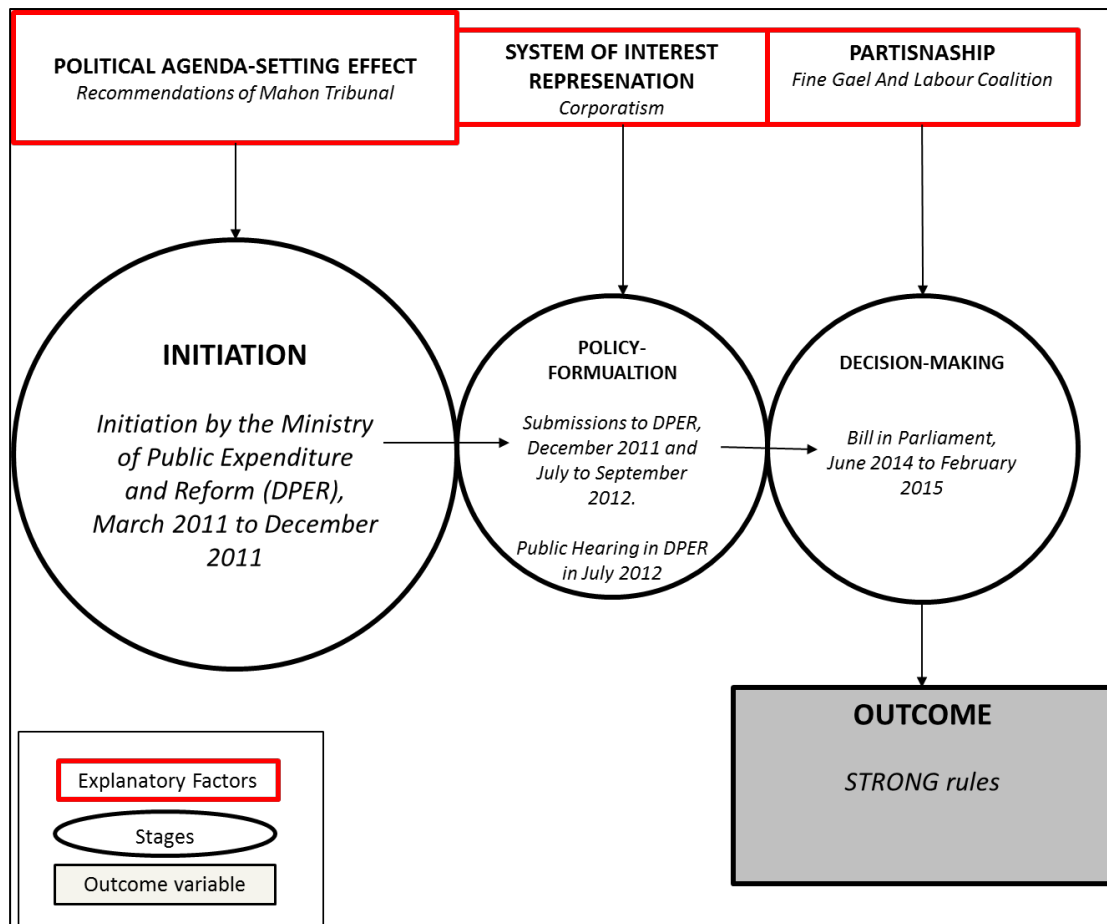
¹⁸⁷ Minister Howlin, Regulation of Lobbying Bill 2014: Second Stage, 29 January 2015, p. 1.

¹⁸⁸ Senator Whelan (LAB), Regulation of Lobbying Bill 2014: Second Stage, 29 January 2015, p. 11.

of an effect of corporatism and partisanship in Ireland. This explanation is based on the study of the relationship between political parties and organized interest groups in contemporary democracies.

6.4 CONCLUSION

From the analysis of the process of adoption of the lobbying law in the *deviant* case of Ireland, I observed that the corporatist system of interest representation has failed to result in the formulation of weak rules. Additionally, partisanship proved to have no effect during the *decision-making* stage. Overall, the results of the analysis suggest that salient scandals, emerging from the inquiry of the Mahon Tribunal about allegations of corruption, represent the main driving force behind the introduction of robust rules. More precisely, the policy recommendations published in the Tribunal's report in the aftermath of the investigations showed to have a significant political agenda setting effect on the government's preference for strong rules during the stage of the *initiation*. This finding has implications on the argument that the media attention towards episodes of corruption has an agenda-setting effect on the government's work. The analysis of the Irish case suggests that, despite the extensive coverage of the scandals by media, the Tribunal's activity in uncovering such cases of corruption appeared to be the driving force behind the initiation of strong lobbying rules that were finally passed by parliament. The overall results are synthesized in Figure 23.

Figure 23: Features of the policy-making in the case of the Irish lobbying regulation

7. DISCUSSION: COMPARATIVE INSIGHTS

Thus far, the chapter has presented the results of four case studies with regard to the influence of systems of interest representation on the robustness of lobbying rules, based on examination of four cases. In this section, I compare the results of the typical and deviant cases in order to provide a better understanding of why my theoretical expectations about the effect of systems of interest representation successfully explain the levels of robustness in the EU and Austria, while they failed to do so in the UK and Ireland.

7.1 PLURALISM: TYPICAL VS DEVIANT

The analysis of the EU case revealed that the pluralist system of interest representation favoured the adoption of robust lobbying rules. In particular, the participation of a large interest group community with several different policy positions on how to regulate lobbying allowed the Commission to formulate a robust policy proposal in line with its goal of promoting transparency in EU institutions.

In the analysis of the UK case, I observed similar levels of participation of interest groups in the formulation stage. Business groups, trade unions, professional associations, consultancies and NGOs participated in the consultation process expressing divided positions. The consultation process resulted in a detailed set of policy recommendations by the Political and Constitutional Reform Committee that the British Government nevertheless decided to ignore. In contrast to what I have observed in the EU, the UK government formulated a policy proposal that resembled the idea of lobbying regulation outlined in the Coalition Agreement of 2010 between the two parties in government, the Conservatives and the Liberal Democrats. From this observation, I concluded that the centre-rightist partisan ideology of the UK government during the period of 2010 to 2014 encouraged the introduction of less robust rules despite the pluralist system of interest representation. This finding might also help to explain the absence of a similar effect in case of the EU.

The European Commission is notoriously non-partisan (Chari and Kritzinger, 2006). Despite the Commissioners' past careers as former politicians that served political parties at the domestic level, their political choices are generally believed

to be independent from partisan ideology. Certainly, some compositions of the Commission can be considered more rightist or leftist than others. For example, it could be argued that the Juncker Commission is more rightist than the Delors Commissions. However, it can be safely argued that the party lines of the groups sitting in the EP do not determine the Commission's day-to-day policy. This is because, in contrast to the parliamentary systems of government, the executive branch of the EU does not emerge from its legislative branch (Hix and Hoyland, 2011).

In the political system of the EU, the President of the Commission is nominated by the European Council and the Commissioners are designated by the domestic governments of each member state but not by the EP. The Commission is then approved by the EP with a vote of confidence but is later not bound to the Parliament through strong mechanisms of accountability. For example, the EP does not have the power to dismiss Commissioners for their political decisions. As a result, political party groups sitting in the Parliament do not have the power to exercise influence over the Commissioners. This is a dividing principle between the political system of the EU and of the UK, in which the Government is formed by Members of Parliament that obtained their seat by running elections for a political party. As a result, in the case of the introduction of the lobbying laws, the political preferences of the political parties proved to be less relevant in determining the agenda of EU, when compared to the UK government that introduced weak lobbying rules. That is, in absence of such strong relevance of political parties in the executive branch of government in the EU, partisanship showed to have no influence on the robustness of the lobbying law. In this situation, the pluralist

system of interest representation demonstrated to be the main driving force behind the formulation of strong lobbying rules in the EU.

7.2 CORPORATISM: TYPICAL VS DEVIANT

In my analysis of the effect of the systems of interest representation on the robustness of lobbying laws, I found that Austrian corporatism had a negative impact on the robustness of the lobbying regulation. However, in the Irish case this effect of corporatism was absent. What makes Austrian and Irish corporatism different? I argue that the study of the relationship between political parties and interest groups provides a possible explanation of the presence of an observable effect in Austria and its absence in Ireland.

Austria is a *typical* corporatist system characterized by a significant intertwinement between interest groups and political parties (Müller, 1997; Köppl and Wippersberg, 2014). The Social partners (ÖGB and WKÖ) and the political parties in Government (ÖVP and SPÖ) in Austria have a mechanism of regular exchange, have overlapping organizational structures and share a significant proportion of their membership (Müller, 1997). For example, the SPÖ has fixed proportion of positions in the party's candidates list for representatives of the ÖGB (Müller, 1997).

The analysis of the Austrian case suggested that the interlock between the political parties in government and social partners encouraged the government to introduce weak lobbying rules. Fearing that strong rules would undermine the relationship with trade unions, the SPÖ introduced an exemption from the robust

rules for social partners. The exemption was introduced in the form of an amendment during the *decision-making* stage. This reduced the overall robustness of the Austrian lobbying law. This finding provided important insights into the effect of the relationship between the Social Democratic Party and the main trade union, ÖGB, on the robustness of lobbying regulations. However, it also revealed a problem of *equifinality*. In the analysis of Austria alone, one fully fails to understand which represents the main determinant of the level of robustness of the lobbying law: *corporatism* or the *relationship* between the party and the trade union. The results of the analysis of the Irish case helps to shed more light on this problem.

The same effect of *corporatism* or *party-group relationship* has not been observed in the analysis of the Irish case. Doherty (2011, pp. 17-18) has argued that ‘Irish corporatist system is built upon ‘individual relationships and personalities’ (rather than upon political parties) and ‘is therefore vulnerable when key players in government exit the stage’. For instance, Irish corporatism is often associated with the personalities Charles Haughey and Bertie Ahern rather than their political party, Fianna Fáil. Both politicians occupied important ministerial positions in government during the period of the social partnership. Haughey served as Taoiseach (Prime Minister) four times before 1992 and was leader of Fianna Fáil from 1979 to 1992. Ahern served as Minister of Labour in 1987, Minister of Finance in 1991 and Taoiseach from 1997 to 2007. Haughey, personally, is believed to have been credited with the establishment of the social partnership to which also Ahern proved to have substantively committed (Hastings *et al.*, 2007).

The Tribunals' investigations into corrupt allegations between the world of politics and business forced both Fianna Fáil politicians to leave the political stage. The Moriarty Tribunal investigated Haughey for tax evasion.¹⁸⁹ The Mahon Tribunal investigated Ahern over secret payments between the Fianna Fáil politician and businessperson Owen O'Callaghan.¹⁹⁰ In addition, at the general election of 2011, Fianna Fáil experienced its worst result since the foundation of the Republic. The exit of both personalities from the political stage, and the electoral failure of Fianna Fáil at the 2011 elections, might have decreased the social partners' influence over government policy. Despite the corporatist system, the social partners were unsuccessful in lobbying the introduction of the lobbying law in the absence of close ties to the personalities running the government.

This finding suggests that the ties between political parties and interest groups might be more (or equally) important than systems of interest representation in influencing the robustness of lobbying laws. If the argument holds, then I would expect to find the same evidence of the effect of party-group relations also in pluralist systems. More generally, it could be argued that party-group relationships might influence public policy in different ways.

In this regard, it is important to note some findings from recent academic work that has dedicated attention to the study of party-interest group relationships (for a focus on Europe see Allern and Bale, 2012; Allern, Aylott and Christiansen, 2007; Allern, 2010; Christiansen, 2012; for a focus on the US see Witko, 2009). Affiliated parties and groups exchange resources they control (Witko, 2009). These

¹⁸⁹ Moriarty Tribunal Report: http://www.moriartytribunal.ie/images/sitecontent_427.pdf, last accessed September 20, 2016.

¹⁹⁰ Mahon Tribunal Report: http://www.planningtribunal.ie/images/sitecontent_1257.pdf, last accessed September 20, 2016.

resources can be organizational (for example, collective membership, leader overlap), material (for example, transfer of financial, labour and other resources) and ideological (ideological affinity and strategies of cooperation) (Allern and Bale, 2012). The cooperation between the two organizations results in mutual gains for both groups increasing their likelihood of survival (Lowery, 2007; Witko, 2009).

Other scholarly work focused on the phenomenon of ‘parasitism’ or relationships of domination of one structure over the other (Thomas, 2001; Witko, 2009). Based on similar theoretical frameworks, Thomas (2001) identifies different levels of in/dependence of parties from groups and vice versa. The study introduces the idea of ‘different levels of strength’ of party-group relations suggesting that they can be placed on a continuum, ranging from complete integration between organizations to a complete independence or even conflict between organizations.

The analysis of different levels of integration between party-group relationships has been adopted as a method for the study of party-group pairs. Svensson and Öberg (2002) find that de-integration between trade unions and Social Democrats has not affected the ‘insider’ status of social partners. In the context of the study of interest groups in Australia, Warhurst (2007) finds that the lobbying industry has strong partisan links: the proportion of shared membership between trade unions and Australian Labour Party, the phenomenon of revolving-doors between the two organizations and the frequency by which members of these organizations meet are significant examples of their tied relationship.

The findings in this chapter serve as a foundation for future studies on the levels of integration between groups and parties and their impact on public policy. While the determinants of the levels of integration have been studied in the context of

many political systems, the analysis of the effects of party-group relationships on public policy has found little space in the literature. Perhaps the difficulties of measuring these relations in different political systems has kept the research away from the analysis of their effects on policy outputs. Contributions have generally stressed the impact of party-group ties on policy-making, looking at the effects on institutions (such as Committees and Parliament) when legislation is passed (for examples see Jordan and Maloney, 2001). However, little research has engaged with the effects on policy outputs. With this idea in mind, I consider this aspect in more detail in the concluding chapter's section on 'avenues for future research'.

CHAPTER 7

CONCLUSION

1. MAIN RESEARCH QUESTIONS

The thesis explored the dynamics of the introduction of lobbying laws and their level of robustness. More precisely, it provided an answer to two main research questions. First, why do political systems introduce lobbying regulations? Secondly, why are some regulations more robust than others?

Throughout the chapters of this thesis, I highlighted the importance of these questions both for academics and practitioners. I explained that lobbying laws are a form of ethics regulation that aims at increasing transparency and accountability in the policy-making process. By placing the activity of lobbyists under public scrutiny, these regulations seek to prevent undue influence, reduce the risks of political corruption and increase the accountability of decision-makers.

With these ideas in mind, I showed in Chapter 1 that the adoption of lobbying regulations has experienced a recent boom, as more and more countries throughout the world are formulating and implementing lobbying laws (first research question). The investigation of the process of adoption therefore offers important insights into the real world of the legislative activity around ethics and transparency policy in contemporary democracies.

As far as the second research question is concerned, the analysis of the content of the regulations revealed that lobbying regulations found across the world are very different. Depending on their content, regulations can guarantee higher or lower levels of transparency and accountability. I defined this variation as the level of *robustness* of lobbying regulations and demonstrated (for fourteen out of sixteen lobbying laws) that some regulations are more robust than others. With these

differences in mind, I argued that it is important for students of political science to understand what drives governments in the introduction of robust/less robust lobbying rules. The analysis of the determinants of the different levels of robustness seeks to offer a key for the understanding of the approach taken by the different governments for the regulation of lobbying.

To answer both questions, I developed a theoretical framework that explains the dynamics of lobbying regulations. More specifically, in Chapter 2, I hypothesised that the adoption of lobbying regulations can be explained by the presence of scandals of political corruption in the media, by the external promotion of international organizations, by the geographical proximity to regulated jurisdictions and by the type of system of interest representation. I developed these arguments building on theories of political agenda-setting, policy diffusion/transfer and systems of interest representation. With respect to the contents of lobbying laws, I hypothesised in Chapter 4 that the different levels of robustness of lobbying laws can be explained by the nature of the system of interest representation, the saliency of lobbying scandals and partisanship. I explored my arguments using both quantitative and qualitative methods of investigations. The main findings are synthesized in the next section.

2. SUMMARY AND SIGNIFICANCE OF THE FINDINGS

In the previous section, I the main research questions address by this study. I now turn to the summary of the findings and the methodological/theoretical inputs my work wishes to bring to the literature.

In terms of methodological innovation, this study hopes to have provided a nuanced distinction between the study of the mere fact of ‘adopting’ a lobbying law and understanding its ‘robustness’. This allowed me to develop two distinct research designs that set the methodological basis for future investigations in *three* ways. *First*, scholars interested in transparency policy - or public policy more in general – might be interested in the exploration of the adoption of government regulations using the Event History Analysis and Multinomial Regression Analysis conducted in Chapter 3 as a foundation.

Secondly, the process-tracing analysis of the three stages of policy making (initiation, policy formulation and decision-making) presented in Chapter 6 allows future scholars to assess the impact of independent factors on the robustness of lobbying regulations - or the content of government regulation more in general. Students interested in lobbying regulations, transparency and integrity policy as well as public policy might find the application of this research design to their studies useful. For example, the same design could be used in the study of the level of robustness of freedom of information laws or in strictness of environmental regulation.

Thirdly, with the aim of extending this research design to other fields of policy analysis, researchers are encouraged to pay attention to the methods of evaluation of public policy. For example, researchers interested in studying the quality of environmental regulations might be interested in developing a valid and reliable way to evaluate the contents of environmental policy. With these ideas in mind, the comparative study of the robustness measurement (conducted in Chapter 5 of this thesis) offered a threefold contribution to the study of public policy and of

comparative politics more in general. First, the importance of the assessment of the levels of validity and reliability of measurements has been highlighted and the fact that the application of different indices leads to different results has been demonstrated. Secondly, I suggested a novel way to evaluate the validity of a measurement. I argued that it is possible to consider a relatively objective ‘gold standard’ from international organizations as a standard for content validation. Reputable organizations, such as the OECD, have established principles regarding what constitute ‘best practice’ in some key regulatory policy areas social scientists are trying to measure. Moving forward, when public policy scholars are seeking to better understand whether or not an indicator adequately captures the content of a concept, they may want to examine the ways in which these indexes capture the key items outlined by these international organizations. Thirdly, the reliability test stressed the importance of reproducibility as a determinant of a reliable measure. In order to be reliable, the use of measurements needs to be reproducible, meaning that different researchers will be able to apply these measures in a consistent way. Besides to providing scholars with a better understanding of the methods of measure of the robustness of a lobbying law, the analysis in Chapter 5 also seek to offer a methodological standard to assess the validity and reliability of measurements used to evaluate public policy.

As far as theoretical innovations are concerned, the previous section concerned with the main findings underlined the importance of mechanisms of policy diffusion when lobbying regulations are adopted. The different types of systems of interest representation, lobbying scandals and partisanship appeared to be associated with different levels of the *robustness* of regulations. The implications of

these findings for the literature are discussed in relation to the *adoption* and the *robustness* of regulations separately.

Concerning the adoption of lobbying laws, interest group scholars and researchers concerned with transparency policy might benefit from the reformulation of existing theoretical explanations. For example, this thesis suggested that several of the explanations found in the previous literature, such as those based on the agenda-setting effects of scandals and on systems of interest representation, are of little use for the analysis of lobbying regulations in a global comparative perspective. As I will further develop in the next section, future studies on the adoption of lobbying laws might benefit from taking into consideration policy diffusion mechanisms and from the development of more fine-grained measurements to capture such mechanisms. For scholars in the field of international relations, these findings are ‘another’ piece of evidence in support of the roles of policy diffusion effects on public policy. However, for scholars interested in lobbying and lobbying regulations, this constitutes a new finding. This innovative result will hopefully bring together studies of lobbying regulations and of other forms of transparency and ethics policy, such as freedom of information laws, ethics policy and whistle-blower legislations.

As far as the robustness of lobbying laws is concerned, the thesis hopes to have offered a threefold theoretical contribution. *First*, it wishes to encourage students concerned with interest groups to reformulate theoretical expectations based on systems of interest representation. Chapter 6 empirically showed that corporatism reduced the robustness of lobbying regulations in Austria without, however, preventing its adoption. This suggests that interest groups increasingly accept

lobbying rules as a form of regulation of their activity. However, the rules need to be less invasive for the groups that detain a privileged position in the system of interest representation. With this idea in mind, I hope to have encouraged interest group scholars to dedicate attention to systems of interest representation and lobbying regulations. As I will explain in the section about ‘avenues of future research’, forthcoming studies could dedicate attention to the relation between political parties and social partners in corporatist systems.

Secondly, the analysis seeks to add to the study of the effect of scandals on public policy. Chapter 3 showed that scandals influence the presentation of legislative proposals to regulate lobbying without making their *adoption* more likely. Chapter 6 showed that salient scandals encouraged the introduction of more *robust* lobbying rules in Ireland. For scholars interested in mechanisms of agenda-setting, this finding is significant considering that it investigates the effect of scandals beyond the simple initiation of policy. It suggests that scandals derive both the government’s attention towards certain topics *and* can encourage decisions to introduce more/less robust policy outputs.

Thirdly, the results presented in Chapter 6 suggest that partisanship plays a role in determining the robustness of lobbying laws. For scholars of public policy, it supports the idea that even in the field of lobbying regulations, a change in the left-right composition of government is mirrored by a change in policy. For scholars of transparency and integrity policy, it suggests that political parties have different ideas concerning the ways in which governments should regulate the relationships with organized interests. For scholars of interest groups, it suggests that political parties are important actors in the promotion of lobbying laws. As a result, interest

groups might find it convenient to establish relationships with political parties in order to obtain leverage over the adoption of lobbying laws or public policy more in general.

In summary, with this thesis I hope to have contributed to the research in the fields of interest groups, lobbying regulation, transparency policy, public policy analysis and measurement. With these ideas in mind, I will now discuss the avenues of future research in the next section.

3. AVENUES FOR FUTURE RESEARCH

This thesis sets the basis for several future studies in the field of interest group politics and transparency policy. In particular, I highlight *four* avenues for future work that stem from this investigation.

First, the analysis of the process of adoption of lobbying laws revealed the importance of international organizations for the diffusion of lobbying laws. In light of these findings, future studies examining the development of transparency and ethics policies are encouraged to integrate theories of policy diffusion in their research designs. IOs today function like a forum in which domestic officials exchange information, share expertise, develop ideas for policy and commit to policy goals (True and Minstrom, 2001).

Membership to IOs represents an opportunity for states to be innovative, introduce new regulations and harmonize legislation with other countries. In this situation, policy can diffuse from one jurisdiction to another or be transferred from the supranational to the domestic level. This is an already established idea

raised amongst scholars of international relations. However, for scholars of interest groups, this is a new finding that encourages researchers to dedicate future attention to mechanisms of policy diffusion. For example, similar effects could be expected from the Council of Europe who has been promoting the introduction of lobbying laws since 2012.¹⁹⁰

Secondly, I showed that lobbying laws are often an expression of ‘symbolic politics’, meaning that the legislative activity of the government around regulations is often mere rhetoric and does not necessarily lead to the adoption of rules. This finding may help scholars to explain the absence of lobbying regulations in countries that experienced many episodes of political corruption like Romania or Bulgaria (Coman, 2006). The analysis of this phenomenon in the context of the legislative activity around lobbying regulations in unregulated countries might therefore provide significant insights into the conditions under which proposals to regulate lobbying are transformed into laws. This study offered a possible explanation based on policy diffusion effects. However, it is hard to believe that no other explanation of this phenomenon exists. The empirical investigation presented in Chapter 3 could be expanded through the collection of additional data for the missing countries and the missing years of the analysis. For example, an accurate collection of data on scandals and draft proposals of lobbying laws in more non-EU and non-OECD member states would help to further understand to what extent precisely the activity around lobbying laws can be considered as an expression of symbolic politics.

¹⁹⁰ See [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2013\)011-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)011-e), last accessed December 20, 2015.

Thirdly, the analysis highlighted the importance of systems of interest representation for determining different levels of robustness of the lobbying laws. This is in line with the overall literature about corporatism, in which it is commonly agreed that the interplay between the state and privileged interest groups leads to certain policy outputs (mostly deriving from the political economy literature). The studies by Hicks and Swank (1992) and Wallerstein *et al.* (1997) approached the study of the link between political parties in power in corporatist systems and interest groups only tangentially. Müller (1997) noted that Austrian corporatism is characterized by a strict alignment of political parties and interest groups. My analysis of the Austrian case showed that, in the context of corporatist systems, political parties in power support the introduction of rules that favour the interest groups they are linked to. Therefore, it is uneasy to understand if corporatism or party-group relationships do influence the policy or not. In this regard, my case study offered a baseline for future studies on this topic.

Future studies might be interested in understanding the extent to which party-group relations influence the robustness of lobbying laws (or public policy more in general). For example, the analysis of the adoption of lobbying regulation in Australia could provide important insights into the effect of party-groups relations. Australia is a pluralist system of interest representation but its trade unions have important ties to the Australian Labour Party. McKinney and Halpin (2007) already showed that this relationship has often influenced Australian public policy. As a result, it might be relevant, in order to expand this study (and of other studies), to use Australia as an example for the analysis of the effects of party-group relations on the robustness of lobbying laws.

Finally, after having provided a comprehensive analysis of the dynamics of the introduction of lobbying regulations, future studies might wish to focus on the *effects* of lobbying regulations. Brining *et al.* (1993) and Ozymy (2010) investigated the effects of lobbying regulation on the legislative activity of the US state parliaments. Overall few studies have nonetheless dedicated attention to this topic. By borrowing ideas from the study of the effect of transparency on elite behaviour (Naurin, 2007), future studies might be interested in understanding the extent to which different levels of robustness of lobbying laws influence the behaviour of political actors. Such studies might focus on the effect of transparency and accountability on the behaviour of lobbyists and the advocacy process (Crepaz and Chari, 2016). This analysis could be easily extended to other actors such as citizens or policymakers and to other forms of regulatory policy such as ethics policy or freedom of information policy. A study of the effects of lobbying regulations would be complementary to my analysis of the process of introduction and would offer to the literature a comprehensive analysis of the dynamics of transparency and integrity policy in contemporary democracies.

APPENDIX TO CHAPTER 3

Cases under investigation: Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US.

Years: 1995 – 2014

Table 1A: Construction of the variables considered in Chapter 3.

Variable Name	Construction	Summary	Data availability	Source
<i>Adopted</i>	1 = regulation present 0 = regulation absent	Failures = 9	Australia, Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK. For all years	Own coding
<i>Legislative Activity</i>	2 = regulation or amendment adopted 1 = proposal presented in parliament and subsequently defeated 0 = no proposal presented in parliament	2 = 15 1 = 45 0 = 340	Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Romania, Slovenia, Slovakia, Sweden, UK, US. For all years	Own coding
<i>Scandal</i>	1 = scandal present 0 = scandal absent	1 = 40 0 = 360	Australia, Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Ireland, Italy, Netherlands, Norway, Poland, Romania, Slovakia, Sweden, UK.	Own coding using case studies on corruption, Google searches and national newspaper archives

			For all years	
<i>ETI</i>	1 = country is EU member state for t equalling 2005 and 2006 0 = otherwise	1 = Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovenia, Slovakia, Spain, Sweden, UK. 0 = Australia, Bulgaria, Canada, Japan, New Zealand, Norway, Romania, Switzerland, US	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. For all years	Own coding
<i>OECD 2008</i>	1 = country is OECD member state for t equalling 2008 and 2009 0 = otherwise	1 = Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. 0 = Bulgaria, Cyprus, Estonia, Lithuania, Malta, Romania.	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. For all years	Own coding
<i>OECD 2010</i>	1 = country is OECD member state for t equalling 2010 and 2011 0 = otherwise	1 = Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary,	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta,	Own coding

		Ireland, Italy, Japan, Latvia, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. 0 = Bulgaria, Cyprus, Lithuania, Malta, Romania.	Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. For all years	
<i>Corporatism</i>	Range 0 – 1 0 = pure pluralism 1 = pure corporatism	Mean = 0.52 Min = 0.24 Max = 0.79 St. Dev. = 0.14	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. For all years	Own construction based on Visser (2016)
<i>Left Cabinet</i>	Range 0 -100	Mean = 35.5 Min = 0 Max = 100 St. Dev. = 34.7	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. For all years	Armingeon et al. (2016)
<i>Majority Government</i>	1 = single party majority government, minimum winning coalition, surplus coalition	1 = 424 0 = 144	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania,	Own calculations based on Government type Variable used in Armingeon et al. (2016)

	0 = minority government, caretaker government		Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. For all years	
<i>Parliamentary Fragmentation</i>	Effective number of parliamentary parties (Laakso and Taagepera, 1979)	Mean = 3.94 Min = 1.94 Max = 9.07 St. Dev. = 1.42	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. For all years	Armingeon et al. (2016)
<i>Federal</i>	0 = no federalism 1 = weak federalism 2 = strong federalism	0 = 479 1 = 29 2 = 60	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. For all years	Huber et al. (2014)
<i>Index of Bicameralism</i>	Range 0-1 1 = strong bicameralism 0 = unicameralism	Mean = 0.29 Min = 0 Max = 1 St. Dev. = 0.39	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Netherlands, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, UK, US. For all years	Heller and Branduse (2014)

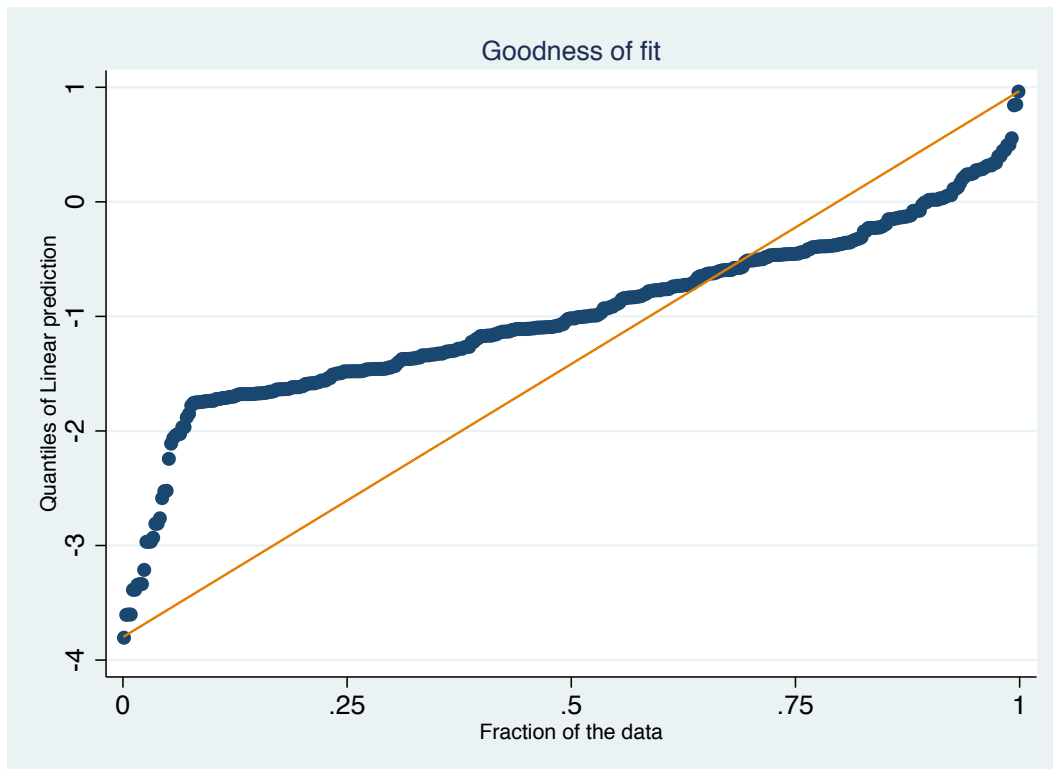
<i>Index of Perceived Corruption</i>	Range 0-10 0 = high corruption 10 = low corruption	Mean = 7.5 Min = 2.99 Max = 10 St. Dev. = 1.64	Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Netherlands, Poland, Sweden, UK, US. For all years with some exception for some countries. In the analysis, the years from 1995 to 1998 are dropped because of missing observations	Transparency International (2014)
<i>Neighbouring States</i>	Counts number of neighbouring states with implemented lobbying laws at year t	Mean = 0.43 Min = 0 Max = 3 St. Dev. = 0.71	Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, Switzerland, UK, US. For all years	Own coding based on geographical proximity

Table 2A: List of Scandals of Political Corruption in Chapter 3.

Name of the scandal	Political system	Year	Source
Brian Burke Scandal	Australia	2006	Warhurst (2007) Sydney Morning Herald, The Australian
Telekom Affäre	Austria	2009	Der Standard, Der Kurier
Cash for Law (Strasser Affäre)	Austria	2011	Der Standard, Der Kurier
Shawinigate	Canada	1999	The Globe and Mail, Toronto Star
Sponsorship Scandal	Canada	2004	The Globe and Mail, Toronto Star
Unipertrol Scandal	Czech Republic	2004	Financial Times
Police Raid in Government	Czech Republic	2013	Tyden, Parlamentní, New York Times
Reljian Scandal	Estonia	2006	Lumi (2014) Baltic Times
Mati Eliste Case	Estonia	2009	Lumi (2014), Baltic Times
The Residence Permit Scandal	Estonia	2011	Lumi (2014) Baltic Times
Ikka Kanerva Case	Finland	2011	Helsingin Sanomat
Inquiry Into Certain Planning Matters and Payments	Ireland	1997	Bryne (2012) Irish Times, Irish Independent

Dunlop Case	Ireland	2009	Bryne (2012) Irish Times, Irish Independent
Mahon Tribunal Report Into Certain Planning Matters and Payments	Ireland	2012	Irish Times, Irish Independent
P3	Italy	2010	Repubblica, Il Corriere della Sera
MOSE Venezia	Italy	2014	Repubblica, Il Corriere della Sera
Roma Capitale	Italy	2014	Repubblica, Il Corriere della Sera
Bolkenstein MSD case	Netherlands	1996	Der Telegraaf
Rywin Affair	Poland	2002	Lumi (2014) Warsaw Business Journal, The Warsaw Voice
Marech Dochnal Affair	Poland	2004	Lumi (2014) Dailymail, Telegraph
Oriengate	Poland	2006	Lumi (2014) Warsaw Business Journal, The Warsaw Voice
Vasile Duta Scandal	Romania	2000	NonStopNews, <i>Jurnalul Național</i>
Adrian Nastase Affaire	Romania	2001	The Economist, <i>Jurnalul Național</i>
Coman Affair	Romania	2002	NonStopNews, <i>Jurnalul Național</i> ,
Voiculescu affair	Romania	2003	NonStopNews, <i>Jurnalul Național</i> ,
Constantin Nicolescu, Gheorghe Nicuț, Andrei Călin Ioan, Ștefan Ion, Popa Ioan affairs	Romania	2006	NonStopNews, <i>Jurnalul Național</i> ,
Sorin Pandele Affair	Romania	2007	NonStopNews, <i>Jurnalul Național</i> , Adevarul Moldova
Miron Mitrea Affair	Romania	2008	RFI Romania
Catalin Voicu Affair	Romania	2009	NonStopNews, <i>Jurnalul Național</i> ,
Ion Stan Affair	Romania	2012	NonStopNews, <i>Jurnalul Național</i> ,
Gorilla Scandal	Slovakia	2011	The Economist, VoxEurope
Cash For Amendment	UK	2009	The Telegraph, the Guardian
Cash for Influence	UK	2010	The Telegraph, the Guardian
Buz Lukens Scandal (House Banking Scandal)	US	1995	USA Today
Jack Abramoff Scandal	US	2004	Washington Post, USA Today
Schmitz Case	US	2005	Washington Post
Indian tribes grand jury investigation	US	2006	Washington Post
William J. Jefferson Case	US	2007	New York Times
Ted Stevens	US	2008	New York Times

Figure 1A: Empirical and Theoretical Distribution of the Multinomial Logistic Regression (Table 11 p. 151)



The y-axis displays the quantiles of the residuals in Model 5. The x-axis shows the fraction of the data above or below the theoretical distribution (reference line with a slope of 45°). Figure 1A shows that, overall, the majority of points are negative and above the reference line meaning that the model over-predicts for negative residuals. This is probably determined by the fact that the dependent variable *legislative activity* is inflated for 0 values (see table 1A page 327) while less observations take the value of 1 and 2. The results of goodness of fit tests using a zero-inflated model show similar results. This problem might be resolved in future studies with the collection of data on a larger set of countries and more years.

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