

Polk, Andreas

Conference Paper

Lobbyism in Germany: What do we know?

Beiträge zur Jahrestagung des Ausschusses für Wirtschaftssysteme und Institutionenökonomik im Verein für Socialpolitik: "Governance in Politik und Wirtschaft", 11.-13. September 2016, Witten/Herdecke

Provided in Cooperation with:

Ausschuss für Wirtschaftssysteme und Institutionenökonomik, Verein für Socialpolitik

Suggested Citation: Polk, Andreas (2017) : Lobbyism in Germany: What do we know?, Beiträge zur Jahrestagung des Ausschusses für Wirtschaftssysteme und Institutionenökonomik im Verein für Socialpolitik: "Governance in Politik und Wirtschaft", 11.-13. September 2016, Witten/Herdecke, Verein für Socialpolitik, Ausschuss für Wirtschaftssysteme und Institutionenökonomik, Münster

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Lobbyism in Germany: What do we know?

Andreas Polk*

15 June 2017

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Abstract: Based on the two main channels of influence seeking, contribution payments and informational lobbying, we survey empirical studies about lobbying in Germany and discusses the available data and research approaches. Based on two novel data sets, we provide first insights towards further steps of empirical lobbying research. Given the overall lack of available data on lobbying in Germany, we identify research gaps and discuss new methodological approaches which might lead to a better understanding of the lobbying process.

Keywords: Lobbyism, interest groups, economics and law.

JEL: D72, D73, K20.

*Berlin School of Economics and Law, Badensche Str. 50-51, 10825 Berlin, Germany, e-mail: polk@hwr-berlin.de. I would like to thank Dieter Cassel, Jan Voßwinkel and seminar participants of the Jahrestagung des Ausschusses für Wirtschaftssysteme und Institutionenökonomik des Vereins für Socialpolitik for helpful comments.

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1 Introduction

Interest groups exert substantial pressure on political decisions, though there is little knowledge about its extent and effectiveness in Germany. Aside from anecdotal evidence and scandalizing¹, reliable empirical insights are scarce. According to the pluralist point of view, any interest will somehow organize and raise its voice. If the political outcome reflects the interplay of all relevant forces, it might be denoted as fair or weighted according to this rather optimistic view of lobbying. Olson (1965) challenges it and puts self-interested behavior and the problem of free-riding at the center of the debate. According to this point of view, incentives of potential group members to free-ride on the activities of others may substantially undermine the establishment of active interest groups. Small groups, whose individual members have a strong interest in the political issue might find it easier to overcome the free-rider problem associated with group formation, thus they are strong. In contrast, interests which many share but generate small benefits from each individual point of view, are weak. As it is difficult to overcome the free-rider problem, they tend to be underrepresented. Given this inherent asymmetry in interest group representation (Polk, 2011, 2012), lobbying will likely lead to systematically biased political decisions and potentially induces negative welfare effects. It is vital to understand the relevant channels of lobbying and how effective they are in their influence on political decisions.

Given its social relevance, empirical facts about lobbying in Germany are surprisingly rare. One reason is missing data on lobbying activities. For instance, in the United States the Lobbying Disclosure Act of 1995 obliges interest groups to regularly report lobbying activities, which includes information of the names of the congress members who are the lobbying target, the issue at stake and the amount of money involved in the lobbying process. Based on this information a variety of empirical research contributions analyze different channels of influence and their effectiveness.² In Germany comparable insights are rare.

Lobbying takes place within the institutional contexts of differing polities. Therefore, transferring insights from US-based empirical studies to third

¹Incidence which are related to lobbying activities regularly attract public attention, i.e. the side-activities of parliamentarians, temporarily employed staff in the public administration, party donations or sponsoring. The interested reader might want to consult www.lobbycontrol.de, an interest group engaged in favor of more transparency in lobbying, to get an overview of current issues.

²Excellent surveys provide Stratmann (2005) and de Figueiredo & Richter (2014).

countries requires scrutiny.³ Consequently, the analysis of the institutional contexts within which lobbying takes place, i.e. their similarities and variations, is a necessary prerequisite for such an exercise. The focus of this contribution is thus threefold: It surveys the existing empirical literature on lobbying research in Germany, identifies important research gaps, and discusses which insights about lobbying in the US can be transferred to Germany's federal level.

2 Transmission channels in Germany

There are two main channels of influence seeking.⁴ According to the quid-pro-quo approach, interest groups and political decision makers exchange private benefits for political favors. Aside from corruption⁵, more subtle ways of exchange might be at play, for instance payments of side-activities during office, political donors, sponsorship, or job appointments after the end of term. Quid-pro-quo lobbying tends to have negative welfare effects, because the politician abuses the awarded power to her own benefit through deviation from welfare maximizing policies on behalf of a few. In addition long-term negative effects result, like demoralization of democracy and political disenchantment.

In contrast, informational lobbying assumes that interest groups have better knowledge about the effect of political decisions, and they may benefit from signaling this information to the decision maker. For instance, interest groups are better informed about the markets they are active in, are closer to the preferences of their supporters or have prior technical knowledge. Even with biased signals, the transfer of information tends to enhance the quality of decision making, given that the politician is able to extract the informative parts of the signals he receives from interest groups with divergent policy stances.

Both channels of influence seeking eventually dependent of each other. Em-

³With reference to the EU-lobbying system also compare Eising (2016). Holman & Luneburg (2012); Chari et al. (2010) compare lobbying regimes of different countries. For a short discussion about the differences between the German and US political system, also see Sect. 3.3.

⁴Important theoretical contributions are Grossman & Helpman (1994) and Mitra (1999) for contribution payments, and Potters & van Winden (1992) and Lohmann (1993) for informational lobbying. Grossman & Helpman (2001) and Polk (2002) survey the different approaches.

⁵For an international comparison of corruption perception compare Transparency International (2015).

empirical evidence from the US indicates that campaign donations are a means to get access to politicians and put interest groups in the position to signal information to the decision maker at all (Ansolabehere et al., 2002; Bertrand et al., 2014). As the following sections indicate, the combination of quid-pro-quo and informational lobbying is at play in Germany. For instance, political sponsoring and party donations might serve as an access mechanism to parties as institutions, or the payment of side-activities like consultation services or remunerated talks might serve as a means to approach politicians. The following sections analyze the institutional settings within which these activities take place in Germany, give information on the available data, survey the empirical literature and identifies relevant research questions and potential approaches to enhance the knowledge about lobbying in Germany.

3 Lobbying through contributions

With respect to Germany, different manifestations of quid-pro-quo might be at play. On the individual level, paid side-activities of parliamentarians might be a channel to reward political favors in some kind of trade or as an ex-post reward.⁶ Second, the revolving door in or out of politics might serve as a means to capture legislators. For instance, the entry into politics may have the effect that politicians favor groups or branches they are familiar with. The revolving door out of office into the private sector might serve as a means to reward political favors ex post. Third, on a party level political donations and sponsoring might serve as a quid-pro-quo which increases financial dependencies. It may have the characteristic of an investment which influences party positions or the endorsement of political issues, or serves as a doorway to decision makers, thus raising the chance of being heard.⁷

⁶For an extensive discussion with respect to Germany, compare Geys & Mause (2012).

⁷These aspects regularly arouse public attention in Germany, for instance the discussion about side-payments of Peer Steinbrück during his candidacy for chancellorship in the federal election campaign 2013, the appointment of ex-chancellor Gerhard Schröder as chairman of the shareholders' Committee for Nordstream, a gas pipeline project he advocated during his chancellorship, the change of former state minister in the Chancellor's Office, Hildegard Müller, to the Federation of the German Energy and Water Industry (BDEW), or party donations from the hotel industry to the liberal party in 2008 and 2009, which arouse the suspicion that it was linked to the party favoring of a tax break for hotels. Lobbypedia (2016) provides an exemplary list of revolving door occurrences.

Step	16 / 17 LP 2005-2013	since 18 LP since 2013
1	1.000 - 3.500	1.000 - 3.500
2	3.500 - 7.000	3.500 - 7.000
3	≥ 7.000	7.000 - 15.000
4		15.000 - 30.000
5		30.000 - 50.000
6		50.000 - 75.000
7		75.000 - 100.000
8		100.000 - 150.000
9		150.000 - 250.000
10		≥ 250.000

Table 1: The information about paid side-activities is given in ten steps since 2013. Between 2005 and 2013, only the first three steps were provided.

3.1 Side-activities of parliamentarians

By Article 38(1) and 48(3) of the German Constitution, members of parliament shall be independent in their decision making, for which they receive a financial compensation by the state. At the same time, members of parliament shall be ordinary citizens (contrasting professional politicians), which reflects the idea that the federal parliament is a representative body which consists of members of society. They are expected to return to ordinary life when legislative duties end. To facilitate this, members of parliament may engage in side-activities during term, which may also be a means to influence decision making.

Since 2005, member of parliament must publish information about their side-activities.⁸ Any side-activity, be it paid or unpaid, needs to be reported and published at the homepage of the German Bundestag. The data contains information about the employer and the amount of payment. Since 2013, with the constitution of the 18th Bundestag, the amount is provided in a ten step system. There is no information about the time effort associated with a activity, and exemption rules for certain professions exist.

⁸Article 44a(a) and (b) of the Act on the Legal Status of Members of the German Bundestag (Abgeordnetengesetz) and related provisions make up the regulation for side-activities of members of the federal parliament (Bundestag, 2016c). For a critical assessment compare the minutes of different public committee hearings at the federal parliament, i.e. Protokoll-Nr 18/30-G, 16/99 or 18/50.

The available data has been used in a couple of empirical works.⁹ For data from 2005-2007, Mause (2009) provides descriptive statistics and relates the extent of side-activities to personal characteristics of parliamentarians. 88% of the members of parliament were active in at least one side-activity during term, and on average conducted two to three activities. Even though this fraction seems to be large, the vast majority of side-activities was unpaid, for instance honorary activities in associations or foundations. 73 % of all members of parliament did not engage in paid activities (or 83% of all activities were unpaid), and of those paid the vast majority refers to incomes belonging to the lowest income step (max of 1.000 Euro). This indicates that side-activities tend to play a minor role as a channel of influence seeking, if at all. With respect to personal characteristics, members of conservative and liberal parties engage in more activities (0,67 - 1,09 more than others), and with respect to the amount of payments, members of the people's parties receive higher payments than members of the smaller ones (2.000 to 4.500 Euro on a monthly basis; also compare Niessen & Ruenzi (2010)).¹⁰ There are no significant effects with respect to the type of mandate.¹¹ Hönigsberger (2013) confirms these insights in a descriptive analysis based on data from the 17th legislative period. On average, 50% of the members of parliament from the ruling conservative parties engaged in paid side-activities, whereas this is only true for 8-20% of members of the other parties. 70% of the total payments go to members of the ruling conservative and liberal parties. This structure also prevails for the early 18th legislative period (Hönigsberger, 2014).

Studies which analyze the role of side-activities as a channel of influence

⁹Related to the results presented here and based on the same data, Geys & Mause (2014) analyze gender effects with respect to side-payments, and Peichl et al. (2012) analyze income gaps between parliamentarians and citizens in executive positions.

¹⁰Here and in the following, we associate the Christian Democratic Union (CDU), the Christian Socialist Union (CSU), and the Liberals (FPD) with the conservative or right wing spectrum. They tend to be associated with business interests. The left spectrum are the Social Democratic Party (SPD), the Green party (Grüne) and the Left party (Die Linke). The Christian Socialists are active in Bavaria only, whereas the Christian Democrats are active in whole Germany except Bavaria. Both traditionally form an alliance, and Christian Democrats joint with Christian Socialists, as well as the Social Democratic Party are also coined people's party. The party "Die Linke" established through a merger of WASG und PDS in 2007. WASG had been established in 2004, and PDS in 1989 as a successor to SED in 1989 (named "Die Linkspartei.PDS" from 2005 on). Donations to WASG are reported for 2006, and donations to PDS until 2003. Donations to these parties are summarized as donations to "Linke".

¹¹In Germany, half of the members of parliament are directly elected through majority votes in their constituencies, and the other half are elected through party lists in a proportional system. Niessen & Ruenzi (2010) confirm this view.

seeking are rare. Becker et al. (2009) indicate which types of parliamentarians might be more open to side-activities. Based on an opportunity cost argument, politicians with strong political competition face higher opportunity costs of outside activities and are expected to show less of them. To measure this effect, they analyze the sub-sample of members of parliament who had been directly elected to the 16th federal parliament. Among them, those who had been elected with a large lead against the strongest opponent are expected to face lower opportunity costs and thus engage in more side-activities than those who won on a small margin. The estimation confirms this view. An additional winning margin of 1 percentage point leads to 420 Euro more income through side-activities per year. Thus, a standard deviation of the winning margin leads to an increase of incomes through side-activities of 17.000 Euro per legislative period.

Niessen & Ruenzi (2010) choose an alternative approach. They analyze the performance of firms which have links to politicians via side activities in the beginning of the 16th legislative period. 5% of the CDAX listed firms established those links, and those companies tend to be larger and less risky, with lower growth opportunities. Compared to firms which didn't establish links, they tend to perform better by various accounting-based and stock market performance measures. Yet, the latter difference disappeared after publication of data on side-activities.

A critical assessment of the available literature on side activities of German members of parliament shows that little is known about this channel of influence. To properly analyze this question, the existence of side-activities needs to be linked to political positions of members of parliament. Yet a correlation of side-activities with political positions is a misleading indicator of lobbying influence. We might only assert that side-activities are a means of lobbying, if we are able to show that they influence political positions, or at least intent to do so. This raises the question of appropriate indicators of political intent. Voting behavior is not a candidate, for at least two reasons. First, ordinary parliamentary votes are usually not taken by name, so there exists no data about individual voting behavior. Second, for the cases where personalized voting data exists, the informal pressure to vote with the party's opinion independent of the member's conviction makes the data useless for an estimate of lobbying influence. Third, specialization in parliamentary work has the effect that votes are usually taken by a small subsample of all parliamentarians, which makes it difficult to analyze individual opinions. Finally, if a member of parliament intends to influence the political position of his or her party, this is usually not done via votes in parliament, but in informal meetings not open to the general public before ballot casting. This raises the question

about appropriate indicators for political convictions. Some advancement have recently occurred using text analysis as an empirical tool.¹² In order to investigate if side-activities influence political decisions, future research needs to address the question if side-activities affect significant changes in stated political positions.

However, it is likely that this channel of influence is of minor importance in general. The fact that just a small fraction of politicians engages in paid side-activities supports this view, given that it is very likely that all members of parliament are targets of lobbying influence. Also, parties which are traditionally associated with business interests (conservatives and liberals), tend to show more side activities than others. If it was the case that side-activities serve as a lobbying channel, we wouldn't expect to see strong party affiliations, at least with for the ruling coalition parties. In contrast, the existence of party effects indicates that proximity to business interests drives side-activities, not lobbying influence. It is more likely that ideology causes side-activities, instead of side-activities influencing political positions.

3.2 Revolving door

Recent research in lobbying analysis addresses the phenomenon of revolving door activities, i.e. the transition from business into politics, or the passage of politicians into the private sector after term. From a lobbying standpoint, the question is if revolving door activities influence decision making during office. With respect to inbound revolving door, it may be that politicians keep loyal to "their" industry or peer-group, or that they take biased decisions due to industry experience. Another question is if politicians stay loyal during term to keep the door open to their former employer, as political careers tend to be risky and are dependent on voter behavior. Similar questions arise for the outbound revolving door. The relevant question is if the intention to change sides is anticipated ex ante and thus affects the independence of decision making during term by granting privileges to particular companies.

A second aspect associated with outbound revolving door is the provision of political networks after office. In terms of welfare, this type of revolving door activity appears to be less critical, even though it is debatable. If there is a competitive market for political connections, the argument goes, those who value it most will win the contest and the allocation is efficient. Two arguments give reason for a critical assessment: First, due to the inherent

¹²For a discussion of the methodology, compare Bunea & Ibenskas (2015), Klüver (2009), Klüver (2013), Klüver (2015b), Proksch & Slapin (2016).

asymmetry in group activity, competition for political networks tend to be biased. Second, the view of politics as a market is debatable, as democracy relies on an appropriate representation of all relevant interests beyond pure market forces. The ongoing discussion of cooling-off periods in Germany reflects these contrasting views.¹³

To the best of the authors knowledge, there is only one academic study which addresses revolving door activities in Germany. Dörrenbächer (2016) uses data about revolving door activities of German Ministers between 1949 to 2014. She indicates that the revolving door phenomena increases since a couple of decades, and that the number of revolving door Ministers tends to be higher for executive branches with closer links to industry. However, the results need to be taken with care. The analysis relies on bivariate statistical tests, and it does not control for other influences. Also, as the author notes, the indicator for industry links is the number of occurrences for external staff employment. This data is available since a couple of years, whereas the study traces revolving door activities back since 1949. Also, superior indicators for industry links might be available, like the amount of public procurement.

Due to the empirical research gap with respect to Germany, this section provides a short overview of main results referring to the United States. Beyond the empirical facts, which might be transferred to Germany, this brief overview illustrates the empirical methods which might be used to investigate the revolving door in Germany.

Empirical contributions for the US refer mostly to the outbound revolving door. Different studies reason that political networks of politicians turned lobbyists have a value which leads to higher lobbying payments. The studies relate the publications of the money values involved in lobbying reports to personal characteristics of lobbyists with respect to their personal links into Congress. Blanes i Vidal et al. (2012) show that lobbyists who previously worked as staffers for congressional members generate significant higher lobbying revenues than non connected lobbyists. Moreover, their revenue tends to fall significantly if the congress member, to which the ex-staffer is linked, loses political office. Also, ex staffers in congress are less likely to work in the lobbying industry after their connected senators exit Congress, yet this effect is not statistically significant for Representatives.¹⁴ These findings complement Diermeier et al. (2005) for ex members of Congress and Eggers & Hainmueller (2009) for ex members of the British parliament, who show

¹³More information provide the minutes of the public hearings of the committee for internal affairs at the German Bundestag (BT Protokoll 16/99 and 18/50).

¹⁴Related studies are Eggers (2010) and LaPira & Thomas (2014).

that members of parliament are able to substantially increase their incomes after termination of their political careers.

With respect to the motives of hiring revolving door lobbyists, Bertrand et al. (2014) classify lobbyists as specialists or generalists based on their fields of expertise reported in the lobbying statements. It is connections instead of political expertise which generate higher lobbying revenues. Also, connected lobbyists tend to adjust activities and follow their peers in case they change political fields. Robert H. Salisbury & Nelson (1989) contrast this view. Based on self-reporting in interviews, revolving door lobbyists consider political expertise as the crucial success factor, and political connections play a minor role. However, results based on self-reporting should be taken with care.

Luechinger & Moser (2014) study the effect of inbound revolving door activities on firm values for the US Department of Defense. They show that positive abnormal returns of the stock value arise for political appointments of former employees. These tend to rise with political top positions and for less anticipated announcements, and do also exist for the outbound revolving door, yet are less pronounced. The positive expectations of share holders are an indicator for the value of newly established links into politics, which only accrue if the revolving door activist does not fully cut his links to the former employer.

3.3 Party donations

German party financing builds on three pillars, government transfers, membership fees and donations by private people and firms (Bundestag, 2016b). Party donations might serve as a channel of influence, as the US empirical literature indicates.¹⁵ However, as state party financing plays a rather unimportant role in the US and severe candidates rely on private financing and donations¹⁶, it is an open research question if party donations play a comparable role as means of influence seeking in Germany. To assess this potential channel of influence, it is necessary to understand the role of public financing and the potential room it leaves for impact through private donations.¹⁷

¹⁵For a discussion, compare for instance Ansolabehere et al. (2002), Ansolabehere et al. (2003), Kalla & Broockman (2016).

¹⁶The US political offers public funding. However, it obliges candidates to cap spending at rather levels if they accept it. Candidates with a winning chance therefore usually forgo state financing and rely on uncapped private financing (Hershey, 2015, Chapt. 12).

¹⁷Individuals and firms may donate to political parties. According to Article 25(2) of the Law on Political Parties (Parteiengesetz), exemption rules exist for public corporations,

In Germany, entitlements to public party financing depends on the success in past elections at the federal, state and EU-level. A party which reaches a minimum thresholds of votes receives 1 Euro per vote for the first 4 millions votes and 0.83 Euro thereafter. Moreover, for each euro of private donations or membership fees, 0,45 Euro are added from public funds. Public funding is limited by various means. First, the absolute cap limits total public party financing to approx. 160 millions Euro in 2016, which is adjusted to inflation on a yearly basis (Bundestag, 2016b). Also, for each party, total public funds may not exceed private donations plus membership fees. If the sum of entitlements exceeds the absolute cap, which is regularly the case, the relative cap applies, which distributes the total funds according to parties' entitlements in a proportional way. According to the Law on Political Parties, parties have to disclose their finances on a yearly basis, which is reported to the president of the German Bundestag and published on parliament's website.¹⁸ The reports list individual donations exceeding 10.000 Euro, including personal data about the donator. Donations below this threshold are not individually reported and anonymized. Moreover, if a donation exceeds 50.000 Euro, the party is obliged to instantly report it to the president of the German Bundestag, who publishes this information in a time-near manner. With respect to lobbying research, it is important to understand who donates, what the intentions and effects are.

3.3.1 Existing studies

Few empirical studies analyze the data about party donations. Goerres & Höpner (2014)¹⁹ focus on characteristics of donators. For the time period 1984-2005, they analyze the spending activities of the 100 largest companies as identified by domestic value added in six legislative periods. With respect to activity, about two thirds of the 184 identified companies did not donate at all, and donations occurred only in 20 percentage of all relevant data points. The majority of donations (about two thirds) is mainly given to parties of the liberal and right wing spectrum, whereas the rest is spread among the others; in just five cases firms donate to left wing parties only. With respect to characteristics, the authors show that the likelihood that spending occurs increases for connected firms, i.e. those who are linked to other top 100

political foundations and state-owned firms. Adams (2005) describes the development of party financing in Germany, Koß (2008) gives an international comparison.

¹⁸In addition, the president of the German parliament publishes a report about the state of party financing in Germany on a two-year basis.

¹⁹Also see Höpner (2006) for an analysis of the pattern of party donations in 2002.

firms through positions in advisory boards, and the amount spent tends to increase with the size of the firm. Also, foreign ownership tends to decrease the likelihood of firm donation. With respect to spending patterns, the study shows that the automobile industry tends to spread spending activities to all political parties, whereas this effect is not present with other industries.²⁰ Also, family owned firms tend to spend to right wing parties. The results indicate that different motives exist for spending activity, and this might depend on the industry implied, a pattern which can also be found in the data which will be analyzed in the following subsection based on an alternative data set.

Donations across the party spectrum are an indicator for a access motive of party spending, which tends to differ across industries. In case firms direct their spending to one party spectrum, firms might intend to influence the political position of the party, or they like to support the political party in the electoral contest. Two contributions address the motives for donation giving. With respect to party expenditures, Fink (2012) finds that campaign spending has a positive effect on electoral success in German federal elections (except for the green party), and there are counteractive (and sometimes affirmative) effects for different parties, which in detail depends on their position in the political spectrum.²¹ This study gives an indication towards potential motives for firm donations to a specific party spectrum. Campaign spending positively affects the election results, and donations significantly increase resources for spending. Hence we can imply that the election motive is at play if firms donate to conservative and liberal parties. However, questions remain. First, the political influence and the election motive might overlap, and there is currently no empirical study which assesses this question. Second, if the election motive is at play for firm donations, the intense support of conservative and liberal parties can only be explained if we assert that companies have certain ideological standpoints. Otherwise, we should expect donations across all political spectrums, which is not the case. Fink (2017) considers private and firm donations and analyzes the two motives for donation giving: With an investment motive, donors intend to influence policy positions. This is more efficient if the recipient is the incumbent party, and we should expect that donations with an investment motives should be directed towards incumbent parties. In contrast, donations with an ideologi-

²⁰However, private individuals who are closely linked to the automobile sector tend to complement this spending pattern and focus on the right wing political spectrum (cp. the online Appendix to Goerres & Höpner (2014), and Sect. 3.3.2).

²¹For instance, spending of Social and Christian Democrats affects the left and liberal parties in a negative way, whereas campaign spending of the Liberals is positively correlated with election results of the Christian Democrats.

cal motive should be direct towards parties independent of their incumbency status. The analysis shows that donations from corporations are significantly affected by the incumbency status of a party, whereas this is not the case for individual donations. Hence investment motives play a role with corporate spending, and the ideological motive is prevalent with individual spending.

Empirical evidence on the effect of donations in the United States shows that campaign financing influences political positions (de Figueiredo & Richter, 2014). Due to the differences in the political institutions of both countries, caution is needed when transferring these insights to Germany. First, the US presidential system is aligned towards important roles of individuals in the political system, for instance in election races or in office, whereas party structures and collective decision is a prominent feature of German representative democracy. As a consequence, donations in the US might have a greater impact on policy dimensions of single individuals than donations for parties in Germany. Second, public funding in Germany might help to prevent undue dependence on private money and reduce the effect of donations on policy positions. Third, the seemingly different roles of media coverage in election campaigns and the implied demand for funding in the US might intensify these differences. Finally, one might argue that the political institutions in Germany are stronger aligned towards consensual decision making compared to the United States. If accurate, we should expect a smaller impact of donations on policy outcomes and less potential for party donations in Germany. To the best of the author’s knowledge, empirical studies which assess the effect of donations on party positions in Germany do not exist.

3.3.2 Descriptive statistics of the data on party donations

We analyze the structure of party donations above 10.000 Euro based on a data set ranging from 1994 to 2013. The data set contains 10.000 observations to 17 political parties, including charges of mandate holders.²² Because donations of mandate holders are not a means of lobbying influence, we restrict the analysis to firm donations and private individuals who do not hold a mandate. For tractability, we focus on donations to established parties.²³

Figures 1 to 3 show that firm donations play a more important role for the right party spectrum. Right wing parties receive a substantially higher fraction of firm donations (50-70 percent) and have a higher proportion of

²²The data is available at <https://apps.opendatacity.de/parteispenden-recherche>.

²³Information on the full data set including donations to small, regional or temporary parties provides Appendix A.1.

large donations above 50.000 Euro. It is important to note that this relationship also holds for a comparison of the Christian Socialists, a regional party present in Bavaria only, with the Social Democrats, a people's party present in all German states (Figure 2). The same picture applies for the distribution of large donations across parties (Figure 3).

As a next step, we discuss potential motives for donation giving. We do not analyze if donations have an effect on political positions of parties (influence motive), and restrict the attention to the electoral motive of party donations, which is intended to support a party of a preferred ideology in the election campaign, or the access motive, which is intended to open the door to representatives of important parties independent of their ideological standpoints. Due to the proportional representation system in Germany and the importance of coalition building, the distinction between important parties in power and the opposition is not as clear cut as it might appear with respect to the role recipients of donations play. As it can be expected that the current opposition will sooner or later regain power and parties do remember who granted support during opposition times, we might expect to see a smoothening of donations for access over time. This none withstanding, as will be pointed out, we can see some indications that the access motive is at play with respect to party donations in Germany.

The following selective description of the data provides first insights with respect to donation motives. Figure 4 shows the pattern of donations over time and across parties for the six most generous companies. All provide donations to parties across the political spectrums, except for the Left. This indicates towards the access motive. However, the pattern differs across companies. Whereas Allianz and Daimler (and to a certain extent BMW) contribute across the spectrum in a rather symmetric way (Daimler contributes more to the two people's parties than to the smaller ones, and BMW tends to focus its right wing party donations to the Christian Socialists, the people's party in Bavaria, where its headquarter is located), the donation patterns of the other firms reflect that both the access motive and the influence motive are at play. For instance, the Association of the Bavarian Metalworking Industries focuses its donations to the right party spectrum in Bavaria, and adds smaller donations to the others. The same holds for the Association of the Chemical Industry, which started to donate to the Green party in 2011 only.

With respect to time, Figure 5 illustrates as an example of the donation activity of four selected companies over time and for a subset of parties. It illustrates that donations to the left spectrum (Social Democrats and Greens) only occurs after 1998, the year in which both parties gained power after

16 years in opposition. In addition, donations to the Green party tend to be more lagged compared to Social democrats. The reason might be that the Greens, as a rather young party, first needed to establish reputation to be conceived as a viable recipient for access motives. Nonetheless, as the pattern of donations by Südzucker indicates, the access motive does not seem to be sole reason for donation giving. Even though it gave to the Social democrats only after gaining power (but not to the Greens), it tends to focus its donations on the right spectrum, including the Liberals, who were at opposition in that time.

However, the access motive for party donations cannot be observed for all companies. As an example, Figure 7 shows that the company Altana and the listed associations tend to support right spectrum parties only, which is an indication towards the ideology motive. As a contrast, Volkswagen and Ergo distribute the donations across the party spectrum, which hints towards the access motive. Moreover, donations for the access motive might be complemented by ideological spending of closely aligned private individuals. For instance, whereas BMW as a company donates to all parties (access motive; Fig. 4), the spending pattern of individuals belonging to the Quandt family as important shareholders of BMW implies an ideological motive (Fig. 6).

3.4 Sponsoring

– no data or study known to the author –

4 Informational lobbying

Due to its importance in democratic decision making, the legislative process institutionalizes informational lobbying through various means, like associations hearings in ministries or public hearings in committee meetings at the German Bundestag. These types of hearings grant stakeholders and interest groups the right of being heard in the legislative process. The elaboration of detailed law proposals and the drafting itself is usually left to civil servants, who are life-long employed, obliged to impartiality and serve to the public welfare.²⁴ Thus lobbies and interest groups are usually on the demand side of the political interaction, yet this is sometimes reversed. They intend to influence the decision making process at the legislative or execu-

²⁴Compare Article 5 and 60 of the German Law on Federal Public Servants (Bundesbeamtengesetz).

Partei	Typ		Total
	jur	nat	
CDU	55.85	44.15	2,238
CSU	70.60	29.40	670
FDP	56.88	43.12	814
GRÜNE	16.76	83.24	859
LINKE	0.52	99.48	191
SPD	37.52	62.48	1,058
Total	46.79	53.21	5,830

Figure 1: Donations 1994-2013 to established parties differentiated according to private individuals or firms as donors. Data given in relative and absolute numbers. Corrected for charges of mandate holder for individuals with at least two donations.

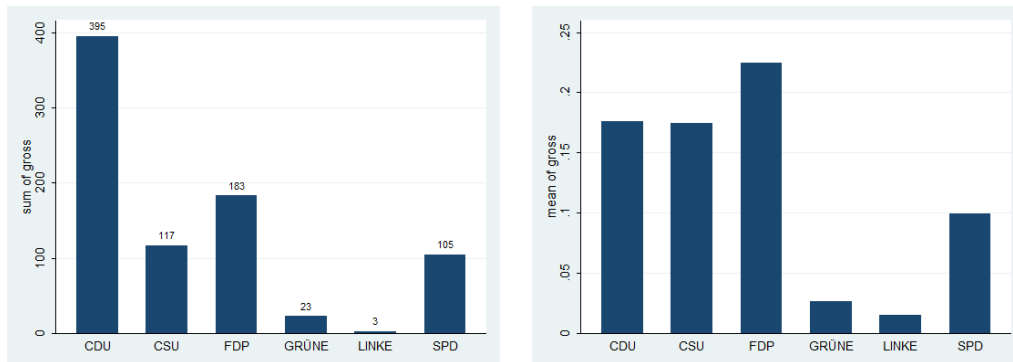


Figure 2: Total number of large donations 1994-2013 to established parties (left) and percentage of large donations in terms of occurrences (right).

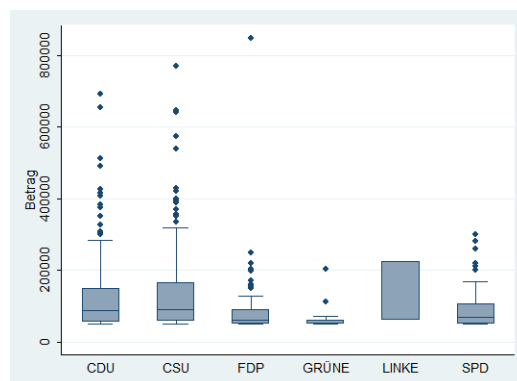


Figure 3: Distribution of large donations 1994-2013 to established parties.

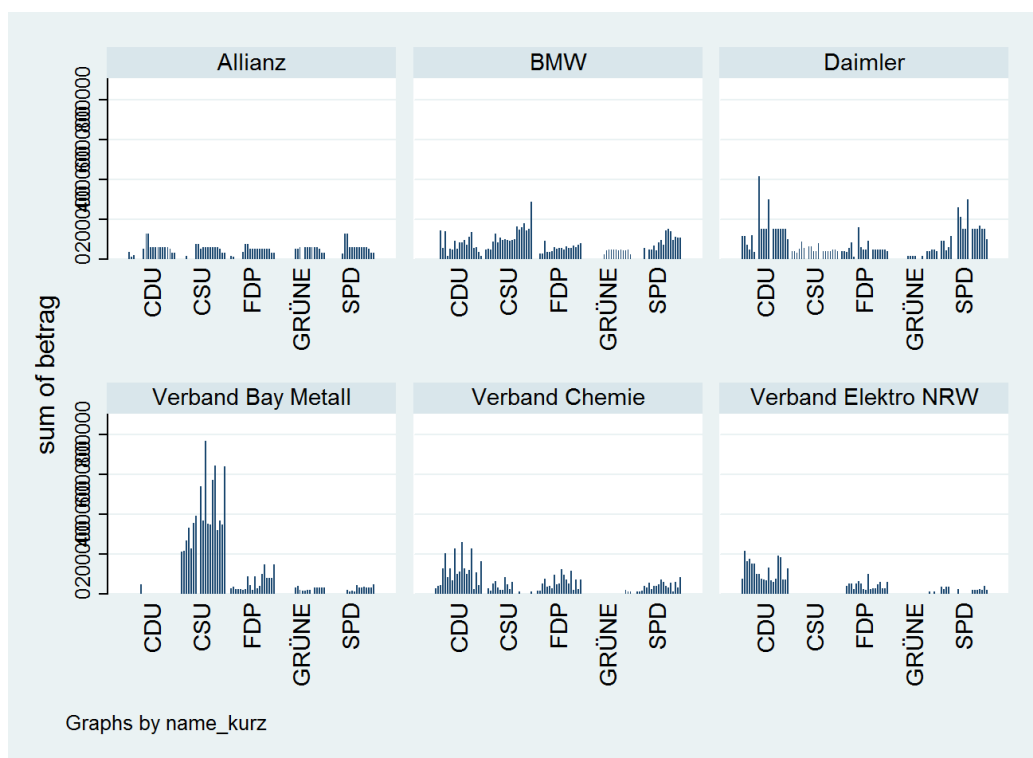


Figure 4: Access and ideology as motive for donation giving.

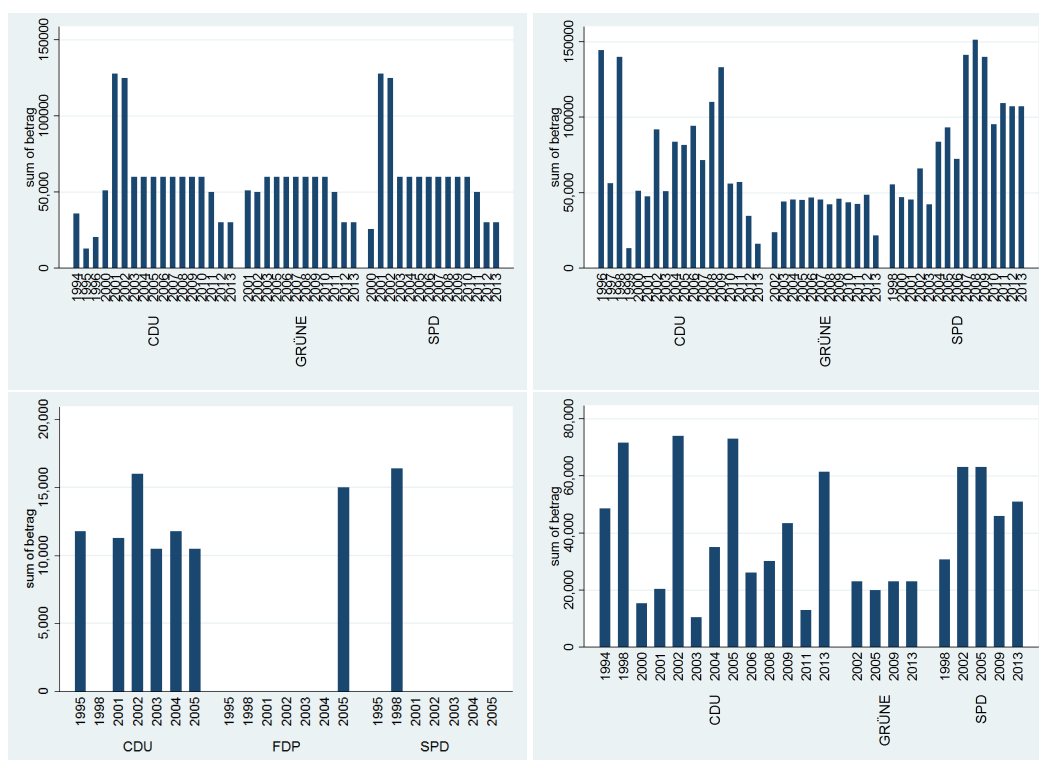


Figure 5: The access motive for selected donators and parties (for demonstration purposes without Christian Socialists, Liberals and Left). From top left clockwise: Allianz, BMW, Wüstenrot, Südzucker.

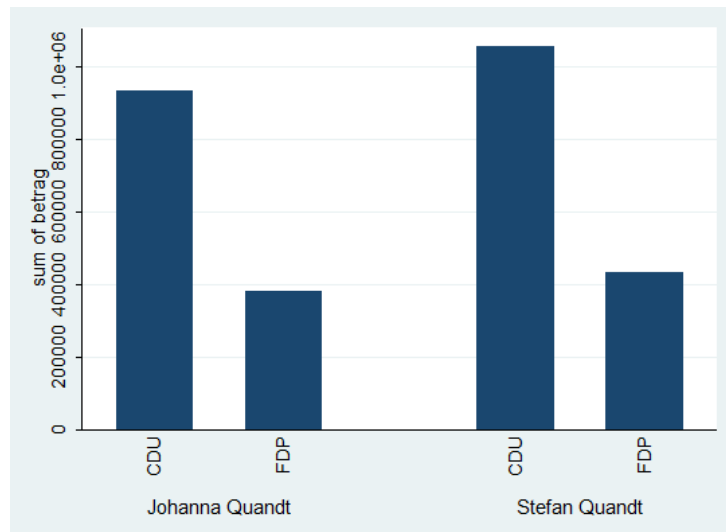


Figure 6: The ideology motive for individuals who are linked to BMW.

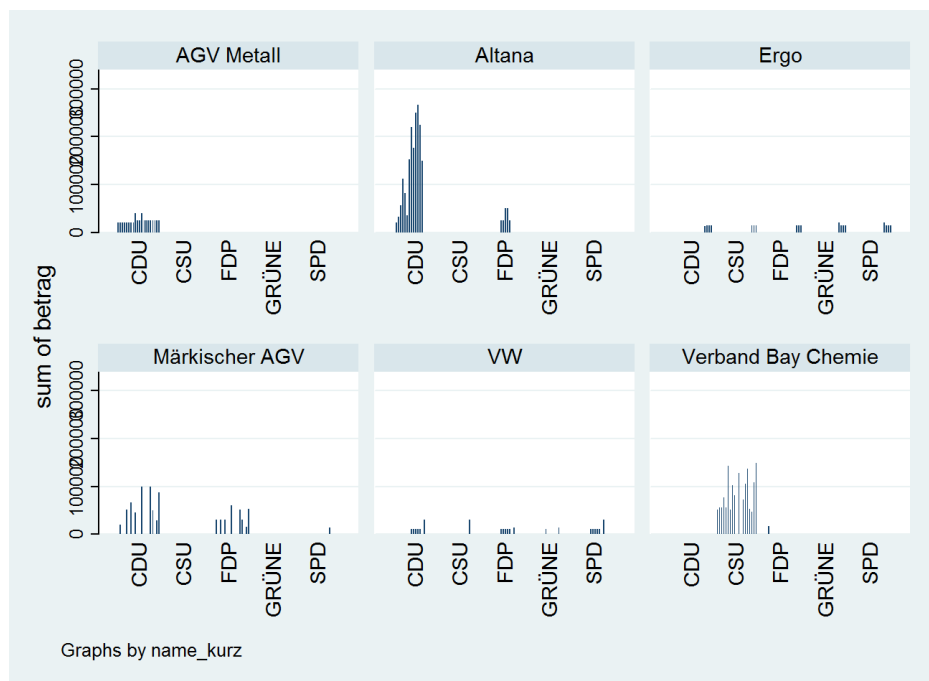


Figure 7: Access and ideological motive for firms with 18 to 21 donations between 1994 and 2013.

tive level in their interest by supplying information in exchange. It is largely undisputed that this type of informational lobbying plays a more important role in Germany than lobbying through contributions.²⁵ External expertise is needed in the legislative process, which gives room for influence seeking. Examples are advisory boards, cooperative legislation through commissions or non-parliamentary bodies which prepare law (Döhler, 2012). Unfortunately, there is a lack of transparency and almost no empirical evidence on informational lobbying in Germany.

We will discuss three aspects related to this type of lobbying, for which at least some data exists. First, German Ministries temporarily employ external staff in its administration. This practice may serve as a channel of influence in the legislative process, due to a potential lack of impartiality of the thus employed staff. Second, recently some data sources have been published about parties' practice of granting access to premises of the German Bundestag and access to the administration in selected policy fields. This data is rather incomplete, and it is up to discussion what can be learned from it.²⁶ Third, there is very little information about the practice of delegating legislative work to external law firms, which may serve a gateway to loose impartiality, and we discuss what is available. Finally, the lobbying register of the German Bundestag may be seen as an information source about access to parliament. Due to its many shortcomings in terms of access information, we discuss the available data and studies based on it in a separate section.

4.1 External staff in the public administration

German ministries may temporarily employ external staff in the public administration. The employment of external staff is intended to support the administration if it can benefit from expert knowledge which is necessary to fulfill specific tasks, and it may not be assigned to the formulation of legislative proposals.²⁷ Accordingly, the provision of staff to ministries may be a transmission channel of influence dependent of the interest of the sending institution, and the staff's location and tasks in the public administration.

²⁵To the best of the author's knowledge, there exists no empirical study which provides information on the relative importance of both types of influences in Germany. However, interviews with lobbyists, politicians and bureaucrats alike confirm this view. Also, the representation of interests by NGOs in Germany, which traditionally employ strategies of informational lobbying in contrast to contribution payments, also supports this view.

²⁶Aspect not yet included in the analysis.

²⁷Döhler (2012) and Hartmann (2014) discuss jurisdictional prerequisites for the employment of external staff and give critical assessments.

The Ministry of the Interior collects information about the employment of external staff since 2008, and publishes reports since 2014. Overall, there is a declining trend towards the employment of external staff. Whereas approximately 100 people had been temporarily employed in 2004, this number declines to 40 in 2014/15 (Döhler, 2012; Bundesministerium des Inneren, 2015). This section provides a provisional analysis of the data from the first fourteen reports covering the time period 2008 to 2015. In general, the analysis indicates that the employment of external staff does not appear to be a major source of influence seeking, as the majority of sending entities are public companies or institutions. Yet as will be demonstrated, in a small number of cases, these restrictions do not hold and influence seeking cannot be ruled-out.

The data reports 305 cases of external staff employment.²⁸ The left hand side of Fig. 8 indicates that the majority of cases occurred for the Ministry of Education and Research (63,9 %), and the Federal Foreign Office (the ministry of foreign affairs) (16,4 %). The right hand side displays the other cases.²⁹ Fig. 9 displays the fraction of occurrences per Ministry with more than four cases, in which staff continued to be paid by the sending institution. Even though we cannot expect that the aspect financing plays a crucial role in potential influence seeking³⁰, we like to indicate that substantial differences exist. For instance, the Foreign Office lists only cases with external funding by the sending institution, whereas the Ministry of Health reports the majority of cases (86,7 %) as financed by internal funds.

Two categories indicate potential cases in which external staff may serve as a channel of lobbying influence. First, the reports mark if the sending institution is close to or linked to governmental institutions. For instance, this is the case for the Goethe Institut or the German Aerospace Center (DLR). Table 10 classifies according to this aspect and qualifies the large

²⁸In a minority of cases, the temporary employment was conducted as an exchange. This aspect is given since the seventh report, which makes 5,6 % of the 170 reported cases.

²⁹The Federal Ministry of Transport is not listed as a receiving institution, even though TV reports on this subject state otherwise. There is one case each for the Federal Chancellery (German Soccer Federation; 2006-2008), Ministry of Justice ((Deutsches Rechnungslegungs Standard Committee; 2005-2009), Ministry of Labour and Social Affairs (Industrial Metal Union; 2005-2008.).

³⁰Financing played a role if the temporary employed person felt aligned to the sending institution only if it continued to pay the loan. This would imply that such an alignment disappeared with the financing through the receiving institution, which is unrealistic. It is more likely that the temporary employed person keeps her alignment with the sending institution irrespective of financing aspects, as she knows that she will return to the former employer in the future and thus maintains the mental connection and future financial dependencies.

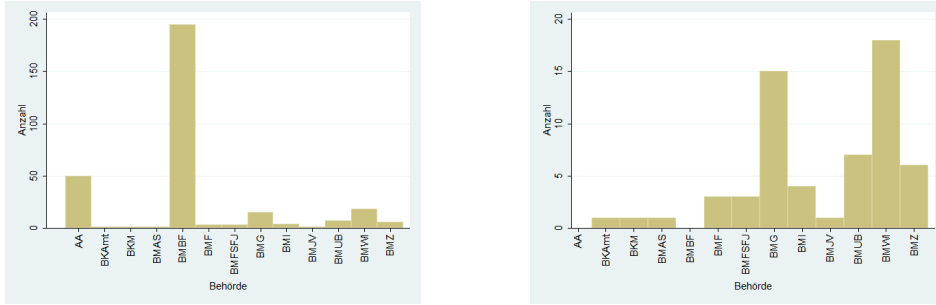


Figure 8: 195 of the total 305 cases between 2008 and 2014 refer to the Ministry of Education and Research, 50 to the Foreign Office (left). The right hand side shows occurrences for the other Ministries.

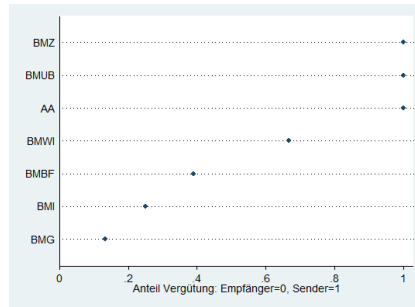


Figure 9: Financing by sending institution for Ministries with at least four occurrences between 2008 and 2015.

number of cases for the Foreign Office and the Ministry of Education and Research. For the Ministry of Education and Research, approx. 21 % of the cases are from sending institutions which are not classified as close to government. Closer inspection indicates that all these 42 cases refer to two entities.³¹ For the Foreign Office, approx. 20 % of the sending institution are not classified as close to government, which are 10 case in absolute numbers. High fractions of cases not classified as close government are also given for the Ministry of the Interior (4 cases) and the Ministry of the Environment (7). A third of the case are reported for the Ministry of Health (5). Second, the data classifies the sending institutions into six categories according to its type. Three indicate potential particularistic interests, which are firms, associations and trade unions, whereas this is less likely for the classification

³¹The names are "VDI/ VDE Innovation + Technik GmbH" and "VDI Technologiezentrum GmbH".

as scientific, for public interest or others.³² Table 11 shows the fraction of sending institutions which are more likely linked to particularistic interests for each receiving institution.

Empfängerb ehörde	bundesnah		Total
	0	1	
AA	20.41	79.59	49
BKM	0.00	100.00	1
BMAS	100.00	0.00	1
BMBF	21.54	78.46	195
BMF	100.00	0.00	3
BMFSFJ	66.67	33.33	3
BMG	33.33	66.67	15
BMI	100.00	0.00	4
BMUB	100.00	0.00	7
BMWI	44.44	55.56	18
BMZ	33.33	66.67	6
Total	27.81	72.19	302

Figure 10: Fraction of sending institutions classified as close to government and total number of cases. (Missing data for three observations.)

This preliminary analysis of the data cannot preclude that single cases exist where the transfer of external staff to the public administration serves as a channel of influence. However, the majority of cases relates to institutions which are closely linked to government or classified as scientific, so the case numbers themselves are bad indicators of potential lobbying influence. To get a better picture, it is necessary to filter potential cases of lobbying influence and exclude the seemingly irrelevant ones. If done, a small number of cases is left which cannot be a priori ruled out as examples of influence seeking. Due to the small number, a case study approach appears appropriate to investigate these cases, taking account the receiving divisions and unions in the Ministry, and on the thematic fields in which the temporary staff had been employed. Tables 2-4 list this information as an example for some Ministries, in which particularistic interests cannot be excluded.

4.2 Access to politicians and the administration

– To be incorporated –

³²There is no case which classifies the sending institution as a trade union. Also, the classification system is not fully consistent and subject to scrutiny: For instance, the Nature And Biodiversity Conservation Union (NABU) is classified as public interest institution, even though it represents particularistic interests. Also, VDI/ VDE Innovation + Technik GmbH is classified as firm or others.

Empfängerb ehörde	styp=unt und/oder styp=verband		Total
	0	1	
AA	86.00	14.00	50
BKAmt	0.00	100.00	1
BKM	100.00	0.00	1
BMAS	0.00	100.00	1
BMBF	81.03	18.97	195
BMF	0.00	100.00	3
BMFSFJ	100.00	0.00	3
BMG	86.67	13.33	15
BMI	75.00	25.00	4
BMJV	0.00	100.00	1
BMUB	42.86	57.14	7
BMWI	61.11	38.89	18
BMZ	66.67	33.33	6
Total	78.36	21.64	305

Figure 11: Fraction of sending institution classified as company or association, and total number of cases.

	sender	styp	bund
	Bundesverband der Deutschen Industrie (BDI)	verband	0
	TÜV Süd AG	unt	0
	Verband Deutscher Maschinen- und Anlagenbauer e.V.	verband	0
	Deutsche Industrie- und Handelskammer (DIHK)	verband	1
	Lanxess AG	unt	0
	Dresdner Bank AG	unt	0
	Deutsche bank Research	verband	0

Table 2: External staff with sending institution classified as company of association for the Ministry of Economics.

	sender	styp	bund
	Bosch und Partner GmbH	unt	0
	Naturschutzbund Deutschland e.V. (NABU)	gem	0
	BASF AG	unt	0
	Henkel KGaA	unt	0
	Naturschutzbund Deutschland e.V. (NABU)	gem	0
	Naturschutzbund Deutschland e.V. (NABU)	gem	0
	Naturschutzbund Deutschland e.V. (NABU)	verband	0

Table 3: External staff with sending institution classified as company of association for the Ministry of the Environment.

	sender	styp	bund
	DW-Media-Services	unt	0
	SAP AG	unt	0
	Institut der deutschen Wirtschaft	wiss	0
	German Institute of Global and Area Studies (GIGA)	wiss	0
	Bundesverband der Deutschen Industrie (BDI)	verband	0
	Robert Bosch Stiftung GmbH	unt	0
	Bundesverband der Deutschen Industrie (BDI)	verband	0
	Bundesverband der Deutschen Industrie (BDI)	verband	0
	Siemens AG	unt	0
	German Institute of Global and Area Studies (GIGA)	wiss	0

Table 4: External staff with sending institution classified as company of association for the Foreign Office.

4.3 Outsourcing of legislation

There is a lack of empirical information concerning the practice of delegating the drafting of legal texts to external law firms. An answer of the federal government to an inquiry by a parliamentary group indicates a trend towards outsourcing, and most of the cases occur for the Ministry of the Environment and the Ministry of Transport (Döhler, 2012). However, the data refers to the time period 1991-2009, and the author is not aware of more recent data.

4.4 Informational lobbying: Scientific challenges

The available information about informational lobbying must be taken with care. The pure counting of occurrences of temporary employment of external staff in the administration is an indicator of potential lobbying efforts, but in fact little is known about it. Even though there are reasons to question the impartiality of external staff, the amount of critical cases indicates limited general relevance. This does not render potential lobbying influences through this transmission channel obsolete, and a case study based approach appears appropriate to investigate this question. It should aim at describing the regulatory tasks of the respective persons in the public administration, identify the interests of stakeholders in the policy processes and analyze if legislative footnotes can be identified and traced back to the employment of external staff.

With respect to outsourcing of legislative work, little is known. Also, little else is known about the degree and extent of informational lobbying in general. There is a lack of data with respect to political networks, the bureaucracy and which information is provided. It is an ongoing debate about appropriate rules for an increase of transparency in this respect.³³

5 Additional data

5.1 Lobbying activity: The registry at the German parliament

Since 1973, the German parliament regularly publishes a list of registered interest groups (Bundestag, 2016a). It does not provide information about the extent of influence seeking and the relevant policy fields, but rather is a

³³Compare footnote 8.

mere list of addresses of registered groups. Besides pure number counting, the extent of information which can be drawn from this list is limited. This none withstanding, some contributions endeavor it to study the extent of interest group activity.³⁴

In two recent working papers, the lobbying list is used as an indicator for interest group activity on party attention. Klüver (2016) assigns the listed interest groups to thematic fields and takes their number as an indicator for lobbying activity in the relevant policy fields. She combines this measure with indicators for public awareness of the policy issues with supporters of different parties, measured by opinion polls, and constructs a measure for the party issue attention as the extent to which parties refer to the relevant policy fields in their party programs. The study shows that interest group activity and public awareness are positively correlated with party issue attention. While interest group activity is more important, both amplify each other. This indicates that interests groups tend to have a stronger impact on party programs if their supporting voters care for the policy issue. In a related approach, Klüver & Breunig (2016) explain the extent of interest group activity, measured through the lobbying list, as the dependent variable. The results are mixed, legislative activity does not have a significant effect on the numbers of interest groups registered, nor does the issue attention of voters. It is indicators for political uncertainty which correlate with the interest group count, i.e. the extent of the majority of the governing party in parliament, or if the governing party misses a majority in the upper house.

The lack of alternative data provides good reasons use the lobbying list as an indicator for group activity. Results should be taken with care, though, for several reasons. First, the list does not differentiate between actors and differences in political influence. Olson (1965) indicates that these aspects must not be ignored. Second, the list does not give any information about the extent of political activity of the exiting interest groups. Mere number counting appears to be a questionable indicator for interest group activity. Third, as the previous sections indicate, various channels of influence seeking exist which are expected to differ in their effectiveness on the lobbying outcome.

³⁴Horgos & Zimmermann (2009) and Horgos & Zimmermann (2010) use the list of registered interest groups to investigate the relationship between economic growth and interest group activity according to Olson (1982). They confirm the sclerosis hypothesis and show that the number of registered lobbies and economic growth are negatively correlated. Also, interest group activity tends to follow political cycles. Lobbies build up political capital in the beginning of the legislature, when activity is higher. For a critical view using the same data in a comparison of 21 OECD countries compare Bischoff (2003).

5.2 Sectoral studies

Klüver (2015a) measures interest group activity in a certain policy field as the number of interest groups in that field in relation to the total number of interest groups (cp. Sect. 5.1). As an explanatory variable, she measures public attention for the specific topics "global peace" and "environmental protection", which is taken from survey data of the Socio Economic Panel (SOEP). Public attention positively affects interest group activity, whereas the reverse does not hold. Generalizations need to be taken with care, as the author indicates. Public attention may be an important driver in policy fields which are traditionally linked to NGOs and grass roots activity, yet this might not be a decisive factor with respect to business interest. Also, the study explains the activity of interest groups in these specific fields, which puts the focus on the demand side of lobbying. There is room for further research with respect to the question of how increased interest group activity transforms into political action. As discussed in Sect. 5.1, Klüver (2016) indicates that party supporters may play a crucial role, because interest group activity has a stronger effect if public awareness of party supporters is strong.

McLeay et al. (2000) analyze the impact of three interest groups on accounting regulators during the transformation of the Fourth European Company Law Directive into German accounting law. Using text analysis, they identify 169 items which represent the position of the interest groups in consultation procedures, which are related to the final regulatory framework. An interest group is deemed successful if the final regulation is close to its own position. The study shows that this is the case if the policy position finds broad support by the other groups.³⁵ The study indicates a way to measure lobbying outcomes and how they relate to policy stances. Yet the lobbying process itself remains a black box in this study, as it does not relate the lobbying success to the different channels of influence and thus leaves open which lobbying strategies appear more successful.

6 Conclusions

This review of empirical lobbying research and the discussion of the available data indicates that there is need to improve the understanding of the lobbying process in Germany and its outcomes. First, the lack of data is a serious restriction to empirical research, which prepares the floor for the ongoing

³⁵Klüver (2013) confirms this effect with respect to lobbying at the European level.

discussion of an increase of transparency in Germany. Second, text analysis appears as a relevant method to learn more about policy positions and how they influence politics. This survey indicates towards some of the promising contributions in this field. Third, case studies and surveys may serve as substitutes to statistical methods given the lack of data, and they may complement existing empirical work. This is especially true for occurrences of lobbying efforts with low case numbers, as the analysis of external staff in the public administration exemplifies. Fourth, future applied research may put a focus on the effects of digitalization on governance structures and public transparency, namely how the often dispersed and fragmented data about political processes can be pooled, processed and made available to the general public in order to increase the data base for empirical research. Fifth, given the data restrictions an institutional approach appears appropriate. It should investigate which insights about the lobbying process in different countries can be transferred to others, given the various institutional contexts and polities in which lobbying takes place.

A Appendix

A.1 Party donations to small parties

Description of the raw data set:

Partei	Freq.	Percent	Cum.
AFD	15	0.15	0.15
CDU	2,650	26.74	26.89
CSU	1,005	10.14	37.03
DIE PARTEI	1	0.01	37.04
FDP	1,035	10.44	47.48
FW	7	0.07	47.55
GRÜNE	2,498	25.20	72.75
LINKE	655	6.61	79.36
MLPD	1	0.01	79.37
NPD	8	0.08	79.45
PDS	147	1.48	80.93
PRO D	1	0.01	80.94
PRO NRW	1	0.01	80.95
SPD	1,877	18.94	99.89
SSW	1	0.01	99.90
WASG	9	0.09	99.99
ÖDP	1	0.01	100.00
Total	9,912	100.00	

Figure 12: Donations to all parties 1994-2013.

Partei	Typ		Total
	jur	nat	
AFD	1	14	15
DIE PARTEI	1	0	1
FW	0	7	7
MLPD	0	1	1
NPD	0	8	8
PRO D	0	1	1
PRO NRW	0	1	1
SSW	1	0	1
ÖDP	0	1	1
Total	3	33	36

Figure 13: Donations to non-established parties 1994-2013.

Donations to small parties mainly from individuals and in 2013. With respect to donations not from individuals, TITANIC Verlag to the party "DIE PARTEI", and donation of a Danish Ministry to the SSW.³⁶ As a conse-

³⁶Donations from foreigners are prohibited, yet this donation falls under the exemption rule of Article 25(2)(3)(b) of the Parteiengesetz.

quence, only one company donation to the AfD (Alternative for Germany) can be identified as a potential channel of influence.

Figure 14 shows non-established parties which receive only one donation. Figure 15 shows the amount of spending, as well as its distribution. Small parties with many donators tend to receive small amounts, whereas some also receive single large donations (MLPD, SSW).

jahr	betrag	name	typ	partei
2013	15750	TITANIC-Verlage GmbH & Co. KG	jur	DIE PARTEI
2013	110000	Möller, Lüder	nat	MLPD
2013	25000	Brinkmann, Patrick	nat	PRO D
2013	10770	Mengersen, C., Freiherr von	nat	PRO NRW
2013	458000	Unterrichtsministerium	jur	SSW
2013	10062	Knatz, Bernd	nat	ÖDP

Figure 14: Liste of donations to non-established parties 1994-2013.

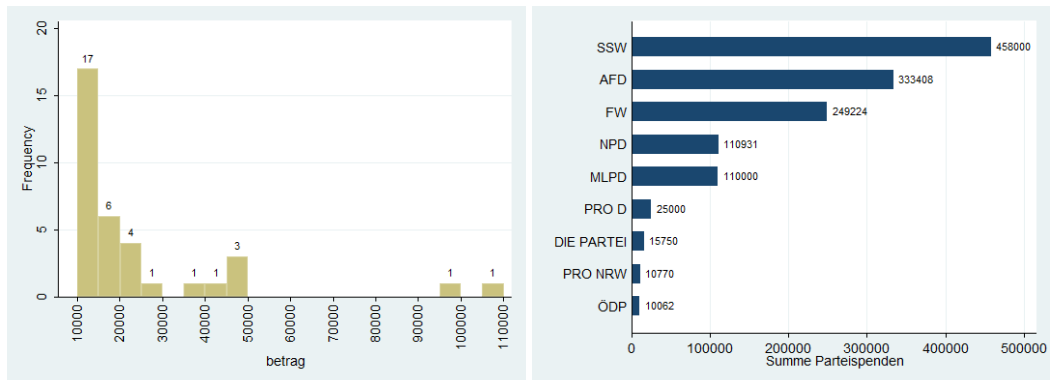


Figure 15: Donations to non-established parties 1994-2013 in numbers (left) and total sum (right).

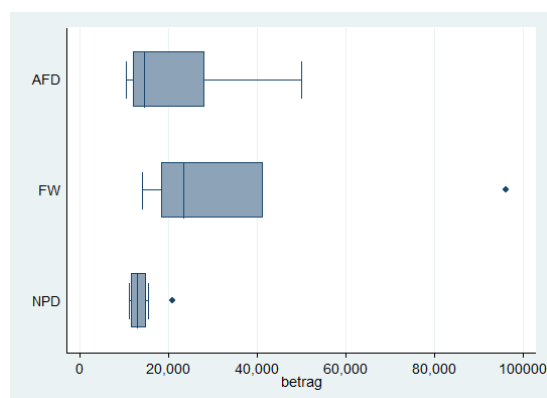


Figure 16: Distribution of donations to non-established parties 1994-2013.

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