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# WHY DO WE HAVE LOBBYING RULES? INVESTIGATING THE INTRODUCTION OF LOBBYING LAWS IN EU AND OECD MEMBER STATES

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**ABSTRACT** *Why do political systems introduce lobbying rules? Previous literature has analysed the determinants of the introduction of lobbying laws in the US states. However, the last 15 years have witnessed a booming popularity of lobbying laws across the world. Building upon the existing literature, this study seeks to explain the introduction of lobbying laws in EU and OECD member states from 1995 to 2014. The analysis considers variables related to the presence of lobbying scandals, the external promotion by international organizations, and corporatism. The causal mechanisms follow the theoretical arguments developed in the literature on political agenda-setting effects, policy diffusion and theories of interest representation. The empirical investigation is based on an original dataset and a statistical investigation using event history analysis and multinomial regression models. The results suggest that policy diffusion variables influence the likelihood of passing lobbying laws. While, scandals only affect the presentation of proposals for lobbying regulation in Parliament, corporatism shows no effects on the passage of such laws.*

**KEYWORDS:** lobbying; lobbying regulation; corporatism; pluralism; political agenda-setting; policy diffusion

## INTRODUCTION

This investigation deals with the analysis of the passage of lobbying regulations in comparative perspective. Lobbying regulations are a form of regulatory policy that lets citizens and all policy-making stakeholders know who is lobbying whom about what (Greenwood and Thomas, 1998; Chari *et al.*, 2010). 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).

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).

At the present time, 16 political systems throughout the world have lobbying regulations in place. The US, Germany, Canada and the European Union 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 (introduced in Lithuania, Poland, Hungary, Australia, France, Mexico, France, the Netherlands, Austria, Chile, the UK and Ireland).

Why is lobbying regulated in these political systems? This question has stimulated the latest research in the field of interest groups. Scholars from the American and the European research tradition have addressed the above question focusing on theoretical arguments derived from the literature on political scandals (Thomas, 1998; Rush, 1998; Warhurst, 1998; Newmark; 2005; Ozymy; 2013), political culture (Opheim, 1991; Newmark, 2005; Ozymy, 2010), processes of policy diffusion and learning (Rosenson, 2005; Greenwood and Dreger, 2013; Crepaz and Chari, 2014) and systems of interest representation (Greenwood and Thomas, 1998; Rechtman and Larsen-Ledet, 1998). While these contributions provide rich and detailed analyses of the process of introduction of lobbying laws in one or two jurisdictions, they fail to draw a comparative picture of the passage of this form of transparency regulation in a larger set of countries.

Proceeding from the theoretical tools elaborated in these contributions, this paper investigates the passage of lobbying laws in member states of the Organization for Economic Co-operation and Development (OECD) and of the European Union (EU) from 1995 to 2014 using event history analysis and multinomial regression models. The results of this investigation will hopefully 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.

The results offer three important findings for the literature. First, international organizations appear to encourage the diffusion of lobbying laws. More precisely, the publication of recommendations and policy documents about lobbying regulations by the OECD and the EU appears to be associated to the passage of lobbying laws in member states of these organizations. This finding supports existing literature showing that international organizations (IOs) encourage the diffusion of policy in their member states (Dolowitz and Marsh, 2000; True and Mintrom, 2001)

Secondly, the eruption of political corruption scandals, which is commonly associated to the adoption of lobbying laws and other forms of ethics policy (Newmark, 2005; Ozymy, 2013; Rosenson, 2005; Witko, 2007) does not appear to influence the adoption of regulations. Nevertheless, the eruption of scandals seems to be associated to the presentation of legislative proposals to regulate lobbying. These proposals are however subsequently not transformed into laws. This supports the argument found in the literature that scandals often represent opportunities for ‘symbolic politics’ and exercises of mere rhetoric, rather than the introduction of policy (Blühdorn, 2007; Lowery and Gray, 1997).

Finally, contrary to the expectations expressed in previous literature (Greenwood and Thomas, 1998; Rechman and Larsen-Ledet, 1998), corporatism appears to have no effect on the adoption of lobbying laws. The ‘null finding’ concerning corporatism might suggest that both political elites and interest groups see the legitimacy of lobbying activity and rules that regulate it. Such a result distinguishes this work from previous contributions and hopes to encourage future research to think anew the link between systems of interest representations and lobbying laws.

## **EXPLORING THE INTRODUCTION OF LOBBYING LAWS**

### **Political agenda-setting effect of corruption scandals**

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).

Politicians might 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). 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 idea 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).

Based on this argument, the studies by Rosenson (2003, 2005), Newmark (2005), Witko (2007) and Ozymy (2013) find strong evidence for the agenda-setting effect of political corruption scandals on the passage of ethics and transparency policy. Based on these results, I hypothesize that the same effect can be observed in relation to the introduction of lobbying laws across the world.

Policy-makers in different political systems 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. For example, transparency in lobbying allows the public to monitor the activities of lobbyists and politicians, while revolving door provisions might prevent cases of conflict of interest.

**Hypothesis 1a:** 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 having taken action (Blühdorn, 2007). As a result, governments might

declare their intentions to regulate lobbying after the eruption of a scandal with the presentation of legislative proposals in Parliament. However, such initiatives might represent expressions of ‘symbolic politics’ and might therefore systematically fail to become law. As a result, it is important to investigate whether or not the eruption of scandals is associated to the presentation of legislative proposals to regulate lobbying. This leads me to formulate an additional hypothesis.

**Hypothesis 1b:** If political corruption scandals appear in the news, then governments are more likely to present proposals to regulate lobbying.

### **Policy diffusion effect of 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).

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’ (2000, p. 11). Since both the EU and the OECD promote the adoption of lobbying laws, I argue that membership in these international organizations serves as encouraging factor for the introduction of regulation.

#### Organization for Economic Co-operation and Development (OECD)

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.

Existing studies showed that state officials participate in policy networks of knowledge and 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.

### European Union (EU)

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 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, might have been encouraged to transpose the provisions of the initiative at the domestic level. This process would represent a vertical diffusion of policy from the supranational to the domestic level (Radaelli, 2000; Stone, 2004). 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.

### **Policy diffusion effect of neighbouring states**

Rosenson (2003, and 2005) and Witko (2007) have both argued that geographical proximity can influence the diffusion of ethics and transparency policy. 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).

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).

With the above justifications in mind, my study evaluates 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.

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

### **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 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 (generally the representatives of labour and capital) - 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 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 (generally referred to as *social partners*) is that the latter provide the government with large input legitimacy and support for policy.

Scholars studying corporatism have typically focussed on the economic effects of this system of interest representation (Hicks and Swank, 1992; Crepaz, 1994). For the purposes of this study however, I consider corporatism and pluralism in terms of its participatory components (Christiansen *et al.*, 2010; Binderkrantz and Christiansen, 2015), namely those elements that define the ‘participation of interest groups to policy formation’. 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’ argument is based on the belief that lobbying regulations are necessary in pluralist systems to overcome problems of overcrowded lobbying and undue influence (Greenwood and Thomas, 1998). In corporatist systems - in which a selected number of interest groups is regularly incorporated in the policy-making process by the government - lobbying rules are seen 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. Finally, revolving door provisions (such as cooling-off periods), by restricting the ability of politicians to enter the lobbying industry, might undermine the elite formation of government and corporatist interest groups.<sup>i</sup>

As a result, both government and social partners are likely to look unfavourably at lobbying regulations. On the one hand, 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.

**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.

## **DATA AND MEASUREMENTS**

The analysis is based on yearly data for 34 countries from 1995 to 2014.<sup>ii</sup> 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.

The data has been extracted from several existing datasets, including Armingeon *et al.* (2016), Visser (2016) and Transparency International (2014). 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. The publication of this dataset 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 construction of each variable is explained in the following paragraphs.

### **Dependent variable**

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). 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).

Legislative proposals to regulate lobbying might however also 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 by looking at the ‘legislative activity around lobbying regulations’.

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 400 observations (20 countries of the 34 for which data is complete), the dataset contains 48 proposals and 14 passed or amended regulations.

The data concerning adopted legislation and amendments to existing laws has been collected with the help of the existing political science 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. The data on the legislative proposals tabled in Parliament has been collected with reliance on the OECD reports on regulating lobbying, on existing political science literature, and on the project ‘Lifting the Lid over Lobbying’ by Transparency International. The complete list of primary sources is shown in Table 1A of the Appendix.

### **Independent variables**

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 (full list to be found in Table 1A of the Appendix) (Bågenholm, 2013). 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) (List of newspaper sources to be found in Table 2A of the Appendix).

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 variable *external promotion* is used to create a series of dummy variables (True and Mintrom, 2001). *OECD 2008* is coded as 1 if the country under investigation was an OECD member in 2008 and 2009. *OECD 2010* 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 diffusion 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.<sup>iii</sup> This operationalization is not without problems. All countries here under investigation became members of the EU or the OECD (or both) during the studied period. The analysis would benefit from the inclusion of non-EU and non-OECD, such as Argentina, Brazil or India.

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 border with each country under investigation.

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).

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) (Hall and Soskice, 2001). 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.

The analysis additionally accounts for the effects of a set of control variables that are generally considered in policy analysis studies. As for any other legislative act, lobbying regulations go through the policy-making process before they are transformed into laws. As a result, several institutional and non-institutional factors might impact its passage.

Among the institutional variables, the presence of a *majority government* might make the passage of legislation easier (Lijphart, 1999). This variable is operationalized as binary and is valued 1 if a single party majority, a minimal winning coalition or a surplus coalition is in government in a given year and 0 if the government is formed by a minority or is a caretaker government (Armingeon *et al.*, 2014).

High levels of fragmentation in parliament decrease the efficiency of the policy making process (Lijphart, 1999). *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.

*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; Rodden, 2004; Heller and Branduse, 2014). *Federal systems* are operationalized according to Huber *et al.*'s (2004) methodology. It considers the strength of constitutional arrangements (and other bargains) that distribute authority between levels of government. 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 Lijphart's (1999) index of bicameralism ranging from unicameralism (coded as 1) to strong bicameralism (coded as 4). Weak bicameralism and medium-strength bicameralism take the values of 2 and 3. Levels of strengths depend from differences in the distribution of constitutional power and the method of election of the two chambers (Lijphart, 1999).

Non-institutional control variables include the *ideological composition of Government* on a left-right scale, that has demonstrated to influence the passage of public policy (Hicks and Swank, 1992; Imbeau *et al.* 2001), and *levels of corruption*, which are found to influence (and be influenced by) the passage of ethics policy (Chari *et al.*, 2010; Holman and Luneburg, 2012; Kanol, 2017). The *ideological composition of Government* is measured as a percentage of cabinet seats occupied by leftist and centre-leftist parties (Rueda, 2005), while the measurement of corruption is built on the *Index of Perceived Corruption* developed by Transparency International.<sup>iv</sup> The *Index of Perceived Corruption* ranges from 0 to 10: low values indicate high corruption while high values indicate low corruption.

Finally, it needs to be notified that, while this study controls for the influence of levels of corruption on the passage of lobbying regulation, it is fully aware of a potential problem of endogeneity concerning this relationship. Already Chari *et al.* (2010) struggled to clarify whether lobbying regulations are influenced *by* or do influence levels of corruption. To explore this dilemma, the literature needs to produce studies on the effects of lobbying regulations on levels of corruption. Kanol (2017) has recently provided the first key insights into this relationship.

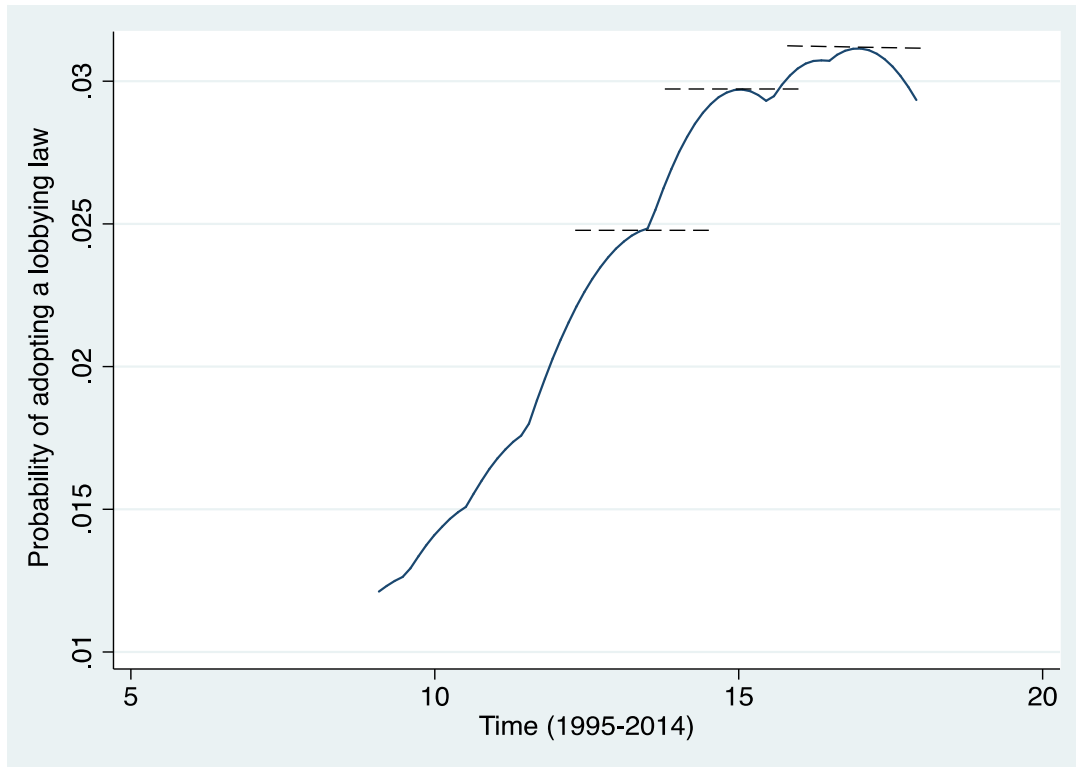
## **ANALYSIS**

### **Explaining the Adoption of Lobbying Laws**

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. 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).<sup>v</sup>

Figure 1 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**

**1:** 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 1.

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. 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. This is the case for the function displayed in Figure 1: the probability of failure seems to have 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.



Table 1 shows the results of the survival analysis by group of covariates.

**Table 1:** Event history analysis of the adoption of lobbying laws

VARIABLES	(1) Adopted	(2) Adopted	(3) Adopted	(4) Adopted
<b>Political Agenda-Setting</b>				
<i>Scandal</i>	-16.99 (4,154)			
<b>Policy Diffusion</b>				
<i>ETI</i>		<b>2.955**</b> (1.313)		<b>3.011**</b> (1.326)
<i>OECD 2008</i>		<b>3.195*</b> (1.718)		<b>3.336*</b> (1.743)
<i>OECD 2010</i>		2.737 (1.866)		2.934 (1.896)
<i>Neighbouring States</i>		0.112 (0.396)		0.033 (0.406)
<b>System of Interest Representation</b>				
<i>Corporatism</i>			-3.659 (3.542)	-3.956 (3.687)
<b>Control Variables</b>				
<i>Majority Government</i>	-1.542 (1.165)	-0.430 (0.847)	-0.374 (0.847)	-0.538 (0.863)
<i>Effective Number of Parties</i>	-0.323 (0.364)	-0.093 (0.283)	0.088 (0.311)	0.110 (0.347)
<i>Federal system</i>	0.125 (1.064)	-0.871 (0.644)	-0.597 (0.689)	-0.601 (0.711)
<i>Strength of Bicameralism</i>	<b>1.612**</b> (0.757)	<b>0.969**</b> (0.420)	<b>0.826**</b> (0.415)	<b>0.823*</b> (0.433)
<i>Left Cabinet</i>	0.007 (0.012)	0.009 (0.008)	0.009 (0.009)	0.009 (0.009)
<i>Index of Perceived Corruption</i>	0.147 (0.240)			
<i>Constant</i>	-4.955 (3.681)	-4.631*** (2.012)	-3.153 (2.206)	-2.972 (2.276)
Observations	303	568	568	568
Number of Groups	17	31	31	31
Number of Failures	6	9	9	9
Chi-square (p-value)	0.02	0.06	0.09	0.06
Pseudo R-square (Cox-Snell)	0.15	0.03	0.02	0.03

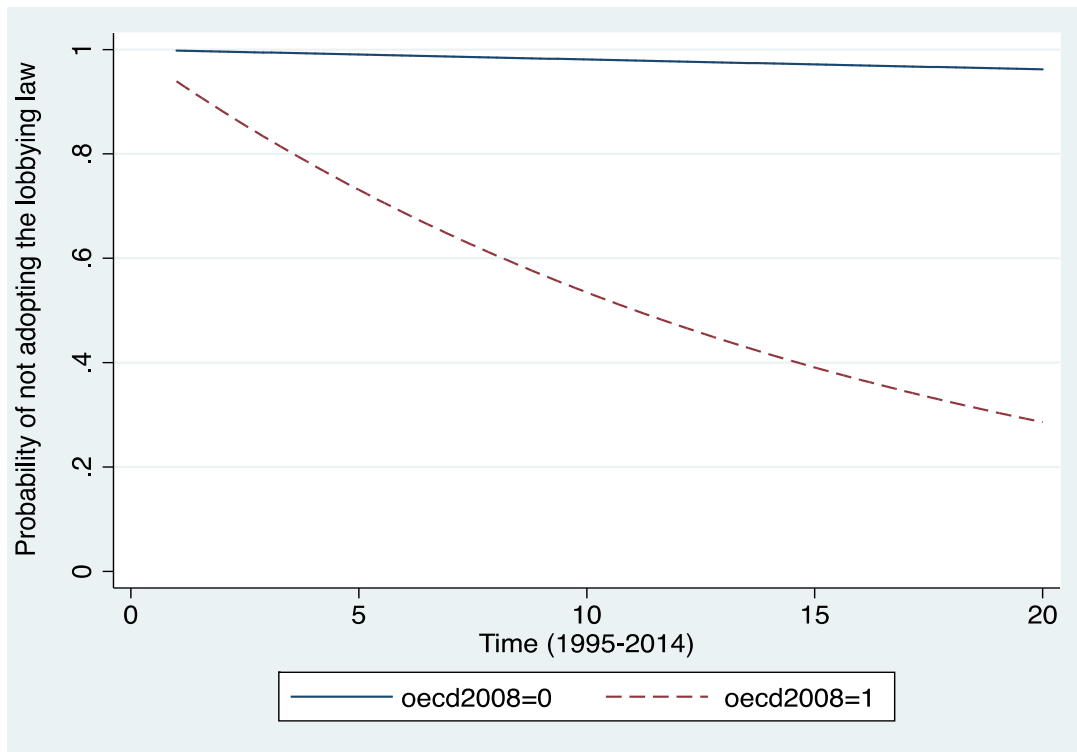
The results shown in Model 1 suggest that the variable scandal does not impact the passage of lobbying laws. This model specification covers only 17 of the 34 countries for which data on scandals and levels of corruption is available.

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. The variable *neighbouring states* shows no significant effects. 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*, *OECD 2008* and *OECD 2010* do not vary for 16 of the 17 countries under analysis in Model 1. To resolve this problem, the number of countries for Model 2 (and also for Model 3 and 4) is increased from 17 to 31, the observations from 303 to 568 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 hand, 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.

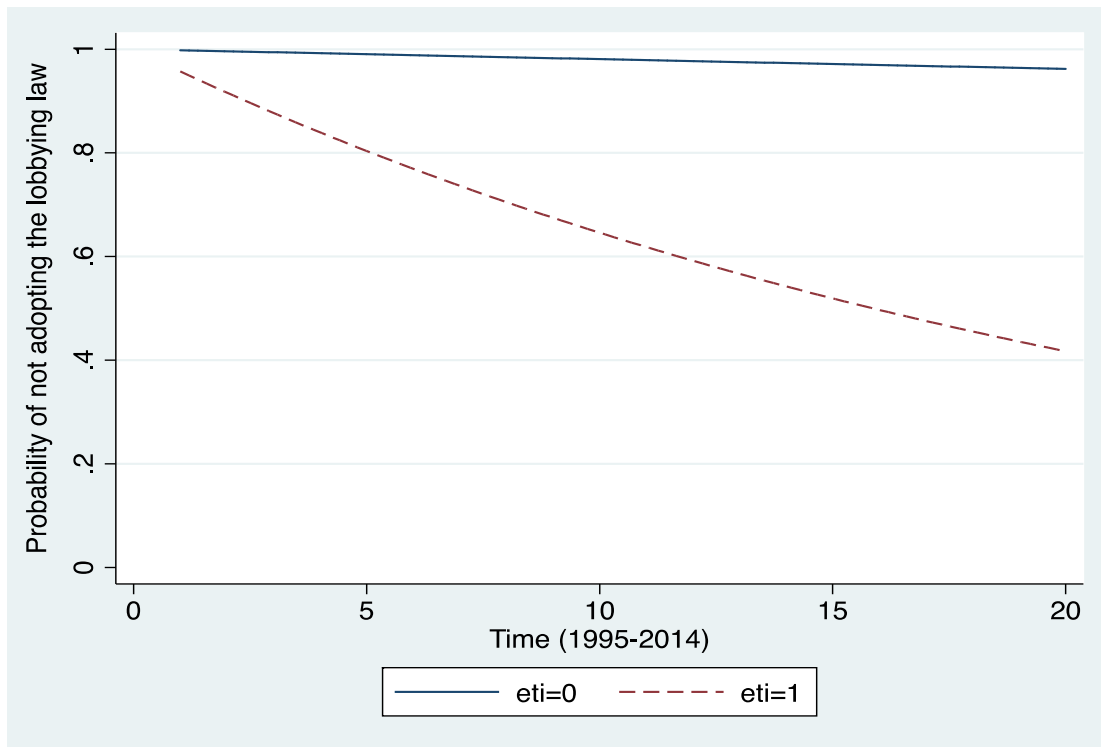
Model 4 includes policy diffusion and interest representation variables. The policy transfer variable *ETI* and the policy diffusion variable *OECD 2008* are confirmed to be of a significant effect. The coefficients are also similar to those found in Model 2 and might therefore indicate that estimations are reliable. Model 4 suggests that, as time goes on, member states of IOs are more and more likely to pass a lobbying law. Figure 2 and 3 plot the distribution of the survival probability, which represents the probability of *not* passing lobbying laws for the countries under investigation. In Figure 2, 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**

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

Similarly, Figure 3 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**

**3:** 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 with 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 organizations. 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.<sup>vi</sup> In the same document, the Ministry of Justice (that published the document) refers to the EU transparency register and the OECD principles of transparency and integrity in lobbying as basis for the development of a regulation in Austria.<sup>vii</sup> 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.<sup>viii</sup> 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 null finding relevant for the analysis presented in the next section. 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. 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.

### Explaining the legislative activity around lobbying regulations

Multinomial logistic regression is used in 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 *legislative activity around lobbying regulations* with more than two possible outcomes. This variable 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 to existing regulations).<sup>ix</sup> The variable is coded 0 in cases of no legislative activity around regulating lobbying at all.

Table 2 presents the results of a multinomial logistic regression with fixed effects.

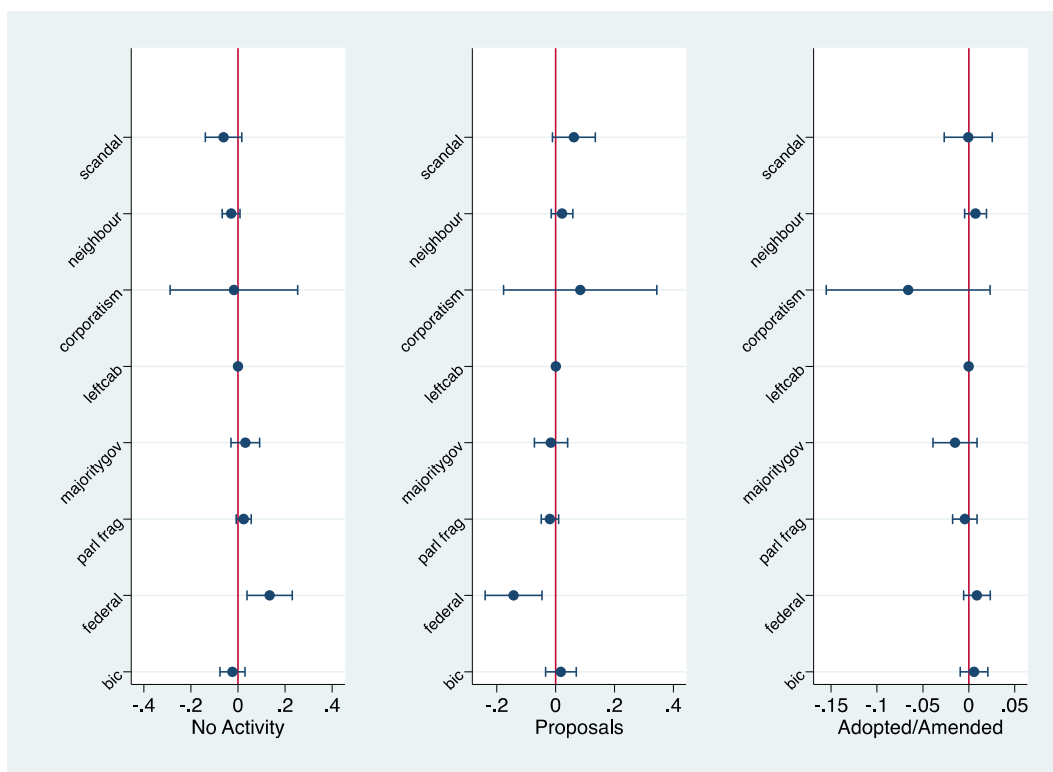
**Table 2:** Multinomial logistic regressions with country fixed effects on the legislative activity around regulating lobbying

VARIABLES	Model 5	
	(1)	(2)
	Legislative Activity (proposed and defeated)	Legislative Activity (adopted or amended)
<b>Political Agenda-setting</b>		
<i>Scandal</i>	<b>0.915*</b> (0.506)	0.003 (0.836)
<b>Policy Diffusion</b>		
<i>Neighbouring States</i>	0.329 (0.259)	0.486 (0.385)
<b>System of Interest Representation</b>		
<i>Corporatism</i>	1.170 (1.948)	-4.038 (2.284)
<b>Control Variables</b>		
<i>Majority Government</i>	-0.252 (0.424)	-0.949 (0.722)
<i>Effective Number of Parties</i>	<b>-0.413*</b> (0.235)	-0.286 (0.406)
<i>Federal system</i>	<b>-2.111**</b> (0.421)	0.415 (0.405)
<i>Strength of Bicameralism</i>	0.271 (0.394)	0.377 (0.499)
<i>Left Cabinet</i>	0.006 (0.005)	0.002 (0.009)
<i>Constant</i>	-2.274 (1.894)	-1.632 (2.172)
Pseudo R-squared (McFadden)	0.09	0.09

Number of groups	20	20
Number of Observations	400	400

Model 5 specifies *legislative activity* as dependent variable and the agenda-setting, policy diffusion and interest representation system factors as covariates.<sup>x</sup> The variables of external promotion *ETI*, *OECD 2008* and *OECD 2010* are excluded from Model 5 because they do not vary for the cases under investigation and might affect the estimation of the coefficients.

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 4 shows the marginal effects for each outcome of the dependent variable.



**Figure 4:** Marginal effects for each outcome of the dependent variable

As shown in Model 5 and in Figure 4, scandals have a positive effect on the presentation of legislative proposals in Parliament (10% level of significance). This finding suggests that scandals have an agenda-setting effect on the drafting of lobbying laws. The odds for presenting a proposal are 2.5 times higher after the eruption of a scandal (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.

The results listed in column 1 also suggest that fragmented parliaments and federal systems are less likely to present proposals to regulate lobbying.

The second stage, represented in column 2 of Table 2, corresponds to the adoption of a law or an amendment to already existing regulations. Scandals have no significant effect at this stage. Furthermore, it is important to underline that none of the variables considered are helpful to understand the adoption/amendment of legislation. This finding should be treated with prudence as it might be driven by the fact that the dependent variable is inflated for 0 values. Nevertheless, these results provide researchers with new insights into the formulation and adoption of lobbying laws. The interpretation of the findings and their implications on the existing literature is discussed in the final section.

## **DISCUSSION**

The analysis presented in this paper 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 might be explained by three factors.

First, in line with theories of decision-making, proposals might be defeated by institutional veto-players that have the power to prevent a change in the ‘status quo’ (Tsebelis, 2002). In fact, fragmented parliaments and federal systems seem to inhibit the presentation of legislative proposals to regulate lobbying.

Secondly, the investigated proposals might be private member’s bills and are therefore less likely to become law (Bowler, 2010). In my data set, however, both government bills and private member’s bill fall in the category of *legislative activity around lobbying regulations* reducing the relevance of this explanation. For example, I find evidence of private members’ bills in the cases of Denmark, the Netherlands, Ireland, Australia and Sweden. However, legislative proposals in my data were also promoted by the government (Estonia, Slovakia,

Romania), by parliamentary committees (Czech Republic, Italy, the UK) or under the initiative of the Presidents of the Lower House (in France with the aim of modifying parliamentary regulations).

Finally, scandals might stimulate the realm of symbolic politics rather than actually affect the adoption of a law. Lowery and Gray (1997, p.145) argued that these ‘failed proposals’ might 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). 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. While geographical proximity to regulated countries appears to be independent from 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 more reliable estimations, future studies are encouraged 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 analysis demonstrated that both pluralist and corporatist states introduce lobbying regulations. This finding might not be a surprise for researchers. Already in the 1990s, Crepaz (1994) 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 lobbying 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, recent studies showed that systems of interest representation might influence the content of lobbying regulations (Crepaz, 2016). This suggests that, while social partners have accepted the idea of regulation, they might still seek to influence the content of legislation with the aim of adapting it to the system of interest representation.

### **ACKNOWLEDGEMENTS**

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### **APPENDIX**

To view supplementary material for this article, please visit (LINK TO BE PROVIDED)

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## NOTES

<sup>i</sup> Allern *et al.* (2007) and Köppl and Wippersberg (2014) show that revolving doors between government and social partners is a characteristic feature of corporatist democracies.

<sup>ii</sup> 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.

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<sup>iii</sup> 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.

<sup>iv</sup> See <http://www.transparency.org/research/cpi/overview> (last accessed October 10, 2015).

<sup>v</sup> 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 adds strength to this conclusion.

<sup>vi</sup> See [http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME\\_00293/imfname\\_223599.pdf](http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME_00293/imfname_223599.pdf), p.1, last accessed, March 21, 2017.

<sup>vii</sup> See [http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME\\_00293/imfname\\_223599.pdf](http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME_00293/imfname_223599.pdf), p.4, last accessed, March 21, 2017.

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

<sup>ix</sup> For example, the US is coded as 2 in the years 2007 and 2010 to indicate the amendments to the existing regulation of 1995.

<sup>x</sup> The variable *index of perceived corruption* is not included in the model specification because of missing data for the analyzed countries. The results do not vary in model specifications that include this variable.