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FLORIDA INTERNATIONAL UNIVERSITY

Miami, Florida

ELECTORAL RULES AND ELITE RECRUITMENT: A COMPARATIVE ANALYSIS
OF THE BUNDESTAG AND THE U.S. HOUSE OF REPRESENTATIVES

A dissertation submitted in partial fulfillment of

the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

POLITICAL SCIENCE

by

Murat Altuglu

2014

To: Interim Dean Michael R. Heithaus
College of Arts and Sciences

This dissertation, written by Murat Altuglu, and entitled Electoral Rules and Elite Recruitment: A Comparative Analysis of the Bundestag and the U.S. House of Representatives, having been approved in respect to style and intellectual content, is referred to you for judgment.

We have read this dissertation and recommend that it be approved.

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Florida International University, 2014

ABSTRACT OF THE DISSERTATION

ELECTORAL RULES AND ELITE RECRUITMENT: A COMPARATIVE ANALYSIS
OF THE BUNDESTAG AND THE U.S. HOUSE OF REPRESENTATIVES

by

Murat Altuglu

Florida International University, 2014

Miami, Florida

Professor Tatiana Kostadinova, Major Professor

In this research, I analyze the effects of candidate nomination rules and campaign financing rules on elite recruitment into the national legislatures of Germany and the United States. This dissertation is both theory-driven and constitutes exploratory research, too. While the effects of electoral rules are frequently studied in political science, the emphasis is thereby on electoral rules that are set post-election. My focus, in contrast, is on electoral rules that have an effect prior to the election. Furthermore, my dissertation is comparative by design.

The research question is twofold. Do electoral rules have an effect on elite recruitment, and does it matter? To answer these question, I create a large-N original data set, in which I code the behavior and recruitment paths and patterns of members of the American House of Representatives and the German Bundestag. Furthermore, I include interviews with members of the said two national legislatures. Both the statistical analyses and the interviews provide affirmative evidence for my working hypothesis that differences in electoral rules lead to a different type of elite recruitment. To that end, I

use the active-politician concept, through which I dichotomously distinguish the economic behavior of politicians.

Thanks to the exploratory nature of my research, I also discover the phenomenon of differential valence of local and state political office for entrance into national office in comparative perspective. By statistically identifying this hitherto unknown paradox, as well as evidencing the effects of electoral rules, I show that besides ideology and culture, institutional rules are key in shaping the ruling elite. The way institutional rules are set up, in particular electoral rules, does not only affect how the electorate will vote and how seats will be distributed, but it will also affect what type of people will end up in elected office.

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CHAPTER 1 – INSTITUTIONAL RULES AND ELITE RECRUITMENT

Problem Statement

In this chapter, I outline a theoretical framework and a research design for this study, which I detail in the following chapters. Theoretically tying together this research is Zaller's (1998) hypothesis that different electoral rules attract "naturally...a certain type of politician" (Ansolbahere 2005) and *in extenso* Rahat and Hazan, who hypothesize that "the behavior of individual politicians must be affected by the nature of the selection method" (Rahat and Hazan 2001: 297).¹

To that end I begin by discussing the relevance and interconnectedness of electoral rules, legislators, and legislatures. Thereby, I provide the theoretical foundation for my hypotheses. I follow this discussion by connecting the research problem at hand with theories on democratic quality. After outlining the two hypotheses, I discuss the two key factors of candidate nomination rules and campaign financing rules in determining democratic quality. Next, I argue for the present case selection of Germany and the United States and provide a preview of alternative explanations. Following this I assess the relevance of the study and outline its contributions. Finally, I provide the tentative research design and a brief conceptualization and operationalization of this research.

¹ This theoretical framework is an economical one, based on the role of "incentives and their consequences" and "goals and their desirability" (Sowell 2011: 75).

Research Problem, Conceptual Terminology, and State of Current Research

In this section, I discuss the basic principles relevant to the research problem of institutional rules' effect on elite recruitment. I base this discussion on current political science research. The first issue to be analyzed therefore is if and why elected office is important in the first place. Consequently, it can be understood why it matters to research how elected offices are filled. The second issue analyzed is that of democratic quality, for the purpose of establishing why national legislatures are important for the quality of democracy. In the third step, I analyze why a particular composition of a national legislature is important in and of itself. This I follow up with an analysis of institutional rules' effect on the composition of a national legislature. I conclude this section with a discussion that introduces the basic conceptual terminology of active-politician and passive-politician,² and the hypotheses that is based on them.

The Importance of Elected Office

An essential requirement in a representative democracy is that each citizen has the right to run for office (see below) and to allow the peoples' will to become the law of the land. Institutional guidelines to do so, however, change the probability for a citizen to; a) run in elections, and b) to be elected. The basic requisite for representation, posited by Max Weber, is that the representative ascribes his acts "to a group" rather than himself (Pitkin 1967: 51). The importance of electoral rules is that they function as transmission belts between the "political elites and the social structure" (Putnam 1976: 21), i.e. the people.

² The active-politicians and passive-politician concepts are treated as discrete variables in this study for argument's sake. In reality, active-politicians and passive-politicians constitute a continuum.

Joseph Schumpeter, calls this the “classical doctrine of democracy” and defines it as follows:

“It will be more convenient to reserve only the most important decisions for the individual citizen to pronounce upon – say by referendum – and to deal with the rest through a committee appointed by them – an assembly or parliament whose members will be elected by popular vote” (Schumpeter 2008: 250-251).

Such institutional framing has consequences, since in the end the legislative power will be entrusted into the hands of those people who are able to successfully master the different institutional challenges for a seat in the United States Congress or the German Bundestag. Different characters, different types of personae can deal better under one or the other system. Each country has its own peculiar mode of electing legislators. Indeed, some countries use different sets of electoral rules at the same time. In connection with the peculiar culture and ideology³, each political system will then provide different challenges, incentives and disincentives to politicians. On the basis of these, different personality types will find it easier or harder to succeed in politics. The characteristic composition of the highest legislature will differ in the end, since one or the other personality type will be more likely to succeed under the peculiar institutional rules.

³ One could also use the term “political culture.”

It matters, however, what sort of people prevail in politics, since “behavior is shaped by...ideas” (Pitkin 1967: 1).⁴ Different electoral systems pose different challenges and incentives to potential politicians. If consequently different characters are attracted to politics, and different strata of society prevail in politics, then the institutional framework must exert a selective function on representation.⁵ Since representation is inherently related to democracy (Pitkin 1967: 2), institutional rules acquire, intentionally or unintentionally, a determinative character on who prevails in politics and who does not.⁶

The small Hellenic *poleis* could function without institutional guidelines for elections and politicians’ selections. Back then, direct democracy was used. But now, the large Western democracies use indirect means of democracy, the representative democracy. This change in the *modus operandi* of democratic rule had profound effects on the people, i.e. the electorate, and the politicians, i.e. legislators, as well as the relationship between these two groups. Erich From described this in the following way:

“In the early days of democracy there were various kinds of arrangements in which the individual would concretely and actively participate in voting

⁴ Paralleling Pitkin’s claim, Walter Lippmann states that “from the existence of differing economic situations you can tentatively infer a probable difference of opinions, but you cannot infer what those opinions will necessarily be” (Lippmann 1997: 117).

⁵ Theoretically, this aspect is discussed as a “property–disposition relationship” phenomenon. The argument is that a relationship exists between “some characteristic of quality of a person (property) and a corresponding attitude or inclination (disposition)” of a person (Frankfort-Nachmias and Nachmias 2000: 115). One example would be the level of political tolerance or ethics of politicians as a “categoric group” (Frankfort-Nachmias and Nachmias 2000: 119). E.g., depending on social class status, a person’s predisposition to tolerance, risk-taking, or corruption, to give some examples, may vary. For the purpose of my study, it can be said if institutional rules lead to variation in certain “properties,” then this means national legislatures will have different “dispositions.”

⁶ “Institutional rules determine who winners and losers are” and that is why it is important to understand how they function and what their effects are, especially for politicians (Bowler et al. 2006: 434)

for a certain decision or for a certain candidate for office. The questions to be decided were familiar to him, as were the candidates the act of voting, often done in a meeting of the whole population of a town, had a quality of concreteness in which the individual really counted. Today the voter is confronted by mammoth parties which are just as distant and as impressive as the mammoth organizations of industry. The issues are complicated and made still more so by all sorts of methods to befog them. The voter may see something of his candidate around election time; but since the days of the radio, he is not likely to see him so often, thus losing one of the last means of sizing up 'his' candidate. Actually he is offered a choice between two or three candidates by the party machines; but these candidates are not of 'his' choosing, he and they know little of each other, and their relationship is as abstract as most other relationships have become" (Fromm 1994: 128-129).

The reliance upon representative democracy rather than direct democracy necessitates an elected elite of politicians operating within an institution. On the basis of this institutional blueprint, a multiplicity of different democratic political systems evolved. These systems can be broadly classified according to their mode of election: proportional and majoritarian. Yet other ways to classify democratic systems may be more refined and more informative. One point of view therefore is presented in this study, which focuses on the pre-electoral stage of democracies. A new and fresh perspective is gained by looking at democratic processes through the prisms of campaign financing and candidate nomination rules.

In this context, the task of political scientists is to compare and contrast the different political systems to ascertain their idiosyncrasies, and, establish possible patterns that can be used for generalizations.⁷ The national legislature, the highest lawgiving body in a political system, as well as being the source for the executive in many countries, logically comes out as the prime object of interest for the study of democratic quality. If then institutional rules have a significant and determinative influence on elite recruitment into a national legislature, this finding would have far-reaching consequences. This study speaks then directly to debates about democratic quality.

The Importance of Personality

The idea that personality matters, i.e. that the individual faculties of a politician in power do matter, is not merely a theoretical issue. The idea has practical real-life effects. Especially in politics, where a person's socialization, life experience, education, and erudition inform his decisions (which have a real-life effect on the governed people), it matters what type of person comes into a position of power. A dichotomous approach to this problem comes naturally, by distinguishing between those people who have a certain quality and those who lack it.

H.L. Mencken, for example, referring to a study by Havelock Ellis, arrives at the conclusion that "first-rate men" are not skilled "at manual and mental tricks." Mencken contrasts the "familiar incompetency of admittedly first-rate men for what we call

⁷ Science means generalizations. Without generalizing statements that link separate observations together, no explanation and thus no science is possible (Meehan 1965: 43).

practical concerns” with the “mental inferiority” of those successful in practical life (Mencken 1949: 24). Even more pertinent to the political elite recruitment is another analysis of Mencken. Mencken says that “the Presidency is now closed to the kind of character that he⁸ had so abundantly.” Calling Grover Cleveland the “last of the Romans,” Mencken observes a change in the political recruitment process. These new types of politicians who make it in politics, prevail due to them being “more politic and pliant men.” “They get it by yielding prudently, by changing their minds at the right instant, [and] by keeping silent when speech is dangerous. Frankness and courage are luxuries confined to the more comic varieties of runners-up at national conventions” (Mencken 1949: 229).

The issue of what types of personalities are in a position of political power is also discussed by Robert Bork. Referring to Karl Mannheim, three “principles for the selection of elites” are identified. These are “blood, property, and achievement.” While blood (i.e. pedigree) was the principle in aristocratic societies, property the principle in bourgeoisie societies, the last principle of achievement⁹ is that of elite selection in modern democracies, with the addendum that “blood” has returned as a factor in elite recruitment (Bork 2003: 73). Bork clarifies this “blood” factor by pointing to “race, ethnicity, and sex as analogues of the blood principle” (Bork 2003: 73). Thus again, a dichotomous categorization of elite recruitment is given.

⁸ Mencken is referring to Grover Cleveland.

⁹ Achievement being brought into operation in economic terms.

In the work of Walter Lippmann, the requirement is found that if “the citizens of a state are to judge and distribute offices according to merit, then they must know each other’s characters; where they do not possess this knowledge, both the election to offices and the decision of lawsuits will go wrong.” On the basis of such knowledge, the people would then be able to decide who is “most fit to govern” (Lippmann 1997: 164). Yet again, a difference of opinion exists who is most fit to govern. Lippmann cites as an example on the one hand Thomas Jefferson, who “thought the political faculties were deposited by God in farmers and planters,” while Alexander Hamilton, on the other hand, advocated for “landholders, merchants, and men of learned professions” as the ideal for a representative political body (Lippmann 1997: 163-164). While there are, consequently, differences in opinion what types of personalities should have political power, nonetheless there is accord in the understanding that it matters who is ruling.

The Study of Democratic Quality – Institutions and Elite Recruitment

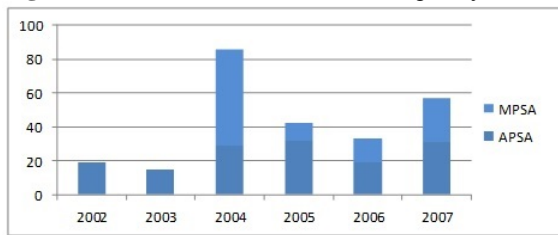
Some of the existing studies on democratic quality focus on legislative behavior, some look at elite recruitment and candidates’ sociological background, and others on institutional guidelines (see Figure 1.1). All this work exposes the intricate mechanisms of a representative democracy, which “formalizes and institutionalizes public influence over rulers” (Roberts 2010: 5). *Democratic quality* is the umbrella term for such an approach. Many different avenues have been pursued by political scientists to ascertain the effects of democratic political systems on the quality of democracy (see Table 1.1).

Table 1.1. Existing standards for assessing democratic quality – Extension of Roberts’s categorization. Listed are the indicators used by different political scientists.

Altman and Perez Linan (2002)	Diamond and Morlino (2005)	Lijphart (1999)	O’Donnell (2004)	Putnam et al. (1994)	Roberts (2010)
Effective civil rights Effective participation Effective competition	Rule of law Participation Competition Vertical accountability Horizontal accountability Freedom Equality Responsiveness	Democracy Women’s representation Political equality Electoral participation Satisfaction with democracy Government-voter proximity Corruption Popular cabinet support Kinder and gentler qualities	Elections Government Legal System State and government Courts State institutions Social context Human development Human rights	Policy process Policy pronouncements Policy implementation	Electoral accountability Mandate responsiveness Policy responsiveness

Research on democratic quality subjects any possible realm of a political system to scrutiny. As Figure 1.2 shows, such research was an active area of interest for American political scientists in the 2000s. One realm of politicians’ activity is of key relevance: the national legislative body in a democratic system, due to the simple fact that every aspect of the political system and political life is determined by its decisions. Consequently, the study of legislatures is an important task for political scientist.

Figure 1.2. Prevalence of democratic quality in American political science research



Note: Bars represent frequency (in numbers) of the usage of the terms “Quality of Democracy” and “Democratic Quality” in APSA and MPSA conference-paper abstracts.

Such research would remain, however, quite incomplete without combining the institutionalist analyses with a focus on politicians’ background and behavior. This approach would allow one to gauge the influence of elites on democratic quality. Furthermore, it has to be understood that the different criteria for democratic quality exhibited in Table 1.1 are the aggregate outcomes of individual politicians’ actions. This means that things measured as indicators of democratic quality are, to paraphrase Sartori, very far up on the ladder of abstraction. Terms like “effective participation,” “freedom,” “satisfaction with democracy,” are not only highly abstract within a political system, but even more so in comparative perspective.

Elite recruitment, which is surprisingly missing in Table 1.1, however, is something much farther “down” on the ladder of abstraction. The “quality,” or rather the type, of the recruited elite is much more accessible and tangible than the other, at times quite ambiguous, indicators listed in Table 1.1. One can precisely analyze what type of people get into politics on the basis of what incentives are available, i.e. what institutional rules are in effect. Consequently, statistical measures of the recruited elite are precise, too. Yet elite recruitment does not merely deserve scrutiny for its hermeneutical precision alone.

Elite recruitment in and of itself is significant. To gauge the democratic quality of a political system, the understanding of who rules and why they rule is much more important than most indicators listed in Figure 1.1, which are epiphenomena of the recruited elite. All the things described in Table 1.1 take place after elite recruitment happens. The political elite, constituted among others on the basis of the existing candidate nomination and campaign financing rules, causes the phenomena listed in the table. This is why they are epiphenomena. It is thus surprising that the many epiphenomena received so much attention in political science, but one of the key phenomena therefore, the rules analyzed here, did not receive such attention.

Thus macro-level institutionalist analyses dominate the study of democratic quality. Lijphart's work (also listed in Figure 1.1), is such a macro-level study. Lijphart (1999) asks the simple question whether the institutional form of democracy matters. He argues that a specific arrangement of institutions (majoritarian vs. consensus systems) leads to different forms of democracy, ergo to different democratic quality. Lijphart shows that institutions arranged in a consensus system can provide a "kinder, gentler" democracy and still be effective. The present study parallels this axiomatic logic of Lijphart that the institutional design – here, the electoral rules – matters for the type of democracy. The difference, however, is that first, Lijphart's dependent variables are highly removed from the independent variables, meaning that there is no immediate logical connection between

the cause and the effect. Second, the dependent variables in and of themselves are highly abstract and loose, especially in comparative perspective.¹⁰

Institutional designs of representative democratic systems are analyzed by many different means. Rational choice is used to understand institutions' influence on the legislative process (Tsebelis 2002), the effects of pre- and post-election influence of the citizenry on policymaking (Powell 2000), the effects of electoral institutions on voting behavior (Cox 1997), the effect of veto power on law-making (Cameron 2000), legislative institutions' utility to incumbents (Fenno 1973, Mayhew 1974), and the effects of candidate quality on legislative composition (Schlesinger 1966, Rohde 1979).

The reasoning behind the use of institutional parameters as an explanation of legislatures and legislative behavior is quite broad. Many different pathways have been explored in the literature: the influence of constitutional review on legislative behavior (Vanberg 2001), electoral laws on responsiveness (Bawn and Thies 2003), veto-players on coalitions' policy agenda (Martin 2004), committees on coalitions (Kim and Loewenberg 2005), and even the influence of electoral rules via rural inequality on electoral fraud (Ziblatt 2009).

¹⁰ For example, what might be corruption and political equality (some of the dependent variables) in one system is not necessarily seen as corruption or political equality in another political system. Additionally, in the coding process, much ambiguity is added. What the coder might decide to code as corruption, might have been coded as no corruption by another person. (See hard data/ soft data discussion below). Thus, there is a methodological difference between Lijphart's approach and mine.

A particular line of institutionalist research that is of interest to the present study established that electoral rules play an important role in shaping the future of a legislature (Duverger 1972, Shugart and Carey 1992, Mainwaring 1997). These works showed that the institutional form of democracy matters in the realm of electoral rules. Yet the connection of these insights to elite recruitment remains feeble. What is missing is a large-N comparative statistical test on the influence of electoral rules on political recruitment and *in extenso* on democratic quality.

Legislatures' Composition

Political scientists and theorists have produced different perspectives on how a legislative body should be composed to fulfill the requirements of democratic quality. It is argued that democratic representation requires a composition that “corresponds accurately to that of the whole nation,” that parliament is an “accurate reflection.” This perspective is shared, among others, by John Adams and Edmund Burke (Pitkin 1967: 60-61). The understanding of “accurate reflection,” is mostly expressed by the term *descriptive representation*, as introduced by Hanna Pitkin.

Edmund Burke’s distinction between delegate and trustee type of representation remains as the most insightful distinction of representation (Kramnick 1999). Simply put, it distinguishes between delegates who act in the legislature in accordance to the wishes of those whom they represent, and trustees who have the autonomy to act in accordance to their own conscience. Common to all theorization on representation is that citizens

should feel represented (Pitkin 1967: 9). Otherwise, alienation from politics and frustration with democracy is a likely consequence.

Thus the composition of a legislature is relevant for the quality of democracy, not merely by its party-political composition, but also by the kinds of individuals who occupy legislative seats. Legislators' perception of mandate is one aspect of their characteristics. Learning more about their personality traits, one will be able to see what sorts of individuals are attracted to politics and win access to power at the highest levels. Since *de jure* national legislatures are the most influential political institutions in democratic systems, the problem of their composition is of vital importance. Can it be assumed that irrespective of the individualistic composition of such legislative bodies, the same performance could be delivered? The argument made henceforth is that individuals matter, in that individuals have different Weltanschauungen, i.e. different life experiences, and thus a different outlook on life. This informs and shapes how legislators interact with each other, deal with the *demos*, and view political issues. In short, the individuals shape the "corporate climate" of a legislature. Political culture and values, traditions and political history (Putnam 1993), are some of the factors that influence and shape the Weltanschauung of individuals. It is therefore not enough to perceive representation as a function of democracy, and consequently focus on what type of representation exists. One has to look at the individual representatives, who are not automata but have unique personae.

Therefore, the objective should **not** only be to establish what kind of representation exists and, which one is normatively superior, but the **how and why** – what are the causes and ramifications of different electoral rules on democratic quality? This is another contribution of this research. In the next section, I deepen the discussion on why legislative representativeness and composition are important for democratic quality.

Institutional Rules and their Effect on Elite Recruitment

There is an abundance of political science theory and research on particular institutional rules, particularly electoral rules, and their effect on legislatures, the legislative process, and legislators. My research can be categorized among these works. In this section, I will review this class of research upon which I draw to formulate hypotheses. I start with Beth Rosenson (2006), who connects ethics laws (institutional rule) and legislative recruitment, in particular the composition of state legislatures (elite recruitment).¹¹ Thus a logic prevails which is very similar to that of my research. In the case of Taagepera's work, institutional rules are again researched in their function as independent variables. Taagepera's focus is thereby on the effects of electoral rules. Indeed, a statement such as "elections are one way to determine who the leaders will be" (Taagepera 2007: 1), would fit right into my research. On a closer look, however, there are significant differences.

On one hand, my focus is on the individual politician. The political personality and its reliance on the institutional setting are at the forefront. Taagepera's work, on the other

¹¹ I have more detail on Rosenson's work in Chapter Two.

hand, is embedded within the copiously studied (Taagepera 2007: 8) area of electoral systems and their effect on vote and seat distributions, as well as party sizes. Thus the dependent variables are organizational entities and even more abstract effects such as democratic quality (Taagepera 2007: 13). Similarly, the independent variables of Taagepera's work are the, again, popularly researched aspects of seat allocation formulas and district magnitude (Taagepera 2007: 23, 28). My focus is, in contrast, on the individual and the electoral rules that have an effect prior to the election.

A simpler logic is pursued by Powell and Vanberg (2000), where the well-known link between the type of electoral threshold and the quality of representation is examined. Their research attempts to find out to what extent the (artificial) median voter is represented (Powell and Vanberg 2000: 406-407). Although their claim that single member district (SMD) systems are worse in comparison to proportional representation (PR) systems in achieving "good correspondence between citizen and legislative medians" (Powell and Vanberg 2000: 402) is questionable, the inherent logic that rules have a measurable effect is upheld. In Chapter 2, I provide a more extensive discussion of the research on institutional rules and elite recruitment.

The work of F.A. Hayek provides a generic theory for effects of rules on behavior. The first principle derived from Hayek is that a constant impetus by governmental regulation onto the people "produces... a psychological change, an alteration in the character of the people. This is necessarily a slow affair, a process which extends not over a few years but perhaps over one or two generations" (Hayek 2007: 48). From Hayek's theorem, I can

derive that institutional rules, such as candidate nomination rules and campaign financing rules, will have an effect on the people over time.

Besides this generic proposition that rules influence people, another theorem can be inferred from Hayek's work, namely that rules influence elite recruitment, i.e. what type of political personality is affected by rules. Quoting de Tocqueville, Hayek writes: "It covers the surface of society with a network of small complicated rules...through which the most original minds and the most energetic characters cannot penetrate to rise above the crowd. The will of men is not shattered but softened, bent, and guided" (Hayek 2007: 49). From this observation I can derive the notion that certain institutional rules will be favorable to certain personality types. In Chapter 2, I will expand this generic statement into the active-politician/ passive-politician model. The operational definition for institutional rules and their assumed effect I base on Sowell's economic definition of the role of prices. Paraphrasing him, I state that the "primary role [of institutional rules] is to provide incentives to affect behavior in the use of producers and their resulting products. [Institutional rules] not only guide consumers, they guide producers as well" (Sowell 2011: 15).

Theories of Democratic Quality and Representative Institutions

The goal of the present study is to fill in the gap in research pertaining to how institutional rules, particularly candidate nomination rules and campaign financing rules, influence elite recruitment into national politics. The starting point is the understanding that electoral laws affect democratic quality. Specifically, the argument advanced here is

that institutional pathways for candidate nomination and campaign financing lead to “artificial selection” (Darwin 1859). By enabling and attracting different types of individuals to a political career, distinct institutional arrangements lead – by default and unintentionally – to legislative representation by different groups. I thereby extend the argument that electoral laws have a “mechanical effect” as well as constituting a “psychological factor” (Duverger 1972, Riker 1982), and focus onto the pre-electoral nomination and campaign financing phases. They have a mechanical effect by increasing the likelihood for a certain type of politician¹² to succeed in a democratic system. The psychological factor expresses itself by discouraging potential politicians from entering the playing field in the first place.

This line of institutionalist reasoning is common in political science. As mentioned with Duverger, the idea that “there is indeed some demonstrable relation between electoral forms and the structure of party systems” (Riker 1982: 755) has been in the focus of political science for many decades. My contribution is to extend this logic into the under-researched area of political recruitment. If institutions affect voters, parties, etc., it is reasonable to assume that they affect politicians, and their entrance into politics, as well.

As a result of the distinct selection processes, it can be expected that different types of personalities will succeed. Thereby, the composition of the legislatures shows a different reflection of society, which may have consequences for the quality of democracy.

¹² Variation being in social background, status, education, wealth, character, etc.

Moreover, drawing upon Inglehart (1990), values and behavior may also be related to educational, sociological, and vocational class. If one institutional framework tends to channel a certain group into the highest echelons of power while making politics unattractive to other segments of society, the democratic quality of a political system will be skewed into one or the other direction. Therefore, it is important to establish where and to what extent such biases in legislative representation may occur that could impair the democratic principle of representation of equal chances to all (Pitkin 1967).

Theories of democratic quality require that an electoral system be designed to guarantee competitive, free, egalitarian, decisive, and inclusive elections. Yet these qualifiers of democratic elections remain unstudied in regard to the composition of parliaments: who actually competes and gains access to power. O'Donnell et al. (2004: 15) opens a door into the study of this aspect of elections by adding that democratic electoral systems need to provide everyone with “the right to try to get elected.”¹³

Consequently, it can be proposed that if an electoral system gives certain strata of society an edge over others in the electoral competition, some groups' access to power will be enhanced disproportionately. Furthermore, the ambitions of certain groups in society to engage in politics will be thwarted. Such an electoral system has less democratic quality than an electoral system which does not cause such shortcomings.

¹³ As previous research noted, every citizen should enjoy the “right to have a say in what happens to him” (Pitkin 1967:3). If, however, the way politicians get nominated and finance their campaigns skews elite recruitment in one way or the other before the citizen has a final say with his voting, then the “right to have a say in what happens to him” is affected.

Intricately connected with the type of persons elected in one or another political system, is the recruitment path of politicians. Politicians attain an elected position either actively through their own efforts, abilities, and skills, or a position is passively handed to them. In authoritarian regimes, seats may be reserved for ethnic and other minorities to build a façade of representativeness. The following anecdote narrated by Robert Putnam illustrates this:

“On November 29, 1917, shortly after the Bolsheviks’ seizure of power in the name of the workers and peasants of Russia, a delegation of revolutionary intellectuals and military experts prepared to depart for crucial peace negotiations with the Germans at Brest-Litovsk. A young worker had been named to the delegation for appearance’s sake, but as the envoys sped through the Petrograd evening toward their train, they realized in consternation that the group still included no peasant. Spotting an old muzhik trudging through the snow, they persuaded him to accompany them. The historic delegation was complete” (Putnam 1976: 21).

However, democratic regimes are not at all immune to similar attempts to have representatives as “window displays.” Increasing the proportion of women or other minority groups, not through their individual capacities but by party fiat, is common in partisan-democratic systems. Proportional representation in combination with closed lists (Farrell 1997: 72) enables party elites to determine the composition of party-lists and affect descriptive representation. Thus, in some representative democracies a tension exists between “who rules” and “who should rule” (Putnam 1976: 2).

In Germany, for example, many women hold seats in the Bundestag. A number of youngsters, some barely high school graduates and still teenagers, hold legislative seats as well. They are in the Bundestag because a “higher power” (i.e. the party), not the people, “placed” them there by promoting and nominating them. The goal is to fulfill the requirements for certain quotas¹⁴ and show how important representativeness is for a party. In sum, the leadership of the parties in the German Bundestag aims at reflecting the demographic composition of the society they represent.

In contrast, such a scheme would be unthinkable for Congress. To hold a seat in Congress, a candidate has to self-recruit, has to win a primary, and then an election, and all this primarily on his or her own. Consequently, the composition of Congress cannot be expected to reflect that of the Bundestag since youngsters and women (and other minorities) cannot effectively compete with better-equipped candidates. No higher partisan authority exists that could artificially set up a more or less representative image of society in Congress, and yield to minority pressure groups. Due to the electoral rules pertaining to candidate nomination and campaign financing, the decisions are made on the local level by locals.

This striking contrast between the Bundestag and Congress can be attributed to the “rules of the game” on the front end of the recruitment process. The question is, which of the two systems comes closer to a “portrait of society” described by classical elite theorists.

¹⁴ Set by law, or expectations of the elite or the society.

The question is also, in which case is there “a socially isolated, self-seeking leadership caste that cleverly dominates the abject masses” (Putnam 1976:4). Putting it bluntly, on the one hand, the masses are not represented literally in Congress. But the Congressmen are those nominated, elected, and funded by the people. On the other hand, the Bundestag aims at mirroring society, but does this by excluding common people from the processes of nomination, election, and funding, leaving them with the one duty of casting their ballot.¹⁵ This practical two-step process leads to the two central hypotheses of this study.

I argue that **basis-democratic electoral rules**, such as those in the United States, will attract **entrepreneurial-type quality candidates**. Such **individualist quality candidates** will run for and hold office on the grounds of **self-selection** and **individual ambition and capabilities**. In contrast, **partisan-democratic electoral rules** will award **party-service** and **party-interest** with nominations to elected positions. The different electoral rules lead to the prevalence of ‘**active-politicians**’ in the basis-democratic system and ‘**passive-politicians**’ in the partisan-democratic system. Institutions determine elite recruitment.

I also argue that active and passive-politicians have a different effect on the political process. They will exhibit **different pre-legislative and post-legislative behaviors**.

¹⁵ The contrasting of the German case with the American case raises, for the issue of democratic quality, the question in which system do the people have more of a say in the selection of the candidate. Joachim Henkel uses the term *Scheinpartizipation*, for which the interlinear translation would be feigned participation, to describe a candidate nomination process where apparently people are more involved in the selection process, yet on a closer look have actually less of a say in the process (Henkel 1976: 31). This “problem” of democratic quality is, however, only then a problem if giving the people more of a say in the selection process is actually a worthwhile principle in itself (Henkel 1976: 25).

Varying cost-benefit structures in the different institutional systems result in different **career paths** that have to be taken by politicians until entering the highest national legislature. Consequentially, the **quality of democracy** varies as the **recruitment pools** of politicians change. Institutions determine politicians' **political behavior**.

With the core hypotheses of this study I follow Zaller (1998) and Rahat and Hazan (2001) and Cotta (Czudnowski 1982), who expressly state that institutional rules lead to different career-paths into national legislatures, i.e. elite recruitment. Cotta depicts two-party systems that match my distinction of basis-democratic and partisan-democratic. In the latter, politicians have to climb the party ladder step by step. This is time-consuming and relies heavily on patronage. From a young age on, one has to devote oneself to party-service. This matches my partisan-democratic model.¹⁶

My basis-democratic model resembles the other party-model of Cotta, where credit is built outside the party-structure, and resources and capabilities are gathered in an entrepreneurial extra-party setting. In this model, the party functions merely (if at all) as an identifying label for office seekers.

My idea that different types of legislator personae exhibit different behaviors has been researched in the field of ambition theory (Schlesinger 1966, Rohde 1979). Herrick and Moore (1993), for example, show that legislators in lower-level legislatures who seek

¹⁶ Compare to the *Ochsentour* phenomenon described in Chapter 3.

higher office behave differently from legislators who do not have any ambition to proceed to a higher legislature. Such “progressive ambition” manifests itself with markedly different legislative behavior (Herrick and Moore 1993: 771). An interesting argument advanced by the proponents of ambition theory is that legislative behavior among legislators is “derived from their political aspirations, rather than their pre-political and individual motivation” (Pomper 1975: 712).

This view that deemphasizes personal character and focuses on future ambition is not shared in the present study. Rather than making a debatable judgment on what the peculiar motivations of a politician is, the focus is shifted onto institutions framing the “opportunity structure” (Pomper 1975: 716) in such a way that enables certain societal groups attain a legislative career to the privation of others. Thus my interest lies in the pre-legislative entrance level rather than classifying legislators by intensity of ambition.

The emphasis on elite background and the distinction between active-politicians and passive-politicians matter, since their different socialization can lead to different behavior, which affects everyone. What motivates politicians is important if their preconditioning, based on education, socialization, and vocation, leads them to exhibit “economic behavior” in politics, or “ethical behavior” (Sartori 1973: 17). If for passive-politicians a career in politics is an end in itself, they will behave economically, that is, they will try to “maximize assets, profit, material, and personal interests.” If politics is for active-politicians a means however, their behavior will be “dutiful, disinterested, altruistic action pursuing ideal ends, not material advantage” (Sartori 1973: 17).

This pointed and idealistic generalization highlights the human factor in politics. While my study is expressly institutionalist, I accept the basic tenet of political science set by Aristotle, whose definition of the *zoon politikon* provides the “definition of man, not of politics” (Sartori 1973: 7). I therefore propose first, to analyze the career paths of national legislators; and second, to study the effect of such distinct political elites on democratic quality. Drawing again on Schlesinger, I argue that there exist discernible “patterns of movement from office to office” (Schlesinger 1966: 118), framed by institutions. The next section provides the theoretical differentiation of institutional rules for candidate nominations and campaign financing.

Particularities of the Explanatory Variables

The research problem addressed in this study is based on the effects of two institutional rules, candidate nomination rules and campaign financing rules. In this introductory section, I provide first of all an overview on candidate nomination rules and their effect in view of existing research and in relation to the present research problem. I do the same, in a second step, with regard to the second explanatory variable of campaign financing rules.

Candidate Nomination Rules and Candidate Selection

The relationship between the way candidates are nominated and the composition of the office they compete for constitutes a puzzle. The more democratic the nomination system looks, the less the legislature appears to be representative of the electorate. This

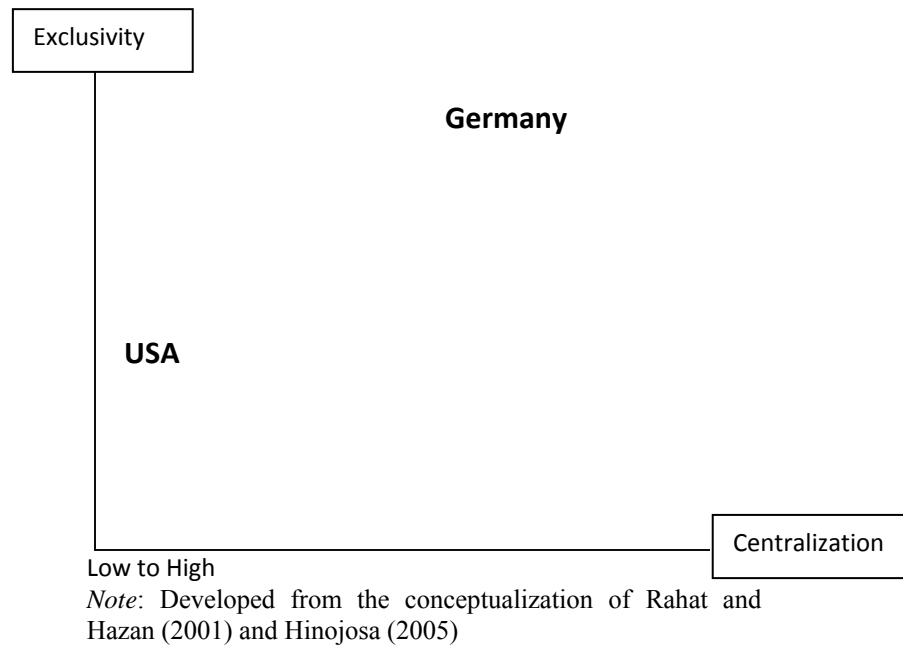
relationship is due to the different effects of two institutional characteristics, the “exclusivity” and “centralization” in the nomination process (Rahat and Hazan 2001; Hinojosa 2005).

Exclusivity refers to the scope of the selectorate – whether it is inclusive and involves the entire electorate in the nomination process, or whether it is exclusive and only a small number of people decide about candidate nomination. *Centralization* refers to the level at which decisions about nominations are made. Centralized nomination is observed when decisions about candidates are made at higher (e.g. state and national) levels, while decentralized nomination is associated with decisions made at the local level (Rahat and Hazan 2001: 301-308).

In a basis-democratic system such as the United States, congressional candidates are nominated in an inclusive process that is open to the electorate. Candidates self-recruit and have to be nominated in a primary that is decided by voters in the constituency, i.e. according to rules based on decentralization. An exclusive and centralized nominating system is the opposite of the basis-democratic system in the United States. The party-centric system in Germany maintains such features. Decisions are made by party insiders at the state and national level, at party conventions of the *Länder*-parties and the party at the *Bundes*-level. Figure 1.3 depicts how the German and the American nomination systems differ in their exclusivity and the level of their centralization. In the case of the United States, everyone in the constituency is potentially able to decide who can stand for

election – the selectorate equals the electorate. In Germany, only the dues-paying party members decide who the candidate will be.

Figure 1.3. Exclusivity and Centralization in Nomination Rules.



While the American nominating system is more inclusive of the electorate, it constitutes a handicap to potential candidates. This is due to the fact that in the American case, candidates have to rely primarily on their own abilities and resources to win the nomination (King 1990). The German electoral rules provide a nomination by insiders, which “diminishes the importance of self-nomination” (Hinojosa 2005). Therefore, the nomination can cater to the interests of the party. This way, women, young people, minorities, and other representatives of special interests (vocational for example) and

other groups (such as LGBT) can get elected.¹⁷ A **more** representative picture of society can therefore be achieved in parliament, albeit by **less** democratic means.

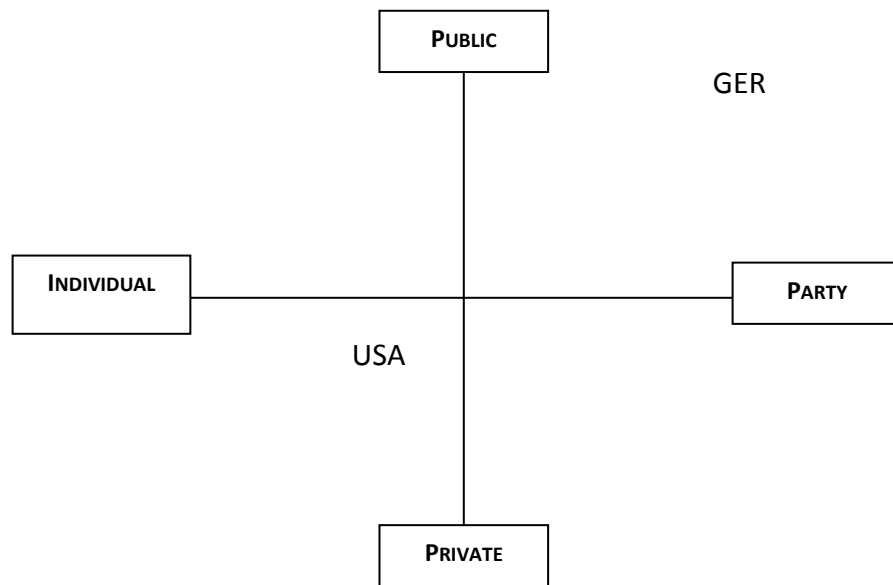
Campaign Financing Rules

Electoral rules also vary by the way they structure opportunities for funding of political competition. Campaign finance regulations bifurcate between the basis-democratic and the elitist partisan-democratic models. On the one end of the scale is the reliance on contributions from the electorate, private organizations, and donors. On the other end is the reliance on the state treasury. In the first form, the financial dependence rests with the electorate. In the latter, financial dependence is outside the electorate.

This dualism needs however to be broken down further. Besides the source of funding, it also matters through what channels money is directed into the hands of the campaigner. In particular, the question is whether or to what extent funds are channeled through the hands of party leaders. If funds, irrespective of their source, come directly to the campaigner, he/she will be independent of the party-leadership. If, however, campaign funds are allotted by the party elite, the future legislator will feel indebted to them. Figure 1.4 illustrates the difference between Germany and the United States. In the latter funds derive primarily from private sources and are at the immediate disposal of the campaigner, while in Germany funds derive foremost from the national treasury and are channeled through the party leadership.

¹⁷ This ties to the normative demand of descriptive representation. An example for this can be found in Bill Clinton's statement that his administration "looks like America" (Serna: 17).

Figure 1.4. Sources of campaign funding.



Consequently, **four** types of funding by source can be identified: funding from the state to the candidate (1), funding from the state to the party (2), from the individual to the candidate (3), and from the individual to the party (4). In scenarios two and four, eventually money ends up with the candidate as well, but, as said above, this obliges him/her to the party insiders. These consequences are often seen as disconnecting campaigners from their “social bases,” and leading to a “lack of responsiveness to the electorate, and declining competitiveness” (Young 2005).

The type of institutional arrangement for campaign financing may affect the quality of democracy. Some people believe that parties should not be dependent on the state, since such dependence makes them “less beholden to their voters, supporters, and members, and this may erode ties of loyalty and weaken accountability” (Williams 2000: 7). On the basis of such observation, it was proposed that parties may develop into “cartel parties” (Katz and Mair 1995), which would limit the role of ordinary members and supporters (Young 2005) and even that of the electorate at large. Such parties consequently get estranged from the people. In contrast, public money is believed to reduce the influence of special interests on legislators.

To sum up the above arguments, to whom financial assistance obliges the legislator is especially relevant to democratic governance.¹⁸ In the partisan-democratic system of Germany, campaign financing is given by the state, while in basis-democratic system of the United States, the funds come mostly from private sources. The difference here is that candidates in the United States have to actively raise funds. Indeed, donations are received “in response to solicitations directly from the candidates or on behalf of candidates” by parties or interest groups (Maestas et al. 2005, Francia et al. 2003). Although donors may not be altruistic and expect returns for their investment, the candidate–society link is more firmly rooted in basis-democratic systems. In Germany, candidates remain passive. They wait for the party to provide the resources. The weaker

¹⁸ See the discussion of this aspect on the basis of the interviews in Chapter 6.

dependence on private interests notwithstanding, candidate passivity and voter disconnect under partisan-democratic funding regimes may also hamper representation.

On the basis of this institutional framework, a successful candidacy has higher “costs” for the candidate in the American case. Since resources are limited to a certain group within society, mostly entrepreneurial-type people, other strata have less abilities and incentives to campaign. Exemplary therefore is the underrepresentation of women in basis-democratic systems that employ primaries (Hinojosa 2005). Also, it is more difficult for ethnic and other minorities to win a primary and get nominated, except when the constituency happens to contain a significant number of members of the respective minority. In the end, the basis-democratic nomination system produces a less representative outcome, while nominations in the hand of partisan “power monopolies” usually produce a more representative picture of the electorate (Hinojosa 2005).

Basis-democratic nomination systems like the American primaries “undercut the power of local and state political machines” and thereby enable the bringing in of “fresh candidates [with] new ideas” (Ansolabehere 2005). It can be even argued that the primary in itself is more competitive, more “fluid [and] volatile” than the general election. One critical reason for this is that unlike in general elections, the voters’ choice is not framed by party labels. Primaries do also increase seat volatility, since incumbents not only have to take into account challengers from oppositional parties, but also from fellow party members. In particular – in the case of the so called “safe-seats” – primaries are a

valuable check on complacency (Ansolabehere 2005). Such increased competition and openness invigorate democratic competition and in the end increase democratic quality.

The discussions over nomination rules and campaign financing propose how institutional guidelines frame the pool of politicians. This means that elite recruitment is shaped on the basis of institutional rules, which pose different incentives and disincentives, as well as differing demands on the individual politician. Politicians have to be either proactive in getting the nomination and funding for their campaign, or they can remain passive. Germany and the United States exemplify this distinction nicely. In the following section, I deepen the discussion on why the case selection of Germany and the United States is propitious to the research at hand.

Case Selection of the United States and Germany

The theorized differences in legislative representation can best be studied in mature political systems with similar cultural traits. *Prima facie*, these mature Western democracies appear as political automata. Their diverse and intricate mechanisms are seen as whims of the political mind from the time of their conception. What is overlooked is that institutions function as an “invisible hand,” guiding democratic systems. Given their politically mature citizenry and congruent political culture, it appears superfluous to scrutinize their democratic quality. Instead, the focus of most recent research has been turned onto young democracies where ostensibly more knowledge is to be gained. Yet, the routinized and time-tested Western democracies are in fact the best source for deriving propositions on democratic quality, such as elite recruitment.

The United States and Germany constitute the two largest Western democracies. Both have a Christian culture¹⁹ heavily influenced by Protestant ethics (Weber 2006b). Despite undeniably stark cultural differences, at the core the two systems retain a common heritage. A comparison between the two systems is then plausible and promising. The German Bundestag and the American Congress offer an excellent opportunity to test propositions about the relationship between institutions and democratic quality. Such unit homogeneity improves causal inferences, while at the same time, it lessens the explanatory power of rival causal variables – (political) culture in particular.

Germany and the United States share other commonalities. They both have a long history of parliamentary tradition. While the U.S. Congress' tradition roots in the late 18th century, a national parliament was established in Germany in 1871, and uninterrupted parliamentary rule by the Bundestag exists for more than 60 years. This allows building an extended time-series database and consequently strengthening the explanatory power of the statistical tests.

The selection of these countries is appropriate for several other reasons. First, the United States and Germany represent a mixture of regime types and electoral systems (see Figure 1.5). Elsewhere in the literature, the United States is seen as a presidential system, and Germany as a parliamentary system. The United States uses plurality electoral rules

¹⁹ Christian culture in the sense T.S. Eliot (1977) uses it. For the different stages of an eroding yet still resonating Christian culture (as it is the case in the U.S. and especially Germany) see C.S. Lewis (2009).

to elect the members of their legislature, Congress. Germany employs a mixture of plurality and proportional representation; with the latter playing a decisive role in the final allocation of Bundestag seats (James 2003). These institutional specifics allow checking for differences in candidate recruitment patterns within the Bundestag, and drawing comparisons to the solely plurality-based American system.

Figure 1.5. Regime types present in this study.

Electoral Method Regime Type	Proportional Representation	Majoritarian - Plurality
Parliamentary Regime	Germany	
Presidential Regime		United States

Second, the cases at hand offer interesting examples of bicameralism. Besides the already discussed variation in electoral and campaign finance rules, the German and the American legislatures differ in other ways. While the House of Representatives' power is arguably *en par* with that of the Senate, the Bundestag is the sole national legislature, yet has to reckon the *de facto* second chamber of the Bundesrat.²⁰

While congressmen cannot hold executive positions, no such obstacle exists for the career calculations of Bundestag-members. Also, the two upper houses of these bicameral

²⁰ Even though the Bundesrat is *de jure* a legislative body in itself.

assemblies are legitimated differently. While both the Senate and the *Bundesrat* represent the federal units of the nation, the Senate members are nowadays directly elected while the *Länder* are represented by state-delegations that resemble pre-17th Amendment state representation in the United States. Consequently, Germany and the United States have upper houses that diverge when it comes to their electoral base, powers, and constitutional role.

Third, selecting based on the dependent variable will be avoided since the two countries are chosen to vary based on the independent variables. This helps methodologically, as selection based on the dependent variable (candidate/legislator type) is avoided as well as bias in the final results.²¹

The above-mentioned similar features between the Bundestag and Congress enhance the analysis by making it possible to automatically control for a whole set of factors that might, under a different case selection, contaminate the findings. In sum, the cross-national statistical analysis of Germany and the United States will have external validity, can establish nonspurious relationships between the variables, and enhance generalizability. The research will compare and not classify, since it will statistically rank and quantify the results (Jackman 1985). Before moving on to the proposed research design, I will discuss the primary alternative explanatory variable of culture in the following section.

²¹ However, for the purpose of theory building, selection based on the dependent variable is contributory and is acknowledged (Koš 2012: 35, Geddes 1990: 149).

Controls

The thesis of this study that the dependent variable of elite recruitment is determined by institutions as the key independent variable, has its most prominent rival explanation in political culture, and culture at large on a meta-level. As mentioned above, political culture, defined by Robert Putnam (1993), is the result of a historic process in which society, based on historic experiences, builds social capital that guides and frames daily human interaction. In broader terms, Hans Morgenthau's (1949) "national character" definition can be used to delineate the different cultural traits of people,²² which certainly would affect their dealings with politics, too.

Authors like Louis Hartz (1955) and Seymour Martin Lipset (1996) point out the uniqueness of American political culture. The American emphasis on equality and the socio-cultural diversity make it stand out. Indeed, the differences between the American North and South posit a challenge on their own (Mencken 1949, Lipset 1996). Nonetheless, there exists a sufficient common ground between Germany and the United States, as mentioned earlier, based on cultural and even ethnic grounds (Brittingham and de la Cruz 2004) that allows for the present comparison.

As mentioned above, the case selection of Germany and the United States was based on the grounds of them providing an interesting mixture of institutional rules as well as

²² For example, Morgenthau characterized the German people as lacking "moderation."

cultural similarity. Nonetheless, when it comes to national characters or political cultures, possible differences between Germans and Americans are not overlooked and will be accounted for in this study.

Yet, by acknowledging the contentious nature of cultural claims, the following explanation might help to put culturalist arguments aside. If, for the sake of argument, it is acknowledged that Germany and the United States have incomparable political cultures, the present study can still provide valuable scientific knowledge. If Germany and the United States do not have directly comparable cultures ($C_{1,2,3,4,N}$ and $C_{2,1,2,3,4,N}$),²³ but have instead distinct cultures ($G_{1,2,3,4,N}$ and $A_{1,2,3,4,N}$), a look at the loci where elite recruitment occurs within their societies would still provide insights.

If for example, Germany and America have comparable cultures, C_1 and C_2 , and in the case of C_1 political recruitment occurs at the societal substrata of $C_{1,2}$, while in the comparable culture of C_2 political elites are recruited from the substrata of $C_{3,4}$, this difference can be attributed to institutional factors. If however, it is assumed that Germany and the United States have cultures (G and A) that are too distinct to be compared, the observation that elite recruitment in Germany occurs from the societal substrata $G_{1,2}$, while in the United States the loci for political recruitment is at $A_{3,4}$, can be explained with distinct cultural traits as well as through different institutional settings.

²³ The numbers in the subscript denote different cultural expressions.

While no explanation would stand unchallenged, at least some light would be cast onto the different loci of elite recruitment.

Relevance of the Study and its Contribution

In the hitherto discussion, a number of arguments for the contribution of the present study were given. In the following I will bring them together and detail them. As said earlier, my research's approach of linking elite recruitment and democratic quality to institutional rules in general, and the two variables of nomination rules and campaign financing rules in particular, is an untrodden path. Conducting this research with a large-N (> 1000 observations) comparative statistical test was mentioned as one contribution. In addition, in-depth case studies based on my interviews with legislators in both countries reveal details overlooked in previous research.

My research contributes to the literature on democratic quality, too. This literature is vast and eclectic. The branch of democratic quality research dealing with representation, however, largely ignores the function of electoral rules as an instigator for variation in the type and quality of representation. Representation is important since it is not only a function (as it is generally accepted in the democratic quality literature), but because it is an end in itself as well. The highest political body in a democratic system is the national legislature. Every citizen should have potentially the same chance to get involved in politics (O'Donnell et al. 2004).

My research considers the incentives to pursue elected positions as a dependent variable and the different electoral rules as the independent variable. Thereby, it contributes to the literature by systematically studying institutional rules on candidate recruitment and behavior that have implications for representative government. Doing this as a systematic and comparative study of more than one political system adds more value. Beside the two cases of the United States and Germany, my argumentation can be extended to other cases²⁴ in Western democracies. Thus, this research is open to replication studies.

As mentioned above, I bring together the different strands of institutionalist, democratic quality, and representation literature in the first comprehensive, comparative, large-N, empirical examination of career paths in national legislatures. As outlined above, institutions' effects on democratic quality have been studied extensively. Yet a gap exists when it comes to political recruitment. The innovation of this research is to close this gap with a statistical approach. Duverger showed how electoral rules frame individual behavior. Lijphart showed how institutions affect democratic quality. I bring these and other facets of political research together and search for "scientific generalizations" (Riker 1982) and how electoral rules influence political recruitment.

²⁴ The case of the United Kingdom appears to be particularly beneficial for a future extension of this research, since the UK contains elements from both Germany and the United States. Like Germany it has strong party control, a similar regime type, yet like the U.S. a single-member district based electoral system.

Another case for future addition to this research is the case of Canada. Like the U.S., it has constitutionally a bicameral system. The Canadian House of Commons has similar elections (SMD) and a similar culture yet a different relationship with the executive. Thus the study of the impact of campaign finance rules and candidate nomination is, again, a promising task.

The Austrian *Nationalrat*, situated similarly to the Bundestag in the constitutional system, is a third natural candidate for future research to study the effects of campaign finance rules and candidate nomination in comparative perspective, while controlling for culture and ideology.

The present study also sheds light onto the *modi operandi* of distinct party structures. While the German party structure follows a strict hierarchy, with the local, regional, state, and national party entities being interconnected, the American parties are much looser organized. The local and state level party organizations are not subordinate to a national party. Instead, the national party organization (e.g. RNC, DNC) is a weak link, institutionally tying together the state and local levels with the parties in Congress, which is a party-arena in its own right. The assessment of Steven Smith for this situation is that “[t]hese legislative parties have ties to the national and state party committees, but they remain independent organizations. Even House and Senate Republicans maintain separate organizations with only as much coordination as their leaders choose to provide” (Smith 2007: 11).

In the contrasting case of the German parties, the party organization is significantly more disciplined and hierarchically organized. The party chairman, nominally the leader of the party, is either the most powerful person in the party or is part of a group controlling the party. Thus top to bottom and bottom to top, the party structure acts, if needed, cohesively.

Finally, the contribution of this study is both practical and methodological. It develops an original tool for the study of politicians’ recruitment paths. It links the latter to two key institutional rules of electoral system. Thus, when designing new electoral systems, practitioners will be able to consult on how rules affect elite recruitment and shape the

democratic future of a political system. Methodologically, it sets up a series of indicators to measure institutional influences on elite recruitment that were not used hitherto.

Thus, this research aims at bridging the gap between qualitative and quantitative analysis of elites. As it is perceived, originally, elite analysis experienced a “dramatic reversal in the balance between theoretical formulations and empirical analysis. The boldness and scope of Mosca’s and Pareto’s generalizations, often based upon a scanty and methodologically rather haphazard empirical documentation, provide a striking contrast with the limited attention given by many contemporary students of political elites to the theoretical meaning of their empirical sophisticated studies” (Czudnowski 1982: 154-155). Being alert to this discrepancy, the present research aims to base its theoretical generalizations on a solid empirical foundation.

Unit and Level of Analysis

The unit of analysis is the individual legislator in the Bundestag and Congress. Their respective behavior and political and non-political career path leading up to winning a seat in the national legislature will be observed (a detailed operationalization will be given later). I will examine the national legislators, since my aim is to observe the influence of an institutional framework on democratic quality in a democratic system. The national legislature is the primary factor therefore. The time span for the observations should be extended backwards as far as possible to strengthen validity. For the purpose of this study, I limit myself for logistical reasons alone to the 112th United States Congress and the 16th Bundestag.

Theoretical Approach

My goal in this research is to reveal the incentives and disincentives generated by electoral institutional arrangements for individual politicians' career and recruitment patterns, and the consequences of institutional gate-keeping for democratic quality. Fundamental to the theoretical approach advanced here, is the rational choice perspective. The underlying assumption is that politicians act rationally in a pursuit of their interest, which is (re)election. Their action to enter politics is driven by cost-benefit calculations. Differences in behavior are due to constraints imposed by the institutional context. Depending on the institutional context, different "gatekeepers...select from among the pool of eligible" candidates (Norris 1996: 192). Different opportunity structures shape distinct cost-benefit calculus outcomes. Consequently, determining what influences nominations, allows explaining different behavior under different electoral rules. In the next chapter, I will discuss this theoretical approach more in detail.

Conceptualization

The underlying conceptual distinction is that institutions at the meta-level can be divided into **basis-democratic electoral rules** vs. **partisan-democratic electoral rules**. These institutions are then to be broken down into the components affecting nominations and campaign financing. Consequential to these rules, is that they lead to the prevalent recruitment of particular types of politicians, **active** vs. **passive**, to the legislature.

The distinctions between basis-democratic electoral rules and partisan-democratic electoral rules pertain to 1) the mode of nominating politicians for legislatures, and 2) the way election campaigns are financed. The basis-democratic model relies on candidate self-nomination and individual fund raising, and the partisan-democratic model on party-dominated nominations and resource allocation. The concepts of active and passive-politicians derive their *raison d'être* from this distinction. In basis-democratic system politicians have to be active in the sense that they have to self-recruit, gather supporters, raise funds, and win the nomination and the election for office. For the “maintenance” of the seat, legislators are largely self-responsible as well.

The opposite is expected for a partisan-democratic system. There, politicians tend to be passive, in the sense that they get nominated by excelling in party-service. The party provides the campaign funds (from state subsidies and/or individual donations), and the elections are fought out almost exclusively under the party-labels. Thus individual ambition and entrepreneurial skills are a necessity in a basis-democratic system, while shortcomings in these aspects are partly absorbed by the partisan cushion in partisan-democratic systems. Eventually, a strong party infrastructure provides financial and organizational support that lowers entrance costs to politics.

The proposed study identifies three conceptualizations for democratic quality, defined in terms of fulfillment of the principle “governance by the people.” First, by scrutinizing the recruitment pool of elites, the representativeness of a political system can be observed.

Thereby, the permeability of a political system, and the institutional parameters that enable or prevent successful candidacy, will be exposed for assessment.

Second, the more participatory a system is, the higher democratic quality it is providing to its citizens. The more the levels of recruitment, nomination, and elections are found open to citizen involvement, the more democratic a system would be. A high level of correlation between the selectorate and the electorate would mimic the ideal of a direct democracy. Third, the more the legislators function in the interest of society and the less the legislature serves as a tool for legislators' own career advancement,²⁵ the higher democratic quality is provided through representation. In the following section, I propose how to operationalize the concepts of this study.

Operationalization

This study is based on two hypotheses: 1) The type of institutional arrangement leads to different elite recruitment,²⁶ and 2) These differences caused by institutions matter, since they affect the characteristics and behavior of political elites.²⁷ In the end, this affects democratic quality. To test these hypotheses, I start with the operationalization of the main concepts. By doing this, I will be able to find indicators for the types of

²⁵ I follow Warner (2005) in defining the "misuse of public office for private or partisan gain" as corruption.

²⁶ And necessarily thereby to different configurations of legislatures independent of partisanship.

²⁷ The argument is not that elites adapt themselves to the varying electoral rules, but that variations in electoral rules attract different characters to politics. Thus the different behavior exhibited by politicians is behavior by default and not by choice.

candidates/legislators (i.e. elites) and some consequences for democratic quality. A preliminary review of these is given below.

I operationalize the institutionalist concept of basis-democratic electoral rules and partisan-democratic electoral rules by matching the degree of centralization and exclusivity of electoral rules when it pertains to the nomination of political candidates. When it comes to campaign financing laws, partisan-democratic electoral rules will assign the party-elite the ability to channel money to campaigns, while basis-democratic electoral rules leave campaign finances in the hands of the individual candidates.

With regard to the individual politician, I operationalize the concept of active-politician and passive-politician by categorizing the socio-demographic data of politicians in national politics alongside such variables that indicate active/ passive character-predispositions of politicians. Thereby, it can be seen to what extent differing institutional settings attract politicians with one or the other socio-demographic predisposition. In Chapter Four, I provide a detailed operational definition for the concepts discussed in this introduction.

Methodology

After the theoretical chapters two and three, and the operationalization of the developed concepts in chapter four, I will statistically test in Chapter 5 the effects of institutional rules on elite recruitment. The tests will utilize descriptive statistics and cross tabulations as well as regression analyses (OLS and logit). The empirical research will continue in

Chapter 6 by presenting the results of the interviews (about two dozen) with members of the German Bundestag and the United States House of Representatives.

CHAPTER 2 – THEORY OF INSTITUTIONAL RULES AND POLITICAL BEHAVIOR

In the previous chapter, I outlined the research question and elaborated on the research problem, which now has to be analyzed. In this chapter, I go deeper into the theory of institutions, as they are discussed in political science, to develop a comprehensive theory of institutionalism and a catholic understanding of what institutions' effects are. This way, the theoretical understanding of institutionalism will be strengthened, and hypotheses in regard to the effects of institutional rules can then be made. Later on in the research, the evidence of the empirical analysis will then show to what extent these hypotheses derived from institutionalist theory are validated.

Such validation augments and strengthens the scientific contribution of my dissertation. Not only will I make observations on recruitment patterns for the Bundestag and the House of Representatives, but I will move forward the theoretical discussion on the relevance of institutionalism and institutional design. I will therefore review theories regarding campaign financing rules, theories of candidate nomination rules, theories of elite recruitment, and finally theoretical assumptions on the Bundestag and the House of Representatives, all under the generic term of institutionalism.

With this, I pursue a path of research in political science that is rarely done. It is common in political science research to test hypotheses that are derived from theories, rather than to test the “theoretical terms directly” (Shapiro 2005: 84). By having empirical evidence,

I will be able to test not just my hypotheses, but the theory on institutional rules itself.²⁸ This will either validate the existing theory, or lead to the replacement of existing theories with one that has superior empirical performance than the previous ones (Shapiro 2005: 84). In my research, I will engage in both theory testing and theory building. In doing so, I aim not to simply add to banal findings, but will make new additions to the understanding of political science. After all, the aim of science “is not to produce theories but, rather, to accumulate knowledge” (Shapiro 2005: 87-88). Thus it will be seen how institutionalism can cope with mechanisms of elite recruitment into national legislatures, and it will be understood how the Bundestag compares to the House of Representatives in its recruitment patterns.

The first task is to question how and why institutions would have an effect on human behavior and/or attract and deter persons from politics. I rely primarily on Max Weber’s work to answer this query and compliment it with works by other political scientists. The first matter I evaluate is how rules can function as an agent motivating (and conversely discouraging) a person who is interested in a political career.

2.1 Elite Recruitment and Institutional Rules

As the introductory chapter showed, the question at hand is “[w]ho belongs to legislative assemblies and how they got there.” That such “political role of personality”

²⁸ I.e., the theory if institutions are indeed the decisive factor in shaping the political actor’s behavior above and beyond alternative explanations.

(Loewenberg 1985: 17) constitutes a theoretically and practically relevant issue is debated among political scientists. There are theories and their proponents who claim that it does not matter who occupies a certain position.²⁹ Thus politicians are regarded as political automatons. Giovanni Sartori's excellent work shows that such assumptions are "demonstrably incorrect" (Sartori 1997: 27). Sartori eloquently and logically shows that electoral rules are relevant as independent variables. He argues that such variations lead to practical differences; nonetheless, he also states that the human factor cannot be discounted.³⁰

Sartori's research agenda is different from mine. He explores the theme of how votes translate into seats in parliament. Sartori studies how institutional rules can be an incentive for voters to cast their ballot in one way or another. Thus, his research is about post-facto events, after elections are concluded and results are in. But one crucial aspect is not empirically analyzed by Sartori and most other institutionalists: How did the candidates who compete in different electoral systems get to that point in the first place? Sartori briefly touches upon this aspect by mentioning the dichotomy of the alternatives between "self-appointment and party appointment"³¹ (Sartori 1997: 15). My research

²⁹ A real life example can be found in the case of the Russian Revolution, where Lenin and his consorts knew nothing about running the economy and consequently ruined it. Crucially, the task of running the economy was dismissed as being not a difficult task (von Mises 2011: 13).

³⁰ Sowell also emphasizes that it matters what type of person holds a position of power, by stating that people "differ greatly from one another in insight, foresight, leadership, organizational ability, and dedication" (Sowell 2011: 108).

³¹ The American primary is seen as the crucial divide between the former and latter mode of candidacy. Sartori's hypothesis in this instance is that the primary system weakens the party oligarchy.

offers the opportunity to empirically verify whether different institutional settings³² for elite recruitment actually produce empirically verifiable different recruitment patterns.

The crux of the matter is therefore: How and why do candidates end up standing for election? Who gets elected in the end? It is not by random luck that one gets to be a candidate for the Bundestag. It is not that every politically interested and active-person becomes a candidate for the House of Representatives. If institutionalism is a powerful predictor, then the way in which people become nominees and finance their endeavor for the legislature, should be similar under the same institutional rules. Furthermore, significant differences should exist between legislatures which employ different institutional rules for their elite recruitment. I base this hypothesis on Katz's logic that "different modes of selection are likely to privilege different elements of the party and [/or] different types of candidates" (Katz 2001: 277).

Logic entails that certain types of people can cope with certain institutional rules better than others. Thus some measure of behavioral uniformity should exist among candidates who successfully overcome the institutional gatekeepers and get into the national legislature. The primary capacity facilitated by institutionalism is accordingly political faculty and not political interest. The grandmaster of scientific political analysis, Max Weber (2007), devoted much attention to this issue. His disquisition on the subject matter constitutes the theoretical core of my present research.

³² Rather than cultural and/or ideological factors.

If the notion that politicians “are the product of their total life experiences” is accepted, then insight into their socio-cultural background would provide practical knowledge (Loewenberg 1985: 17). The underlying idea of this statement is that people are not automata. Their social³³ behavior is the result of their hitherto life-experience (Spengler 2007+2013, Tönnies 2005, Putnam 1993). Thus the hypothesis can be put forward that “patterns of legislative recruitment” can be measured and observed. They are the consequence of certain incentives, electoral rules being one example for this, as well as that patterns of elite recruitment effect legislative performance (Loewenberg 1985: 18). The idea that the behavior of the political elite depends on who the elites are, is common sense and is acknowledged in American political science (Edinger and Searing 1967).

The first fact to be established is that in differently institutionalized political systems, different pathways into politics exist (Loewenberg 1985: 18). A variation in electoral rules implies that “self-selection” becomes either a viable pathway into politics or it does not. Electoral rules can make it possible for self-starters to enter electoral politics without the financial backing or official approval of a party establishment. Alternatively, electoral rules can mandate (*de jure*) approval by a party establishment. The electoral rules in the United States benefit active-type politicians. There are no institutional barriers to prevent a self-starter to garner the electorate’s support and thereby the party’s nomination. That

³³ Which includes political behavior.

is why it is characterized as an “entrepreneurial political system” (Loewenberg 1985: 19). In the next chapter I will give details on this point.

What characterizes an active-politician will be elaborated on below. I will rely therefore primarily on the concepts of Max Weber. (I will also elaborate on the importance of institutional choice, whose significance was pointed out by Weber as well.) Weber speaks of “wrong” political structures that can bring passive-politicians to positions of power. He states that different institutional rules can bring different types of politicians to power. Such variation in elite recruitment caused by different rules are then seen by Weber as having consequences. The most significant consequence is that a wrong type of political class will be promoted into positions of power, for which members of that class are not prepared. For example, Weber states that only active-politicians are capable of assuming “political responsibility,” while passive-politicians with their “bureaucratic” mindset are misplaced in important positions of power (Weber 2006: 402).³⁴

Weber provides a good determinative test for a distinction between active and passive-politicians. An active-politician is someone who is skilled at and knowledgeable about “public speech,” careful and conscious of its effects. Most importantly, an active-politician has a sense of responsibility for his decisions (Weber 2006: 407-408). Weber’s

³⁴ A similar conception is found with Fromm, who states that “[a]ctivity is usually defined as behavior which brings about change in an existing situation by an expenditure of energy. In contrast, a person is described as passive if he is unable to change or overtly influence an existing situation and is influenced or moved by forces outside himself” (Fromm 1990: 85).

emphasis on oratory skills, on precision in word choice and language³⁵ as well as on the personal capacities, charisma, and exerted authority of an active-politician (exemplified by Bismarck) is present in his entire work and not just when he actually defines the active-politician. Common sense demands that such traits are rather to be found with someone who has extensive life-experience, gained in answerable positions of power and responsibility. An independent entrepreneur would be likely the best example therefore.

It can be expected that more active type of politician would be found in the House of Representatives than in the Bundestag, since in the American case, self-selection is a more viable pathway into politics due to the existing electoral rules. These politicians would exhibit a sharp difference with regards to their sociological background in comparison with their counterparts in the Bundestag. The rationale for the permeability of the American electoral system for active type politicians is that there are no (partisan) veto *players* who are able to block an independent self-starter once that person has secured financial resources and electoral support from the electorate. Additionally, besides the absence of such veto positions, the American electoral system in itself is designed (whether by default or accident is a separate issue) to not favor a partisan

³⁵ Similarly to this, George Orwell required clear and precise word choice, the avoidance of jargon and metaphors in political discourse. Such habits constitute a “move away from concreteness” and towards “insincere language” (Orwell 2002: 954ff.). Orwell furthermore writes that the “decline of a language must ultimately have political and economic causes: it is not due simply to the bad influence of this or that individual writer. But an effect can become a cause, reinforcing the original cause and producing the same effect in an intensified form, and so on indefinitely.”

Orwell’s insights on the quality of the speech act and its connections to the intellectual capacity of the politician are a most fascinating subject. It could be incorporated into the active/ passive-politician dualism by distinguishing politicians on the basis of the quality of their speech acts. While I do limit myself to clearly quantifiable statistics in this research, the far more sophisticated approach of Orwell would enrich the active/passive-politician concept.

insider versus an outsider, once the outsider has secured the same amount of means (financial means primarily) for a political campaign.

A passive-politician in contrast to the active-politician is marked by his willingness to subjugate his convictions to his duty to obey.³⁶ Weber compares such a political actor³⁷ with an active-politician, who will publicly oppose a political act, if it goes against his persuasion (Weber 2006: 407-408). Weber's description of an active-politician can be more likely found in a character type who is used to making decisions on his own and who has learned to live with them; again, an entrepreneurial type active person. Most importantly, the active type politician has the ability to accept the consequences of his decision to his material livelihood. Thus political systems that have a lot of active type politicians are hypothetically marked by weak political parties.

The favorable institutional environment for active-politicians would include an "entrepreneurial style of primary nominations," and "candidate-oriented election campaigns." Single member district constituencies would be the preferred mode of election (Loewenberg 1985: 22). This system is more demanding on the individual candidate to succeed. Politics as a vocation is more attractive to active type personalities, who are experienced in succeeding in such individualistic settings (Loewenberg 1985: 22).

The following categorization elucidates this claim:

³⁶ The submissiveness of the passive-politician is primarily due to the circumstance that his livelihood, his material sustenance and existence are from politics and by partisan peers. Thus a cautious and opportunistic behavior is exhibited to safeguard a continuous presence in politics.

³⁷ In the technical terminology of political science, 'actor' means a participant, not a theatrical performer.

Figure 2.1 Categorization of what type of representation in parliament provides what type of incentives and opportunities for politicians

	Individual-based representation	Party-programmatic representation
<u>Reward for constituency service:</u>	<i>High</i>	<i>Low</i>
<u>Self-recruitment chances:</u>	<i>High</i>	<i>Low</i>

Note: Individual-based representation provides high rewards for constituency service as well as high self-recruitment chances. It is therefore most favorable for active-politicians. Party-programmatic representation, however, provides low reward for constituency service and less chances for self-recruitment. This type of representation is therefore favorable for passive-politicians.

What does that mean then? It means that in the United States, with its entrepreneurial political system, the predictor for success in politics is the politician’s individual performance. This allows for cases where a political entrepreneur can get nominated and elected without the consent of the party elites, and even against their expressed opposition (Loewenberg 1985: 26). The term entrepreneurial is in this case quite apposite. The definition given in Webster’s dictionary for entrepreneur is “one who organizes, manages, and assumes the risk of business or enterprise.” In the American electoral system, a candidate does all these. The candidate organizes his campaign, manages his campaign staff, and bears the (financial and otherwise) risk of his campaign, which resembles a business-like enterprise.

The contrasting paradigm is the political system in which the “unanointed candidate” (Loewenberg 1985: 34) cannot advance. Being an “unscreened, unlabeled, and self-

starting candidate” is a political non-starter to begin with. In the German case, an American entrepreneurial type candidate would have to rely on the “anointing” by partisan insiders. A candidate’s entrepreneurial skills would be of no use in this context. On the basis of this description, I hypothesize that variation in recruitment opportunities will favor one type of political personality over the other (Loewenberg 1985: 35).³⁸

To draw “solid conclusions” from the above given theory (Hamilton et al. 2000: 33), I have to empirically identify the “praxis” of insider nominations by party elites in Germany and I have to empirically validate the weakness (if not absence) of party influence in the United States (Loewenberg 1985: 35). This way, Sartori’s proposition that electoral rules can axiomatically be treated as independent variables will be verified.³⁹ Such institutional rules as independent explanatory variables should then have (logically) a uniform effect. Such effect is identifiable through an elite that has “similar socialization experiences [and would] hold similar attitudes” (Edinger and Searing 1967: 430).

One theoretical proposition by American political scientists that explains what drives politicians in and into politics is called *progressive ambition*. The idea is that politicians

³⁸ Weber elaborates on this issue and argues that an institutional environment that is favorable to passive-politicians is not sufficient, but that incentives for a political career in itself have to be there too. “*Only*” when service in parliament is attractive to passive-politicians and provides leadership positions with true responsibilities will great politicians, who want to live for politics, be interested in a political career. Otherwise, “salaried party bureaucrats and lobbyists” will fill the ranks of parliament (Weber 2006: 397).

³⁹ By primarily relying on quantitative analysis, the strongest explanatory power can be achieved to that end. The quantitative analysis should furthermore cover as many places of political activity (local, state, national) as possible (Edinger and Searing 1967: 429).

will, quite like a natural law, run for the next higher office. A prominent proponent of this view was Joseph Schlesinger, who said that “Politics is, after all, a game of advancement, and man succeeds only if he advances as far as his situation permits” (Harrington 1997: 2). This perspective is closely connected with the game-theoretical view that politicians “will always support those policies consistent with the ideology of the current median voter to increase their (re-)election chances” (Harrington 1997: 3). The underlying logic to this statement is that the behavior of politicians is not based on “their pre-political and individual motivation” but on their “political aspiration” (Pomper 1975: 712).

This is a reductionist argument. It falls into the category of (soft) rational choice theory,⁴⁰ which has one shortcoming. The formal modeling done in rational choice theory is based on the axiom that all actors make decisions (1.) on the basis of the same cost-benefit calculus, and (2.) that every *player*⁴¹ has the same perception of the *equilibrium*. (Tsebelis 1991, Vanberg 2001). This is, however, factually mistaken. Wildavsky (1965, see below) evidences that one and the same equilibrium would be differently evaluated by different *players*. Psychoanalysis shows that people act and react differently. Freud shows how cultural (and *in extenso* ideological) factors in particular condition *players’* choices (Freud 2009, Freud 2009b).

⁴⁰ Since my model is a single-player game, it does not constitute a game-theoretic model, which is “contingent on the choices of more than one player (Brams 1975: xv).

⁴¹ In the technical terminology of rational choice theory, player indicates a participant who has to make one decision (or one decision at a time, if the so called *game* is sequential).

An adapted and modified version of rational choice theory is therefore necessary for two reasons. First, my theory is based on the ideal-type categorization of politicians as active and passive types. Thus the above-espoused assumption of one type of *player* runs counter to my theoretical proposition. But beyond this theoretical rejection, the above-made assertions are also too unrealistic. As said, Aaron Wildavsky's work provides solid proof for this conclusion.

Wildavsky shows that politicians are not automatons and are not rational actors. Instead, Wildavsky argues that politicians can indeed be principled and forfeit electoral gains for the sake of such principles (Wildavsky 1965: 390). Consequently, Wildavsky readily acknowledges the possibility of creating a typology of politicians; for example, those who are "purists" and those who are not (Wildavsky 1965: 394). Thus, the notion that politicians are single-minded (re-) election seekers (Mayhew 1974: 5-6) is not sufficiently realistic.

Furthermore, a "mathematization of social situations" has its advantages, in that it provides a simple-to-understand description of a real-life phenomenon (Brams 1975: xi-xii). In contrast to game theory, where two or more players interact, my model is based on the individual's rational decision making. Thus the outcome does not depend on another player but on one's own personal predisposition towards the rules of the game. Technically, this would constitute a game against nature (Brams 1975: 3).

The adapted and modified rational decision-making process would be based on the axiom that there exist different institutional settings that are advantageous or disadvantageous for a politician, based on his faculties. There are conditions that are favorable for one person, yet not favorable for another. Thus the same person would make different decisions (such as going into politics or not) on the basis of the peculiar cost-benefit calculation conditioned by the institutional setting. In other words, while the *utility* is the same for each player, the *costs* differ. Such bivariate rational choices would be expressed in the following utility function:

For a risk-acceptant, active-politician (P_1), with institutional rules such as they are in the United States (R_α)⁴² combined with his cost-benefit calculation (C_α),⁴³ his preference would be to enter the *game*, i.e. politics, since the payoff is higher than unity, the threshold for entering the game. If however, the institutional setting is changed from R_α to R_β , i.e. an institutional setting like the one in Germany, the utility payoff falls below 1, and thus P_1 would abstain from the game. The formal model for this utility function for the player P_1 would be:

$$R_\alpha + C_\alpha > 1$$

$$R_\beta + C_\alpha < 1$$

⁴² $R_\alpha = N_\alpha + F_\alpha$. The rules of the game are the combination of the candidate nomination rules (N_α) and campaign financing rules (F_α).

⁴³ In the sense of a mixed-motive game (Brams 1975: 283), whereby the player's subjective assessment of financial (career, etc.), reputational, and personal (family, etc.) costs for being a candidate in the first place, and then defraying the costs of the entire procedure are weighed against the benefit of becoming a politician. What is my risk? What is my gain? These are the questions a player asks in my model.

If however, the player is not an active-politician but a passive-politician (P_{\parallel}), then under the same conditions of R_{α} , the cost-benefit calculation would fall below 1 and the player would abstain from entering the game, while the opposite effect would be expected under the conditions of R_{β} where P_{\parallel} 's payoff is above 1. The formal model for this utility function for player P_{\parallel} would be:

$$R_{\alpha} + C_{\beta} < 1$$

$$R_{\beta} + C_{\beta} > 1$$

Figure 2.2 Decision analysis for an active-politician and for a passive-politician.



Note: (DP = decision point).

This payoff function is a plausible explanation for the prevalence of active-politicians in the context of a political system, since it explains why someone would enter or not enter politics (see Figure 2.2). Yet also plausible is another utility calculus that would explain why a certain type of politician would win or lose in a specific institutional setting. Again, candidate nomination rules and campaign financing rules would be at the cost-benefit nexus. Yet rather than functioning as an incentive or disincentive, in this model they function as game changers. Instead of the **psychological effect** shown in model above, this second model shows the **technical effect** of the institutional rules.⁴⁴

⁴⁴ Psychological effect implying that the player personally thinks the “pros and cons” of a candidacy through, and then arrives at a decision about entering the game or abstaining from the game. Technical

$$\left(\begin{array}{l} P_I + R_\alpha = 0 \\ P_{II} + R_\alpha = 1 \end{array} \right) R_\alpha = \text{the rules in Germany} \qquad \left(\begin{array}{l} P_I + R_\beta = 1 \\ P_{II} + R_\beta = 0 \end{array} \right) R_\beta = \text{the rules in the United States}$$

The first calculation shows that depending on the political persona partaking in the game (P_I and P_{II}), the candidate nomination rules and campaign financing rules (R_α), cause a distinct outcome, i.e. electoral loss or win. The second calculation shows that the game under different rules (R_β) leads to a different result. Figure 2.3 represents a typology that is based on this.

Figure 2.3 Typology of Electoral Winners.

	German setting (Rules R_α)	American setting (Rules R_β)
Active-Politicians	<i>lose</i>	<i>win</i>
Passive-Politicians	<i>win</i>	<i>lose</i>

Yet in either case, the motivation of politicians is only relevant to my research as it pertains to the institutional rules under scrutiny.⁴⁵ My theoretical argument is not a claim

effect implies that the player enters the game and then wins or loses, on the basis of his or her capabilities. (The terminology is thus different from Duverger's mechanical effect and psychological effect.)

An analogy from sports can illustrate these two effects. If a 100 meters sprinter and a marathon runner have to compete in a 5000 meter long distance run, each of them will have differing predispositions towards the competition. The psychological effect can be that irrespective of their actual physical capability, the athletes may enter the race or abstain from it. The marathon runner, for example, might think that if he can run more than 42 kilometers, he can surely succeed in a five kilometer run. Or, he might think that the sprinter is much faster than him, and would consequently abstain from the 5000 meter run, as being not favorable for him. The technical effect exists if the sprinter is indeed better predisposed to win a 5000 meter run, when competing against a marathon runner (or vice versa).

on what drives the progressive career steps in politics as a ladder of ambitious steps to climb, but that politics is a “career choice” (Maddox 2003) that is guided by the institutional framework. Politics is thus not the result of incentives based on “financial compensation, achievement of policy goals, and general career satisfaction” (Maddox 2003) but an end in itself. A person, if he sees the institutional framework as congenial to his personal predisposition, will choose politics as a vocation rather than a calling. I will describe this distinction in the next section.

2.1.1. Corollary to Theory of Institutional Rules’ Effect on Elite Recruitment

If you recall the argument I made in the introductory chapter, I affirmed that rules can encourage or discourage persons from entering politics.⁴⁶ These candidate nomination rules and campaign finance rules furthermore affect what type of political personality type wins an election. Thus rules influence an entire process; a) self-selection, b) nomination stage, and c) winning an election. At these three stages of the political process, individuals with particular characteristics may have better chances. It is the third step, the “end product,”⁴⁷ that I analyze and where I argue that the socio-economic and political profile of national legislators in the aggregate varies by institutional context.

⁴⁵ And is empirically provable through political, educational, economic, and social-behavior.

⁴⁶ Electoral rules have such regulatory function by regulating the likelihood of self-selection.

⁴⁷ To statistically ascertain the second step is logistically prohibitive, as all candidates who lost out would have to be included. Yet through interviews with national legislators, a *verstehen* of steps one and two can be ascertained by approximation through the information provided by those who won.

The variation within the recruited elite based on socio-economic and political experience in turn, has an effect on democratic quality. This reasoning is paralleled by Weber, who similarly observes that different “political characters” exist in politics, which affects a state’s performance (Weber 2006: 354). In his article “*Parlament und Regierung im neugeordneten Deutschland*” (Weber 2006: 349-462)⁴⁸ this theorem is intensively elaborated on and provides a good source of insight for my study.

The proposition that it matters who holds political office is exemplified by Max Weber with the case of Otto von Bismarck whose (probably unintended) “political legacy” was to deprive Germany of able political leaders. After Bismarck became Reichschancellor, he hindered active-politicians from succeeding in politics so that he could rule unrivaled as a “great statesman” (Weber 2006: 359). The rich pool of active-politicians in the generation before Bismarck waned and were replaced by passive-politicians. Quality candidates, as one would say today, were not attracted to politics anymore, since their career prospects were severely limited. As a side-effect, the German populace got accustomed to being ruled by a strongman, and “fatalistically” entrusted themselves to a leader (Weber 2006: 359). This sociological example of Weber shows how important it is to have rules of the game⁴⁹ that are attractive for active-politicians to enter and succeed in politics. It is of secondary importance if the gatekeepers are institutions – as in the case of this research – or persons in a particular sociological context, as in this example. The point made with this example is that active-type politicians, which are normatively

⁴⁸ Originally published in 1918 in: *Die innere Politik*, München and Leipzig: v.S. Hellmann.

⁴⁹ Be it institutionally or in this case personally.

beneficial for the political process, can inherently be discouraged from entering politics and/or succeeding in politics.

Another insightful and significant theorem of Weber is that the structure of the party is relevant in determining who will join politics and who will refrain from doing so. Parties that are led by a strong leader or a small oligarchic circle of bosses (Weber 2006: 363-364), are less attractive for an active-politician since his political career is not in his own hands but is largely determined by his party superiors. This elite party leadership determines the party program, candidacy, and policies. The mass of the party membership as well as ambitious active-politicians have little input and effect on the party's direction. Weber contrasts this oligarchic party with the American case, where he observes that through regulation, opportunities for entrepreneurial personalities were created with the reforms of the Progressive Era,⁵⁰ giving the electorate *en masse* more influence in the promotion of politicians (Weber 2006: 364).

Particularly useful is Weber's categorization of parties into *Weltanschauungs* parties and patronage parties. In the later case, the principle is that through elections, party leaders gain political positions. In turn, this enables the party leaders to provide their supporters with economic goods in the form of patronage. Weber ascribes this system to the United States (Weber 2006: 365-366), where at the turn of the 20th century, patronage was still prevalent in politics. Weber observes that the *raison d'être* of such a political party is to

⁵⁰ Introduction of primaries, recalls, initiatives, referenda, etc. pp.

get its leaders elected, so that in return economic benefits can be provided to the party organizations. This is called “subaltern patronage” in the terminology of Weber. In contrast, a party constituted by active-politicians, a *Weltanschauungs* party, is primarily concerned with the implementation and realization of the political ideals of its members (Weber 2006: 366).

A parliament that is predominantly filled with passive-politicians is not a parliament where *parler* retains any meaning. Speeches end to be attempts to influence or convince other members of the legislature and are not even expressions of one’s own conscience. Instead, parliamentary speeches become canned, officious declarations, which are agreed on in the party’s parliamentary caucus (Weber 2006: 380). Weber observes parliaments dominated by passive-politicians to exhibit a division of labor between “drones” and “worker bees.” The dominant party elite constitute the worker bees while the passive majority are the drones who fulfill a mere “representative” window-dressing function (Weber 2006: 381). This is the consequence of politics dominated by passive-politicians.

An active-politician, who has an entrepreneurial-type character and is instinctively seeking power and influence, will consequently shun a political system that surrenders him to the will and fiat of an inner party circle. Translating this ideal-typical construct into praxis, one can state that in the United States, an active-politician is largely immune to the intrigues of party. The one reason given for this is that the active-politician can always retreat and seek refuge with his constituency and appeal to them directly for support. Yet the American politician does not rely on such fortunate electoral rules for his

independence only. His hand is strengthened through Congress' mode of operation as well, which gives an active-politician enough power to act independently of party will. Such dual "political independence" is missing in Germany, where legislators are seen to constitute a "following" of the party elite (Weber 2006: 383).

On the basis of this delineation, two sets of rules become evident as influencing the entrepreneurial independence of a politician. The first set of rules is what allows him to stand for election and be elected (which is what I am analyzing in this dissertation). The second set of rules is what determines how the politician can operate once in office. Thus an active-politician will indeed not merely look for getting elected, but he will look ahead at what the election will enable him to do. Thus two separate cost-benefit calculations are plausible (Weber 2006: 383).

If the function of the legislature is largely "negative politics," i.e. criticizing, debating, and modifying governmental bills (Weber 2006: 385), an active-politician has no venue for shaping politics, and thus has little to no incentive to become politically active and will not run for reelection.⁵¹ A legislature that is doomed to "dilettantish stupidity" (Weber 2006: 387), constitutes a good reason for dissuading active entrepreneurial-type political characters from going into politics.

⁵¹ The withdrawal of Friedrich Merz is a good example for such resignation.

In contrast to such legislatures (as in Germany) where legislators are bound by the strait jacket of party-discipline, loyalty to the government, and accountability to the party-elite for renomination and campaign financing, congressmen are purportedly free to act without these strait jackets. Besides these factors, representatives and to an even greater extent senators have considerable individual leverage on shaping the floor agenda as well as vetoing legislative bills. Such autonomy makes first of all the office of congressman attractive to an active entrepreneurial character. Second, this autonomy provides the congressman with an office where he can build a reputation and a constituency base that will help him get reelected.

Weber provides two other noteworthy observations that are still applicable today (Weber 2006: 388). Parliamentary committees in the Bundestag exist in the obscure darkness, out of the public eyes. Their work is rarely noticed or even televised. In stark contrast to this are Congress' committees, which are well noted in the public and media in the United States. Another interesting observation that can be applied to today's politics is that while in Germany politicians are "followers" of a "leader", in the United States congressmen do not constitute a "followership" but are rather organized like a "guild." The operationalization of this thesis would be that political leaders in the Bundestag can make important decisions with "unlimited authority," while congressional leaders could not automatically count on the undivided support of fellow legislators (Weber 2006: 390).

Another observation of Weber that has influence on the attractiveness of politics for entrepreneurial characters is his distinction between parliamentary and presidential

regimes. Weber states that an institutionally separated political system (i.e. presidential system) exists where the government (the executive in the American context) is faced by a parliament, which is a “*mere*” (sic) representation of the governed. As such, the legislature has a mere “negative” function on politics (Weber 2006: 393). One could assume that this is the case in the United States with its presidential system where the government is constitutionally separated from the legislature.

Through committee control, the budget process, and other shared powers, Congress is not merely an assembly of the governed. It is quite influential in controlling the executive branch. This contrasts with the parliamentary system of Germany. In Germany the government has full control of the parliamentary process and the Bundestag is clearly subjugated to it, since the majority of the Bundestag by default has to subjugate itself to the government’s will to sustain it.

This leads to the dichotomous typology of political characters by Weber, which resembles my dichotomous typology of active and passive-politicians. For Weber, there are those who live for politics, and those who live of/ by politics.⁵² Those who live for politics are not (permanently) dependent on politics as a vocation for their economical sustenance. They are economically independent of politics. Thereby, such a politician’s acts and thoughts are not influenced by personal material consequences (Weber 1992: 16-17).

⁵² Which is not mutually exclusive, as he states.

For such political personalities, a venture into politics is a casual and voluntary endeavor. Weber contrasts these active-politicians with those politicians, who do not even have the claim to be independent political actors. Instead, such vocational politicians (passive-politicians), gladly submit themselves to the service of their political master, a charismatic leader (Weber 1992: 14-15). For this type of politician, Weber points out that plutocratic recruitment patterns are necessary, to weed out those who are entrepreneurially independent political actors (Weber 1992: 18).

2.2 Theory of Function of Parties

In the previous section, I have delineated how the individual relates and responds to institutional incentives for running and winning elective office. This interaction of the individual political aspirant and the institutional rules is however ideal-typical. In reality, this interaction occurs within the structure of the party (party in the broadest sense). My conceptual framework of active-politicians and institutional rules (campaign finance rules and candidate nomination rules) is embedded in the entity of the party. Thus my concept is actually and theoretically an element of the party. In this section, therefore, I bring into this research the pertinent theories on the function of parties in the context of my research problem.

While throughout this work, the term “party” is used, it is especially necessary in the context of American political science to define the term from a global perspective.⁵³ An American political scientist (on the basis of his training) will very likely have a different image in his mind when reading the word “party,” than a German, Turkish, or Chinese person. This is due to the fact the function of a party varies from political system to political system. By reviewing political science literature on parties and their definition, this variation will become evident. It is therefore necessary at this point, to detail and provide a definition of the theory and function of a party.

As the ideal typical definition of party, I use Max Weber’s definition (Weber 2006). His definition is: A party is an association with the goal of getting its leaders elected into positions of power. This is to enable the leaders to attain political goals and/or personal gains for the benefit of the association’s supporters. These associations can be either temporary or permanent. The followership can be comprised of charismatic followers, traditional servants, or rational-ideological followers. The followers can either attain their goal by just getting their leader elected or by being rewarded through patronage with positions in the bureaucracy (Weber 2006: 211-214).⁵⁴ This ideal type definition of

⁵³ Converse and Pierce’s work (1979) is a good example to show that generalizations on party power and legislators’ behavior have to be always made in comparative perspective. Their work shows that the behavior of French legislators is diametrically opposed to that of American legislators. While their research shows that American legislators are quite independent of their party and focus almost exclusively on their constituency, this is not the case in France. French legislators align their behavior with the interests of their party and not with that of either their constituency or their personal beliefs (Converse and Pierce 1979: 525).

⁵⁴ § 18. Parteien sollen heißen auf (formal) freier Werbung beruhende Vergesellschaftungen mit dem Zweck, ihren Leitern innerhalb eines Verbandes Macht und ihren aktiven Teilnehmern dadurch (ideelle oder materielle) Chancen (der Durchsetzung von sachlichen Zielen oder der Erlangung von persönlichen

candidate selection as “one of the central defining functions of a political party in a democracy” is thereby established (Katz 2001: 278).

Weber’s definition describes an organization whose activity is in the pre-electoral process. Once the election is successfully concluded, the party has fulfilled its role.⁵⁵ The party is thus an electoral cartel. After the election, other forces are at work. This definition contrasts sharply with that of the party in the American context. A good example would be that of John Aldrich (1995). In his work, a completely different understanding of party is given. When Aldrich thinks of party, he thinks of a “creature of the politicians, the ambitious office seeker and officeholder” The party is an

Vorteilen oder beides) zuzuwenden. Sie können ephemere oder auf Dauer berechnete Vergesellschaftungen sein, in Verbänden jeder Art auftreten und als Verbände jeder Form: charismatische Gefolgschaften, traditionale Dienerschaften, rationale (zweck- oder wertrationale, »weltanschauungsmäßige«) Anhängerschaften entstehen. Sie können mehr an persönlichen Interessen oder an sachlichen Zielen orientiert sein. Praktisch können sie insbesondere offiziell oder effektiv ausschließlich: nur auf Erlangung der Macht für den Führer und Besetzung der Stellen des Verwaltungsstabes durch ihren Stab gerichtet sein (Patronage-Partei). Oder sie können vorwiegend und bewußt im Interesse von Ständen oder Klassen (ständische bzw. Klassen-Partei) oder an konkreten sachlichen Zwecken oder an abstrakten Prinzipien (Weltanschauungs-Partei) orientiert sein. Die Eroberung der Stellen des Verwaltungsstabes für ihre Mitglieder pflegt aber mindestens Nebenzweck, die sachlichen »Programme« nicht selten nur Mittel der Werbung der Außenstehenden als Teilnehmer zu sein.

Parteien sind begrifflich nur innerhalb eines Verbandes möglich, dessen Leitung sie beeinflussen oder erobern wollen; jedoch sind interverbändliche Partei-Kartelle möglich und nicht selten.

Parteien können alle Mittel zur Erlangung der Macht anwenden. Da wo die Leitung durch (formal) freie Wahl besetzt wird und Satzungen durch Abstimmung geschaffen werden, sind sie primär Organisationen für die Werbung von Wahlstimmen und bei Abstimmungen vorgesehener Richtung legale Parteien. Legale Parteien bedeuten infolge ihrer prinzipiell voluntaristischen (auf freier Werbung ruhenden) Grundlage praktisch stets: daß der Betrieb der Politik Interessentenbetrieb ist (wobei hier der Gedanke an »ökonomische« Interessenten noch ganz beiseite bleibt: es handelt sich um politische, also ideologisch oder an der Macht als solcher, orientierte Interessenten).

...

Wirtschaftlich ist die Partei-Finanzierung eine für die Art der Einflußverteilung und der materiellen Richtung des Parteihandelns zentral wichtige Frage: ob kleine Massenbeiträge, ob ideologischer Mäzenatismus, ob interessierter (direkter und indirekter) Kauf, ob Besteuerung der durch die Partei zugewendeten Chancen oder der ihr unterlegenen Gegner: – auch diese Problematik gehört aber im einzelnen in die Staatssoziologie.

⁵⁵ And the parliamentary caucus takes over.

“endogenous⁵⁶ institution” to the legislature, an institution that is there to help the politicians achieve their goals (Aldrich 1995: 4).

Succinctly put, parties are for Aldrich a tool for politicians to overcome collective action dilemmas in the legislature. A party is primarily a post-election organization. When Aldrich writes that “parties are designed as attempts to solve problems that current institutional arrangements do not solve and that politicians have come to believe they cannot solve” (Aldrich 1995: 21-22), the ad-hoc character, the lack of reason for the party to exist in its own right, becomes clear. This view of party as a vehicle created by the politicians, rather than the other way around is profound (but not noted by Aldrich). The logic of Aldrich’s argument is that if the institutional setting of Congress would be altered, the reason for parties would go away.

This is a fundamentally different view of parties than in the German case. In Germany, parties not only have a different role by default, they even have a constitutional basis. Aldrich however, sees a party as an umbrella organization for the efficacy of legislative accomplishments. Next, the party is there to maintain a productive relationship between the separate branches of government. Finally, the party is an *aide de camp* to get elected (mainly by providing an identifying party label).

⁵⁶ Meaning internal to the legislature.

The logic of Aldrich's assumption of what parties are is found with David Mayhew, too. As another well-known American political scientist, Mayhew (1974) makes the reductionist claim that Congressmen are single-minded reelection seekers, pursuing the three concepts of credit claiming, advertising, and position-taking to get reelected. What is noteworthy for my study are not these claims made by Mayhew, but the evidence given in the absence and irrelevance of parties in the sphere outside of Congress.

The entire process, based on Mayhew's assumptions, of getting into Congress and staying there, rests solely with the individual congressman's faculties. The party is nowhere seen as an agent in its own right. The only time the word "party" is used is when describing the mode of organization of legislators inside Congress. Thus "party" is not a party in the sense of the word as it is understood outside the United States, but as a vehicle of coordination among congressmen at their convenience.

Steven Smith, mentioned earlier in the introduction, argues that congressmen "invent" and "tolerate" parties (Smith 2007: 2). The semiotic relevance of this a statement is profound. The logical consequence of Smith's statement is that parties are the creation of legislators for their convenience. Such marginalization of the party is taken to an extreme in the work of Keith Krehbiel (1998). There, parties are figuratively thrown overboard, and Congress' actions are reduced to rational choice decisions of individuals.

The works of Cox and McCubbins (2005 and 2007) reveal how comparatively myopic such understanding of the function of the party is. Cox and McCubbins argue against

Krehbiel's perspective that parties in America are irrelevant. To this end, they create the "cartel theory" and define with this metaphor what a party is. A party is something akin to a "procedural coalition" (Cox and McCubbins 2007). In developing the responsible party theory, the party is likened to a law firm with senior and junior partners, out to control the agenda. Agenda control (and not even the control of the vote) is what the party is about. Yet even though Cox and McCubbins contradict those who are dismissive of parties as functional entities in the United States, nonetheless Cox and McCubbins' understanding of the party remains that of a legislative entity rather than a party in the definition of Weber.

This state (and view) of the American party contrasts sharply with that of the German party. The German party is an associational organization. It has dues-paying members, decides whom it accepts as a member, and it has a defined local, state, and national leadership which follows a party program. It has a hierarchically organized party bureaucracy, and notably, German parties are even anchored in the constitution. In Article One, Paragraph One of the German constitution, it is stated that parties participate in the German peoples' formation of a political opinion and mind.⁵⁷ This and other legal

⁵⁷ (1) Die Parteien wirken bei der politischen Willensbildung des Volkes mit. Ihre Gründung ist frei. Ihre innere Ordnung muß demokratischen Grundsätzen entsprechen. Sie müssen über die Herkunft und Verwendung ihrer Mittel sowie über ihr Vermögen öffentlich Rechenschaft geben.
(2) Parteien, die nach ihren Zielen oder nach dem Verhalten ihrer Anhänger darauf ausgehen, die freiheitliche demokratische Grundordnung zu beeinträchtigen oder zu beseitigen oder den Bestand der Bundesrepublik Deutschland zu gefährden, sind verfassungswidrig. Über die Frage der Verfassungswidrigkeit entscheidet das Bundesverfassungsgericht.

definitions of parties emphasize⁵⁸ the extra-parliamentarian role of parties and their role as associational and collective bodies.

Consequently, I see that the syntactic logic of the term “party” is very different in the view of American political science vs. the German understanding. In the former case, the party is a candidate-centered entity, and increasingly, a legislature-centered entity. The party in the American case is characterized as first, an impromptu creation to solve problems between groups and/or individuals in a legislative body, and second, something to be useful for getting reelected. The party and its rules are extraneous. In contrast, the German party is an endogenous associational entity. It is an agent in its own right, thus not a passive creation but an active creator.

2.3 The American case vis-à-vis Germany

In the previous section, I showed how different the understanding of the institution of the party is in Germany and in the United States. Particularly in the American case, the party is seen as a tool of legislative utility. A strong narrative in American political science is that legislators behave in certain ways and pursue certain interests in the legislature. The question is not asked, if the observation made might have anything to do with how legislators were recruited into the legislature to begin with. It is plausible to assume that the rules that determine who gets into the legislature and how he gets there might have an

⁵⁸ N. b., in stark contrast to the above-given view of American political science.

effect on who enters the legislature and how he acts there.⁵⁹ One clue for who gets into the legislature can be found in the notion of professionalization, which I analyze next.

In political science literature, “professionalization” is a popular term frequently used when characterizing the American political class. This professionalization⁶⁰ is contrasted with pre-20th century American politics, where on average a third to a half of Congress was comprised of first-termers, and thus a high turnover of congressmen existed. Not until the 20th century did the average congressional tenure reach three terms (Borchert and Zeiss 2003: 393).

It is clearly indicated that the composition of the political class underwent a transition. The early political amateurism was welcomed as fitting for the American political ideal of “classical republicanism.” This American political ideal called for politicians to be recruited from the common people and to return to their regular lives after a brief stint in politics. In this *Weltanschauung*, serving in Congress was a civic duty, not a career in its own right (Borchert and Zeiss 2003: 393).⁶¹

This republican ideal came to an end around the turn of the 19th century. The reason given for the demise of the republican practice of amateurism in politics is that national

⁵⁹ Thus the focus is not just the rules that regulate action inside the legislature.

⁶⁰ Representative Michelle Bachmann underlines this difference with her calling for “citizen legislators rather than career lifetime politicians” (Michelle Bachmann, speech at 2012 Faith & Freedom Coalition Conference).

⁶¹ In this context, the *topos* of Cincinnatus during the founding years of the United States comes to mind.

politics became economically important. Not that Congressmen suddenly earned more money, but that the legislative branch was appropriating, i.e. spending more money (Borchert and Zeiss 2003: 394). This meant that what the Congressmen were doing (spending money) became more important. Due to the change in the nature of government, a change in its composition occurred. Ostensibly, different types of politicians became attracted to politics, who liked to stay in Congress longer.

While the federal government spent merely five million dollars in 1792, its expenditure had reached the billion dollar mark just before World War One. Throughout that era, the federal government's expenditure did not surpass five percent of the gross national product and the federal government's involvement in economic and domestic policy-making was very limited. Consequently, there were "few benefits to distribute" for professional politicians in Washington (Borchert and Zeiss 2003: 394), making national politics attractive for mostly those who had an interest in literally serving their country, that is, idealists.

With the expansion of the federal government in the early 20th century, things changed and the attractiveness and influence of a Washington career grew. This qualitative change in the nature of government attracted a different type of legislator. The theoretical explanation for this change is to be found with Max Weber. Weber theorizes that a person with strong power instincts is detracted from an uninfluential and irrelevant office. Until the change in the early 20th century, a "negative selection" would have occurred. But with the rise of influence and relevance (such as distributing more benefits), entrepreneurial-

type active-politicians would have become more attracted to politics. They could have put to work their entrepreneurial skills and would not have been hindered by party control in the legislature (Weber 2006: 382). In fact, the change in the nature of American government was followed by a change in the relationship between the majority of congressmen and the leadership (especially the speakership), as will be seen below.

This change in the nature of what it meant to be a congressman was accompanied by a change in the type of representation. Initially, American politicians were “not merely legislators, but rather party politicians” (Borchert and Zeiss 2003: 395). This hints at their dual role as congressional politicians and partisan politicians where congressmen held “numerous public and party offices, on the federal, state, and local levels” simultaneously. The reason why so many different party offices were held at the same time was due to the different functions of the party in the pre-Progressive Movement era. The “hierarchically organized party machines on the local and state level worked as a coordinating device” for elections (Borchert and Zeiss 2003: 396).

Thus different party offices had to be controlled to prevent challenges to one’s power and seat in Congress. The crucial observation for American politics made in the pre-Progressive Era is that political offices were “handed over” to party-insiders by party elites (Borchert and Zeiss 2003: 395).⁶² This starkly contrasts with the situation today, where campaign functions are almost completely taken over by the deinstitutionalized

⁶² See Chapter 6 for the current praxis of this.

campaign machines of the individual politicians, and the handing over of a political office like an inheritance is in the United States a thing of the past.

This strong hold of congressmen on multiple party positions ends abruptly with reforms begun in the Progressive Era. These reforms introduced the so-called Australian ballot (a.k.a. secret ballot). Direct primaries, another reform, eroded the party elite's ability to control who became the candidate. This death blow to party power in the constituencies was followed by an attack on party rule in Congress, from which the party "never quite recovered" (Borchert and Zeiss 2003: 396). The combination of increased relevance of national politics and the decreased ability of party elites to regulate entrance into politics, lead to entrepreneurial-type active-politicians to enter American politics.

When factions of the Republican Party in collaboration with the Democrats curbed the Speaker's power in 1910 and shortly after that the direct election of Senators was introduced, the last vestiges of party-power vanished from Congress. Instead of party bureaucracies controlling political careers, politicians henceforth had to "develop their own political organizations." This allowed for entrepreneurial-type active-politicians to compete in politics unhindered, where they were free to develop their own political careers and strategies (Borchert and Zeiss 2003: 396).

The American political system, with its "abundance of electoral offices," is particularly suited for such active-politicians (Borchert and Zeiss 2003: 398). There are about 50,000 elected offices in the U.S. Then, there is the "very limited" existence of party

bureaucracies that could influence candidate nomination procedures. These factors allow politicians, who are “very independent-minded and act in their own interest and according to their own conception of the public good” to be successful in politics. Thus, these factors allow active-politicians to be successful in politics.

Crucially, in the American system party bureaucrats do not have a controlling influence on the allocation of political offices. This means that there are no “safe fall-back position[s] if one is not reelected or if a bid for higher office fails” (Borchert and Zeiss 2003: 399). Consequently, political and electoral decisions by American politicians have to include a unique cost-benefit calculation, which is absent in partisan systems with passive-politicians, where the party elite can reposition or “park” a politician in a different venue.

In the American system, where primaries are (mostly) the real battleground, parties have little say in the decision of who becomes its nominee. As numerous examples show, running against the party insider or the darling of the party can indeed become an asset in the American system. The primary interest of a politician is thus to be in a good standing with the electorate and not with the party (Borchert and Zeiss 2003: 399). This favors the prospects of active-politicians with their individual skills and capabilities to gain favor with the constituency and overcome party resistance and control.

Hypothetically, this emphasis on individual accomplishments would favor a certain type of person to the detriment of others. Gender-wise, it could be expected that women would

be less likely to compete in this harsher environment (Matland and Montgomery 2003: 20-22). The 112th Congress is a case in point. It has 17 female Senators (twelve Democrats, five Republicans) and 76 female Representatives (52 Democrats, 24 Republicans) (Congressional Research Service 2012).

While these numbers show that about a fifth to a quarter of national legislators are women in the United States, this number is considerably lower than in comparably large Western countries. The reason therefore is to be found in the electoral rules that favor active-politicians and disadvantage those political aspirants whose predisposition is not conducive for the respective institutional setting. The requirement for a candidate to build his or her own campaign organization and fund it, works for experienced entrepreneurial type males, disadvantaging women (but not just them).⁶³ This “selection by self-selection” exemplifies the uniqueness of the American system, which is “unusually permeable” (Borchert and Zeiss 2003:404). But this unusual permeability applies only to a few who are able to cope with it.

Although party bureaucratic gatekeepers no longer exist (Norris 1995: 22), other obstacles have taken their place. A prospective candidate has to calculate the costs of achieving the goal of running for office and getting elected. He has to know how much of his own financial resources he is able and willing to contribute and where to get the rest

⁶³ Ema Goldman’s treatise on the emancipation of women provides several arguments for why this might be. She mentions the different nature of women, thus certain faculties not being – generally – in their element. In addition, there is prejudice, both towards women as well as by women (Goldman 2003: 215-222).

from. So the role of gatekeepers in politics has moved away from the party and is now either with the electorate (since they largely decide, with their votes and contributions, who succeeds in politics) or with those who can rely on their own financial and organizational capabilities (Borchert and Zeiss 2003: 405).

These observations can be summarized in this hypothesis: If the decision to run or not to run rests exclusively with the individual candidate, then this means that the candidate's own assessment of his capabilities and capacities as well as his political knowledge and experience will be decisive. He will make a decision on the basis of his own assessment of his ability to raise funds and organize a campaign that will give him the nomination and eventual electoral success. Active type politicians are clearly in advantage by having established **a reputation with the people rather than with the party** and by having gained in their professional life the skills needed to succeed in a undertaking like this. Thus they will have a positive self-assessment of their chances to succeed in politics as an entrepreneurial endeavor. The opposite observation can be made in the case of Germany, where reputation with the party and not with the people is the key to success, thus advantaging passive-politicians. The self-assessment for success in politics will not be based on one's entrepreneurial and organizational capabilities and achievements, but on one's standing with a group of partisans (whose size can vary considerably).

Another difference between Germany and the United States is that in American politics the professionalization of politics and the disempowerment of the party machines allowed

for active-politicians to enter politics, those who mainly live “for” politics.⁶⁴ In Germany however, the opposite trend occurred. Initially, entry to politics was costly in Germany. People could simply not live by politics. Thus only people who were able to live for, rather than by politics were able to compete in elections (Borchert and Zeiss 2003: 142). This theoretical distinction has practical effects, too.

For Weber, only someone who lives “for” politics can become a “great politician.” Someone who lives “of” politics is doomed to passivity, and is indeed inclined to the comfort that such passivity provides (Weber 2006: 396). At this stage of research, it suffices to clarify that normatively, living for rather than by politics in the context of active versus passive-politicians does not imply that one is the better or worse when it comes to delivering good politics for the polity.⁶⁵

In the German case, during the Second Reich (1871-1918), a “certain financial independence” was necessary to run and hold office. This was done on purpose. The goal was to maintain a “socially skewed character of the membership;” i.e. having an aristocratic legislature (Borchert and Zeiss 2003: 142-143).⁶⁶ The electoral system was a

⁶⁴ They simply do not have the need to live by politics.

⁶⁵ There is, however, a lot of anecdotal evidence, which is suggestive of the fact that an active-politician, i.e. someone who has made a living outside of politics, is someone to be preferred for political office. The British journalist Jeremy Paxman described this in the following way: “I think you should have done something in the world before you put yourself in the position where you’re making judgments that affect the lives of all of us” (The Graham Norton Show, Series 14, Episode 4).

⁶⁶ Arguably either by default or design, this is still the case in the United States, where the campaign financing rules and candidate nomination rules set such high entry costs, that they function as a de facto gate-keepers for an exclusive club.

majoritarian system with run-off elections. The electoral process was thus centered on the candidate in the constituency. Only with the transition to the Weimar Republic was this individualist system replaced with a proportional representational system. This new system fundamentally altered the power relationship between candidate and party (for candidate nominations and campaigns) giving power to the latter. Decisions over who would become a candidate moved away from actors in the constituency and power was concentrated in the party hierarchy. This ended the ability for entrepreneurial-type quality candidates to act independently in politics, thus closing the door to politics for active-politicians (Borchert and Zeiss 2003: 144).

It becomes clear that quite a lot of parallels exist between the modern Congress and the Reichstag of the *Kaiserzeit*. Another similarity between the two is the role lobbyists played and still play. During the *Kaiserzeit*, interest groups played a crucial role in electoral campaigns, easing the burden of entering parliament on candidates by giving them ample contributions. Today, in the American case, interest groups⁶⁷ play the same crucial role as financiers for political entrepreneurs' political ambitions and (supposedly) getting in return influence on the voting behavior of legislators (Borchert and Zeiss 2003: 144).

Based on these events, the argument can be made that the Progressive movement in the United States diminished party influence and allowed for the progression of active-

⁶⁷ = lobbyists.

politicians in American politics. In Germany, the opposite occurred. After the relative independence of Reichstag members during the *Kaiserzeit*, a more party-centric electoral system was introduced. After the interregnum of the Third Reich, the party-centric system continued. While with the mixed system this was partially ameliorated in the *Bundesrepublik*, political parties nonetheless continued to be at the center of politics and not individuals. Therefore, parties were even made part of the constitution (Borchert and Zeiss 2003: 144-145).

In this party-centric system, where the nomination, and more crucially the renomination of the legislator is in the hands of the party, a significant problem is “mandate-independence” (Thaysen 1990: 68). Mandate independence refers to the problem that since the party has – in one way or the other – the last say on a politician’s future, the politician might not feel free to act, and especially vote, the way his conscience dictates or the way the electorate wants him to vote, but instead the politician votes the way that will garner him most sympathy from the party. Because of this problem, a base democratic nomination system was advocated in the 1970s and 1980s in Germany (Thaysen 1990: 70).

This issue has to be seen in the context of Germany being both a party state and a parliamentary state (Thaysen 1990: 70); a party state, in the sense that parties are *per constitutio* part of the political process, as mentioned earlier. Thus they are endogenous to the state. The constitution, furthermore, prescribes that the Bundestag is the central institutional organ of the state. The legislator is the person who brings these two

institutional settings together. In this dual role, the German politician is not only a legislator, but also a party member. The mandate is therefore strongly tied to one's party affiliation. Thus when legislators leave their party, they are called upon to resign from their seat in the legislature as well. This view, of seeing the seat in the legislature as somehow being the property of the party rather than that of the legislator, is not the prevalent view in German political culture (Thaysen 1990: 73), but much more pronounced than in the United States, for example.

Nonetheless, the question arises for the outside observer whether the German parliamentary groups are "remote controlled." What is alluded to with that phrase is not the relationship between the individual legislator and the party, but rather the relationship between two collectives: parliamentary groups and the party (Thaysen 1990: 76). In comparative perspective between the United States and Germany, the significance of this distinction becomes clearer. In the United States, especially due to the candidate nomination rules and the campaign financing rules, the individual legislator is "remote controlled" by his constituency, i.e. the people who give him their money and their votes. The party, as it is understood in the American political science context, is the parliamentary group, i.e. the party in Congress. Its power is almost completely limited to having an influence on the individual legislator's congressional activity (legislation and committees) and functions as a problem-solving entity. The term and understanding of "party" is therefore internal to the legislature.

In the German context, the “party” is external to the legislature. Due to this, the expression “remote control” makes sense. There is a organizationally remote entity that influences the parliamentary group. The parliamentary group (equaling the “party” in the American political science usage) is a separate collective entity, under the tutelage of the party. The hierarchical party organization guides and supports the parliamentary group. In a way, one could describe the parliamentary group (as a collective) as an appendix to the party. In contrast, the American Congress is an aggregate of individuals who represent their respective constituencies (district or state). It is then in this context, that the individual legislator in Germany has to mind both the party and the parliamentary group and thus the issue of “mandate independence” arises as a distinguishing feature of German politics.

A last point that has to be made when comparing Germany and the United States is the peculiar electoral system of Germany, with its mixed-member electoral system.⁶⁸ Half of the Bundestag is elected in single member districts, just as in the United States. The other half is elected in a proportional representation system on state party lists. This is a well known and well researched political phenomenon (Thaysen 1990). The focus of the bulk of these studies is on the post-election effects and consequences of the German electoral system. (Carlson 2006: 363). My work focuses on the pre-election stage and specifically on how elite recruitment is conditioned by institutional rules. Thus this research sheds light onto the less attended pre-election stage of politics.

⁶⁸ By now there are many epigones of Germany’s system.

2.4 Institutional and Behavioral Theories

Having theoretically delineated the connection between the two institutional rules (candidate nomination rules and campaign financing rules) and elite recruitment, I want to define what actually is understood under institutions and how candidate nomination rules and campaign financing rules fit into the category of institutions. Thereby, I will clarify what institutions are and how institutions function. The two electoral rules at hand both formally organize an institutional procedure. Every participant of the game, everyone who wants to enter the national legislature, is subject to these same institutional rules.

Traditionally, theories of institutionalism, including new institutionalism, ascribe the label of “institutions” narrowly to only “formally organized social institutions.” An example will be a legislature or a court (March and Olsen 1984: 734). Yet the term “institution” is theoretically applied to other formally organized social rules as well. Campaign financing rules and candidate nomination rules are such formally organized spheres of political action. They are not an institution like a legislature, yet in both cases political behavior is performed under regulatory constraints. Thus the label “institution” is apposite.

This theoretical postulate of (new) institutionalism contrasts with behavioralism, where the assumption is that all political behavior is a consequence of individual choice rather

than institutional rules that constrain behavior. My active/passive-politician model takes both of these theoretical perspectives into account. Thus I state that both the individual's characteristics and institutional structures are simultaneously determinant of political behavior. My model is not "reductionist" but "utilitarian," in that I regard politicians' actions as a result of a determined cost-benefit calculus (March and Olsen 1984: 735) in the refined bivariate rational choice matrix.

I have to add that this self-interested behavior I argue for is free of Marxist terminology. While "class, geography, climate, ethnicity, language, culture, economic conditions, demography, technology, ideology, and religion" all are relevant for political behavior, I do not see class differences, as it is argued for in Marxist political science, as a singular noteworthy effect and as an explanation for political differences (March and Olsen 1984: 735).

My theoretical proposition on the two institutional rules at hand is as follows: Campaign financing rules and candidate nomination rules limit free decision making of political actors (i.e. active and passive-politicians in the case of this study). At the same time, politicians act on the basis of "deliberate" and "calculated decisions" (March and Olsen 1984: 735) that include but are not limited to the institutional rules. This flexible, succinct, and realistic description acknowledges the high-intensity interactivity between rules and actors and puts this study's theoretical perspective into the field of new institutionalism. The claim that institutions are political actors in their own right is not shared and is set aside as imprecise (March and Olsen 1984: 738).

My reasoning fits into new institutionalism and its theoretical claim that “institutional arrangements shape purposive behavior” (Brace and Hall 1990: 54). Such new institutionalist theory is particularly useful for my work, since it “reconciles institutional and attitudinal approaches.” Thus, “outcomes [are] not merely the collective expression of individual preferences or the result of structural characteristics of institutions, but rather a complex interaction” of them (Brace and Hall 1990: 55; March and Olsen 1984: 735).

This theory when applied to my research means that active and passive-politicians enter politics both on their own volition, as well as on the basis of the opportunities provided to them by the respective institutional setting. Every politician has his own idiosyncratic reason why he wants to be in politics. Some go into politics for economic reasons, as the monetary compensation is seen as attractive. Others do this for idealistic reasons. They want to see their ideals realized in politics. Others can enter politics for purely power motives. There can be many reasons. All this is covered with the “individual preferences” aspect. The important point is that the institution setting these entrance conditions has – metaphorically speaking – the last word.

By refraining from alluding to different motives for politicians’ actions, I am unhindered in focusing on the “institutionalized form of political behavior” (Jackman 1987: 406) to account for the “structural characteristics of institutions.” Yet I do not claim that institutions are “political actors in their own right” (March and Olsen: 1984: 738), and

actively and dynamically influence politicians. They are instead constants of political life, which have to be accepted as they are. There is a logical difference between stating that institutions are imperative in determining behavior (which I do) and imbuing them with agency *ex nihilo* (which I do not do).

Another qualification to new institutionalist theory I make is in regard to rational choice institutionalism, which I realign with sociological institutionalism. Rational choice institutionalism has the following claim: “When making decisions, individuals do not ask the question ‘how do I maximize my interest in this situation?’ but instead ‘what is the appropriate response to this situation given my position and responsibilities?’” (Koelble 1995: 233). I argue that the two sides given in this definition are not mutually exclusive. This interest-driven definition can be realigned into a statement like, “How can I maximize my interest in this situation under the existing institutional constraints?”

In regard to rational choice institutionalism, I agree partly with the postulate that “even small institutional details can have important and predictable results” (Tsebelis 1991: 97). I concur with the assertion that even small institutional details can have important effects.⁶⁹ I disagree however with the assertion that institutional rules will have predictable results. While I agree that generalizations are possible, they have to be qualified. Institutional rules are not natural laws. They depend on cultural norms to be enforced. Thus, institutions are the “formal rules of political or social games” and

⁶⁹ In the case of my research, I will detail these differences in the next chapter. Then, I will be able to state to what extent the institutional differences are small or large.

therefore function as constraints on political actor(s) (Tsebelis 1991: 96), yet not always and not on every actor.

I add another layer of realism to institutionalist theory and still keeping it succinct by using the concept of hard and soft constraints which institutional rules exert (Strom et al. 1994: 307). This way, I achieve my goal of providing a plausible theory of attraction to politics by institutional rules, yet keeping the theory economical (Strom et al. 1994: 307+309). In the work of Kaare Strom, the differentiation between hard and soft constraints is to be found. Hard constraints are institutional rules that are “both specific and enforceable.” Soft-constraint institutional rules are “less specific, less enforceable” (Strom 1994: 309), or simply rules that are not legally enforceable, yet are still accepted informally.

In Strom’s work, institutions are seen as agents in their own right and it is accepted that institutions constrain and shape political behavior. Strom’s institutional emphasis is on procedural constraints (Strom 1994: 305), in contrast to the electoral constraints of my research. Strom’s aim is to show that political bargaining between political parties in the process of coalition formation is influenced by the respective institutional setting (Strom 1994: 306).

I argue, paralleling Strom’s reasoning that one has to regard candidate nomination rules and campaign financing rules as another area of constraints on party power, just as procedural constraints on party power exist inside the legislature, as shown in Strom’s

work. Being aware of this crucial distinction allows for the construction of more realistic neo-institutionalist theories of behavior. In the next chapter, where I analyze the rules used in Germany and in the United States, I will be able to state preliminarily to what extent they are hard and soft constraints.

2.5 Analysis

In conclusion, I summarize the major findings of this chapter, for building a model of institutional rules' effect on elite recruitment. The underlying goal thereby is, as said, to identify empirically verifiable recruitment patterns in the institutional settings of Germany and the United States that can be correlated with the respective institutional rules pertaining to candidate nominations and campaign financing. Logically continuing this underlying goal, I made the prediction that that more active type of politicians would be found in the House of Representatives than in the Bundestag, since in the American case, self-selection is a more viable pathway into politics due to the American candidate nomination rules and campaign financing rules. Thus the hypothesis that variation in recruitment opportunities leads to variation in the recruited elite.

Additionally, this chapter provided indicators for the identification of the effects of the theoretical effects of the analyzed candidate nomination rules and campaign financing rules. These were that political systems that have a lot of active type politicians would be marked by weak political parties. Also, I identified insider nominations by party elites in Germany as an effect, and the absence thereof in the case of the United States. Based on

the theory, my model proposes that the organization of Congressmen does not constitute a “followership” but resemble something like a “guild.

With this, I am able to connect my model of institutional rules and their effect on elite recruitment to the party. This is beneficial and crucial, since the institutional rules and the recruited elite do not function in and of themselves, but are located under and within the body of the party. The **theoretical** discussion of institutional rules effect on elite recruitment is **practically** embedded within parties. Thus the understanding of the party as a kind of umbrella organization helps to properly understand the particular case of institutional rules and elite recruitment into national legislatures, which take place under this umbrella.

It is therefore the result of this discussion, to show the importance of the organization of “party” when trying to analyze institutional rules in either the post-electoral or pre-electoral stage. Thus it is necessary to theoretically define the institutional function of a party, too. This enables me to create a typology of a party, which I apply to the German and American cases. The theory of the institutional function of a party was already given in section 2.2. Yet as seen there, several theories exist, which are mutually exclusive. Thus I combine them in a meta-theory of a function of parties that will provide me with a typology,⁷⁰ now in the context of institutional rules. The statistical analysis can

⁷⁰ A typology is inherently subjective. Making selections based on intuition is nonetheless useful for scientific research as it provides a succinct and comparative explanation of a phenomenon. A typology of a party can be made on the basis of many criteria, such as:

- Party program

consequently show that the party typology correlates with the active/ passive-politician model.

For the purpose of creating a typology of parties in the context of institutional rules, parties can be categorized on the basis of their component parts and the functions of their component parts. Stated in the form of questions, the typology would be created by answering these questions: Does a national party structure exist, and what is its agency? To what extent is the national party organization bureaucratically organized, independent, and permanent? Is there an institutionalized party, which exists independently of the “whim” (Bibby and Cotter 1980: 2) of candidates and politicians? To what extent are local, state, and party organizations hierarchically organized and connected? To what extent has the bureaucratic body of the party programmatic independence?

On the basis of these questions, a typology of parties can be created. There can be a party, which has permanent party structures, versus a “continuing pattern of ad hoc staffing.” Party work can be done by professional staff or, in contrast, such a function can be performed by “notable” politicians (Bibby and Cotter 1980: 3). It can be differentiated between a party leadership which is synonymous with political office-holding and a party leadership that is functionally separated from political office (Bibby and Cotter 1980: 7).

- Ideology
- Origin and evolution of the party
- Organization and structure of the party
- Its electoral base
- The sociological composition of its membership/ supporter base (Decker 2007: 62-63).
- Or, as in the case of my work, a typology on the basis of the elite recruitment mechanisms.

The answers to these questions, cumulatively, are then conducive to creating a categorization of a party, as said, and to gauge the institutional rules into hard and soft constraints.

Such theoretical categorization has practical applications. For example, in the American case, besides the election campaign, phenomena like the permanent campaign and the preemptive campaign exist (Jacobson 1997: 76), while such is absent in Germany. In comparative perspective, this difference is remarkable. It underlines how elections in the United States are competitions between incumbents and challengers, versus a competition among parties in Germany. The different organization and function of a party, they were described in this chapter, can be seen as the explanation *par excellence* for this dissimilarity.

With such a theoretical tool as described here, my model will also lead to a better understanding on who controls the pre-electoral candidate nomination and campaign financing processes. Thus the central goal of this study, to ascertain what the effects of institutional rules are on elite recruitment will be understood in a broader and thus thorough context. This in turn provides insight into who is involved in politics, who is in the legislatures, and who has the power in the party. Thus, a lot of explanatory power is derived from such a model. Such an institutionalist model is, however, not unrivaled. The previously mentioned behavioralist approach is the significant alternative to institutionalist explanations.

In either case, an almost exclusive focus was on legislative behavior. Institutional theory was used to explain proportionality of representation, the number of parties in parliament, government stability, and policy results (Hix 2004: 194). My contribution is to extend this logic to recruitment patterns in an empirically solid manner. Metaphorically speaking, I move the spotlight from post-electoral results to pre-electoral outcomes. Having delineated the different views on political behavior of behavioralism and institutionalism, I am able to analyze in the next chapter the institutional framework for how candidates are nominated and how campaigns are financed in the United States and in Germany, to show how the differences therein effect what has been discussed in this chapter.

In conclusion of this chapter, I want to point out that the hitherto theoretical discussion strengthened my model. First, my theoretical assumption that institutional rules have an affect on politicians' behavior was shown to be an idea that is common in political science literature. Many political scientists concur that institutional rules influence politicians' behavior. Some see institutional rules even as determinative. Thus, I can build on this axiomatic theoretical assumption my specific hypothesis on the effects of candidate nomination rules and campaign financing rules.

Secondly, my dichotomous categorization of politicians' personality type is again an idea that is common inside and outside of the political science literature. As the review showed, many scholars provide a dual psychological division of political actors, to which my active-politician and passive-politician distinction is akin. Consequently, I established

that my core theoretical assumptions on which I build my model are common and shared inside and outside the political science literature.

CHAPTER 3 – THE GERMAN AND AMERICAN INSTITUTIONAL FRAMEWORK FOR CANDIDATE NOMINATIONS AND CAMPAIGN FINANCING: A COMPARISON

In the previous chapter, I reviewed political science literature on institutional rules and how they relate to elite recruitment and party politics. I drew a number of hypotheses and conclusions. In this chapter, the German and American institutional framework pertaining to candidate nomination and campaign financing rules will be analyzed and compared. Thereby it will become clear how the respective institutional system is built and why it is favorable or respectively unfavorable for certain political characters.

I will detail the institutional setting on how a candidate is nominated and how campaign finances are raised. Before going into the details of these two topics in comparative perspective, first a general and praxis-oriented analysis of the political party in Germany and in the United States is provided. This analysis allows for integrating the specific rules of candidate nomination and campaign financing into the broader function of parties in the respective political systems and sets the theoretical assumptions of the previous chapter in conjunction with the practical reality of parties.

3.1.1 The Political Party in Germany

In Germany, political parties and election campaigns have a long tradition. Yet in contrast to the continuous historical evolution of these institutions in the United States, Germany's parties and elections were affected by several disruptions and resets. Even

before the Second Empire (1871-1918), parties and elections were widespread in the German states. Elections and parties were heterogeneous in that different German states had different parties and different electoral systems. After 1871, this did not change much. With Austria excluded, the different German states organized themselves within the Second Reich, while they maintained their respective electoral systems. Two institutions were created: the national legislature, the *Reichstag*, and the *Bundesrat(h)*, which was the representation of the states in the Reich and had legislative, executive, and judiciary functions.

The electoral rules for the Reichstag were considered to be the most progressive in Europe at that time. All males above the age of 25 had the right to vote. Representatives were elected in each of the 382 single member districts. With the incorporation of Alsace-Lorraine, 15 additional seats were created. Representatives had to win a majority of the votes, so run-off elections were used. In all, twelve elections were held for the Reichstag between 1871 and 1912, the last election prior to the war. Voter turnout increased during this time from 50.7 percent to 84.5 percent in 1912 (vide Infoblatt).

It was in this era that the modern German party system was established. The social democratic party, the SPD, was already represented in the first Reichstag, and grew steadily to become the largest party by 1912. Conservative, Catholic, and liberal parties also have their roots in the Reichstag of the Second Reich. In the Reichstag, German MPs did not initially receive any financial compensation for their tenure. This was changed only in 1906, helping especially SPD representatives, who generally had a working-class

background and therefore no personal financial reserves, which made them dependent on aid from the party (James 2003: 7-8).

With the end of the *Kaiserreich*, the electoral system changed. Proportional representation replaced the single member districts. The size of the Reichstag was now dependent on voter turnout, as seats were allocated per 60,000 votes gained. During the Weimar Republic, the party label became most important. Voters were now casting their vote for a party rather than a person (James 2003:9). This system lasted until 1933, when the March election was the last one held with more than one party. After that, only the *Nationalsozialistische Deutsche Arbeiterpartei* (NSDAP) was allowed to participate in the elections to the *Reichstag* (James 2003: 11).

After World War II, the German party system underwent fundamental changes. Parties were founded in the respective zones of occupation under the guidance of the military governments. With the establishment of the Federal Republic and the election of the first Bundestag, many parties were represented both in parliament and in government. The high number of parties abated over the course of the 1950s, until the German party system balanced out at a two and a half party system⁷¹ by 1960. This partisan equilibrium held until the 1980s, when with the Greens a fourth party established itself in national politics (Decker 2007: 22). Thus the two and a half party system was replaced by a dichotomous system, with the CDU/CSU and FDP on one side, and the SPD and the

⁷¹ The CDU/CSU (*Christlich Demokratische Union* and *Christlich Soziale Union*), SPD (*Sozialdemokratische Partei Deutschlands*), and (*Freie Demokratische Partei*) FDP.

Greens (*Die Grünen*) on the other. This dichotomous system was short lived. With the unification in 1990, the socialist *Partei des Demokratischen Sozialismus* (PDS) established itself as a fifth party in German politics⁷² (Decker 2007: 23).

This new and current German party system has been marked by increased voter volatility (Decker 2007: 30). The SPD lost drastically in voter support and membership, while other parties show strong growth and new parties arise. The SPD now lingers in the low twenties; a novum in the history of the Federal Republic. While the FDP entered the 2009 Bundestag with almost fifteen percent of the vote, it failed to overcome the five percent threshold at 2013 Bundestag election. The Greens on the other hand, were polling around fifteen percent, in the end their vote share was almost half of what the party was polling just a few years ago.

Another indicative example for the volatility of the modern German party system is that new parties arise. The Pirates party polled strongly in 2011 and 2012 at over ten percent in opinion polls. In several *Landtag* elections it managed to enter the state legislature. Yet its support vanished quickly and at the 2013 Bundestag election it received significantly less than five percent of the votes. Another new party, the *Alternative für Deutschland* (AfD), which was established only in the spring of 2013, almost overcame the five percent threshold at the 2013 Bundestag elections by gaining 4.7 %. One explanation for this increase in voter volatility is a shortage of high-quality, competent politicians. This is

⁷² After the merger with the WASG (*Wahlalternative Sozial Gerechtigkeit*), the PDS changed its name to *Linkspartei*, which literally means left-party.

explained with, among other things, the shortcomings of the existing system for elite recruitment (Leif 2009: 15).

Pertinent to understanding how and why German politicians relate to their party is the fact that one half of the Bundestag is elected through proportional representation (PR) state lists and the other half is elected in single-member districts (SMD), following the first past the post (FPTP) rule. Thus the voter has two votes to cast; the famous *Erststimme* (for the SMD candidate) and *Zweitstimme* (for the state party list). This electoral system is frequently labeled as a mixed-member system and/or mixed-member majoritarian system (MMS) in political science literature. The district magnitude is for the SMD portion one of course. For the PR portion, the district magnitude varies, as the *Länder* constitute individual districts and not the *Bund* at large. The legal threshold for representation is thereby five percent in the PR portion. This threshold can be circumvented however, if a party gains at least three SMD seats (see Cox 1997 for the classification of the *termini technici* and Niclauß 2002 for the German case).

In the existing literature on this connection the proposition is made that the behavior of the legislators will vary according to the way they were selected as candidates (Hix and Jun 2010: 153). The idea is that when “senior party barons” have a say in who becomes a legislator and who gets renominated, this circumstance has an effect on politicians’ behavior in office (Hix and Jun 2010: 154+157).

The claim by Hix and Jun is that politicians who are “elected under candidate-centric electoral rules...are more likely to be independent from their parties than politicians who are elected under party-centric rules” (Hix and Jun 2010: 154). The thesis that political behavior is correlated with the type of electoral rules has been tested frequently (Hix and Jun 2010; Carey 2007; Shugart 2005; Shugart et. al 2005; Mitchell 2000; Samuels 1999; Carey and Shugart 1995). Yet no one has analyzed if indeed different electoral rules actually attract different types of people and if such differences are statistically measurable. This is what I pursue with the present study, as mentioned in the first chapter. Based on the theory I have developed, my prediction is that in Germany more passive-politicians will be present in the national legislature than in the United States Congress.

In the context of German parties, it is also necessary to elaborate briefly on theories of state funding of the political system. State subsidies to parties are decisive for their activities. State subsidies are for the most part either the most important or second most important source of income for all major German parties. With these funds parties defray most of their expenditures, particularly costs for elections. Furthermore, the half billion dollar subsidy for partisan foundations (*Parteienstiftungen*) is another crucial and indirect state support for the major German parties (von Alemann 2003: 90-94).

In the introduction I mentioned that state funding of parties is alleged to lead to a disconnect of the party from its social base, a “lack of responsiveness to the electorate, and declining competitiveness” (Young et al. 2005). This is plausible, assuming that if a

party can fund its operations without public support, it has the luxury and means to act independently of campaign donations. Another effect of state funding of parties is arguably that it leads to a less competitive party system (Young et al. 2005), and to plutocratic rather than democratic regimes (Scarow 2006: 619). Institutional means, such as a minimum vote share to qualify for state funding and reimbursement of campaign expenses, work to the disadvantage of small parties, impeding them from advancing and of supporting independent candidates (Scarow 2006: 624). Thus such schemes can be seen as working to the advantage of a party-centric rather than a candidate-centric political system. The prediction based on my theory is that in Germany a party-centric system exists.

As a result, German parties are at present (in their functions as organizations) strong and influential in many respects. The role of the party, particularly in parliament, further increased in the German case through the fact that in the multi-party Bundestag, governments are usually coalition governments. Coalition governments decrease the relevance of the individual legislator and increase the role of the party leadership, since the government is a constant bargaining relationship between the leaderships of different parties. In coalition governments, for example, one of the factors for assigning committee chair positions is on the basis of party affiliation. Since ministerial positions are given to representatives of one of the coalition parties, the other party tries to control the coalition partner by placing a member of its party in a committee chairmanship that deals with the corresponding ministry (Kim and Loewenberg 2005: 1106-1107). This not only shows that the German party has functions that are alien to those of the American party, but also

hints towards the practice of gentlemen's agreements in the Bundestag, as there are no formal rules for alternating committee chairmanships with ministerial positions.

To name another example that increases the strength of the party leadership at the cost of the individual legislator: In Germany the governments are usually coalition governments. Coalitions require two separate party caucuses to cooperate in order to organize a policy agenda (Martin 2004: 446). The bargaining process between two (or more) party caucuses is necessarily conducted by the selected few (i.e. the party leadership). This functional distinction of a small elite in the position of leadership increases their power and decreases that of the rank and file party caucus member.

A proper understanding of German parties requires one to note that in the German legal system, parties can be outlawed. This idea of ruling parties and their operations is included in the constitution (Article 21, Section 2, Sentence 1) (Decker 2007: 100). Thus the German party is something larger than an electoral tool. It is there to organize, influence, and guide the populace's political will (Decker 2007: 79). Representation in the Bundestag and the state legislatures is just one aspect of its task besides organizing the people in an associational manner (Decker 2007: 81). In this associational task, the German state in its function as lawgiver is forbidden to regulate who can enter and leave parties (Decker 2007: 85).

Thus the resemblance of the German party is that of a *création extérieure* in the party typology of Duverger (Duverger 1958: 14). The legal construction of the party and

election system in Germany is built around the entity of the party rather than the legislator. The legislator is perceived to be part of a whole (the whole being the party) rather than an agent in his own right. While legislative work is one crucial aspect of the party (through the representatives), it is not all of it. Instead, the party is there to organize the political life of the citizenry, inside and outside of the legislative process.

3.1.2 The Political Party in the United States

In the case of the American party, the legal foundation is quite different from that of the German party. In the U.S. Constitution, the party is not mentioned. The term is prominently featured erstwhile in the Federalist Papers. Yet there, the term “party” has a different meaning from what is commonly understood today. A party was not depicted as an organization in and of itself, an institution with a membership and a hierarchical structure, but rather in the sense of a *Weltanschauung* and its supporters being in opposition to another party. Thus a party was something to be shunned; not in an organizational manner but as a divisive intellectual existence.

Due to this creational ambiguity, parties are left to organize as they see proper, without much legal interference. While some states tried to regulate how parties organized and internally governed themselves, such attempts were overturned by the American judiciary (Jewell and Morehouse 2001: 8).

While the word “party” denotes an institutional structure in the German context, in the American context “party” is an umbrella term or just an amorphous label. A hermeneutical exercise in American political science literature provides evidence of this nomenclature. Party, within the American language usage, refers to a multitude of legally separate organizations. Indeed, some of the organizations carrying the label party are *de facto* not even bureaucratically organized as such. Exemplary therefore is a statement like this:

When the parties in a state are weak, the legislative parties are also likely to be weak. The two parties are not likely to be very cohesive on issues, and voting in the legislature does not often follow party lines (Jewell and Morehouse 2001: 4).

This statement evidently describes an organic and institutional difference between a party in the legislature and a party ambiguously located somewhere in the state. For that matter, there is no book with a title like *The American Party System* or *Political Parties in the United States*. Indeed, one of the most prominent political science books on parties by John Aldrich asks *Why Parties?* In Aldrich’s study, parties are not an associational institutions in the definition of Weber, but an ad hoc solution to an impasse⁷³ in the institution of the U.S. Congress (Aldrich 1995: 91). Party is understood as something in the realm of party unity scores (Aldrich 1995: 176). This emphasis on the legislature as the place of origin, solidly locates the American party in the category of *création parlementaire* in Duverger’s typology (Duverger 1958: 14). Party is a word used to designate legislative caucuses, and mostly the congressional legislative caucuses.

⁷³ The impasse specifically being votes on “key issues” (Aldrich 1995: 82).

Consequently, the definition of political party in the American context is rather different from the German case. Seeing parties as “institutions responding to changes and searching for roles,” Maisel (1994: 383) clearly shows the confusion and sketchiness when trying to grasp the function of political parties in America. Ascribing to them the “fundamental purpose...to elect candidates to a variety of offices” (Jewell and Morehouse 2001: 47) clearly makes them objects rather than subjects.⁷⁴ When it comes to local elections, the significance of even the party label diminishes significantly, since most local elections are non-partisan (Jewell and Morehouse 2001: 9). The subject in American elections is then the candidate. The “ambitious candidate...creates[s] a personal campaign organization rather than relying on the party” (Aldrich 1995: 269). Thus parties remain as a kind of political service stations rather than a disciplined and unified political organization.⁷⁵

⁷⁴ Something that could not be said about German parties.

⁷⁵ There are exceptions to this view (that the party has become irrelevant in American politics) among American political scientists. Cohen et al. (2008), most prominently, argue that contrary to the popular notion, the “demise of parties has been exaggerated,” and that “parties remain major players in presidential nominations” (Cohen et al. 2008: 3). To support this view, however, the definition of party is changed. Rather than party as a mass-organization, Cohen et al. redefine the structure of the party by limiting it to “party insiders” (Cohen et al. 2008: 1). Instead of a party in the Weberian sense, the “party” becomes the amalgam of “governors, big-city mayors, members of party committees, and legislators,” as well as others, “such as organizers, fund-raisers, pollsters, and media specialists” (Cohen et al. 2008: 4).

After redefining the organization of the party, the function of the party is changed, too. The function of the party, and thereby the evidence for the “invisible primary,” is the effort of everyone other than the candidates themselves to influence the presidential candidate nomination process (Cohen et al. 2008: 187+195). The argument is then not about American parties in general, but is limited to presidential parties (Cohen et al. 2008: 348).

While the authors say that the “invisible primary” is proof that American politics is still party-centric, in the end they hint towards the fact that the presidential nomination process might be candidate-centered after all (Cohen et al. 2008: 335). From a comparative perspective (and irrespective of the evidence for the “invisible” primary), their argument evidences at most the influence of *éminence grise* in the pre-primary stage of the presidential nomination process. This is, however, evidence for the strength of an oligarchy and/or plutocracy rather than of a party in the Weberian sense.

On the basis of this analysis, the argument can be made that parties in the United States “no longer exercise control over those who seek office, as the traditional urban machines often did, but rather” they serve the candidates’ needs (Jewell and Morehouse 2001: 48).

Put more bluntly:

The party is in service to its candidates and officeholders, it is structured to advance the needs and interests of ambitious politicians.... A party in service can only help the candidate, who in principle has other sources for finding such help. The more effective and extensive the service the party offers, however, the more important they are to their ambitious candidates as they seek continual election and reelection.... The concern for the party in service is to provide incentives for ambitious office seekers to align with the party (Aldrich 1995: 289-295).

The usage of commercial language used by John Aldrich to describe the function of an American party is noteworthy and revealing. It shows to what extent the perception and understanding of American parties and their function have changed, even amongst those who professionally deal with them. Repeatedly, parties are described as servicers of individual egos. Indeed, parties have to compete for the attention and interest of the politician with other organizations; they are at most *primi inter pares*. The above quote is an up-front admission of the fact that the notion of party in the United States is a) decidedly different from the German notion of party and b) shows that party is one among other actors competing for influence over legislators. Such leveling of party-function is an interesting, and from a democratic theory standpoint, a noteworthy happening.

The American electoral process is rightly called “candidate-centered.” Candidates “create and operate their own campaigns” (Jewell and Morehouse 2001: 48). Such a revealing statement helps to understand to what extent political success and failure rests with the individual politicians and to what extent a politician has his political career in his own hands. This understanding explains a great deal if thought through. It epitomizes how detached and separated (or emancipated) politicians have become from the party (in its traditional and current European understanding) in the United States. This applies to American politicians who are active in local and state politics, and especially in national politics (Jewell and Morehouse 2001: 48-49).

One crucial factor for the independence of politicians from party elites is the weakness (if not complete inability) of inner party circles to “protect their preferred nominee from a primary challenge.” Whatever decision the party elite arrives at, whatever the American equivalent of a politburo decides on with regards to the candidacy status of an individual, its abilities to enforce such a decision are weak if not completely absent. The lack of “sanctions” that could be used against rivals is decisive for the party’s helplessness (Jewell and Morehouse 2001: 52).

To contextualize the assertion that a party has no ability to apply sanctions to a contender, take the example of Marco Rubio. Rubio was able to challenge the popular Florida Governor Charlie Crist. The sitting governor of America’s third largest state had no means to preempt an inner-party challenger. Thwarting a German *Landesfürst*’s political

ambition is unheard of and would be a more than difficult task. Similarly, six-time incumbent senator, Richard Lugar, was challenged in the primaries and lost to Richard Murdock, the state treasurer of Indiana. Again, it can be seen how political clout and party seniority carry little weight in themselves in primaries. To give yet another example, Eric Cantor, who was the House Majority Leader, lost in the primary against Dave Brat.

There are more examples where it is evident that senior political officeholders, having a prominent and successful political standing, are detached from holding sway in the party. This reality is seen as alien and unfathomable to European party-careerists and party-bureaucrats, yet common in the United States. While cases like the above (or of Christine O'Donnell who ousted Michael Castle, former Governor of Delaware and an incumbent representative) show how incumbency is neither an insurance for a continued political career, at least within one's own party, nor for controlling a party apparatus. There is just no party apparatus in the United States that is to be controlled.

These above examples gained nationwide attention because of the prominence of the politicians and offices involved. In smaller political races (state and local elections), similar political dramas unfold without gaining national attention but prove how open and unconstricted American political life is. This free-for-all enfeebles any attempt of sustaining a disciplined party-machine in the European sense. The party has no means to regulate who will gain its label for political usage. Thus free-for-all is indeed a precise

and apposite description for the absence of any regulating mechanism for candidate nomination and campaign financing processes.

This power-anemia leads to a notion of parties where they are described merely as recruiting organizations and “service agencies” (Jewell and Morehouse 2001: 54-55, 61). The procedure and process of becoming a candidate for a political office in the United States is hermeneutically approached extrinsic to the body of the party. The following thesis is then to be made: Either self-recruitment occurs, or extra-party quality candidates are sought. An intra-party selection process is absent since it would be futile.

There is an obvious connection between the recruitment and nomination of party’s candidates. If party leaders recruit the best candidate they can find for a statewide, congressional, or legislative office, they want the candidate to get nominated.... But of course the party’s ability to influence the selection of nominees is seriously limited by the primary elections used almost exclusively for nomination in the American states.... Today very few state and local party organizations have the political power or resources to control nominations.... It is most important, and most difficult, for a...political party to influence the nomination in statewide and congressional races. Sometimes the party may persuade someone who is challenging [the party apparatus’] preferred candidate to drop out of the race by refusing to provide any funding. But this is not an effective weapon when the challenger has enough funding to finance primary and general election campaigns without any help from the party (Jewell and Morehouse 2001: 56-57).

If the party apparatus has no means to control who runs under its label, as it is stated above, several consequences arise. First, its label (a.k.a. corporate identity) will be

diluted. The label of Democrat and Republican will be more of an identifier for a *Weltanschauung*; a crude position-marker rather than an identifier for a political program that is supported by a disciplined and effective political movement, i.e. the party, bound to enforce the program upon gaining power. Instead, the party label becomes a flag around which to rally against the other side. In Fenno's famous work *Home Style*, the electoral process is entirely reduced to a "representative-constituency linkage (Fenno 1978: xiii). The party organization, not to mention a partisan bureaucracy and infrastructure, is not even mentioned in this American politics standard work. That is quite telling about the relevance given to the party bureaucracy.

Second, the politician will be (pointedly stating it for argument's sake) beholden to anyone but the party. Without authority over the politician, the party cannot control his actions. While there are several ways for a party to influence a politician, nothing trumps the ability to decide his political future. Yet without a veto over his future, which means without the ability to deny him future renomination and deny him his financial resources, the party is a mere paper tiger vis-à-vis the politician. While the party admittedly can play a crucial role in the electoral process, it is not irreplaceable, which is the key factor.

Such party weakness leads to "atomized politics with little joint activity between candidates running on the party's slate" (Jewell and Morehouse 2001: 62). But party discipline is crucial in legislative assemblies. In the earlier-mentioned work of Aldrich, the whole point of creating a party is for efficacy in congressional voting. Yet by deferring to the interest of one's own reelection prospects as a legislator rather than to the

interest of the party-line, a party-elite cannot *par ordre du mufti* push through a legislative agenda and blindly trust the legislators to vote as the party leadership has decided on. An American legislator will be careful not to be beholden to the party leadership, which when push comes to shove in elections, cannot save him from the wrath of primary voters and campaign financing donors.

There are different explanations for this American phenomenon of weak parties. To understand and describe this phenomenon, I have to outline some basic characteristics of party strength in the American context. First, a variation in party strength has to be precisely ascribed to a specific function of the party. That is, stating that America had strong parties and now they are weak falls short of a comprehensive explanation. Instead, it is necessary to precisely state that local parties and state parties were strong and now are weak and that a strong national party structure never existed in the first place. From a comparative perspective, such nuance is key to understanding the information conveyed by statements of weak and strong parties. Additionally, as it was shown in Chapter 2, what is generally seen as a “party” in American political science, is the parliamentary group in the vocabulary of German political science. On the basis of such delineation, I explain, drawing on American political science literature as well, why the American parties are weak.

One proposition by Campbell (2007: 68) points to technological changes that allowed candidates to appeal directly to the electorate and thereby sidestep the inner party circles. In comparative perspective, this explanation fails to explain why in other political

systems the same effect did not materialize, despite undergoing the same technological changes. A parallel logical shortcoming is to be found in the work of Dalton and Wattenberg (2000) as well as in Aldrich (1995). Dalton and Wattenberg observe a decline in partisanship among Americans. This, they then argue, explains why campaigns became more candidate-centered. Yet again, one has to point out that partisan de-alignment exists in Europe as well. (Halving of the membership among the German *Volksparteien* is one example.) Such de-alignment was however not followed by more candidate-centered elections.⁷⁶

Cox and McCubbins, in both *Setting the Agenda* and in *Legislative Leviathan*, discuss the decline of American parties. For them party strength and party weakness are things pertaining to the “electoral” and “legislative side of the story” (Cox and McCubbins 2005: 2). The institutional (bureaucratic and organizational aspects) side is absent. Thus party vote is, among others things, understood in the terms of roll call voting. In comparative perspective, not “party” strength or weakness is observed by Cox and McCubbins, but the cohesiveness of the “parliamentary group.”

Their explanation for why party strength has declined over time, is that “decentralization” occurs in the way committees operate in Congress (Cox and McCubbins 2005: 2-3). Thus what is denoted as “party” is located within the legislature, and pertains to legislative business. Parties are defined as “collective action” problem-solving entities for legislators

⁷⁶ One could indeed argue the contrary.

“who face a chaotic and unpredictable agenda” (Cox and McCubbins 2005: 17). Cox and McCubbins, partitioning each and every aspect of “party” work, do so by exclusively listing legislative processes (Cox and McCubbins 2005: 19-20). This evidences that what is comparatively labeled and understood as the parliamentary group and internal workings of a legislature is synonymous with the morpheme “party” in the usage of Cox and McCubbins, as well as others (Krehbiel 1998).

In the work of Hershey (2009), a more catholic understanding of “party” exists. There, the party also functions to nominate candidates, to organize election campaigns, and to “promote ideas about public policies” (Hershey 2009: 6). Hershey divides “party” into three different parts. 1. party organization, 2. party in government, and 3. party in the electorate. This division is peculiarly American. In the German context, one would not divide in such a way. Furthermore, the distinction between the party organization and party in the electorate is noteworthy, as one would not expect extra-legislative party divisions. This division is owed to the circumstance that in America a party membership in the comparative sense does not exist. This is why the party in the electorate is defined as those people who support a party and distinguished from the party organization (Hershey 2009: 9).

When it comes to the functions of parties, Hershey provides a threefold explanation. Parties help candidates in getting elected, educating and propagandizing to citizens, and governing (Hershey 2009: 10). The question thereby is what the magnitude of the “party” is within all these functions. If a health care bill is passed, to what extent is it written by

the party and by outside groups, politician's staff, and lobbyists? If candidates are elected, what is the share of the party's effort compared with the efforts of the candidate and the efforts of outside groups? Lastly, do citizens get more educated and propagandizing by the parties or by the Tea Party and MSNBC? These questions highlight how ambiguous the term "party" is in the American context. It is therefore apposite to primarily identify American parties as "symbols" and "emotion-laden objects of loyalty," giving citizens as well as politicians a "social identity" (Hershey 2009: 13).

This does, however, still not answer the question of why in comparative perspective the American parties are the way they are. By approximation, I will provide an answer. Aldrich states in his work that American parties are "endogenous" (Aldrich 1995: 19). What he means is that parties were created by legislators inside the legislature. The argument of Aldrich is that parties were created by office-holding politicians within Congress, and then spread out to the people. This historical narrative is different from the German genesis of parties, where parties were created by interested people and then politicians got elected.

This is not merely a question about causality *à la* what came first, the chicken or the egg, but has profound implications for the organizational foundation of parties in a political system. A top-down approach,⁷⁷ as it is argued by Aldrich, will lead to a different party-bureaucratic organization than is the case with a bottom-up approach in the case of

⁷⁷ Even though in the case of the Republican Party at least, a bottom-up creation is more realistic (Gould 2012).

German parties. Such top-heavy American parties will be less likely to have all the functions of a party as they are defined by Max Weber. Yet this approach by approximation is still too imprecise to comprehensively answer why American parties are “weak.” I therefore combine the foundational explanation with the organizational explanation.

As mentioned in the previous chapter, the changes made in the Progressive Era are seen as the executioners of party power (Hershey 2009: 18-19).⁷⁸ Yet this explanation does not precisely and specifically state what level of party power was weakened in the hierarchical structure of a party. The answer to this question is to be found in the narrative of the decline of American party power.

Immediately preceding the Civil War and even more after it, the United States received massive immigration from Europe. Political parties “played an important role in assimilating these huge waves of immigrants” with the help of a peculiar type of a party organization, the “city machine” (Hershey 2009: 18). Therefore, local parties were the source of party strength in America, similar to what exists in Germany today. In the “golden age” of American parties, the party bureaucracy was the “dominant segment of the party,” exerting a disciplinary effect on Congress (Hershey 2009: 18). This strength was based on the machine’s ability to control government jobs as well as political careers.

⁷⁸ Even though party-machines lingered on up until the 1960s.

With the reforms of the Progressive Era, such “boss rule” came to an end and the party was weakened in both aspects of controlling entrance into politics⁷⁹ as well as providing jobs (Hershey 2009: 19). The immediate consequence of this was to end the *raison d’être* of the local party in the early 20th century. The consequence in the *longue durée* was the preemption of a hierarchically organized bureaucratic party structure, such as found in Germany that could cover and address all aspects of the political process. It has to be noted, however, that a weakness of the institutional function of parties does not necessarily have an influence on the ideological function of parties. Partisanship and partisan identity in the United States are very strong and vibrant, while in Germany the opposite trend can be observed.

Therefore, it can be concluded that the candidate nomination process in the United States has assumed the character of a “plebiscite” in which media coverage and public performance, i.e. “professional political marketing,” and the availability of money, trumps links to a national party.⁸⁰ Such a power constellation in the United States, with its “participatory peoples’ democracy,” contrasts with the custodial role in the nomination process in Germany (Neisser and Plasser 1992: 24).

⁷⁹ Leading to the previously discussed candidate-centric politics in the United States.

⁸⁰ RNC and DNC, for example.

3.2.1.1 Becoming a Candidate in Germany

The German candidate nomination procedure for entering the Bundestag foresees two different pathways. A candidate can either stand for election in one of the 299 single member districts in Germany, or the candidate can be put on a state party list. This procedure has its origins in the German constitution. The constitution tasks the political parties in Article 21, Section 1, Sentence 1 (Grundgesetz 2007), with partaking in the forming of the political will of the German people (Kremer 1984: 15). It is further detailed in the statutes on parties (*Bundeswahlgesetz*), where in Article 1, Section 2, parties are tasked with actively promoting to the citizenry the partaking in political life through nominating candidates for federal, state, and local elections (Kremer 1984: 18). Numerically, only an infinitesimally small number of the German people actually partake in determining who the candidate for a parliamentary seat will be.

In the 1980s, significantly less than five percent of the electorate had de jure influence on the nomination process by being party members (Kremer 1984: 12). With the drastic decline in party membership, this base has shrunk even further. Today, merely 2.16 percent of the electorate are members of a party and have de jure the ability to influence nominations for nationally relevant parties.⁸¹ Considering, however, that in a quarter of the constituencies (*Wahlkreis*) merely 0.1 to 0.15 percent of those entitled to vote in the election actually participate in the candidate selection process, it becomes evident how

⁸¹ There are ca. 62.2 million Germans entitled to vote. Of these 1.343 million are members of the nationally relevant parties (CDU 485 000, SPD 485 000, CSU 150 000, 70 000 Linke, 63 000 FDP, 60 000 Greens, 30 000 Pirates), i.e. 2.16 percent of the electorate.

exclusive and narrow the basis in the German candidate selection process is. This small fraction would be even smaller if the term participation would have to represent even a minimal amount of influence on the nomination process rather than merely casting a vote in local party ballots (Kremer 1984: 12).

Yet these statistics do not tell the full story. They disclose only the superficially measurable aspect of the German nomination process. What has to be reckoned with in addition is on what grounds votes are cast for a nominee by the few who do so (Kremer 1984: 12). Some vote on the basis of nepotism and favoritism. Others follow the lead of opinion makers. Others act independently and make up their own mind. Duverger provides a theoretical framework for these divergent degrees of participation (1958: 133-137). He points out some are active and some are passive⁸² in their decision-making process.

One crucial proposition in the German nomination system is the concept of reward. This means that nominations, both on state party lists and in the district, are made to reward a party “soldier” for his or her service to the party. Thus, years of putting up campaign posters, attending to information stands, organizing party events, and attending party meetings are crowned by being elevated to candidacy for the Bundestag (von Alleman

⁸² *Nota bene*: The active/ passive distinction of Duverger I use here is not be confused with my theoretical dichotomy of active and passive political behaviors.

2003: 132-141). The colloquial term for this onerous procedure is *Ochsentour*⁸³ (Leif 2009: 59). The time-consuming service for the party is thusly recognized by one's peers.

A prerequisite for a successful bid for the Bundestag is therefore not just experience in local politics (*Kommunalpolitik*), but also in party politics (*Parteipolitik*). An aspirant Bundestag member has not only to climb the political career ladder, he has to simultaneously climb the party ladder; complete the earlier mentioned *Ochsentour*. Thereby, a candidate achieves the informal recognition of the party oligarchs. (Leif 2009: 63). The gatekeeper oligarchy has thereby the chance to get to know the person and gauge to what extent he is willing to submit himself to the party line and party leadership⁸⁴ (Leife 2009: 65). What is evident is that in the German candidate nomination process, informal rules are very important.

As for the formal nomination rules, the German law and constitution provide the parties with a near monopoly. Elite recruitment is a party selection process in Germany. Either party members or delegates choose the candidate (Leif 2009: 63).⁸⁵ Candidate nomination rules in the single member district follow §21 of the *Bundeswahlgesetz*. Only party members can nominate, either directly or indirectly through delegates, their candidate for the electoral district. Partyless, independent candidates can be nominated by a group of

⁸³ Literal meaning: "tour of the ox.

⁸⁴ The relevant German expression is "*Linientreue belohnen, Anpassungsfähigkeit honorieren.*"

⁸⁵ See Chapter 6.1 for more details.

voters in the district by gathering 200 signatures. Nominations for the state party list are reserved entirely for parties. Thus only parties can campaign for the *Zweitstimme* (Decker 2007: 107). A corollary to this is that according to German party law, only parties that compete in either national or state elections are considered legally to be a party. Parties that only compete in local or European elections are not considered to be parties in the understanding of §21 of the German constitution (Decker 2007: 82-83).

The legal requirements of German party law dictate that candidate nominations by parties have to be democratic. Every dues-paying member of a party has to have the hypothetical opportunity to partake in the nomination process⁸⁶. Therefore, a written invitation, sent out in time (eight days before the scheduled meeting) has to notify all party members in the *Wahlkreis* of an upcoming election for either delegates or the candidate himself (Kremer 1984: 23).

The *Wahlkreis* (electoral district) is generally composed of multiple *Ortsverbände* or *Ortsvereine*, a *Kreisverband* or several *Kreisverbände* or *Unterbezirksverbände* (local party organizations). The important party oligarchs, the gatekeepers, are party executive committee members of these organizing units. These units comprise the *Wahlkreisvorstand*, which proposes and recommends a candidate for the district (Kremer 1984: 13-14).⁸⁷ While their recommendation is not binding, de facto it has most of the

⁸⁶ Art. 6, sec. 2, nr. 9, German party law (Kremer 1984: 23-24).

⁸⁷ For example, the SPD in Germany is composed of **12 500 Ortsvereine** (local party offices). Next, there are **350 Unterbezirke or Kreisverbände**. These are party units that encompass several smaller local party

time determinative weight. The delegates or party members in the *Wahlkreis* are therefore influenced if not guided by the proposals of the party leadership.

For state party lists, the power concentration is even stronger. As in regional conferences, local party elites nominate candidates for the state list, which is then reviewed and brought together by the state party leadership. While this list is voted on by delegates picked in the districts at a later state party conference, where changes are possible, the role of the leadership is nonetheless most relevant (Leif 2009; Decker 2007: 109-110).

Politicians, who have overcome these entrance barriers, can then feel quite safe in their Bundestag seats. Two thirds of the Bundestag members either have safe districts or have a safe party list position. Thus as long as these legislators continue to receive support of the party leadership and/or delegates, they can be assured of their Bundestag seat (Kremer 1984: 11).

3.2.1.2 Financing a Campaign in Germany

Nowadays, parties in Germany are among the highest publicly subsidized parties in Western countries. Only in Sweden (and with smaller parties in Italy) a public funding

offices. Thus, a number of small cities, or a rural region can constitute a *Kreisverband*. Bigger cities can be a *Kreisverband* on their own, or even contain more than one. Next, there are **25 party Bezirke and Landesverbände** (regional and state parties). Large states are composed of several party districts. Smaller states have just one state-wide Landesverband. These party units comprise and elect the national SPD (Nielauß 2002: 156). The make-up of other German parties varies, but still conforms to a large extent to this schema.

scheme exists where more taxpayer money is given to parties (Naßmacher 1992: 8). Financing a campaign in Germany is thus party-centered and not candidate-centered; meaning that the finances derive from the party and are largely spent by the party. Yet public campaign financing (the prevalent source of campaign financing today) in Germany is a recent occurrence. In earlier times, parties had to rely on other means of funding.

Prior to the evolution into mass-parties, German parties were resembling gentlemen's clubs.⁸⁸ Only with the introduction of free, fair, and direct elections in the North German Bund in 1867, and then in the German Reich in 1871, did the German parties open up to the masses. Before this, party finances were no significant matter. Elections were a formality, in which the party dignitaries would meet "ad hoc" as electoral committees and dissolve immediately after the election. The financial means of the candidate himself were the only relevant aspect for election funding. Not only had the politician to finance his own campaign, he had to sustain himself while in office, too (Adams 2005: 17).

Over the course of the *Kaiserreich*, politics became increasingly more expensive. The average expenses for a Reichstag campaign rose from 1000 Marks in 1880 to about 20,000 to 30,000 Marks in 1912, the last *Reichstag* election before the end of the monarchy. The way politics was financially organized in the German Reich resembled the case today in America, where individual politicians bear the financial burden on their

⁸⁸ *Honorationenpartei*.

own (Adams 2005: 17). Just like in present day America, political campaigns became prohibitively expensive in the absence of public funding and decisive party financial support. Thus the individual aspirant had to fund his campaign either on the basis of his own means or on the basis of his skills to solicit campaign donations.

As for party organizations as a financial support base, these were largely absent, especially on the conservative side. Partisan voters organized themselves into local clubs, which constituted the functional equivalent of a party organization.⁸⁹ Clerical and vocational organizations were examples for such organizational substitutes (Adams 2005: 18). With the increasing costliness of electoral campaigns and the rise of the SPD, electoral funds were created by numerous interest groups. Industrial and trade organizations contributed money into these funds that were distributed among liberal and conservative parties and their candidates (Adams 2005: 24).

These funds became more important during and after World War I. Industrialists financially helped those parties that shared their economic interests and philosophies both in building their party apparatus and in financing election campaigns. In the early years of the Weimar Republic, such funds aimed especially at combating socialists and Bolsheviks at the ballot box (Adams 2005: 25). The idea for such a close relationship between industrial interests and politics came from America, as was acknowledged by the German industrialists (Adams 2005: 26).

⁸⁹ Again, quite similar to modern American local party organizations.

This cooperation between conservative and liberal parties and business organizations led to the financial dependency of these parties on these funds. Up to 80 percent of conservative and liberal parties' election expenses were paid through the funds made available by corporations. In election years more than 90 percent of party expenses were matched by funds made available by business organizations (Adams 2005: 28). This financial dependence on business organizations led to having parties (especially those of the center-right) accepting the candidacy of someone who did not conform to party policies but who had an abundance of campaign funds supplied by business organizations (Adams 2005: 28). The SPD, devoid of such contributions by business circles and largely dependent on member contributions had to turn to the unions for help in matching the electoral funds' challenge posed by the liberal and conservative parties (Adams 2005: 32). The Catholic *Zentrum* party had to prominently rely on priests, who would actively raise funds in their parishes for specific candidates' election campaigns (Adams 2005: 35).

State funding for parties during the Weimar era was largely nonexistent. In 1920, the state began to reimburse the parties for their ballot expenses. Parties had to produce and pay for their own ballots. The idea behind this scheme was to allow all parties to participate in elections irrespective of their financial means (Adams 2005: 39-40). Then with the introduction of the uniform ballot in 1924, this form of state funding became obsolete (Adams 2005: 40-41).

Another instance of indirect electoral campaign funding by the state was the introduction of salaries for members of the Reichstag in 1906. The legislators remunerated a portion (varying from party to party) of their salaries to the party. The party used this money to finance its activity and pay for campaign expenses. Until salaries for Reichstag-members were introduced in 1906, the SPD had to actually pay its legislators, since SPD legislators were salaried workers who had no financial means on their own to sustain themselves (Adams 2005: 41).

In contrast to the haphazard financial situation of parties during the *Kaiserzeit* and the Weimar Republic, the financial basis of parties was put on a more solid and legally defined foundation in the Federal Republic. Since political parties were assigned a crucial and constitutional role in the operation of the Federal Republic, they were supplied with guaranteed and calculable financial means, which were nonetheless well regulated and required transparency about party finances in an unprecedented way (Adams 2005: 49).

In the early years of the Federal Republic, member contributions played a significant role in political finance, especially for the SPD, which had close to a million members. Additionally, the SPD relied (and continues to rely) on its businesses, consisting mainly of newspaper and publishing houses. Lastly, the SPD was able to receive significant aid from the unions (Adams 2005: 65). The liberal and conservative parties (CDU, CSU, FDP, and DP) continued to rely on contributions from business organizations, similar to the financing during the Weimar Republic (Adams 2005: 80). This source of income was increasingly augmented with individual contributions, aided by the fact that party

contributions (50 percent up to a limit of ca. USD \$2,000) are tax-deductible and thus benefit the conservative and liberal parties with their well-to-do donors (Adams 2005: 110).⁹⁰

In the 1960s, the party financing system significantly changed with the goal of strengthening the parties' efforts for political education.⁹¹ The state was not just to finance the parties' election campaigns (by then, after the consolidation of the 1950s, only three parties were left), but also their educational efforts. Without doing too much injustice, it can be said that the taxpayer started to pay for partisan propaganda (Adams 2005: 114).

Today, the German parties draw from a number of financial resources. Financial support comes from dues-paying party members, contributions from legislators,⁹² revenue from investments, donations, and from the state. State support is twofold, direct and indirect. Direct support is the money given to the party directly from the state's revenue in the form of subsidies. By statute, annual contributions to the parties by the state are limited to about 150 million Euros (Decker 2007: 94; Deutscher Bundestag). Indirect support exists by the state either taxing contributions at a lower rate or not at all. Thus the state supports

⁹⁰ When Germany introduced public party financing, it was among the first to do so. By 2002, almost two thirds of those countries labeled free and partially free by Freedom House had introduced public financing for either candidates and/or parties (Kob 2012: 1).

⁹¹ *Politische Bildung*.

⁹² *Mandatsträgerbeitrag*. Most parties have a non-binding gentleman's agreement with their salary-receiving legislators, which require them to pay ten to 15 percent of their remuneration to their party.

the party by allowing the party not to pay taxes on its income (Decker 2007: 88). Most noteworthy, especially in comparative perspective with the United States, is the legal limitation on donations to politicians. Donations directly to the candidate are not tax deductible and thereby not foreseen in German party law.

3.2.2.1 Becoming a Candidate in the United States

After having analyzed how the two institutional rules under examination function in Germany, I will now look at the same institutional processes in the American case. For this purpose, the following has to be remembered. While the United States enjoyed constitutional and institutional stability⁹³ like no other republic and is thus unique among Western democracies, the areas in its democracy that have undergone several drastic changes are its campaign finance rules and candidate nomination rules.

The way to become a candidate for political office in the United States is decidedly individual: Individual in the senses of choice and capability. If then a politically interested person wants to stand for election under a party label, he can do so by concentrating on one event: winning in the primary.⁹⁴

⁹³ Unlike Germany.

⁹⁴ In 27 states, the primaries are *open*, i.e. requiring voters to register as a Democrat or Republican, the two relevant American parties, before voting in the primary of one's registered party. In the remaining 23 states, the candidate has to win in an open primary where each registered voter can vote (Jewell and Morehouse 2001:43).

The distinction with regards to candidate nomination rules is however not merely the distinction between open and closed primaries. The regulation of parties is left to the states. Thus, there exist 50 different ways on how candidates are nominated. Recalling that attempts to regulate party laws were struck down by the courts, the corollary has to be made that within a state, differences from party to party can exist (Neisser and Plasser 1992: 7). This apparent heterogeneity of party rules can be qualified by the simple statement that in the end, nominations, even in closed primaries, are wide open to the general public. This openness is one feature which differentiates American parties from their German counterparts when it comes to candidate nomination rules.

Limited in their scope of action, American parties do not have inscribed, dues-paying members like German parties. Instead, any sympathizer with the Republicans or Democrats can register easily and without any cost and thus become a member of the party and have a say in it. With a costless registration, a voter can participate in a party's conventions and primaries. Not only can a person participate in the candidate nomination process but he can also become a candidate himself. This leads to the assumption that American parties have a limited role in the recruitment and nomination process (Neisser and Plasser 1992: 8).

In historical perspective, this was not always the case in the United States. Indeed, the American parties were once considered to be among the strongest and most powerful.⁹⁵

⁹⁵ Max Weber makes numerous remarks about the strength of American parties in his work, as an example.

In their heyday, the American party machine, party boss, and precinct captain were within the taxonomic group of American party strength (Neisser and Plasser 1992: 9). Only in the aftermath of the Progressive Movement did this change. The Progressive Movement, a reaction to political corruption, cronyism, property speculation, personal intimidation, and electoral fraud, led to a number of reforms on how candidates were nominated. The reforms were begun with the introduction of the Australian ballot (to limit electoral fraud). Then “direct-democratic instruments” were introduced, like initiatives, referenda on the state level, and the recall vote. In local politics, elections became nonpartisan, as party labels became outlawed. When strict state regulations of political parties were introduced and direct primaries became widely used, the power of the American party ended (Neisser and Plasser 1992: 9-10).

The aim of the Progressive Movement was to strengthen and broaden the ability of politically interested citizens to participate in the nomination process and in political life. The explicit goal was to reduce the influence of “exclusive circles of functionaries” and bring an end to the infamous smoke-filled rooms as decision organs for candidate nominations. Intentionally or unintentionally, this enabled self-starters to enter politics at their own volition, without having to earn the laurels of nomination through years of party service. Thus, a strong and close bond between the constituency and the politicians replaced the relationship of the politician and the party apparatus (Neisser and Plasser 1992: 11).

Such change meant that the bureaucratic party had to compete for influence over the elected official with extra partisan entities in the United States. Nowadays, American parties have to compete with political action committees, pressure groups, professional political consultants, and interested citizens for influence (Neisser and Plasser 1992: 12). The unrestrained access to the nomination process has watered down the meaning of party membership to such a degree that it has become meaningless in a comparative perspective. Parties have no control on who can participate in primaries, open or closed. The so-called crossover voting in open primaries blurs even the remaining line between party identities (Neisser and Plasser 1992: 17).

This calamitous situation for party strength is something laudable of course, from a purely democratic standpoint. While the primaries have distorted the function and understanding of parties in the American case, they have significantly increased the selectorate. Theoretically, the entire American electorate could be the selectorate. In practice, however, only about a quarter of the electorate participates in the nomination process. Yet this is still considerably more than the very small number of persons involved in nominations in Germany (Neisser and Plasser 1992: 18). In fact, in some regions of the United States, particularly in the Deep South, participation in the primary is higher than in the actual election. In areas with safe seats, the decision in the primary antedates the actual election when it comes to definitely selecting the officeholder (Neisser and Plasser 1992: 21).

Since the party has no word in picking the candidates for either primary or election, the little influence it has on the primary ballot access remains as an explanation for variation in party power. Such ballot access depends mostly on states' statutes. In some cases, ballot access is achieved through local party caucuses and regional pre-primary conventions. In these cases, the vote of approximately 20 percent of the delegates is required to gain ballot access. This is the best (and only) chance the party has to influence the nomination process. Yet even at this early stage, this is not a significant hurdle for a so-called quality candidate (Neisser and Plasser 1992: 21). In other cases, the requirement for ballot access is merely the candidate's ability to deposit a required security deposit, thus a mere financial issue. In this case, party influence abates completely. While in the former case a pre-primary endorsement of the party establishment can potentially guide the primary ballot in the desired direction, in the latter case money is the only issue (Neisser and Plasser 1992: 23). Consequently, it can be argued that the American candidate nomination process is a) most democratic, and b) puts the onus almost entirely on the candidate.

3.2.2.2 Financing a Campaign in the United States

In the case of the American party, campaign financing is an issue that has been outsourced to the candidate (or, in the case of think-tanks as functional equivalents to *Parteienstiftungen*, to private entities.) Legislators' district offices are the main, if not only, official party outlets that are available locally. Thus the local party presence in

America is a personal rather than a partisan office. The non-office-holding party⁹⁶ in the meanwhile is left to be organized like a private club (Naßmacher 1992: 5-6). With the one exception of presidential elections, there is no public funding available for elections, which could put a party bureaucracy in a regulating position vis-à-vis candidates.

The lack of a strict and hierarchic party structure that distributes funds among the party's candidates for office means that the individual candidates have to come up with the money on their own. It should not be a surprise to learn that these funds would be used for the sole benefit of the politician rather than for any altruistic party interest. This also means that the politician in America has to spend more time on fund raising, as the financial burden is completely on the candidate (Hamm and Hogan 2007: 2). On the basis of this peculiar challenge, American politics has a special appeal to a certain type of political persona, and indeed requires a certain type of political personality to overcome these challenges. Thus the creation of the concept of the active-politician.

The challenge of getting money for electoral campaigns means that the American candidate has to have fundraisers and directly solicit by mail, phone, or through the internet. The candidate can also appeal for support to individuals he knows, to specific groups, and to the general public (Hamm and Hogan 2007: 3). Due to contribution limits (at USD \$2600 per election per donor), funds have to be obtained from a wider range of donors. With higher contribution limits, a few large donations would provide the same

⁹⁶ Mostly called local Executive Committee or Central Committee.

amount of money needed for a campaign as well, and would decrease the amount of time candidates spend on fundraising (Hamm and Hogan 2007: 3). Yet irrespective of contribution limits, a candidate in the United States has to have before anything else a convincing and trustworthy record to run for office, since either the general populace or a few wealthy donors have to be persuaded to provide the candidate with their money.

These facts have profound consequences. If someone is interested in politics and understands that to be successful the foremost personal quality he has to bring to the table is to have the ability to have others give their money to him, then this would weed out those political personas that do not have this per se apolitical quality (Hamm and Hogan 2005: 3). The strict campaign finance rules, regulating what corporations, labor unions, PACs, individuals, and political parties can financially funnel towards a candidate, do not merely decide how much money is spent in an election but furthermore decide who will stand in that election (Hamm and Hogan 2005: 6). Soliciting private money is a peculiar and a difficult task that not everyone is up to, as it is primarily an individualistic and entrepreneurial task (Adams 2007: 2).

The Bipartisan Campaign Reform Act of 2002 (BCRA) is currently the most relevant institutional legislation with regard to campaign financing rules. In that context it is noteworthy that the BCRA treats campaign finances for primaries and the general election separately. Thus the law acknowledges selection and election as “two separate phases of recruitment” (Katz 2001: 278). For each recruitment phase the USD \$2,600 limit does apply (Jacobson 2005: 3). The noteworthy part for this is that in comparative

perspective the candidate selection process and the election are treated equally in the United States. (If one runs against wealthy self-financed candidates, higher contribution levels apply.) (Jacobson 2005: 3)

The theoretical conclusion of this and the previous section on candidate nomination rules and campaign financing rules is that these institutional rules are advantageous to the active, independent, and entrepreneurial political persona. Such “experienced” and “strong” candidates ostensibly make a calculated decision in deciding whether to stand for office (Bertelli and Carson 2007), since candidacy involves potential material losses as well as loss in reputation if an election or primary is lost. Consequently, “quality” challengers will wait for the right time to run in the United States (Bertelli and Carson 2007).

I will extrapolate the above proposition in my research and see if previous office-holding in general indicates a difference among national legislators in the Bundestag and the Congress. One of my empirical goals will be to establish “candidate entry patterns” (Bertelli and Carsons 2007). But more importantly, I argue as a corollary to this thesis that the theoretically crucial aspect is not running for election or refraining from doing so. The important aspect in the American case is that the decision to run for office is made by quality candidates not on the basis of opportunities that arise within the party but within the electorate.

3.3 Analysis

When comparing American parties to their German (and in general European) counterparts, it is possible to state that American parties can be categorized as election- and campaign-focused types, while German parties are apparatus-parties and mass-parties.⁹⁷ German parties cover all aspects of political (= party) work, while American parties are primarily a provider of a label and the term “party” is frequently equated with the parliamentary group and its leadership. While political financing encompasses all aspects of political party functions in Germany, in the United States political financing is money spent on campaigns and elections (Naßmacher 1992: 5).

The structure and function of a party are consequently different in Germany and in the United States. This is particularly visible in the cases of candidate nomination rules and campaign financing rules. In Germany, the party does not merely provide an identifying label for elections but it is also a training ground for new cadres and a facility where new political programs are created. There is an entire party bureaucracy. These functions inside the party apparatus require funding as well. Thus political money is not limited to candidates and elections, but includes a party bureaucracy, a party press, etc. pp., which requires constant public funding (Naßmacher 1992: 5) and therefore differentiating the nature of American and German parties.

⁹⁷ “*Wahlkampforientiert*” vs. “*Massen- or Apparatenpartei.*”

The historical development of parties in Germany is different as well. In Germany, parties grew continuously in strength in the *Kaiserreich*, the Weimar Republic, and in the Federal Republic. While initially candidate centered, the national parties grew in power and influence. In the Federal Republic, where the national party retained its dominance, in the recent decades the local and state parties grew in strength and influence as well, yet only when it comes to candidate nomination. In contrast, the American parties, which had developed strong local parties, lost their local foundations and are today institutionally top-heavy.

Knowing the different structure and function of the political party in Germany and in the United States, and having outlined the campaign financing rules and candidate nomination rules in Germany and the United States, I can compare and contrast them. Doing so, I can establish who the “veto players” in each system are. I will utilize the veto players conceptualization not as a theory but as an analytical tool. With such an analytical tool, I can predict who, on the basis of what institutional rule, can block, thus “veto,” the progression of a politician. Identifying the points of blockage and outlining their differences between the United States and Germany would strengthen the hypothetical claim of active and passive-politicians (Bawn 1999: 708).

In both Germany and the United States, the ambitious politician has to ask others for a) financial supports and b) their nominating votes. One theoretical assumption deriving from this observation is that there has to be an incentive for those who provide a) and b)

to do so.⁹⁸ In both Germany and America, informal rules are very important, if not decisive, for gaining this support. Yet the consignees for the candidates' courtship, the veto-players, are two axiomatically different audiences – the electorate at large in the U.S. case, a small number of partisan insiders in the German case.

In the United States, professional political marketing to the masses is the key technical term necessary for analytically grasping the candidate nomination and campaign fund raising process. In the German case, candidate nomination and campaign financing is a process that involves fewer actors than in the U.S. Indeed, it can be assumed that candidates and nominators are acquaintances, based on cooperative party work.

Yet with the atrophy of the American political party, the candidate has to be a political entrepreneur who is at the center of politics that cannot draw on years of a party work record. There are good examples for this assertion of candidate detachment from the body of the party. American politicians, who are so dependent on extrapartisan support for both financial as well as electoral reasons, constantly direct their public posture, even their speeches on the floor of Congress, to their independence from the party (Martin and Vanberg 2008: 503).

⁹⁸ This is an area that is under-studied, especially when it comes to Western democracies, as the incentive usually ascribed to the problem is seen as “corruption.” Corruption is thereby defined as “getting something specific in return.” (Warner 2005). In the case of this definition, it does not imply *a priori* illegal activities. Instead I allude to the different incentives given, respectively promises made, to the masses to vote for someone in a primary vs. the incentives given, respectively promises made, to a smaller number of partisan activists.

This is markedly different in Germany, where distance from the party⁹⁹ is not possible, since the party, especially its elites, is crucial in the nomination and renomination process. Yet beyond that, the success of the party is crucial for the politician in Germany, as its electoral system allows for freeriding on the national campaign. Irrespective of one's efforts, one can enter the Bundestag through the efforts of other candidates on the state party list.¹⁰⁰ To a lesser extent, candidates in the single member district can take advantage of the nationwide success of the party, too.

The clearest difference between the German and American systems is evident when describing the function and organization of the party. In the U.S., the party is a party of particularities. It is a utilitarian tool in resolving specific problems in the legislative process and in providing a label in the electoral process. This contrasts with the German case, where the party is not *pars* of the political system, but is *toto*. The German party encompasses the entirety of political life. Its disciplined party program contrasts with the American "platform" (Nicolauß 2002: 11). The institutional rules express and explain this difference. The American *Allerweltpartei*, the "catch-all-party" (Nicolauß 2002: 29) contrasts with the German *staatstragende* party; a party with "political centrality" (Nicolauß 2002: 30).

⁹⁹ Running against the party, as it is said in the U.S.

¹⁰⁰ This is the stereotypical free-rider phenomenon. Candidate A can rely on candidate B's popularity, campaigning efforts, etc. to haul him into the Bundestag.

An analogy for the difference between the American and German electoral processes can be found in the metaphor of hiring. In the United States, the politician does not get hired. Instead, as a political entrepreneur, he hires. The politician hires by getting the support of the people, making people want to come and join him (with their votes and donations). Quite literally, the politicians hires his campaign staff. In contrast, in Germany the politician gets hired. The politician has to pass a “job interview,” in which he is evaluated by the party for his qualifications. In this hiring process, a typical partisan office holder would not want to hire someone who is evidently superior to him and could rival him.

CHAPTER 4 – RESEARCH DESIGN AND METHODOLOGICAL ONTOLOGY

So far in this research, I made the argument that institutional rules influence elite recruitment. I corroborated this thesis with theories and hypotheses. These I derived by reviewing other scholars' research and developing my own arguments. I also reviewed research that proposes these alternative to mine. In this chapter, I will first, combine the theoretical assumptions I made into a comprehensive and general theory of the two institutional rules of candidate nomination and campaign financing rules and their effect on elite recruitment into the national legislature. Thereby, I will create a testable model. Second, I will bring this conceptual model into operation through empirical measures of economic, political, social, and educational behavior. Thus, I will bridge the gap between theoretical and empirical research on institutional rules' effect on elite recruitment.

4.1 Theory of Institutional Rules' Effect on Elite Recruitment

To recall the theoretical premise of my work, which is derived from Giovanni Sartori, I had stated that institutional rules have an empirically measurable effect on elite recruitment. Different candidate nomination rules and campaign financing rules will lead to a different type of political elite in the Bundestag and in the House of Representatives. The elite in one legislature will exhibit some measure of behavioral uniformity in contrast to the elite in the other legislature due to institutional rules, more than to cultural and ideological factors.

The categorization of the electoral rules in the United States as favorable for active-politicians and the categorization of the electoral rules in Germany as favorable for passive-politicians, logically entails that more politicians in the House of Representatives can be characterized as exhibiting the behavior of active-politicians, and that more politicians in the Bundestag will be exhibiting the behavior of passive-politicians. Therefore, indicators have to be found that reflect the behavior ascribed to the ideal-types of active and passive-politicians. If I then find that there are indeed statistically significant more active-politicians in the House of Representatives than in the Bundestag, I will have evidence that in this context the institutional rules with regard to candidate nomination rules and campaign financing rules have indeed an effect on elite recruitment.

The hypothesis had been that there are different personality types, with different psychological predispositions. There are risk-acceptant personality types and there are risk-averse personality types (i.e. active-politician and passive-politician in my model). My argument is that a particular institutional setting of candidate nomination rules and campaign financing rules will be more favorable either to active-politicians or to passive-politicians. Thus, a different distribution of active-politicians and passive-politicians will be found in a national legislature on the basis of differences in the said institutional rules.¹⁰¹

¹⁰¹ A corollary to this hypothesis is that the political system that is favorably disposed to the prevalence of passive-politicians, will be marked by the existence of weak parties.¹⁰¹ The political system that is favorably disposed to passive-politicians will be marked by the existence of informal practices in the operation of the party. Politicians in the House of Representatives will have much looser institutional organizations than politicians in the Bundestag.

My theory is a general theory,¹⁰² which is applied to the particular cases of the Bundestag and the House of Representatives. The theory of institutional rules' effect on elite recruitment and the methodology used in this research can be used universally.

4.2 Analytical Approach

In this section, I detail how I will empirically test my theory of elite recruitment. An empirical test is formally expressed in the following way: $X \rightarrow Y$. In the language of the natural sciences, it is stated that X causes Y (Gerring 2001: 129). Applied to this research, the meaning is that institutional rules (X) cause the preponderance of active or passive-politicians (Y) in the House of Representatives and the Bundestag. There are two basic problems with this approach that I have to address. The first is, is the causality I see the only explanation, or are there alternatives? Second, how are X and Y observed and measured?

The first question I have already answered theoretically by noting that ideology and culture are inseparable in causing elite recruitment, and they will be duly considered. In the context of this research, I claim that institutional rules influence elite recruitment for brevity's sake. Yet realistically, a multi causal explanation (Boix and Stokes 2007: 29) includes such rules, as well as culture and ideology. The second, how X and Y are to be

¹⁰² This means, it is not case-specific. The method used to create the original data set can be applied to any case. The theory is testable, has internal consistency, is deductive, has "elegance," and is parsimonious (in the sense of economy and simplicity) (Lebow and Lichbach 2007: 180).

measured, requires more elaboration. While institutional rules are well-defined regulations and thereby self-evident, active and passive-politicians are concepts. The operationalization has to follow different logical pathways for the two concepts.

Operationalizing the Independent Variables

Based on the available data on the House of Representatives and the Bundestag, there are two ways to operationalize the independent variable. One way, is the comparative case of the United States and Germany. The institutional setting in Germany and the institutional setting in the United States (as the X) are measured through the dummy variable of the respective country. Since all legislators in one political system are, at least *pro forma*, facing the same candidate nomination rules and campaign financing rules, the equation of the political systems of Germany and the United States with the respective institutional rules is apposite. A second way to test the effects of institutional rules' effect on elite recruitment is by utilizing the SMD – PR division in Germany, which provides for an almost natural experiment.

Operationalizing the Dependent Variable

By themselves, concepts have no *a priori* real-life meaning and therefore need a definition (a.k.a. operationalization). An exemplary path which I follow has been given by Przeworski (2000). Przeworski's argument was that democracy causes well-being, an arguably much more ambiguous term than that of active and passive-politician. Przeworski looked therefore for "observable indications of well-being" to link it to the existence of democracy (Przeworski 2000: 5&10).

For the ideal typical concepts of active and passive political behavior, an observable and measurable real life effect has to be identified. Since the active/ passive dichotomy entails risk-acceptant and risk-averse behavior, the real-life effect has to correspond to such personal and characteristic choice. In the previous chapters, I had already given several different models for a dichotomous classification. A common thread among those was the economic ability of the politician to live either for or by politics. Using these models, the linking of active and passive-politicians' behavior to economic behavior is plausible. The causal relationship of $X \rightarrow Y$ ¹⁰³ would be operationally translated into variation in institutional rules leads to the preponderance of one or the other political personality type; the personality type being economic behavior through vocational choice.¹⁰⁴ The formal model would be $X_1 \rightarrow Y_1$ and $X_2 \rightarrow Y_2$, meaning that in a political system with the institutional rule X_1 , politicians with the economic trait of Y_1 will be more prevalent than in the institutional setting of X_2 , where politicians with the economic character trait Y_2 will be prevalent.

¹⁰³ X standing for electoral rules.
Y standing for type of politician.

¹⁰⁴ I will specify this further below.

Table 4.1 Summary of the empirical propositions of my research.¹⁰⁵

Description			
Generalization	Classification	Prediction	Causal Inference
Electoral rules, being institutional rules, affect the composition of national legislature, thus elite recruitment.	There are two types of electoral rules; one favorable for active-politicians, one favorable for passive-politicians.	Introducing electoral rules in Germany that are favorable for active-politicians will lead to an increase in active-politicians in the Bundestag. Introducing electoral rules in the United States that are favorable for passive-politicians will lead to an increase in passive-politicians in the House of Representatives.	The reasons for the preponderance of passive-politicians in the Bundestag are the candidate nomination rules and campaign financing rules in Germany. The reasons for the preponderance of active-politicians in the House of Representatives are the candidate nomination and campaign financing rules in the United States.

At this stage, the causal relationship between institutional rules and the active-politician and passive-politician conceptualization has to be addressed. To do so, I rely on the necessary and sufficient conditions paradigm in political science. Its basic assumption is that “if the removal of a condition prevents the occurrence of an outcome, then it must be considered the cause of that outcome. If its removal has no such effect..., then it cannot be considered a cause” (Gerring 2001: 133).¹⁰⁶

¹⁰⁵ Derived from Gerring 2001: 119.

¹⁰⁶ This definition is, however, of little use in the social sciences and needs qualification. While in the experimental natural sciences, different elements can be added and removed in an experiment, this is not possible in the social sciences. In fact, laboratory experimentation can be “grossly misleading” in the social sciences, particularly if the results of the experimentations are “extrapolated to the environment” (Meehan 1971: 124). I cannot remove the cause, institutional rules, and then look for behavior. First, the cause is a

The logic of my theory entails that measurable differences exist between members of the Bundestag and members of the House of Representatives. To validate this theory, I have to find statistically significant behavioral differences between the group of Bundestag members and the members of the House of Representatives. In the previous chapters, the groundwork for this approach was laid with the theories that conceptualize politicians in a dichotomous way. I do so as well, with the ideal-type of active and passive-politicians. The task now is to find empirical evidence that is indicative of this hypothesized behavior.

pattern of human organization for a certain goal. Thus the only logical tool at hand is not a removal of the cause, but its replacement. I cannot ask the Germans to not have institutional rules to pick politicians so I can observe the effect. There would be no effect to observe in the first place. The independent variable in my research design has an inherent effect on its cause, determined not by natural laws but by human interaction. Human beings have to choose “alternative modes of behavior,” thus a cause cannot be simply removed for experimentation’s sake (Meehan 1965: 83). The only tool at hand is, then, to ask Germans to use a different method of candidate picking, to see if a different effect is observable. Since I cannot do that either, I have to work with what I have. Thus social science empirical evidence contains subjectivity, since the behavior of human subjects goes “beyond direct observation and measurement” (Meehan 1965: 179).

I have two options to argue the causality between X and Y. I can state that only when X is present, Y occurs. This constitutes the necessary condition. Or, I can state that if X is present, then Y occurs. This constitutes a sufficient condition (Goertz and Starr 2003: 56). Applied to my work, and social science work in general, the necessary condition for a causal relationship would be the statement that “if and only if” certain types of institutional rules are present, Y occurs. Yet I had shown above that such a statement is under all circumstances unrealistic, since culture and ideology always have an effect on behavior (Goertz and Starr 2003: 49). The logical argument remaining is that culture and ideology are constant and fixed variables, so a variation in X is a sufficient condition to lead to variation in Y (Goertz and Starr 2004: 27). The research problem I address is coincidentally and fortunately quite conducive to addressing this issue. I compare the cases of the Bundestag and the House of Representatives. In the case of the Bundestag, half of its members are elected in single member plurality districts, while the other half is elected from state party lists. Thus while culture and ideology (within each party) are constant, variation in institutional rules exists. In the case of the House of Representatives, the institutional rules are constant, yet significant differences in culture and in ideology exist (Gerring 2001: 133).

Therefore, I have to identify the attributes for this concept (Gerring 2001: 44). On the basis of the observable and measurable real life attributes, the concept of active-politician and passive-politician has to be operationalized. In doing so, I have to be mindful of retaining “conceptual validity” and avoiding conceptual stretching (Gerring 2001: 49). To that end, the indicators have to be plausible and “consistent with generally accepted principles” (Lebow and Lichbach 2007: 159). Thus, if I want to identify traits of the recruited elite, which correspond to the concept of active-politician and passive-politician, the options are the following characteristic attributes of a politician:

- economic characteristics and attributes of a person
- social characteristics and attributes of a person
- educational characteristics and attributes of a person
- political characteristics and attributes of a person

From these options, the theory, particularly Max Weber’s, points to pre-political economic behavior as the key differentiating indicator for those who can live **for** politics and those who know “nothing else than politics” (Allen 2013: 7) and thus live **by** politics. It suggests itself then to find in a person’s vocational choice the linchpin for **active** and **passive** political behavior. Thus my operationalization is a decidedly economic one.¹⁰⁷

Both in the reviewed literature and in my argumentation, the idea is that economical

¹⁰⁷ Similar to this economic approach, James Madison argued that “differences of property are the causes for differences of opinion” (Lippmann 1997: 117).

behavior¹⁰⁸ is most indicative about a person's personal character traits that can be categorized into risk-acceptant and risk-averse personality types, i.e. active-politicians and passive-politicians.

If statistically significant differences in the economic character traits between Bundestag members and members of the House of Representatives exist, this would be the evidence of the respective institutional rules' impact on elite recruitment, with the disclaimer that alternative explanations exist, which would have to be controlled.¹⁰⁹ Additionally, with the quasi natural experiment of the Bundestag, the opportunity exists to check for differences on the basis of the respective mandate of the legislators. In a first scientific step, this is evidence of covariation. Covariation implies that "two or more phenomena vary together" (Nachmias and Nachmias 2000: 93). In the case of my research, the evidence would be that the measured statistical difference between the Bundestag members and the members of the House of Representatives covaries with changes in the institutional rules that determine who gets into the national legislature. There will be more members of the House of Representatives who exhibit risk-acceptant economic behavior, while in the Bundestag risk-averse behavior will be prevalent.

¹⁰⁸ In particular through vocational choice.

¹⁰⁹ The alternative being cultural and ideological explanations. The cultural explanation would be that the Bundestag is as it is because it is comprised of Germans, who have a certain culture, which determines the measured character traits. The ideological explanation would be that differences among parties exists because of the respective ideology a party has, conditioning the character traits of its members.

In the case of my research, the theory implies covariation. My theory and the political science theories I reviewed all imply that institutional rules cause a change in behavior. If one variable changes, the other changes, too. Applied to my research problem, this would mean that the phenomenon of candidate nomination rules and campaign financing rules has an effect on the phenomenon of elite recruitment in the form of active-politicians and passive-politicians.

The assertion of this causal relationship is not just evidenced in the many works reviewed, where it is argued that institutional rules do cause behavior to change and adapt, but also in the time order of the two phenomena. This observation adds to a logical causal relationship between the two phenomena. The institutional rules (campaign financing and candidate nomination) are prior to the effect of elite recruitment into the national legislature, thereby satisfying the scientific requirement that a phenomenon in the future cannot determine a phenomenon in the past (Nachmias and Nachmias 2000: 93).

Alternative Explanations

What remains is the issue of nonspuriousness. A nonspurious relationship exists if two variables cannot be explained by a third (Nachmias and Nachmias 2000: 93). Yet in meaningful and significant social science research, the factor of a nonspurious relationship has to be conditioned. As stated above, the causal direction in my research is clear and self-evident. Elite recruitment is the dependent variable. Something causes this phenomenon. In my model, I regard institutional rules as causing variation in elite

recruitment. Yet alternative explanations exist that must be taken into account. Realistically, it can not be expected that in real life no other variable has an effect on the dependent variables. These alternatives, in the case of my work, cannot be labeled as control variables.

A control variable is there to “test the possibility that an empirically observed relation between two variables has not been caused by the independent variable identified in the hypothesis.” If this is the case, a spurious relationship exists between the independent and dependent variable. The control variable influences both the independent and dependent variable, according to the above given definition. The causality rests with the control variable and not with the assumed independent variable (Nachmias and Nachmias 2000: 50-51).¹¹⁰

There are two alternative explanations to my causal model that are *a priori* plausible; **culture** and **ideology**. Both are plausible explanations for the dependent variable of elite recruitment. Culture as well as ideology are regularly used in political science research. In the case of my work, it is indeed necessary to recognize them as significant factors in elite recruitment. It would be reductionist to argue that the German culture or the

¹¹⁰ This methodological definition has to be applied, in a sense translated, into my social science research. A valid control variable in my research would have to be a phenomenon that would explain both the institutional rules and the elite recruitment, if the referred-to methodological definition is correct. There is no plausible explanation that would explain both phenomena. What exists are alternative explanations for the independent variable. If the logic of control variables is extended to not just being seen as a variable that explains both the independent and dependent variable, but as an alternative independent variable, then it is useful in social science research. Sartori convincingly argues that the “scientific method is not unalterable; it is one, but also many, and in continuous evolution” (Sartori 1974: 133). Thus I adapt the technical meaning of the control variable to the present research.

ideology of the Greens have no effect on elite recruitment. Proper methodology necessitates “accurate reasoning” (Sartori 1974: 133) and it is therefore reasonable to acknowledge the control variables of culture and ideology not as a substitute to institutional rules but as complements.¹¹¹

By recognizing culture and ideology, together with institutions, as concomitant factors in elite recruitment, I avoid the “two unsound extremes” of research. There is the one extreme of being a “pure and simple unconscious” thinker, who discards a scientific causal model. Then there is the extreme of the overconscious thinker, who only relies on “method and theory drawn from the physical, ‘paradigmatic’ sciences,” and thereby postulates unrealistic and illogic causal relationships (Sartori 1970: 1033). Thus one cannot “ignore history and historical experience” (Sartori 1974: 135), of which culture and ideology are epiphenomena, for the purpose of political science research.

On the one hand, “institutions as a subject of inquiry and institutionalism as a method of inquiry” have “visible characteristics” that can be analyzed. Yet this has to be reconciled at some point in the research process with culture and ideology. While culture and ideology are “objects of analysis” that are more ambiguous by containing notions such as

¹¹¹ Additionally, it has to be noted that institutions, after their creation, will indeed influence and become part of the culture based on the Baldwin effect (Baldwin 1896). Thus an initially mechanistically superimposed institutional rule onto a political system, will over time become a natural part of the political culture of that system. In elegant prose, Rumi described the interrelation between cause and effect in the following way: “This world and yonder world are incessantly giving birth: every cause is a mother, its effect the child. When the effect is born, it too becomes a cause and gives birth to wondrous effects. These causes are generation on generation, but it needs a very well lighted eye to see the links in their chain” (Fromm 1990b: xiv).

“ideas, beliefs, and meanings” (Ethington and McDonagh 1995: 86), they are still necessary for political science, which is a science of man (Sartori 1974: 137). By recognizing culture and ideology, my research evidences a “hermeneutical analysis,” the combination of disparate explanations (Ethington and McDonagh 1995: 89). I recognize culture and ideology by coding on the individual level the cultural and the ideological character traits of the recruited elite,¹¹² in the same manner as I code the active-politician and passive-politician concepts.¹¹³ The Bundestag offers thereby the best way for controlling for culture and ideology, as these two independent variables are the same, yet variation on the basis of institutional rules exist.

It is thus relevant to include culture and ideology into the formal model created earlier and control for the effects of culture and ideology by substituting institutional rules with

¹¹² Ideology is identified by the respective party label of the legislator. For brevity’s sake, I use a dummy variable for right and left therefore.

¹¹³ I employ therefore the logic of “induction, observation, and experiment,” which is the scientific logic, rather than the mathematical “rigorous, deductive logic” (Sartori 1973: 13). Accordingly, I build an institutionalist theory, which I test with my research (data and interviews), “which feeds back on theory.” My research is an “instrument” for the validation of theory (Sartori 1974: 142). The “observational understanding” I use is, per definitionem, science (Sartori 1974: 144) and I look for statistical “regularity and uniformity” (Sartori 1974: 150).

To strengthen the explanatory power of my research, I am mindful of the limitations of social science research. With the exception of psychology, the experimental method cannot be used. Thus statistical research becomes crucial. Yet quantitative data is mostly “trivial, and frequently of dubious validity” in political science research. Thus quantitative political science research is criticized by one the leading scholars of the field as a tool that discovers “‘more and more’ about ‘less and less’” (Sartori 1974: 150-151). [This sentiment is repeated by Shapiro, who argues that there is no point in having good statistics, models, theories, if the underlying argument is not persuasive (Shapiro 2005: 61)]. This is why political science is often reduced to “trivia” in the name of “being scientific” and is characterized as practice resembling medieval scholasticism (Meehan 1965: 181).

Mindful of Sartori’s observation, I can argue that my work is relevant, by both avoiding trivial data and by studying a most relevant research problem. The data set I created encompasses the important aspects of life: economic behavior, social behavior, educational behavior, and political behavior. The research problem of institutional rules’ effect on elite recruitment is of high practical (ergo, political) relevance. Consequently, my model of elite recruitment is a logically sound tool to research the effect of institutional rules without being unrealistic by excluding the agencies of culture and ideology.

them. The ideal typical causal relationship of $X \rightarrow Y$ changes to $C \rightarrow Y$ (for culture) and $I \rightarrow Y$ (for ideology). The full, more realistic causal model would be then be: $X+C+I=Y$.¹¹⁴

My hitherto disquisition shows that my research program is theory-driven. Yet I want to go beyond this limited research design and add to this the evidence-driven research program. Then I will not only engage in theory testing but in exploratory scientific research (Lebow and Lichbach 2007: 181). I do not regard the scientific process as a dialectic between theory and praxis, but as a simultaneous and sequential process (Lebow and Lichbach 2007: 183-184). Since I have a complete data set, I will use it not only to test the hypotheses derived from my theory, but will use the data set in an exploratory fashion to search for untheorized evidence, which in turn can be conducive to either modifying existent theories or the creation of new theories. Consequently, my research is both a hypothesis testing and a hypothesis generating undertaking (Boix and Stokes 2007: 99f.)

¹¹⁴ Thanks to this formal modeling and testing of the data, I can in fact test the theory. This is different from most comparative qualitative research, where theories are not tested but merely “interpreted” (Ragin 1987: 11). My research design involves therefore the construction and testing of a predictive theory and of inferences on causal mechanisms. [If the causal mechanism I propose is “considered inconsistent with generally accepted principles and is implausible,” it has to be rejected (Lebow and Lichbach 2007: 159).] My scientific work is different from such works which limit themselves to mere inference (Lebow and Lichbach 2007: 2).

Combining these two approaches not only increases the explanatory power of my work, but it combines both legs of solid social science research. It unites the *verstehen* and *erklären* tradition as it was used by Dilthey and Weber. Both understanding and explanation are crucial for knowing (Lebow and Lichbach 2007: 92-93). If one does not understand what one explains, the results will be weak. If one is not able to explain what one describes, the gain in knowledge will be limited. Using “reasoned argument supported by evidence,” my goal is thereby to avoid “empty speech” (Lebow and Lichbach 2007: 97). I explain what happens and why it happens (Gerring 2001: 128). [This assertion has a linguistic component to it, too. The frequent occurrence of “muddled terminology and poor syntax” has to be reckoned with and avoided (Meehan 1965: 217).]

4.2.1 Data Collection

In this section, I explain how I gather and operationalize data for the concepts of economic characteristics, social characteristics, educational characteristics, and political characteristics of the observed legislators, which allow me to measure the effect of institutional rules on elite recruitment. The first step towards creating data is determining the necessary concepts. It is generally accepted that concepts are abstract symbols rather than empirical phenomena (Nachmias 2000: 24-25).

In the case of this study, the concepts are the active-politician and passive-politicians, which I have introduced earlier. The operational definition is necessary to make out of the abstract concept of active-politician and passive-politician an empirically observable entity, i.e. “what to do and what to observe” in order to know that a case at hand resembles an active-politician and passive-politician (Nachmias 2000: 28). This then constitutes the operational definition of the concept. In the case of the institutional rules, they are already real life entities that can be observed in and of themselves. This means that the operational definition of the candidate nomination rules and campaign financing rules are these rules themselves.

Next, the unit of analysis has to be established. In the case of this research, the options are at the individual and at the group level. At this stage, it is important to avoid ecological fallacies. If measurements are made at a specific level of analysis, they should

not be used at another level (Nachmias 2000: 48). In the case of this study, measurements will be made at the individual level (legislator), yet statistical tests will be done at the group level, too.

An ecological fallacy is in this case not present, and it is not likely that an individualistic fallacy will occur. An individualistic fallacy would be the case if measurements made at the individual level would lead to mistaken inferences at the group level (Nachmias 2000: 48-49). In this research, I focus on the individual level. At the group level, I merely compare the aggregates of the measured individuals, and thus do not make inferences beyond the classification of the groups in accordance to their genus.¹¹⁵

Therefore, I measure the individual member of Congress and the Bundestag member. The aggregate of the individuals will furthermore provide comparative insight when comparing the individual groups in the form of party factions (i.e. Republicans, CDU, etc.) as well as at the institutional level (House of Representatives and Bundestag). The controls of culture and ideology can indeed only be operationalized in the aggregate.

After establishing the unit of analysis, the variables have to be determined. Therefore, “properties and attributes that can be clearly identified and measured” have to be established (Nachmias 2000: 49). Hereby, the assumption is that one variable causes an

¹¹⁵ In this context, I follow Fromm, who states that “findings won by the observation of individuals can be applied to the psychological understanding of groups. ... Any group consists of individuals and nothing but individuals, and psychological mechanisms which we find operating in a group can therefore only be mechanisms that operate in individuals” (Fromm 1994: 136).

effect on another variable. The variable, on which an effect is induced, is called the dependent variable or response variable. Response variable is an apposite label, as the idea is that this variable responds to an effect (Agresti and Finlay 1999: 211, Nachmias 2000: 49).

The variable that executes such effect is called the independent variable, also called the explanatory variable. The label explanatory variable is again most apposite, since this variable explains why the response variable reacts the way it does through measurable variation (Agresti and Finlay 1999: 211, Nachmias 2000: 49). The problem with this dichotomy is that it is useful in natural sciences, where clear natural laws exist. In the human sciences however, the implied dynamism of this approach is unsatisfactory, since most observations are static. “In the real world, variables are neither dependent nor independent” (Nachmias 2000: 50).¹¹⁶

In the context of this research, the dependent variable, the variable that responds to an induced effect, is the recruited elite in the national legislatures. The independent variable, the variable that explains why the dependent variable is as it is, is the respective institutional settings of Germany and the United States pertaining to campaign financing and candidate nomination rules. As mentioned above, the institutional rules are not concepts but are concrete real life entities. On the basis of my research design, there are two ways to observe the effect of institutional rules on elite recruitment. In the first case,

¹¹⁶ The earlier discussion by Ian Shapiro expands this point.

this is done through the dummy variables of Germany and the United States. The composition of the recruited elite in the Bundestag and in the House of Representatives is vicariously accepted as the effect of the institutional rules in effect. This is done both for argument's sake and brevity. Yet the observed differences between the House and the Bundestag could also be attributed to cultural factors and to ideological factors, since their effects cannot be separated from the data. A second test for the effects of institutional rules, whereby cultural and ideological effects can be largely controlled, is the comparison of the SMD and PR legislators in the Bundestag. While in this case, the differences between the candidate nomination rules and campaign financing rules are not as pronounced as in the case of the German – American comparison, there are still notable differences.

Operational Definition

What remains to do now is to find detailed real-life character traits of the recruited elite that would correspond to the phenomenon of active-politician and passive-politician, which then could be measured. Previously, I concluded on the basis of the literature review that economic characteristics are the prime indicator for such personal characteristics that point towards the ability to live for politics or to live by politics, as well as being indicative of a risk-acceptant or risk-averse personal disposition. I concluded that vocational choice is the best option to empirically observe and measure

such personal character traits, which are indicative of a politician's persona and ability.¹¹⁷

The operational definition of an active-politician would then be a person who made in his or her early adulthood a specific economic decision and on the basis of this decision engaged in a vocation that is indicative for an active-politician. Further below, I detail which vocational choices correspond to a risk-acceptant personality, thus to an active-politician, and which vocational choices correspond to a risk-averse personality, thus to a passive-politician.

While I am not concerned at this point with psychoanalysis, the logic behind my decision is that different institutions present different types of hurdles to overcome in order for a candidate to become a national legislator. Accordingly, different personality types must be better suited to cope with the rules in one institutional setting compared to a different institutional setting. If this is not the case, then, as mentioned earlier, institutions do not function as gatekeepers, and apparently have no influence on who becomes a politician. Consequently, institutional design would be futile, at least if the aim is to control who rules.

It is plausible to assume that it makes a difference what type of political personality types rule. The psychological predisposition of a person (e.g. risk-acceptance and risk-

¹¹⁷ In this context, Thomas Sowell makes an interesting observation, in that he points out that among the post-colonial political leaders in the Third World few were "engineers or economists, or professional administrators." Instead, "soft-subject intellectuals" dominated among those professional revolutionaries of the left. Sowell thus argues a dichotomy between those who choose to learn technical and entrepreneurial skills and those who studied "social theories and ideologies in vogue among" intellectuals (Sowell 2011b: 406-407).

averseness) guides his or her decisions. At this stage of the research, I am not concerned with answering the question, does it matter who rules? Instead, one's political experience can inform the reader if it makes a difference if there are more "Obamas" or more "Romneys" in politics. My focus here is to see if there are differences in the first place, what their causes can be, and if these differences are statistically significant. Below, I list the variables that I will use for the statistical testing. The list includes the operationalized concepts for the independent variables, as well as the variables that will be used as dependent variables.

4.2.2 Behavioral Indicators

INDEPENDENT VARIABLES

The first indicator that I bring into operation is the one for the active-politician and passive-politician concept¹¹⁸ by identifying a politician's economic choice. As stated in the theory, economic behavior is most indicative of a person's personal character traits, among them being risk-acceptant and risk-averse. Such psychological faculties can be measured by dichotomously coding a politician's vocational choice into risk-acceptant and risk-averse categories. On the basis of such operationalization, I identify indicators for active-politicians (AP) and passive-politicians (PP), which I use to gather and analyze

¹¹⁸ In the context of this research, I use the AP/PP concept both as an independent variable and as a dependent variable. First, I want to know the effects of institutional rules on elite recruitment. To this end, I use the AP/PP conceptualization as a dependent variable, to measure the effects of institutional rules. In a second step, my interest is to know to what extent this conceptualization of AP/PP matters and has an effect. Thus I utilize it in this step as an independent variable to see to what extent it has more explanatory and predictive power on other behaviors and character traits of politicians. For more detail, see Chapter 5.

data. Additionally, indicators for culture and ideology will be provided, too. Due to the Bundestag's division into SMD and PR legislators, the indicators for mandate-type conclude this listing of independent variables.

Vocational Choice (Active-Politician, Passive-Politician Concept)

Vocational choice is a key indicator in the data set. It is the indicator *par excellence* for having an active or passive political personality. The vocational background of a legislator is the best and strongest indicator for economic behavior by indicating risk-acceptance and risk-averseness on the side of the politician. Thus vocational choice indicates the propensity for autonomy, independence, active-political personality, and in turn, for obedience, dependence, and passive political characteristics. Vocational choice indicates to what extent a person is salaried or to what extent he is master of his own fortune.

From this vocational choice, it can be inferred to what extent a person can live for politics or has to live by politics. Either way, his or her political behavior is predictable. A person who can live for politics, does not need the material benefits that come with the office to sustain himself and secure his future. A person who lives by politics, sustains himself through the economical benefits that are attained by being in politics and guarantees his material future by being in politics. There are therefore different rational choices to make, depending on one's starting position.¹¹⁹

¹¹⁹ Refer to Chapter 2, and the detailed rational choice discussion there.

Paul Herrnson, as one example in that context, states that a politician who enters politics has to ask himself: “Can I win? Is this the right time for me to run? Who is my competition likely to be? These are the kind of questions that go through the minds of prospective candidates” (Norris: 1997: 187). Herrnson, and many others, however, overlook more important questions by eliding basic economic questions that a prospective politician will ask. How will my decision to run affect me economically? Will I be able to sustain myself, my wife, my children, if I compete and lose? Can I afford this undertaking?¹²⁰

The work of Schlesinger and Rohde, with their ambitious politicians, and Herrnson’s concept of the self-starters, evade a central tenant of decision making, namely the person’s economic situation at the point where a decision is made. Vocational choice is the primary conditioner of the ability to go into politics and to perform in it independent of economic calculations. It is therefore necessary to provide a dichotomous classification of vocational choices that indicate active and passive political behavior, which is as follows:

Vocations that are entrepreneurial, medical, military, agricultural, managerial, as well as vocations that are in engineering and require high skills, are indicative of an active-personality that is risk-acceptant, and independent-minded. Therefore, this type of

¹²⁰ See Chapter 6.1 for evidence for this.

vocation would be associated with an active type politician. Such persons are (generally) materially independent of remunerations from politics. These differing vocational choices are therefore combined in a dummy variable for vocational choice as standing for an active-politician.

Other types of vocations, such as teachers, academics and scientists, administrators and bureaucrats, workers, secretaries, students, lawyers,¹²¹ social workers, community organizers, and those engaged in union work, or who work for a party or a politician,¹²² are, following Weber, indicative of a cautious and risk-averse political personality. These vocational categories represent economically risk-averse behavior. These vocational groups are dependent on continued salaried remunerations, including the transitional phase from employee to political officeholder. These differing vocational choices are therefore combined in a dummy variable for a passive-politician. A number of other vocations, but also in law enforcement, entertainment, and sports, are less easy to categorize into one of the two concepts and have to be handled separately and excluded from the dummy variable.¹²³

¹²¹ See the discussion in Chapter 5 for why this occupational category is excluded from the passive-politician concept for the purpose of the statistical analysis.

¹²² Characterized as the “talking professions” (Allen 2013: 3).

¹²³ See Appendix A for a complete list of vocational choices of German and American legislators.

Culture

My analytical approach to culture is that I am interested in its function and measurable effect. I am not looking at this point to determine why a certain – cohesive – culture leads to a specific outcome. That is outside the scope of my study. I do however recognize the epistemological relevance of culture as an agent in conditioning behavior. While culture is an ambiguous term, it is evident that it is shaping political behavior (vide Putnam 1993). Cultural factors both condition who enters politics and what that politician's chances are. Among other things, culture provides a standard¹²⁴ according to which potential politicians and politicians are screened and measured (morals–ethics continuum, as one example).¹²⁵

For the purpose of this research, it suffices to operationalize culture as a group's common behavior. As such, culture is the statistically measurable behavior of a discrete group vis-à-vis other groups. The operationalization of culture in the comparative cases of the Bundestag and the House of Representatives is, however, in conflict, with institutional rules. The German and American legislators stand for both, the effects of culture and of institutional rules, as the separation of the effects of the respective explanatory variables is not possible (see discussion above). The clearest operationalization of culture exists in the sole case of the United States, since culture is clearly separate from the effects of

¹²⁴ Litmus test.

¹²⁵ In the terminology of science, culture can be an independent variable as well as a dependent variable. Culture can decide who, or what type of political personality is allowed into politics. Culture can also be an outcome, in that a group of politicians, belonging to one or the other culture, vary in their numerical dominance in the legislature on the basis of other factors.

institutional rules. In this case, I operationalize what is labeled ethnicity and race in the American context, as standing for culture. The terms “White” and “African American” accordingly do not imply a racial (in a scientific manner) distinction, but a distinction on the basis of cultural differences. Similarly, other ethnic labels, such as “Asian American” and “Hispanic,” are again subsumed under the blanket term of culture.^{126,127} Due to the fact that this study is focused on the effects of institutional rules on elite recruitment, I abstain from a thorough discussion of cultural effects in a system where institutional rules are constant. Instead, I will briefly mention the effects of culture further below for illustrative purposes only.

A more detailed description of what culture is and that goes beyond the definition used here, is not necessary for the purpose of this research. My epistemological goal in this study is to statistically ascertain the value of culture in comparison with institutions and ideology. Culture can therefore remain in an unopened metaphorical black box. My epistemological interest *hoc momento* is to know what the quantifiable comparative effect of culture is.¹²⁸

¹²⁶ A further breakdown of the cultural variable of White into more detailed categories like Catholic, Evangelical, liberal, etc. would have brought too much coding ambiguity into the data set.

¹²⁷ Since the groups of Hispanic and Asian-American legislators, as well as others (Pacific Islanders, etc.) are numerically too small, they are subsumed into a dummy variable.

¹²⁸ The more sophisticated definition of culture by Tönnies (2005) and of cultural morphology by Spengler (2007, 2013) constitute the epistemological underpinnings to my more economical definition. On the basis of them, it can be analyzed why the observed behavior is there; i.e. an explanation for the peculiarity of African-American or German political behavior can be given. For example, Tönnies’ theoretical dichotomy of *Gemeinschaft* and *Gesellschaft* can be applied to the cases and they can be categorized into one of them.

Ideology

The logic behind my methodological approach to ideology is the same as it is in the case of culture. As such I am interested in the statistical effect ideology has on elite recruitment in comparison to the explanatory variables, culture and institutional rules. Why a peculiar effect is produced by a certain ideology remains outside the scope of this study. That question has to be addressed in a separate study. Therefore, I succinctly define ideology as a Weltanschauung.

Partisan affiliation is in parallel with these Weltanschauungen. In the American case, with its two party system, the Republican and Democrat distinction can be translated into ideological affiliations with the right and the left. By default, distinctions within each ideology are necessarily pretermitted. For example, Republican conservatives, whose Weltanschauung is focused on an attachment to certain mores and customs, are considered in the same ideological camp with Republican libertarians whose self-perception revolves around fiscal matters and the federal government's capabilities vis-à-vis the individual. These are two quite separate world views. In the German case, with its multi-party system, a dummy variable is needed to recognize the axiomatic ideological division into leftist and rightist ideologies. Consequently, the CDU, the CSU, and the FDP are grouped as right, while the SPD, the Greens, and the Linke are grouped as left.

This critical tool in analyzing (and understanding) peoples' behavior goes beyond the scope of this research.

Implied in the concept of ideology is also “agency,”¹²⁹ where a Weltanschauung is translated into political behavior.¹³⁰ As in the case of culture, the epistemological relevance of ideology for the present study is that ideology exists and that politicians can be categorized into an ideology, and that their behavior can be measured. What the genesis of a particular ideology is goes beyond the scope of this research. The research focus is instead on ideology as an indicator for behavior vis-à-vis culture and institutional rules.

Mandate (German legislators only)

The candidate nomination rules and campaign financing rules are about the same for German politicians who get elected in either single member districts or through state party lists. While in the case of the former the selectorate are local party members or local party delegates, in the latter case the candidates are nominated by state party delegates, and the party bosses have more influence on the nominations than in the single member districts.

Furthermore, German single member district candidates are more involved and more exposed to their particular electorate. While not at the nomination stage (like in the American primary), German single member district candidates face a similar electoral

¹²⁹ Agency is hereby used as an adjective. It implies activity on the basis of ideology.

¹³⁰ „Vor Zeiten war ein jeder ein Esel auf seine Faust und ließ die Welt in Frieden; jetzt dagegen hält man sich für 'gebildet', flickt eine ‚Weltanschauung‘ zusammen und predigt auf die Nebenmenschen los. Lernen will Niemand mehr, schweigen noch weniger, einen Anderen in seiner Entwicklung anerkennen am Allerwenigsten“ (Burckhardt 1921: 276).

situation as their American counterparts. Thus one can expect to find more active-type politicians among single member district representatives than among those elected through state party lists.

DEPENDENT VARIABLES

In this section, I list those dependent variables, which will be used for the statistical significance tests for the independent variables listed above. The function of the dependent variables is to statistically evidence differences in behavior and personal character traits of national legislators on the basis of the independent variables. Thus, the dependent variables enable me to conduct two analytical steps:

1. The statistical significance of the active-politician conceptualization is tested.
2. The predictive power of institutional rules and the active-politician concept is tested in comparison to other explanatory variables, such as culture and ideology.

Years Spent in pre-political Vocation

With this scale variable, I measure the number of years a national legislator has spent in his pre-political career. This variable is logically a corollary to the vocational choice variable. If of course a politician has not learned a vocation outside of politics and has never worked outside of politics, then the years the politician has spent prior to elected office working for politicians is used.

The years-in-office variable deepens the explanatory power of the vocational choice variable. It is one thing to have one or the other vocation. It is another thing to actually endure and work in it and make a living from it. Thus the time spent in one's vocation is crucial in understanding the relevance of the vocational choice made by the political actor. An entrepreneur who succeeded for several decades in his vocation has a different life experience and a different record to run on than a lawyer who moved straight from law school into politics. Equally, someone who spent only a few years in job as a social worker, or even moved straight from the classroom into national politics, will have a different socialization and therefore a different worldview from someone who worked for decades as a doctor in a hospital. Someone who has no other means of material sustenance, and someone who has never known any other means of material safety than by advocating an ideology has a different outlook on life than someone who is the master of his own destiny.

For gaining and retaining a seat in parliament, which has a lot of material benefits, a politician will do everything to gain and retain the continued material benefit from his profession as a politician. This can be done by either yielding to the constituents' wishes, the demands from the party, or wishes of his financiers. A politician who does not depend for his livelihood on income as national legislator, however, can pursue politics as a calling, and act on his own will if necessary. Not only is there a), a difference in the

motivation to enter politics, there is **b**), a difference in the motivation on how to act in politics.¹³¹

Years Spent in Local Politics

This scale variable measures the years a national legislator has spent in local office before entering national politics. This could have been as a local council member or a mayor. It accounts only for elected office and does not include local party office. This last position is, however, quite relevant in the German case. Note that in the German institutional setting with its emphasis on the *Ochsentour*, partisan reputation building in local politics is a steppingstone in gaining support for a nomination for national office and receiving financial support. Such reputation building can, however, equally be earned by serving within the local party structure. In the American case, activity in local office is of less importance, since local party structures have atrophied and there is very little benefit to be gained.¹³²

Years Spent in State Politics

This scale variable measures the number of years a national legislator spent in state politics. This can be either in the legislative branch or in the executive branch (e.g.

¹³¹ Based on the previous discussion, the hypothesis connected to this variable is that in the United States, where candidates generally run on their record, active-type politicians who have spent many years in their extra-political career will be more abundant than in Germany, where politicians build their reputations within the party and thus have shorter extra-political careers.

¹³² Based on the previous discussion, the hypothesis is that in the German case more politicians will have a background in local politics compared to American politicians. This local service will have been longer than in the case of the Americans since local party service pays off, while in the U.S. such service is generally a thankless and minimally rewarded service.

Ministerpräsident or governor). In the German institutional setting, such service is connected with high partisan visibility as well as high financial remuneration. The latter factor especially makes this service an end in itself rather than a means to move further up in paid politics. In contrast, American state legislators' remuneration is lower than that in Germany. What state politics provides American politicians with is sufficient political clout to use it as a stepping stone into Congress by gaining the attention and support of contributors.¹³³

Age upon Entrance into the National Legislature

With this scale variable, the age upon entrance into the national legislature is measured. In the German case, with its plutocratic selectorate, the party leadership is able to influence candidate selection for the purpose of achieving descriptive representation that is in accordance with the particular ideology of the party. Furthermore, candidates have to gain favor with a small inner party circle to be nominated. It is therefore hypothesized that on average German legislators will be younger than Americans,¹³⁴ since for descriptive purposes younger legislators can be promoted. In the American case however, extra-partisan reputation-building is important in attracting support from the electorate at large. Such reputational credit-building takes more time. The words of Job, "Days should speak, and multitude of years should teach wisdom" (Job 32:7) is a principle of American politics that applies to most districts. Furthermore, age in itself is perceived to be

¹³³ Based on the previous discussion, the hypothesis is that fewer Bundestag members will have a background in state politics than in the American case.

¹³⁴ Especially those on the left.

associated with maturity and experience. This is relevant in an institutional setting where the selectorate is the electorate at large. Thus American legislators will on average be older than Germans when first entering national politics.

Years Spent in National Legislature

This scale variable measures the years spent in the national legislature. In most cases, it measures the consecutive years a politician has spent in the national legislature since election. In some cases, politicians have served non-consecutive terms in the national legislature.¹³⁵ Hypothesizing that passive-politicians depend on being in parliament for their material well-being, while active-politicians are less reliant on being national legislators, German legislators will have longer tenures than American legislators.

Relative(s) who served in Politics

The theoretical prediction with regard to having relatives who have served or are serving in politics is that in the case of America there will be more national legislators who have or have had relatives in politics than in Germany. The institutionalist logic is that in the United States, to become a candidate and then to be elected, one needs to have broad support among the (s)electorate. This is achieved through name recognition. While there are many means to achieve that end, they all require financial resources, which are not supplied by the party in the case of the nomination process and not sufficiently or at all in the case of the election.

¹³⁵ Due to having lost reelection, renomination, or having withdrawn from reelection for different reasons.

If a politician is not self-financed, it becomes quite handy if the prospective politician has a network of donors that he can rely on. In the case of a political novice, this is particularly important. As such, it can be presumed that family ties will be a reason to recommend a scion to prospective donors. Alternatively, simply bearing the name of a known politician will provide a type of political brand recognition, which can result in both attracting financial support from the public at large as well as their votes. In the case of Germany, support needed for nomination is limited to that of partisan insiders, and the favoritism and support are gained from a comparatively narrow plutocratic circle. The way support is gained is by having a record of party service and of attachment to the party ideology and not by party patronage of family members. These are features that are difficult to pass on and inherit. This is why the expectation is to find fewer German national legislators who had relatives in politics.

Military Service Record

Military service is a noteworthy behavioral indicator in the comparative context. Due to conscription, all Germans had to serve (until recently) in the military or they had to actively choose to partake in a community service program. Thus inferences about a man's persona (since only men were conscripted) can be made on the basis of his choosing to serve in the military or to do his duty in the civilian service alternative. Since military service is associated with a conservative and patriotic ideology, it can be expected that politicians on the right have this experience rather than those on the left, where such values are frowned upon.

In the case of the United States, military service is also associated with a more conservative Weltanschauung. However, due to the more widespread patriotism in the U.S., military service is less likely to be an exclusive indicator for the right. This is why a less skewed service record can be hypothesized to be found between left and right in the U.S. While military service is connected with prestige in American public life and, *in extenso*, in politics, this is not the case in Germany. Thus in comparative perspective, more military veterans should be present in Congress than in the Bundestag.

Marital Status

Marital status is indicative for cultural and ideological behavior. Institutional rules are, however, important to the extent that these cultural and ideological factors are significant in a person's political career. The argument here is that depending on cultural and ideological worldview, certain behaviors (*vis-à-vis* marital status) are condoned and others are disapproved. Depending on culture and ideology, the same behavior can be either an asset or a stumbling block.

An unmarried woman can, depending on the selectorate, gain or lose support with the selectorate. The institutional design can increase or decrease such an effect. Depending on the ideology of the party, marital status can have a minimal effect or it can be key in picking a candidate. Sexual orientation can be included in this context as being of equal relevance. In the American case, where the selectorate approximates the electorate, such personal factors are of greater significance than in Germany, where such personal factors

have only to be addressed with a small circle within the party. The hypothesis is then that in the American case, there will be more politicians who exhibit personal traits that are in accordance with what is popularly labeled family values than in the German case. Furthermore, due to ideological differences, politicians of the left will be less likely to exhibit traditional family values.

Number of Children

Similar to the case of gender, number of children is a variable whereby cultural and ideological sentiments with regards to having children are measured. Having children in the first place, as well as how many, is a strong indicator for social behavior. The cultural norms and ideologies that are metaphorically at play here are similar to the ones pertaining to marital status and gender. The way institutions influence this variable is by conditioning if either a plutocratic political elite (Germany) or the electorate at large (America) chooses, and with whose cultural norms and ideology the potential candidate has to find favor with. This is why American politicians, especially in House races, advertise their families and their children, even if the children depicted in the campaign are not even his own as in the case of a Congressman during the 2012 elections. In the German case, a candidate's family and children do not have the same significance as a factor in gaining support and votes. Thus the hypothesis is that more American legislators will have children in the first place, and secondly, they will also have more children than their German counterparts.

Executive Experience

This is an exploratory variable and no theoretical predictions are made. I measure if a national legislator had any executive experience, meaning if he was governor or village mayor, for example.

Having Lost Reelection or Renomination

This is another exploratory variable and no theoretical predictions are made. I measure if a national legislator had, after being elected to the national legislature, ever lost reelection, voluntarily withdrew from the legislature, or if he failed to gain renomination.

Years Spent in European Parliament (German legislators only)

This is an exploratory variable and no theoretical predictions are made.

4.2.3.1 Data Collection for the Bundestag and the House of Representatives

Here I want to briefly mention how the data was gathered. In the case of the German Bundestag, exhaustive data is already existent in the form of the *Kürschners Volkshandbuch*. This publication, in existence since 1890 (Kürschners Volkshandbuch 2012: 7), lists all members of the Bundestag (and before, members of the Reichstag) and is updated over the course of a legislative period to keep track of changes in the membership. The *Volkshandbuch* provides biographical information on each of the Bundestag members.

This information is, however, not standardized and the number of facts differs from member to member. Data that was not attainable through the *Volkshandbuch*, were attained from the biographical entries on the website of the Bundestag and the respective websites of the individual Bundestag members.¹³⁶ In only a handful of cases, where some data was still not attainable, media reports were used to get the data.

In the case of the House of Representatives, most of the data was attainable from the Biographical Directory of the United States Congress. Besides this source, the respective websites of the members of Congress provided the remaining data. In the very few cases, where data was still missing, it was acquired from websites such as opencongress.org and ballotpedia.org and news articles. Consequently, the data gathered for this original data set for the Bundestag and the House of Representatives, all from public records, is “reliable and accurate” (Nachmias 2000: 278).

4.2.3.2 Coding Scheme

In this section, I describe the coding scheme used for the original data set. For the scale variables,¹³⁷ numbers were entered for the respective years a legislator spent in his vocation, local, state, and national offices, and the age he entered national office as well as a number for the amount of children. All other codes are entered as nominal scales.

¹³⁶ <http://www.bundestag.de/bundestag/abgeordnete18/alphabet/index.html>

¹³⁷ A.k.a. interval variable.

The only variable where an ordinal scale might have been used is the variable for education. Yet I intentionally left it as nominal, since attained degrees are no longer indicative of education and erudition (see Bloom 1987, Tocqueville 2003 65). This is why I refrained from using this variable in the statistical tests in Chapter 5.¹³⁸ While academic degrees may not be indicative of erudition, they are, however, even more valued as status symbols that may be utilized for advertising, in the sense of Mayhew's (1974) definition.¹³⁹

¹³⁸ See Appendix B for a complete listing of the education background of German and American legislators.

¹³⁹ This might explain why there are more than five times as many PhDs in the Bundestag than in the House of Representatives. Ostensibly, in the American electoral environment, such a title does not "pay off," while in the case of Germany this title is quite rewarding.

CHAPTER 5 – STATISTICAL ANALYSES OF THE HOUSE OF REPRESENTATIVES AND THE BUNDESTAG

In this chapter, I present the results of the statistical analysis of the data gathered for the House of Representatives and the Bundestag. In the first section, I present the effects of institutional rules on elite recruitment in the comparative cases of Germany and the United States, whereby each country represents a dummy variable for the respective institutional rules in effect in each political system. In this case, I am interested to see if the different institutional rules in Germany and the United States lead to differences in the types of politicians in the national legislature, i.e. active or passive-politicians.

In the second section, I focus on the German case, thereby affording the opportunity to test the hypothetical effects the institutional rules on elite recruitment, while holding culture and ideology constant. I model the SMD – PR division in the Bundestag as a dummy variable to see if a pattern emerges where institutional rules account for having more active-politicians in the Bundestag.

As explained in the previous chapter, I utilize a two-step analytical approach in sections 5.1 and 5.2. In the first step, the institutional rules at hand are the independent variable, while the active-politician (AP)/ passive-politician (PP) concept is the dependent

variable. In the second step, I use the AP/PP division¹⁴⁰ as an independent variable, to see what its effect is (if any) on other personal traits and behaviors of politicians. The analysis will also allow to see if this conceptualization has more or less explanatory power than culture and ideology on politicians' personal character traits.

A third possible test would have been the sole case of the United States. Yet, while there are significant cultural and ideological differences in the case of the U.S., all legislators are, *de jure* at least, elected under the same candidate nomination rules and campaign financing rules. Accordingly, I would not be able to attribute observed differences among legislators to institutional rules. Such an analysis (while being highly informative on the effects of culture and ideology) lies therefore outside the scope of my research.

5.1.1 Testing the Direct Effect of Institutional Rules on Elite Recruitment: A Comparative Analysis of the Bundestag and the House of Representatives

In this section, I present the results of the statistical analysis for the comparative data on the House of Representatives and the Bundestag. As stated earlier, my argument is that the institutional candidate nomination rules and campaign financing rules in effect in the United States are more favorable to active-politicians than the institutional rules in effect in Germany. Evidence that corroborates this hypothesis would be found if significantly more (in statistical terms) active-politicians would be present in the House of

¹⁴⁰ The operationalization for this was, as detailed in the previous chapter, the identification of a politician's vocational choice as being either indicative for an active-politician or passive-politician.

Representatives than in the Bundestag. In Table 5.1.1, I present the cross tabulation results for representative type by country.

Table 5.1.1. Distribution of Active-politicians and Passive-politicians among members of the Bundestag and the House of Representatives.

	GER	USA	Total
Active-politicians	28.1% (158)	45.2% (155)	34.5% (313)
Passive-politicians	71.9% (405)	54.8% (188)	65.5% (593)
Total	100% (563)	100% (188)	100% (906) ¹⁴¹

¹⁴¹ The excluded cases in Table 5.1.1 are 180, 16.6% of the original N of 1086. Almost all of them belong to the judicial category. Lawyers and judges constitute 10.1% of the Bundestag membership and 18.9% of the House of Representatives. When included in the data set as passive-politicians, the proportions change in the case of Germany to **25%** AP to **75%** PP, and in the case of the U.S. to **36.1%** AP to **63.9%** PP. While the change for the German case is miniscule, the change in the American case is conspicuous. This is due to the fact that almost one fifth of the House members are lawyers. The decision what to do with this group may therefore have a strong effect on the data analysis for the House.

Max Weber regarded lawyers as one example for an occupational group that would fit into the concept of passive-politician. Yet I still refrain from doing so for several reasons. Lawyers constitute such a strong occupational category in both legislatures, that they disproportionately skew the results. There is either almost parity between active-politicians and passive-politicians in the House, and thus clearly distinguishing it from the Bundestag, or (when lawyers are included in the PP category) the difference between the House and the Bundestag is much less pronounced (yet still statistically significant!). For illustrative purposes, the exclusion of lawyers is in consequence apposite.

Another reason for excluding the occupational category of lawyers is that some lawyers enter politics immediately after law school. Without making a living as a lawyer, the degree functions in a sense as an attribute of prestige for reputation building in politics. At the same time, there are some who successfully practice law and live by it for many decades before going into politics. These are very different life experiences. Thus assigning this category into passive-politician category, and considering that it constitutes a significant proportion of the legislatures, inherently contains a degree of equivocality (vide soft data discussion).

In either case, the AP/PP dummy variable performs its illustrational function very well, informing the reader about the different composition and economic background of the political class.

The results in Table 5.1.1 show that the proportion between active-politicians and passive-politicians is about the same in the case of the House of Representatives. There are slightly more passive-politicians (at ca. 55%) in the House than active-politicians (at ca. 45%). In the case of the Bundestag, the ratio active-politicians to passive-politicians, with 28.1% to 71.9%, is very disparate. This means that the ruling elite in Germany and in the United States is composed of people with very different live experiences, which guide and inform their political decision makings.¹⁴² Thus, the data offer strong evidence for the hypothesis that institutional rules, as they are designed in the United States, are significantly more favorable to active personality type politicians than the institutional rules in Germany. In and of itself, this finding validates the high explanatory power and utility of the active-politician concept, too. In the following, I strengthen this observation with additional data.

Further analysis of the data reveals an indirect effect of the institutional rules at hand. Table 5.1.2. shows that almost half of the German Bundestag members have served in local office, while only a quarter of American legislators have similarly served in local office. Very interesting is the second observation that in the United States half of the legislators have served in state office, while in the German case only one sixth of legislators have served in state office. The elite recruitment patterns in America are the very reverse of the German case.

¹⁴² The underlying argument (as discussed in the previous chapters) being that a person's faculty of judgment (*Urteilstkraft*, *Urteilsvermögen* in German) is based on his knowledge and acuity. This in turn is informed by life experience and formal education. Thus, the operationalization through economic choice as being exemplary for varying degrees of life experience.

This fascinating political phenomenon is indicative of the indirect effects of the differing candidate nomination rules and campaign financing rules. One of the key theoretical assumptions points at the different emphasis on party service as a means to increase one's recruitment opportunities. The notion of the *Ochsentour* implied that German politicians could earn their way in to the Bundestag through service to the "party," a relatively passive mode of recruitment. Within the ambiguous entity of "party," this party service refers specifically to local and state party service. In contrast, self-recruitment was argued to be the viable pathway for American politicians, a mode that can be described as more active. I had used the analogy of hiring and being hired in this context.¹⁴³

Table 5.1.2 Recruitment Patterns into National Legislatures.

	USA	GER
Local Office	27%	46.6 %
State Office	52.3 %	16.4 %

Percentage of legislators in national assemblies who had held either local and/or state elected office.

The statistical evidence presented in Table 5.1.2 confirms my expectation for the importance of local party service for the purpose of the *Ochsentour*. Local office is then much more important in German politics for a political career than it is in the United States. Only a quarter of American national legislators have a background in local politics (*N.B.*, this includes school boards). In Germany however, almost half of national

¹⁴³ See Chapter 3.

politicians have served in local politics (*N.B.*, this excludes holding local party office, which is of high utility, too).

The bottom row of statistics in Table 5.1.2 reveals that more than half of American national politicians have a background in state politics, while only one in six German national legislators have passed through state politics before going into national politics. It is quite interesting to note that state politics is ostensibly an important stepping stone into national politics in the United States, while it is not in Germany. While it is a “must” to have local political connections for a successful political career in Germany, in the United States it is a “must” to have state political experience.¹⁴⁴

These are extremely important findings for a political scientist. The explanation for such a discrepancy is to be found in the different institutional settings in Germany and the United States, as analyzed in the previous theoretical chapters. Candidate nomination rules in Germany are party-centered. For the single-member districts, there is rarely an interference with the nomination process by either the state or national party, and if there is, it is generally counterproductive.¹⁴⁵ As for the state party lists, the selectorate are state party officials in conjunction with local party leaders, who in the aggregate create a list that primarily addresses local and regional interests rather than those of the state. Thus the overwhelming importance of local party politics and the underwhelming relevance of state politics in Germany characterize the pathway to the Bundestag.

¹⁴⁴ There is no previous research on this phenomenon in comparative politics that addresses this issue.

¹⁴⁵ See Chapter 6.1.

In the American case, it was pointed out in the previous chapters that in a successful bid for office, a politician has to find favor with his electorate, as this is his selectorate as well.¹⁴⁶ This is also the source from which to raise funds for the campaign if one cannot self-finance. Yet local politics provides less clout than state politics for significant fundraising for a congressional race. Thus a detour via state politics is a good way to earn respectability as a serious contender for a congressional race and attract the necessary financial contributions from donors. Active-politicians, who had been operationalized by identifying such economic personal character traits of a politician that are indicative for an entrepreneurial, risk-acceptant persona, are better prepared to organize and manage their bid for elected office in the institutional/ electoral setting of the United States. Yet going beyond the mere economic managerial skills, the personal traits identified for active-politicians, also condition the social behavior of a person. On the basis of this social behavior, persons acquire a certain social status,¹⁴⁷ which is essential for earning the support of the American (s)electorate. In section 5.1.2, I will show the effects of this.

We also need to keep in mind that state politics in Germany provides significant remuneration. Thus there is less incentive to move from state politics, where one has

¹⁴⁶ See Chapter 6.2.

¹⁴⁷ Social status is important, since on the basis of the perception of the candidate, the (s)electorate gives their support to the candidate (by nominating and financing, and eventually voting for him). The logic is not that a certain vocational type leads to a certain social status. Instead, the underlying psychological condition that leads to the economic choice early on in life, is furthermore expressed, in other behaviors and traits (as observed in the next two sections). Since vocational choice is the "harbinger" for such behaviors and traits, it is methodologically utilized as an independent variable. Practically put, one does not work for decades in one's vocation, marry and have many kids, just because one chooses to become a medical doctor instead of a social activist.

established oneself, to national politics. In the American case, state politics rarely provides significant economical sustenance. Thus state politics is not an end in itself but a means to an end in the American case. Consequently, the comparison of the frequencies of active-politicians in the Bundestag and the House of Representatives showed that, at least, a covariation exists between institutional rules pertaining to candidate nomination rules and campaign financing rules. Yet there is strong evidence that this observation is no mere correlation but includes causation. As Table 5.1.2 evidences, politicians in Germany and the United States clearly adapt their behavior based on incentives that foster a path into the national legislature. Thus it is plausible that the indirect effect observed in Table 5.1.2. as well as the effect observed in Table 5.1.1. point to electoral rules' capacity in influencing elite recruitment,

5.1.2 Institutional Rules' Effect compared to Culture and Ideology.

In section 5.1.1., I showed that the institutional rules in Germany and in the United States lead to a different distribution of active-politicians and passive-politicians in the Bundestag and the House of Representatives. In this section then, I want to learn if it makes a difference to have more or fewer active-politicians in the national legislature. I answer the question, does it matter to have more or less active-politicians. For that purpose, I am able to draw on a number of indicators that present behavioral and characteristic traits of national legislators, which are indicative of their recruitment paths

and patterns into the national legislature.¹⁴⁸ Consequently, I transform the dependent variable of active-politician/ passive-politician into an independent variable. I use, again, the dummy variables of Germany and the United States, to see if the variation in the distribution of active-politicians among the two countries leads to statistically significant systemic differences.

The first indicators I look at are differences in local and state offices between the cases of Germany and the United States. I conducted independent sample t-tests to compare the difference between German and American national legislators' behavioral backgrounds in local and state politics as indicated by years of service. There was significant difference between Americans (M = 1.91) and Germans (M = 4.21; $t(1084) = -7.70$, $p = .00$, two-tailed) with respect to their tenure in local politics. Not only did more Bundestag members serve in local politics than Representatives, but they spent more than twice as much time in local politics.

There is also a statistically significant difference between Representatives and Bundestag members regarding their tenure in state politics. Germans (M = 1.43) spent significantly less time in state politics before moving on to national politics than Americans (M =

¹⁴⁸ The rationale for why the economic behavior (observed through the active-politician/ passive-politician concept) is related to further social behaviors (as analyzed in this and the next section) is as following. The inherent psychological precondition of the person, leading him to make a certain economic choice (i.e. AP/PP), continues to influence his behavior "further down the road." Such behavior is observed with the variables presented here.

If one accepts that politics is more of a craft, rather than a profession, than the "tools" an AP has (life-experience, social status, intellectual capacity) are superior to that of a PP in a specific institutional setting (and vice versa in a different institutional setting). Succinctly put, a psychological condition leads to an economic condition, which in turn leads to a political condition (Fromm 1994: 5&12).

4.86; $t(1084) = 10.57, p = .00$, two-tailed). This shows that the Representatives who take the route through state politics to Congress have to build their clout in state politics over a course of some years, while in the case of Germany, the clout earned in local politics suffices for a successful bid for the Bundestag.

Table 5.1.3. Independent sample t-tests for years spent in local office and/or in state office for Germany and the United States.

Values	Group	<i>n</i>	Mean	SD	<i>t</i>	Sig. (two-tailed)
Years in Local Office	GER USA	646 440	4.21 1.91	5.98 3.83	-7.11	0.000
Years in State Office	GER USA	646 440	1.43 4.86	3.71 6.08	10.57	0.000

Consequently, it can be stated that the American candidate nomination rules and campaign financing rules put the onus on the individual politician to raise funds and organize a campaign organization. This requires political aspirants who are not self-financed to gain sufficient political reputation to become a “viable candidate.” The way this is done is through state politics, which accordingly can be characterized as a stepping stone into Congress. The German candidate nomination rules and campaign financing rules, however, concentrate political reputation-building in local politics. From local politics, political aspirants can then move directly to the Bundestag with its high remuneration (or state politics as the alternative).

Additional statistical analyses reveal that there are significant differences with regard to other personal characteristic traits of politicians as well. In the previous chapters, I argued

that American institutional rules are favorable for active-type politicians. These political personalities would spend more time in their extrapolitical professions and thus enter politics at a later age. The statistical results confirm this hypothesis (see Table 5.1.4). On the average, American legislators, with the preponderance of active-politicians vis-à-vis their German colleagues, spent 14.6 years in their profession, considerably more time than German legislators who averaged 10.8 years. Consequently, the average age of American politicians upon entrance to the House of Representatives is 47.4 years, while Germans are younger – 42.5 years old on average – when first elected to the Bundestag.

Table 5.1.4. Independent sample t-tests for how many years legislators spent in their vocation, their age when they entered the national legislature for the first time, and the years they have spent since then in the national legislature.

Values	Group	<i>n</i>	Mean	SD	<i>t</i>	Sig. (two-tailed)
Year in Profession	USA	440	14.62	9.62	6.77	0.000
	GER	646	10.83	8.20		
Age in Parliament	USA	440	47.4	8.36	9.16	0.023
	GER	646	42.5	9.07		
Years in Parliament	USA	440	11.78	9.41	2.49	0.000
	GER	646	10.47	6.97		

So far, the empirical evidence confirms the hypotheses made in the previous chapters. Yet, I stated in Chapter 4 that I do not limit my research to theory-testing but instead conduct exploratory research as well. The following analysis is therefore exploratory, since no theoretical concept was utilized hitherto for this. The cross tabulation given in table 5.1.5 shows that less than one percent of Bundestag members had relatives who served in either national or state politics. The corresponding number for the House of Representatives is, however, ten times as high. A Chi-square test for independence (with

Yates continuity correction) indicates a significant association between being an American legislator and having had relatives who served in prominent elected office, $\chi^2(1, n = 1086) = 46.0, p < .001$.

Table 5.1.5. Number of legislators in the Bundestag and the House of Representatives who had either at least one relative who served in elected office or who had none.

	GER	USA
No relative served	640 (99.1%)	398 (90.5%)
At least one relative served	6 (0.9%)	42 (9.5%)

This finding can be explained in the framework of the theoretical conceptualization of my study. A plausible explanation would be, in the American context at least, that success is based on attracting financial contributions¹⁴⁹ in both the primary and the general election. The candidate nomination rules and campaign financing rules in the United States favor informal political relationships between candidate and donor, which is of course most beneficial for those who can be introduced into such informal structures by their relatives. In addition to this, another factor that is relevant in the American case is name recognition. In a system where the electorate is the selectorate, name recognition is of great utility in the candidate nomination process, as it provides an “economic” way for the (s)electorate to inform themselves about the candidate.

¹⁴⁹ Always in the absence of self-financed candidates, who do not rely on outside contributions.

In the case of Germany, where less than one percent of members of the Bundestag are found to have had relatives in elected office, the candidate nomination rules concentrate the decision-making process strictly within the party bureaucratic structure. Such a political climate is conducive to favoritism based on party service rather than informal family ties. Name recognition with the electorate at large has no effect in the bureaucratically organized party. Consequently, it can be said that it matters to have more or less risk-accepting, active-politicians in political life. These politicians will have quite different backgrounds and quite different life experiences in comparison to passive-politicians.

5.1.3 The Effects of Institutional Rules compared to Ideological and Cultural Factors

The statistical techniques used so far were chosen to analyze comparative relationships between groups (in this case the German and American legislatures). To clarify the understanding of the effects of institutional rules¹⁵⁰ in comparative perspective, I want to

¹⁵⁰ With reference to footnote number 2 in this chapter, I want to emphasize that the mandate type (SMD/PR) in connection with the electoral rules has an independent effect, too. Single member district focus the “attention” of the (s)electorate much more on the individual than in the PR system. Consequently, the personal predispositions of a politician, as explained in the footnote, have different valence in either a SMD or PR system.

This does not mean that a person behaves differently just because he is in a SMD or PR system. Instead, the different qualities of a candidate, which were already mentioned in the context of the AP/PP concept, come to fruition. The independent effect thereby is similar to the one observed in the case of the candidate nomination rules and campaign financing rules (since these relate to what type of mandate-type exists). The entrepreneurial “spirit,” which was emphasized for the type of candidate nomination and campaign financing procedures, which are favorable for active-politicians, is also important in the case of elections in a single member district. While the effect of candidate nomination rules and campaign financing rules can

know the predictive power of them in comparison to the other explanatory variables of culture and ideology mentioned in the previous chapter. Multiple linear regression (a.k.a. OLS regression) and logistic regression (a.k.a. logit regression) analyses enable me to test which of the independent variables has the strongest predictive power¹⁵¹ on legislators' behaviors and recruitment patterns.

For culture as an independent variable, I use a concomitant variable. The German and American legislators stand for their respective cultures. At the same time, these legislators represent in the aggregate the results of their specific institutional settings. Since I account for the institutional effect of candidate nomination rules and campaign financing rules with the first variable, I ascribe to this variable the label of “culture” for argument’s sake, and also for brevity. A more detailed analytical delineation between culture and institutions is not possible. I would have to experimentally measure the outcome while holding culture constant and changing institutions to measure differences,

only be observed indirectly (through the AP/PP conceptualization), the mandate-type’s effect can be observed directly.

¹⁵¹ To avoid multicollinearity, I measured the Spearman rho rank correlation coefficient for the independent variables. They are presented in the table below:

		AP	SMD	USA	Right
AP	<i>Correlation Coefficient</i>	1.000	.185**	.175**	.469**
SMD	<i>Correlation Coefficient</i>	.185**	1.000	.569**	.250**
USA	<i>Correlation Coefficient</i>	.175**	.569**	1.000	.017
Right	<i>Correlation Coefficient</i>	.469**	.250**	0.17	1.000

** Correlation is significant at the 0.01 level (two-tailed).

which is not possible. Yet realistically, one can expect that both institutional and cultural factors influence this “culture” variable.

For ideology as an independent variable, I use a dummy variable. I have on the one side politicians of the left (Democrats, SPD, Left, Greens) and on the other side politicians of the right (Republicans, CDU, CSU, FDP). For the third independent variable, electoral rules, I differentiate between single member district and state party list legislators. While all American legislators are elected in SMDs, only half of the German legislators are elected in such districts, while the other half is elected on the basis of PR. This third independent variable combines the German and American SMD legislators, even though they are subject to very different candidate nomination and campaign financing rules. Thus this independent variable combines both the effects of said rules as well as the effects of district magnitude. The indirect effects of candidate nomination rules and campaign financing rules can be inferred in this case only by approximation. A statistically significant effect would imply difference with regard to the reference category, the German PR-elected Bundestag members.

Lastly, I have the opportunity to use the active-politician variable (which I had linked to institutional rules) as an independent variable for the regression analysis. Thus, I can test not only, as I did in the previous section 5.1.2., to see if this concept matters in influencing politicians’ behavior and character traits, but I can now see what the predictive power of this concept is in comparison to the other three explanatory variables.

I use multiple linear regressions to assess the ability of these independent variables to predict number of years a legislator spent in his pre-political occupation. Preliminary analyses were conducted to ensure no violation of the assumptions of normality, linearity, and multicollinearity. All four variables were entered at the same step. The model as a whole explained 18.7% of the variance in years in profession, $F(4, 901) = 51.98, p < .001$. The active-politician concept was found to be the strongest statistically significant predictor (beta = .39, $p < .001$), followed by culture (beta = .16, $p < .001$). In other words, being an active-politician and being American was found to predict more years in profession. Ideology and institutional differences were not found to be significant predictors of years in profession. See table 5.1.6 for details.

Table 5.1.6. Beta Coefficients for legislators' age when entering the national legislature for the first time, the amount of years legislators spent in their respective vocation, the years they spent in state office, local office, and in the national legislature, and the number of children legislators have.

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
	Age In Legislature	Years in Profession	Years in State Office	Years in Local Office	Years in Legislature	Children
Right	-.18***	-.00	-.02	-.01	-.03	.07*
U.S.	.25***	.16***	.31***	-.31***	.04	.21***
AP	.18***	.39***	-.07*	.06	-.12***	.17***
SMD	-.02	-.09	.05	-.16***	.13***	.05
R ²	.10	.19	.12	.06	.05	.12
Model Fit	24.09***	51.98***	30.22***	15.67***	12.73***	31.27***

* $\leq .05$ ** $\leq .01$ *** $\leq .001$

With years spent in the national legislature, there are similarly significant coefficients in the expected direction for the active-politician variable. With regards to the remaining variables, being an American compared being a German politician has higher predictive power, even though the AP concept is significant, too. The directions of impact are as

expected, with one exception. The regression analysis predicts that an active-politician spends more years in local politics than a passive-politician. Yet inherently, passive-politicians are expected to spend more time in politics than active-politicians, since passive-politicians live by politics rather than for politics, as mentioned earlier. When the means are compared, however, it becomes clear that the difference is not that large. While active-politicians spent on average 3.63 years in local office, passive-politicians spent an average of 3.33 years in local office. If it is additionally considered that local office is frequently unpaid or very low paid, it is not too surprising to see that the entrepreneurial active-politicians are able to spend more time in local office. Thus this result does not affect the underlying reasoning that passive-politicians live by rather than for politics.

As reported in Table 5.1.7, I used direct logistic regression to assess the impact of ideology, culture, the active-politician conceptualization, and of mandate type on the likelihood of a legislator to be married or widowed. The results are reported in Table 5.1.7. The four independent variables were all entered at the same step. The full model containing all predictors was statistically significant, $\chi^2(4, N = 906) = 57.25, p < .001$, indicating that the model was able to distinguish between being married or unmarried. The model as a whole explained 9% of variance in marital status, and correctly classified 73.4% of cases. As shown in table 5.1.7, all four independent variables made a unique statistical contribution to the model. The strongest predictor for marital status was ideology, recording an odds ratio of 2.50. This indicates that being a conservative politician means that one is two and a half times more likely to be married, controlling

for other factors in the model. As an American politician, a legislator is still almost twice as likely to be married in comparison to a German politician, recording an odds ratio of 1.78, controlling for other factors in the model.

Another interesting finding is seen in Model 9, the propensity for having children in the first place. The direct logistic regression analysis in this case shows that the full model containing all predictors was statistically significant, $\chi^2 (4, N = 906) = 53.32, p < .001$, indicating that the model was able to distinguish between those who had children and those who had none. The model as a whole explained between 9% of variance in having children, and correctly classified 76.6% of cases. As the table below shows, all four independent variables made a unique statistical contribution to the model. The strongest predictor for having children was being American, with an odds ratio of 2.77. Thus being an American legislator, one is almost three times as likely to have children compared to a German legislator,¹⁵² controlling for other factors in the model. Ideology, in comparison

¹⁵² Number of Children

	GER	USA
None	31.0 %	12.0 %
One	17.0 %	10.7 %
Two	29.3 %	32.3 %
Three	13.8 %	25.9 %
Four	6.8 %	10.5 %
Five or more	2.2 %	4.8 %

Not only are Americans more likely to have children, but they tend to have more children than Germans, too. The mean being 2.5 for Representatives and 1.6 for Bundestag members.

to culture, is only half as likely to predict one's propensity to have children, with an odds ratio of 1.30.

Table 5.1.7 Odds ratios for legislators' likelihood for having served in the military, having been married (or widowed), having children, having served in executive office, and for having a relative who had been elected into political office.

	Model 7	Model 8	Model 9	Model 10	Model 11
	Military Service	Being Married	Having Children	Executive	Relative in Office
Right	.61*	2.50***	1.30	.74	.80
U.S.	.11***	1.78**	2.77***	1.56*	9.43***
AP	1.32	1.10	1.61*	1.36	.70
SMD	.41***	1.14	1.02	.68	4.21
R ²	.40	.09	.09	.02	.19
Model Fit	317.83***	57.25***	53.32***	9.14*	51.82***

* ≤ .05 ** ≤ .01 *** ≤ .001, N=906

Employing direct logistic regression analysis to assess the impact of ideology, culture, the active-politician conceptualization, and of mandate type on the likelihood of a legislator for having had a relative who served in politics, yields important findings as well. Again, the four independent variables were all entered at the same step. The full model containing all predictors was statistically significant, $\chi^2(4, N = 906) = 51.82, p < .001$, indicating that the model was able to distinguish between those who had relatives in politics versus those who did not. The model as a whole explained 19% of variance in having relatives in politics, and correctly classified 95.7% of cases.

The strongest predictor for having a relative who served in politics was culture. Being American recorded an odds ratio of 9.43, thus signifying that being an American politician means that one is about nine times more likely than a German politician to have a relative who had served in politics. All other independent variables' results were not

statistically significant. In all cases, the directions of impact were in line with the theoretical expectations. This finding is in accordance with my hypothesis that having a relative in politics and/or name recognition is in the context of the American candidate nomination rules and campaign financing rules very useful, while the same factor in the context of the rules in Germany is of little use, due to the narrow partisan composition of the electorate.

On the basis of the three-step analysis, it can be stated that institutional rules concerning candidate nomination and campaign financing lead to different type of elite recruitment. As seen in section 5.1.1., there are significantly more active-type politicians in the United States House of Representatives than in the German Bundestag. As evidenced in section 5.1.2., such a specific *makes* a difference, as active-type personalities and passive-type personalities exhibit significantly different types of behavior and bring different life experiences into politics, which shape a person's faculties of judgment and discernment. Lastly, as seen in section 5.1.3., the effect of institutional rules is important in understanding elite recruitment. Yet the influence of ideological and especially cultural factors is of at least equal importance in shaping elite recruitment.

5.2 Testing the Effect of Institutional Rules on Elite Recruitment: The Case of the Bundestag

In this section I focus on the case of Germany. With the Bundestag, I have the opportunity of an almost "natural experiment" to observe the effects of institutional rules

on elite recruitment. As discussed in the previous chapters, half of the Bundestag is composed of legislators who are elected in single member districts, while the other half is elected through state party lists and thus by proportional representation. The differences with regards to candidate nomination rules and campaign financing rules are much less between these two modes of elections in comparison to the cases of Germany and the United States. However, I can automatically control for culture in the case of this analysis, since all SMD and PR legislators have been socialized in the same cultural environment. A statistical analysis of the Bundestag is therefore most informative on the effects of institutional rules.

As in section 5.1., I look first for the effects of institutional rules on the prevalence of active-politicians in the national legislature to see if a change in institutional rules leads to a change in elite recruitment. Table 5.2.1 attests that there is indeed variation between legislators elected either directly or as list candidates. In accordance with the theoretical expectations, there are significantly more active-type political personalities to be found among legislators from a single-member district than those who are elected via state party lists. While more than a third of the legislators elected in single member districts fall into the active-politician economic categorization, among state party list legislators only one fifth fit into this categorization.

Table 5.2.1 Distribution of Active and Passive-politicians among members of the Bundestag by mandate type.

	SMD	PR	Total
Active-politicians	35% (89)	22.3% (69)	28.1% (158)
Passive-politicians	65% (165)	77.7% (240)	71.9% (405)
Total	100% (254)	100% (309)	100% (563)

The next step is to see, as I did in section 5.1.2, if it makes a difference being an active-politician or passive-politician in the Bundestag. In Table 5.2.2., I present the evidence for differences in recruitment patterns on the basis of the active-politician and passive-politician conceptualization. The table shows that politicians who are in the category of active-politician have very different life experiences prior to entering the Bundestag than those who are categorized as passive-politicians.

Table 5.2.2. Independent sample t-tests to comparing active-politicians' (AP) and passive-politicians' (PP) behavior with regard to years spent in local politics, state politics, vocations, age entered the Bundestag for the first time, and years spent in the Bundestag.

Values	Group	<i>n</i>	Mean	SD	<i>t</i>	Sig. (two-tailed)
Years in Local Office	AP	158	5.89	6.56	3.511	.001
	PP	405	3.79	5.79		
Years in State Office	AP	158	1.15	3.53	-1.232	.219
	PP	405	1.56	3.72		
Years in Profession	AP	158	14.08	8.44	6.250	.000
	PP	405	9.39	7.83		
Age in Parliament	AP	158	43.51	8.70	1.986	.048
	PP	405	41.85	9.44		
Years in Parliament	AP	158	9.59	6.29	-2.184	.030
	PP	405	10.94	7.26		

One of the starkest differences between active-politicians and passive-politicians are the years they spent in their pre-political career. Those Bundestag members who have a risk-acceptant personality spent almost half as much time in their vocations than those who are risk-averse. Thus active and passive-politicians in the Bundestag act on the basis of different life-experiences. Max Weber's division between those living for and those living by politics is echoed in these findings, too. Passive-politicians, who are theoretically living by politics, spent significantly more time in high-paying state politics, and remained shorter times in mostly honorary and unsalaried local office. Active-politicians, who live for politics, spent much more time in such local offices. While the average age active-politicians enter national politics and the average age passive-politicians enter national politics is about the same, the difference is in what these two groups did until that point, and with what outlook on life they enter the Bundestag.

In a third and last step, I compare the predictive power of institutional rules to the effects of ideology in determining politicians' behavior. Since the German Bundestag is essentially culturally homogenous, that variable is not applicable. For ideology, I use a dummy variable, where I subsume the parties of the right under the label "right" (CDU, CSU, FDP), and the parties of the left (SPD, Greens, Left) under the label "left." With regards to institutional rules, I utilize first the dummy variable mandate, whereby I am able to differentiate between legislators elected in a single member district and legislators elected through state party lists. I also use the variable "active-politician." In the comparative case of the United States vs. Germany, this concept was most useful in highlighting the effects of institutional rules on elite recruitment. In the case of the Bundestag, the "natural experiment," the concept is again useful in evidencing the indirect effect of institutional rules on elite recruitment through vocational choice. Using the concept of active-politician as an independent variable now promises to show to what extent this concept is able to predict a politician's behavior as compared to the other predictors.

In tables 5.2.3 and 5.2.4, I present the results from the regression analyses for the German case. The independent variables at hand were those for ideology, the active-politician concept, and the institutional difference based on mandate.¹⁵³ All three variables predict

differences in social, economic, and political behavior. In the multiple regression analysis, however, ideology is significant in only one of the tests. Noteworthy is that the difference between left and right is least significant in these OLS tests, which predict years spent in a certain function. The ideological distinction between left and right is in the German case therefore not as pronounced as in the American case.¹⁵⁴

Table 5.2.3. Beta Coefficients for legislators' age when entering the national legislature for the first time, number of years spent in their respective vocations, years spent in state and local offices and in the national legislature, and number of children.

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
	Age In Legislature	Years in Profession	Years in Local Office	Years in State Office	Years in Legislature	Children
Right	-.11**	-.05	.04	-.09	.08	.05
AP	.13**	.27***	.12**	-.03	-.13**	.15***
SMD	-.02	-.002	.12**	.09*	.11*	.09*
R ²	.02	.06	.04	.01	.02	.04
Model Fit	3.52*	13.39***	8.42***	2.26	5.63***	8.79***

* ≤ .05 ** ≤ .01 *** ≤ .001

In the one case, where ideology is significant, in the case of the variable that measures the age a politician enters into the Bundestag, being right predicts one to be younger than being left when entering the Bundestag. The actual means are 43.1 years for politicians of

¹⁵³ To avoid multicollinearity, I measured the Spearman rho rank correlation coefficient for the independent variables. They are presented in the table below:

		Right	AP	SMD
Right	<i>Correlation Coefficient</i>	1.000	.392**	.378**
AP	<i>Correlation Coefficient</i>	.392**	1.000	.141**
SMD	<i>Correlation Coefficient</i>	.392**	.141**	1.000

** Correlation is significant at the 0.01 level (two-tailed).

¹⁵⁴ The Beta-coefficients for ideology (Right) are, in the same order for models 1 through 6, as follows for the House of Representatives: -.06, .16**, -.11, .01, -.222***, .16**.

the left, and 41.9 years for politicians of the right. Thus the actual difference is not too great. Yet in this regard, it is interesting to see that the statistical reverse is the case with the active-politician concept. There, active-politicians enter the Bundestag at a later age than passive-politicians. Recalling the theory, the idea was, that since passive-politicians live by politics, they would enter the highly paid offices as early as possible. Thus economical distinctions, in the form of vocational choice, are more determinative in pushing entrance into national politics to a later age than ideological distinctions.

Table 5.2.4 Odds ratios for legislators' likelihood for having served in the military, having been married (or widowed), having children, having served in executive office, and for having a relative who had been elected into political office.

	Model 7	Model 8	Model 9	Model 10	Model 11
	Military Service	Being Married	Having Children	Executive	Relative
Right	3.28***	2.10***	1.19	.49**	1.04
AP	1.43	1.25	1.52	1.40	1.99
SMD	1.80**	1.19	1.04	.80	.82
R ²	.15	.06	.02	.03	.01
Model Fit	60.27***	25.28***	6.76	11.47**	.77

* ≤ .05 ** ≤ .01 *** ≤ .001

In the case of the logit models, different results are visible. In the case of the multiple regressions, the active-politician concept was significant in most models, while the variable for ideology was significant in only one case. Now, with the logistic regression, the active-politician variable is not significant in any model, while the variable for ideology exhibits stronger predictive power. The direction of impact, even though in most cases not significant, is in all models as expected.

5.3 Analytical Summary

The statistical tests revealed substantive practical insight into the recruitment processes of the Bundestag and the House of Representatives. These tests furthermore confirm that the concept of the active-politician is not only a valid hypothesis, but that utilizing economic choice has strong explanatory power with regard to explaining elite recruitment. The hypothesis that the American electoral rules for candidate nominations and campaign finances are more favorable for active-politicians was confirmed, in that significantly more active-politician personality types are to be found in the House than in the Bundestag.

The statistical tests also confirm the hypotheses and theoretical propositions made in the previous chapters. In conjunction with Sartori (1997: 15), I had stated that my research offers the opportunity to empirically verify whether different institutional settings for elite recruitment actually produce empirically verifiable different recruitment patterns. Indeed, accounting for ideology and culture, it has been shown that candidate nomination rules and campaign financing rules affect elite recruitment, as is seen in the variation of active-type politicians in Germany and the United States, and within the Bundestag on the basis of electoral mandate (SMD vs PR).¹⁵⁵

¹⁵⁵ Thus the proposition that patterns of legislative recruitment can be measured and observed in an objective way is confirmed, too.

I formulated the hypothesis that more active-type politicians would be found in the House of Representatives than in the Bundestag. I explained this by stating that due to the existing candidate nomination rules and campaign financing rules, self-selection is a more viable pathway into politics in America than in Germany. I also stated that these active-politicians would exhibit a sharp difference with regard to their sociological background in comparison with passive-politicians, these hypotheses were supported by the data.

In chapter two, I had stated that the combination of increased relevance of national politics in the United States and the decreased ability of American party-elites to regulate entrance into politics would lead to the rise of entrepreneurial-type active-politicians. In comparative perspective, there are indeed more active type politicians in politics in the United States than in Germany. Yet to thoroughly validate such a hypothesis, I have to enlarge the data set and include previous congresses to not only test the hypothesis in comparative perspective but also to assemble data for time series tests.

With regard to the hypothesized prevalence of active-politicians in American politics, my explanation was that the requirement for a candidate to build his or her own campaign organization and fund it, is an enterprise that works best for experienced entrepreneurial types, while other groups would be less likely to have the same type of faculties. Indeed, in the House of Representatives, which is elected through candidate nomination rules and campaign financing rules that are favorable for active-politicians, significantly more active-type politicians are represented than in the Bundestag.

For practical political purposes, the most important finding of this statistical research is, however, the immense discrepancy between Germany and the United States when it comes to the value of local politics and of state politics as pathways into national politics. While in Germany, local politics is the pivotal point for a political career, in American politics the pivotal point is in state politics. The candidate nomination rules and campaign financing rules for the national legislature can be used to explain this interesting and hitherto unknown phenomenon. I investigate these average trends in more detail in the following chapter.

CHAPTER 6 – THE ELITE RECRUITMENT PROCESS FROM THE ELITE’S PERSPECTIVE

So far in this study, I explored theoretically and analyzed statistically the effects of institutional rules pertaining to candidate nominations and campaign financing. To further corroborate both the qualitative and quantitative findings of my research and thus to increase its explanatory power, I conducted interviews with members of the Bundestag and the House of Representatives. My epistemological goal was to substantiate my thesis and verify the statistical findings. The interviews are therefore not only *la petite histoire* but they offer systematically gathered data on particular politicians’ career paths. To this end, I conducted fifteen interviews with members of the Bundestag, covering all political parties represented in the German national legislature. With regards to the American House of Representatives, interviews were conducted with five Representatives, four Democrats and one Republican.

To set up the interviews, I contacted all Bundestag members with an interview request, and included with the request a list of questions I intended to ask in the personal interview. Despite the fact that the interview requests were made for the week before Christmas, i.e. the last week of parliamentary session for the year 2012, I was granted about 20 interviews. Some of these interviews were however cancelled on short notice, as roll call votes interfered with the scheduled appointment. A few more interviews were conducted in the district offices of Bundestagmembers later on. In the case of the House of Representatives, each representative’s office (specifically the scheduler) was contacted

again with an interview request. This time, the response rate was significantly lower than in the case of the Bundestag. Thus I made additional requests, including to the chief of staffs. In total, each office was contacted four times over the course of the year 2013, each time contacting the schedulers and chiefs of staff separately for an interview request.

The interviews in Germany and in the United States followed the same schemata. Questions were asked with regards to campaign financing rules and candidate nomination rules. This approach allowed the interviewees to talk about the subject matter, revealing very interesting and informative aspects on elite recruitment. Through follow-up questions, detailed narratives were given and crucial nuances were disclosed. In all, the interviewees were asked to consciously differentiate between their particular circumstances and generally applicable observations.

Most interviews lasted for about three quarters of an hour and were conducted in the Reichstag and on Capitol Hill (a few were done in legislators' district offices). In the case of Representatives, some interviews were conducted by phone and followed otherwise the same structure as the in-person interviews. All interviewees agreed to the interviews being recorded. In the following, I will lay particular emphasis on pointing out the differences and commonalities between elite recruitment in Germany and the United States as well the theoretical relevance of the statements made by the legislators.

On the basis of the theoretical assumptions made in the previous chapters, I expected from the interviews with the German legislators an intimate acquaintance with the

procedural details of the candidate nomination process, while the campaign finance regulations would be largely extrinsic and rather unfamiliar to them. Thus I predicted that the nomination process and the financial aspect are separate concerns for the German politician. Based on the preceding theoretical discussion, the opposite expectation exists for American politicians, i.e. the nomination process and campaign financing are conflated into one issue.

The next hypothesis I formulated based on the theory was that the nomination is always an internal party affair in Germany. While I accepted that there could be variation with regards to which party circles are involved in the nomination process, they would always be internal party matters. Thus the politician would be able to anticipate what to expect and whom to deal with in the nomination process, and thus entrance into politics would be calculable. The average American political aspirant in the meanwhile is expected to be more attentive to his rivals and the electorate rather than the party. Consequently, there would be more unknowns in the U.S. case.

Another expectation based on theory was that the German legislators are intimately aware of the institutional setting they have to work in. Additionally, both for the nomination and the campaign process, German politicians would closely work with and within the party. The expectation for the American politicians was that they are detached from the party and create and work with their own campaign and political infrastructure. The last hypothesis derived from theory was that in Germany, campaign funding and fundraising are a function, fused between the candidate and the party. In the United States, in

contrast, fundraising is largely done by the candidate, organizationally and logistically separate from the party.

In the rest of this chapter, I will systematically present the results of the interviews. First, I discuss the interviews in Germany, and then the ones in America. Note that thereby information that applies to all parties within a political system, information that applies only to one party, and information that applies to one particular candidate will be mixed. However, I will point out to what extent an observation is generalizable and when it is not. At the end of each country section,¹⁵⁶ I will provide a theoretical review and analysis of the interviews, to underscore the theoretically pertinent aspects of the interviews. In each party section, the two issues of candidate nomination and campaign financing are analyzed separately.

6.1 Interviewing German legislators: Nominations as a party affair?

One point that was mentioned by Peter Beyer (Mettmann II),¹⁵⁷ and which applies to all Bundestag members, is the strong legal injunction against announcing incumbency when it comes to fundraising. Bundestag members may not ask for donations as Bundestag members. This means that if they contact constituents, it cannot be conveyed that the

¹⁵⁶ An extensive analysis of each case from the same party may produce redundant evidence, as information repeats itself from party to party. Thus in the descriptive party sections, analysis is provided that is pertinent and case specific. Otherwise, the analysis of the evidence in light of the theory and hypotheses is done in the specifically designated sections.

¹⁵⁷ Elected in a single member district with 39.8 percent of the vote. The interview was conducted on 12/11/2012.

person asking for money is an incumbent Bundestag member. A letter, flyer, or poster for the purpose of raising donations cannot indicate that the person asking for funds is currently in the Bundestag. Thus, it is forbidden to use the abbreviation MDB (*Mitglied des Bundestags*), meaning member of the national parliament, using the logo of the Bundestag, or official letterhead when contacting donors. The candidate is only allowed to indicate his party affiliation. Even during verbal contact with constituents, when fundraising, the candidate is not allowed to indicate that he or she is a member of the Bundestag. Furthermore, the candidate does not know who in his electoral district is a member of his party. The party is not allowed to provide the candidate with a list of party members, which would allow him to contact them and raise funds.¹⁵⁸ Instead, the candidate has to be passive and has to be approached by party members, who then will provide their information to him for future reference.

A third point is that money may not be given to the candidate directly. Instead, supporters can only make donations to the party. For this, they have the option to give either to the federal party organization, the state party organization, or one of the several local party organizations. If giving to the local party (for example the *Kreispartei*), it can be done with the annotation that it should be used for the (re-)election campaign of candidate so-and-so. Money given to the party for the campaign of a particular candidate, which remains unused by election day, remains with the party. Furthermore, money donated to the party does not necessarily have to be used just for the election campaign. It is at the

¹⁵⁸ However, it was mentioned off the record that there are ways and means to acquire such lists of party members.

discretion of the party leader to use donations at his will, unless they are specifically designated for a particular candidate. Lastly, only donations to the party are tax deductible. Donations given to a candidate directly are not tax deductible, besides being in the gray zone of potential corruption. The German electoral rules simply do not foresee direct contributions to candidates nor foresee that candidates might actively solicit donations.

6.1.1 Christian Democrats

CDU legislators, who hold an SMD seat, appeal directly to local businessmen as part of their fundraising effort. This is essentially the only fundraising done by the candidates themselves. Otherwise, the local party raises money. For this, the local party uses member dues as well as donations by party members and sympathizers. A particular aspect thereby is that there are several local party entities within an electoral district. Thus there exists the *Kreisverband*, *Stadtverband*, *Ortsverband*, etc., who all contribute to the campaign fund. They do this so on the basis of a formula, which requires each local party to provide a certain amount of money on the basis of its membership size. The amount mentioned by the several CDU interviewees for a campaign for an SMD seat reached from 30,000 Euros to 100,000 Euros.

In the case of MDB Willi Zylajew (Erfthkreis)¹⁵⁹, the expense for an election for a direct seat was given at 70,000 Euros. Of this, twenty thousand would be provided by the *Kreispartei*, the district party. Another twenty thousand would come from the several *Stadtverbände*, the parties in the municipalities. The remaining thirty thousand would have to come from the candidate, either by using his own money or through campaign donations. About half of such donations are of small amounts. MDB Dieter Stier (Burgenland-Saalekreis)¹⁶⁰ said that in his first unsuccessful run for the Bundestag, in a single member district in East Germany, he financed it mainly with his own money (with a total of 35,000 Euros); “money poured down the drain,” as he put it.¹⁶¹

Stier also pointed out that there are people committed to the party, committed to its cause, who readily donate when approached. One call or a letter is sufficient to receive their support. Otherwise, a good method for raising donations was said to be through personal conversations. In the end, financial support would almost completely rest in one’s district, through either donations or support from the local party, while support from the state party was insignificant, and from the federal party nonexistent.

In the case of Peter Beyer, where the total campaign expenses were about 50,000 Euros, ten thousand of this sum was the politician’s own money. The vast majority of the rest,

¹⁵⁹ Elected in a single member district with 39.4 percent of the vote. The interview was conducted on 12/20/2012.

¹⁶⁰ Elected in a single member district with 33 percent of the vote. The interview was conducted on 12/12/2012.

¹⁶¹ *In den Sand gesetzt* was the metaphor in German.

about three quarters, was said to be from donations to the campaign, mainly from local businesses. Beyer mentioned that Germans do not like to give directly to politicians. He explained this by stating that asking for donations for political campaigns is culturally perceived as something “*anrühig*,” broadly meaning objectionable, cheeky, and sleazy. It becomes evident therefore, that besides institutional rules pertaining to campaign financing, cultural aspects and the people’s mentality with regards to the handling of money are crucial, too.

All CDU interviewees mentioned that the financial contribution from the federal party (*Bundespartei*) was negligible for their campaigns. The national party provided mostly material support (flyers, pens, balloons, etc.) rather than money. The bulk of expenses was met by the local party and by the candidates themselves. One peculiarity of German politics is that Bundestag elections are generally held in late summer/ early fall. Hence fundraising by the candidates is conducted and completed in the previous year or the preceding summer at the latest. Thus fundraising and campaigning are clearly separated in Germany.

Another peculiarity of the German system is that different elections (*Bundestagswahl*, *Landtagswahl*, *Kommunalwahl*, *Europwahl*) can be held in the same year, the same month, or even on the same day. When this happens¹⁶², the fundraising opportunities for candidates are noticeably diminished. Since the circle of donors for each party is limited,

¹⁶² Called *Superwahljahr* in Germany.

the donors are approached by the different candidates for the different elections in a short time. Therefore, those candidates whose election is latest in an election “season” have difficulties in raising funds.

With regard to the candidate nomination process, the interviewees agreed unison that the national party does not interfere in the nomination process for SMD seats (with rare yet noteworthy exceptions). Since almost all of the CDU’s legislators gain their Bundestag seat in single member districts, the nomination process for SMDs is the important nomination process for the CDU. The list nomination procedures for the Bundestag are less significant for the CDU. The state party lists are a type of insurance for SMD candidates who lose in their district. Thus pure state party list legislators are an extreme rarity in the CDU.

The candidate nomination process in the CDU is generally a local matter.¹⁶³ The way candidates are nominated locally can be divided into two processes. A candidate is either determined through a *Delegiertenwahl* or through an *Uhrwahl*. In the *Urwahl*, all members of the party are invited to participate in the nomination of the district candidate. In the *Delegiertenwahl*, all members of the district party are invited to elect delegates, who then choose the candidate. Recall that being a party member means that one has to

¹⁶³ Since no national or state law exists that regulates how parties nominate and finance their candidates, it is left entirely to the parties to do so. The national parties, in turn, leave it entirely to the discretion of the state parties on how to determine their state party lists. Furthermore, the way candidates are nominated for SMD seats is left to the local parties. Thus a wide variety of nomination procedures exist, which differ from party to party, from state to state, and from district to district within a state.

apply for membership, which can be denied. One also has to pay membership dues. If that is not done, participation in the party decision making process is not possible.

One mode for nominating candidates that is becoming more and more popular within the CDU is the *Urwahl*. At the *Urwahl*, all members of the party within the electoral district are entitled to vote, as mentioned earlier. In the case of the state of Baden-Württemberg, for example, all nominations are done through *Urwahlen*.¹⁶⁴ Another mode for nominating candidates is the *Delegiertenwahl*. In this case, the nominee is chosen by delegates. A wide variety of procedures exists here as well. This variety is due to the variation in how electoral districts are organized. An electoral district can be concurrent with a local party district. Or, what happens more often, an electoral district overlaps with several local party organizations. In this case, the different local parties have to coordinate their nomination procedure according to factors such as membership, financial strength, and/or electoral support for the party.¹⁶⁵

In the case of the *Urwahl*, a *Mitgliederparteitag*¹⁶⁶ is held. All members are invited to gather (which can be described as a type of caucus) and vote until a candidate is nominated with a majority vote. In the case of Josef Rief (Bieberach)¹⁶⁷, about a thousand

¹⁶⁴ In German this is called *basisdemokratisch* (basis referring to the base of the party, i.e. the membership).

¹⁶⁵ It is important to note that nomination procedures can vary from party to party within an electoral district. To give one example, in the particular electoral district for Beyer (CDU), the nomination occurs by *Urwahl*. Yet the SPD nominates in Beyer's district by delegates.

¹⁶⁶ Literally meaning "members' party day."

CDU members out of a party membership body of about 1,700 attended the caucus. There were five contenders for this particular seat, which was vacated by a retiring incumbent. One of the candidates had crossed the party lines from the Greens to the Christian Democrats. Another contender was the mayor of a town in the electoral district. Rief, who won the nomination, was a member of the *Kreistag*, which can be described as a rural county council. Rief was furthermore *Kreisvorsitzender*, which means the party chair of one of the local party organization within the electoral district, for a decade. At the third ballot, Rief eventually gained a majority of the votes and was nominated. While about two thirds of the party members joined the caucus for the initial nomination for the vacated seat, only one third showed up for his recent renomination for the elections in fall 2013.

Describing his background, Rief pointed out that he entered the *Junge Union*, the youth organization of the CDU, at the age of eighteen. He was an entrepreneur, a small business owner for thirty years. As an entrepreneur, Rief trained many apprentices (*Lehrlinge*), a very respectable function in German society. Rief also said that his party service was beneficial for the nomination, yet that this long voluntary service was also an enormous burden as he was simultaneously running a successful small business. This is a good example for the *Ochsentour*, where one has to labor for a long time through the party ranks, until sufficient recognition is achieved, and one is rewarded a higher, elected position.

¹⁶⁷ Elected in a single member district with 42.7 percent of the vote. The interview was conducted on 12/13/2012.

At least in the case of the CDU, a nomination resulting from loyal party soldiering for many years (if not decades) should not be seen as a granting of office by party leaders. Rather, it is the result of years of party-work and the utilitarian name recognition achieved thereby. By being active in the party apparatus, the members and delegates get to know a potential candidate, and on this basis a nomination can be won. Thus a nomination is axiomatically the result of exposure and reputation-building among a comparatively small circle of local party members.

Rief agreed that influence-taking¹⁶⁸ by national or even state party leaders in the nomination process for single member district candidates is very rare, and if it occurs it is “extremely” counterproductive. Even attempts to influence the process by local party leaders are generally not helpful, as the party members value their independence in choosing a candidate. With the following example, I will highlight this point.

Dieter Stier won the SMD nomination for the 2005 elections. Yet he lost in the general election to the candidate from the SPD. He did not have a “safe” position on the state party list either, thus he could not move into the Bundestag. For the 2009 elections, the local party leadership, the *Kreisvorstand*, did not want him to be the nominee again. Therefore, the leadership established a search committee (*Findungskommission*) to find a new candidate. The committee picked a female state legislator as the candidate instead of

¹⁶⁸ Influence-taking in the sense that senior party officials promote a specific candidate.

him. At the *Urwahl*, however, the party members preferred him over her. At the renomination convention for the 2013 election, Stier was again challenged, yet won with over 90 percent of the votes.

Peter Beyer stated that the CDU members look for someone they personally know and someone who has a record of being independent. A candidate has to be known for being trustworthy and open to criticism. Having idiosyncratic and peculiar character traits is seen as being advantageous as well. In the particular case of Beyer, he was the underdog and came from outside the local party hierarchy when he ran for the CDU's nomination in his district. The favorite of the local party functionaries for the nomination was the chairman of the CDU group in the city council of the largest city in the electoral district.¹⁶⁹ Still, due to the support of the party base, Beyer was able to win the nomination through an *Urwahl*. At the *Urwahl*, each candidate introduced himself and gave a speech. With this, the interviewee convinced the majority of the party members and was nominated to be the candidate of the CDU in his district.

Zylajew mentioned in the interview sedulity, fidelity, and competence in a given area as the decisive factors that earned him his first nomination. The party members want to nominate someone they know and someone who has a reputation. Outsiders to a party district are thereby confronted with the handicap that the party members do not know how a politician would react in a crisis situation. This is why it is difficult for them to

¹⁶⁹ *Fraktionsvorsitzender* of the *Stadtrat*.

gain nominations. It was emphasized that for winning the nomination in the single member district, it is decisive for a candidate to manage to mobilize those eligible to vote in the voting-district (*Stimmkreis*) through trust and reputation.

One rare exception mentioned by several legislators happens when a district is tendered (*andienen*) by the party leadership (state and federal) to a prominent outsider or party member. Zylajew gave the example of Norbert Blüm. Blüm, was a member of the Bundestag from 1972 to 1981 and then again from 1983 to 1998. As a prominent member of the CDU leadership, and the party's Christian Democratic Employees' Association (*CDA – Christlich-Demokratische Arbeitnehmerschaft*), Blüm became also minister for labor and social affairs in the cabinet of Helmut Kohl. Thus Blüm became popular among the industrial working class.

Yet Blüm, from Ludwigshafen, was a member of the CDU in the state of Rhineland-Palatinate. Rhineland-Palatinate is a less urbanized and industrialized state, in comparison to its neighboring states, especially in comparison to North Rhine-Westphalia (NRW). Blüm would have been very useful to the CDU in NRW. Blüm could appeal to the voting-base of the SPD, which consisted mostly of industrial workers. As a prominent member of the CDU, representing the interest of labor, Blüm decided to transfer from his constituency in Rhineland-Palatinate to North Rhine-Westphalia. In doing so, a new parliamentary seat had to be found for him. Even though Blüm was well known nationwide, he was an outsider to the North Rhine-Westphalian CDU.

Through informal channels, the general secretary of the German CDU reached out to the chairman of the state party (*Landesvorsitzende*) to find a place for Blüm in NRW. The chairman of the state-party, who had good connections to the CDU in Dortmund, was able to win the party in Dortmund over to the idea of nominating Blüm for their direct seat. Blüm was also given a top state party list spot, thus guaranteeing his election to the Bundestag from NRW. After the successful transfer, Blüm became the head of the CDU in North Rhine-Westphalia.

Another example given by Zylajew for the party leadership promoting a candidate was the case of Jürgen Rüttgers. Rüttgers had been the state-chairman of the *Junge Union*, the youth organization of the CDU. It was seen as necessary to promote him with a seat in the Bundestag and introduce him to national politics. Yet in the home district of Rüttgers, an incumbent already held the SMD seat, and had no intentions of relinquishing it to the leader of the *Junge Union*. Again, a solution had to be found, and the state party leadership sprang into action. The state party leadership got in contact with the CDU in Leverkusen. The CDU in Leverkusen was asked what they thought of the idea of nominating Rüttgers as their candidate for the direct seat in Leverkusen. In Leverkusen, being a safe district for the SPD, the local CDU had nothing to lose by nominating Rüttgers. The CDU in Leverkusen also did not have sufficient leverage in the state convention to put one of their own onto a safe spot on the state list. Thus, they agreed to nominating Rüttgers as their candidate to compete in their electoral district, and being awarded with a safe position on the state list, allowing Rüttgers to enter the Bundestag, and Leverkusen to have a CDU representative.

As the examples given by Zylajew show, it is quite possible for the higher echelons of a party to influence the candidate nomination process. Yet such interference is possible only in special circumstances. Thus, as a rule, it is still possible to maintain the assertion that interference by the party leadership is generally counterproductive. The state and the federal parties' financial support given directly to the candidates in their districts is miniscule and negligible. The biggest support available is a personal visit to the district by a prominent party politician. Thus Angela Merkel or a popular minister like Ursula von der Leyen campaigning in a candidate's district, is the most of support one can get from the federal party.

Another point emphasizing the relevance and independence of the local party are cases where incumbents were not renominated. In the case of the 16th Bundestag, the cases of two CDU legislators were given as an example by Zylajew. In one case, Rolf Koschorrek, a two-term Bundestag member for Steinburg – Dithmarschen South in Schleswig-Holstein, was not renominated by his district party for the 2013 Bundestag elections. The reason given was simply that the incumbent neglected his district, was too aloof, and generally disliked. When on top of that the ancillary incomes from outside politics¹⁷⁰ of Koschorrek were made public, criticism of him grew in his district, and he was denied renomination.

¹⁷⁰ *Nebeneinkünfte*.

In another case, Siegfried Kauder, representing the district Schwarzwald-Baar in Baden-Württemberg since 2002, and also the brother of the chairman of the parliamentary group¹⁷¹ of the CDU in the Bundestag, Volker Kauder, lost his reelection bid in 2013 as well. Again, a focus on politics in Berlin while neglecting the party at home backfired and dissatisfaction with the incumbent caused loss of support.

Thus, it becomes evident that the local party structure cannot be seen as a docile and subservient entity relying on the successful politician, but that indeed the opposite is true. In German SMDs, at least the CDU politician relies completely on the party for support and cannot take anything for granted. To this end, SMD legislators emphasize close connections with the district party.

One way to sustain this close connection to the district is by providing constituents with assistance and being approachable. Zylajew mentioned that his Berlin office receives approximately 1,500 visitors every year from his district. He also helps about 400 constituents annually with issues they have in their dealing with the German equivalent of the Social Security Administration. A practical example for constituency service was given with the case of a voter whose fence was constantly damaged by passing traffic, so the constituent wanted to replace the fence with a stonewall. To help him with his petition to the local township, he appealed to the legislator, who personally showed up to inspect the situation. This dedication impressed the constituent and the neighbors. Zylajew stated

¹⁷¹ *Fraktionsvorsitzende.*

that such personal service is most valuable, as word-of-mouth propaganda of how the legislator personally showed up and dealt with the situation spreads quickly in the neighborhood. But he said that this was his personal style, and that different modes of drawing and maintaining support exist.

One example of a different approach to maintaining constituency support was provided by the case of Wolfgang Bosbach. Bosbach has strong support among CDU members in his district in Bergisch-Gladbach. Bosbach, representing the conservative wing of the party, acts frequently as a maverick, voting against the party line. In recent years he continuously voted against the measures of the government bailing out other Euro-Zone members. Bosbach is criticized for this by the party leadership, including Chancellor Angela Merkel. Yet it was said that the more Bosbach is criticized by the leadership in Berlin, the more support for him in his constituency grows. (Bosbach won his renomination with 98 percent.)

Related to these observations, one of the interviewees from the CDU pointed out that nominations and renominations depend, among other things, on sheer luck, too. If a candidate simply has a bad day at the renomination convention and gives a bad performance, he can lose it. Two examples were given for this recently happening for the 2013 election cycle.

Another issue, particularly interesting for observers of American politics, is the issue of raiding. In the case of the state party lists, raiding is not possible due to the controlling

power of the party leadership. (See more about this below.) Yet in the case of the district nominations, raiding is possible. Josef Rief from Baden-Württemberg mentioned that in his district, 200 people joined the party immediately before the nomination convention. Considering that out of 1,700 local party members, only about a thousand come to the nominating convention, just 200 new caucus members who support a particular candidate can have an effect.

6.1.2 Christian Socials

The CSU, the Christian Social Union (*Christlich Soziale Union*), is called the “sister” party of the CDU. Legally, the CSU is an independent party from the CDU. The CSU is as different an entity from the CDU as it is from the SPD. The connection between the CDU and CSU is limited to the common caucusing¹⁷² in the Bundestag. Only on the basis of a gentlemen’s agreement does the CDU not “open shop” in Bavaria, while the CSU limits itself to Bavaria.

The CSU is the only party in the Bundestag whose entire parliamentary group consists only of representatives from single member districts. Thus, there are no legislators of the CSU who entered the Bundestag via the *Landesliste*. Besides this, the CSU (despite recent setbacks) dominates politics in Bavaria – local, state, and federal. One characteristic of the CSU is the pronounced independence of both, the local party

¹⁷² *Fraktionsgemeinschaft*.

organizations from the state party, and the independence of the CSU legislators from the party leadership in Munich, not to mention Berlin. These specifics in the party structure of the CSU, of having a local party organization that is quite independent of the central party, is mostly due to the rural-conservative nature of the state of Bavaria.

Ulrich Lange (Donau – Ries)¹⁷³, ousted an incumbent of almost 20 years in the renomination process for the 2009 federal election. The incumbent did not merely give up the fight, but fought hard for his reelection bid. The reason why this upheaval was possible was that in the 2008 state election, the CSU lost its majority in the state legislature for the first time in 50 years. The incumbent, being associated by voters with the electoral failure and the party establishment that was blamed for the loss, lost support, and was ousted. It was emphasized that the entire nomination process was entirely a local and regional matter, without any interference from the CSU in Munich.

Lange, having missed the nomination in the first round by just one vote, won in the second round a majority of the 160 delegates at the nominating party caucus. Lange said that he used the 2008 state election failure, which caused a general upheaval inside the party, to seize the strategic opportunity to win a seat in the Bundestag. That winning the nomination of the CSU equals winning the seat in Bavaria is understandable, when considering that the interviewee has a forty percent advantage to the first runner up from the SPD.

¹⁷³ Elected in a single member district with 52.6 percent of the vote. The interview was conducted on 12/12/2012.

The nomination caucus in this particular district (called *Bundeswahlkreisversammlung*) in Bavaria consisted of 160 delegates, who represent two and a half¹⁷⁴ district, regional party organizations (*Kreisverbände*), which consist of numerous local, precinct parties (*Ortsverbände*). Translating this procedure into the American case would be like this. There are Republican Party organizations (*Kreisverband*) for Miami, Fort Lauderdale, and Palm Beach. Each of these regional parties has its local party organizations (*Ortsverbände*, e.g. for Miami, one in Downtown, one for Bay Harbor Islands, one for North Miami, one for Pinecrest, one for Kendall, etc.). The electoral district (*Wahlkreis*) consists of the entirety of Miami and Fort Lauderdale, while only the southern third of Palm Beach is part of it, while the rest is part of another *Wahlkreis* to the north. Thus only the *Ortsverbände* from the southern third of Palm Beach would send delegates for a *Kreis*-convention, where delegates would be picked for the final caucus for the entire electoral district.

The individual party members, after meeting the candidates, go on to elect a number of delegates in their respective *Kreis*. These delegates of the several *Kreise* come together and elect from among themselves delegates for the district caucus, where the candidate is finally chosen. At this district caucus, the voting is done in secret, and delegates can vote for whomever they want. While the delegates are not bound to any particular candidate,

¹⁷⁴ The territory of one local party organization includes two different electoral districts.

the previous name recognition achieved is crucial in gaining and maintaining their support.

In the case of Lange, he and the four contenders for the nomination (including the incumbent) visited the different local parties and introduced themselves. Lange had the advantage of name recognition. He had been the chairman of the CSU in the *Kreistag* for ten years. Lange expanded this name recognition by directly addressing local party members and by introducing himself to the party base in the district. This was necessary, as the individual party members are key in the nomination process.

Campaign financing was no significant issue for the CSU candidate. CSU seats are safe seats. In the case of the Lange, no other party had ever won that seat. Thus the funds used for the campaign are entirely local. They are provided by the local party organizations and a significant proportion of the funds come from Lange himself.

6.1.3 Free Democrats

Politicians of the Free Democratic Party (*Freie Demokratische Partei*) enter the Bundestag in their entirety through state lists. The FDP has no tradition in electing direct seat candidates. While the CDU and CSU politicians who were interviewed downplayed, indeed negated, any influence taking by the higher echelons of the party hierarchy, in the case of the FDP, the story was different. The federal party was seen as generally having

very little influence on the candidate selection process, but this was different for regional and state party office holders (the *Bezirksfürsten* and the *Landesvorstand*).

In most German states, state parties have an intermediary organizational structure between the state party and the regional/local party. This is called the *Parteibezirk*. These organizational units represent historical and geographical regions that comprise the state. In the case of the FDP in North Rhine-Westphalia, as an example, there are nine *Bezirke* (and about 60 *Kreisverbände*, and more than 200 *Ortsverbände*). The heads of these *Bezirke*, the *Bezirksvorsitzende* (district chairmen)¹⁷⁵ come together in conference and create a list with candidates for the *Landesliste*. This state list is then passed on to the state party leadership (*Landesvorstand*). The leadership can make changes to the list, like changing the position of a candidate. The board can also add names to the list or remove them. In the end, the board ratifies the state list. At this stage, about 40 persons are involved in creating the state party list.

Only at the next stage is a broader group of party members involved. At the state delegate caucus (*Landesdelegiertenkonferenz*), delegates, elected in the different *Bezirke*, ratify the list, position by position. Candidates who are not on the list can stand to be elected by the delegates for a position on the list, replacing the originally proposed nominee. Thus, the delegates can – de jure – reshape the list created by the party leadership, or accept the proposed list.

¹⁷⁵ The interviewee referred to them as *Bezirksfürsten* as well, which literally means “district-princess.” It could be translated as district-bosses, due to the latter term being more familiar in the terminology of American politics.

In the interview with Otto Fricke (Krefeld I – Neuss II)¹⁷⁶, who was the chief whip as well as the treasurer of the FDP, it was said that until the 1990s, the influence of the party leadership was much stronger than it is now. Until then, the party leadership, including the national party leadership, would set up the state lists and the delegates would follow these proposals. Since then, the leadership has lost power. Especially the federal party leadership in Berlin has no say whatsoever in nominations anymore. Indeed, it has become counterproductive if the federal party leadership involves itself in the nomination process.

One reason given for this change by Fricke was that delegates are now better informed. They know more about the candidates. Through technological changes, delegates know more about individual candidates, while previously they would have to rely on “filtered” information. Filtered information meaning that the delegates would only know what either the party leadership or the candidates disclosed to them.

With regards to the voting behavior of delegates, i.e. what they are basing their decisions on, Fricke described it as cue-taking. They look at how other delegates intend to vote. In this process, a nomination with at least 80 percent of the votes of the delegates at the nominating caucus of the state party means that the politician is generally accepted among the party members. If a candidate receives less than 80 percent of the votes, it

¹⁷⁶ Elected on the FDP’s state party list for North Rhine-Westphalia. The interview was conducted on 12/27/2012.

means that the candidate “has done something wrong” and has lost the support of the party base.

Fricke pointed out another peculiar informal rule in the nomination procedure, namely the Golden Rule of state caucuses: “What you don’t want to happen to your district, do not do unto other districts.” Delegates represent one of the several *Bezirke* (*Regionen* in other parties). Thus only the success of the candidate from their respective *Bezirk* is relevant to them, and they are theoretically free to vote for anyone else once their nominee has secured a list position. That such anarchy does not occur after all is due to the fact that if delegates from one *Bezirk* do not honor the gentlemen’s agreement with the delegates from other districts, then the nomination of the candidates from their own district will be jeopardized.

Another point is that the delegates vote on each position on the state list individually. Thus delegates can vote someone else in and thereby replace a name on the state list with the name of someone else. There could be a politician who was not put onto the state list by the state party leadership. Or there might be an incumbent, whose name was on a low list position, meaning that he might very well not be reelected. At the state caucus, he could appeal to the delegates, who could vote him in to a higher list position.

Yet there are several reasons why it is very unlikely that things like this happen at the state caucuses. For one, the Golden Rule means that if delegates vote for someone other than the designated person on the state list, the designated person and his supporters will

have to find a new spot on the state list. This in turn creates conflict with yet another designated candidate for the list position. Thus even the change of one list position can easily have a ripple effect on other list positions and bring the entire state list into disarray. The delegates therefore refrain from behaving in a manner that would antagonize other delegates.

It is not only the potential disorder and chaos that prevents state lists from being changed at the state caucuses. Fricke furthermore pointed out that the delegates already have made up their minds for whom to vote for when arriving at the caucus and that they would hardly be swayed to switch their support. Thus an eloquent, charismatic speech at the caucus would not change the voting decision of the delegates.

6.1.4 Social Democrats

The interviews with the SPD legislators were very useful in that the information gained corresponded with and corroborated the theoretical expectations of the passive-politician model. In particular their recruitment patterns are illustrative for the theoretical model. In the case of Christoph Strässer (Münster)¹⁷⁷, the incumbent Bundestag member announced his intention to retire. The SPD party chairman in the district of the retiring legislator announced his candidacy for the vacated direct seat, and so did Strässer. The ensuing selection process was an entirely local affair. In this process, the selection criterion for

¹⁷⁷ Elected on the SPD's state party list for North Rhine-Westphalia. The interview was conducted on 12/13/2012.

the successor was that he was most likely to receive a high position on the state party list, as the district was not a traditional SPD stronghold and the election in the single member district race was not likely to be won.

During the nomination procedure the four candidates for the seat of the retiring legislator introduced themselves to the SPD members in the electoral district. The electoral district encompassed six urban-local parties (*Stadtbezirke*). Thus six separate events were held where the candidates introduced themselves at meetings that were attended by 50 to 100 SPD members. At the final nomination convention, about 400 members out of approximately 1,800 attended the nomination caucus and voted for Strässer.

In the case of Kirsten Lühmann (Celle – Uelzen)¹⁷⁸, a prominent member of the SPD, Peter Struck (former defense minister) intended to retire and started to look for a suitable successor for his seat. He approached the local party officials to see if they could recommend someone. By then Lühmann, who had become one of the first female police officers in the 1980s, had achieved name recognition with her (unsuccessful) bid to be elected county commissioner (*Landrat*). Thus the retiring incumbent was made aware of her, and chose her as his successor. With this endorsement, she then introduced herself to the several local party leaders and convinced them to support her candidacy. Only then did she introduce herself in a last step to the delegates. The entire nomination process was then a “top down” procedure.

¹⁷⁸ Elected on the SPD’s state party list for Lower Saxony. The interview was conducted on 12/13/2012.

Lühmann pointed out that this procedure, where a candidate is introduced and promoted¹⁷⁹ by a senior party member, is typical for the SPD. A potential candidate has to impress a senior party official first, prior to launching a candidacy. Being a self-starter and self-recruiter was described as not being a viable option. Since major elected offices are very much sought after, it was explained that it is crucial to have the backing of party seniority, who could tell the party members, “Hey, listen to what she has to say!”

Lühmann furthermore pointed out that in the SPD, in order to be put on the state party list, one has to first gain the district nomination for an SMD seat. For women, however, exceptions are made. If a woman cannot gain the nomination in a district, she can still be a candidate for the state party list. Thus efforts are made by the party to achieve descriptive representation. If not enough women earn a seat nomination, then women are added to the state party list. This is done per a “zipper mode” (*Reißverschlussprinzip*), where man and woman have to alternate on the state party list.

There are different ways the state party lists are created. The SPD state party list in the case of North Rhine-Westphalia is a combination of the list proposals of the leadership of the four regional parties (*Regionalverbände*).¹⁸⁰ The state of North Rhine-Westphalia is a

¹⁷⁹ Such promoting is, nonetheless, not a peculiarly German thing. As Justice Clarence Thomas says it more generically, it is important to have someone important, a “pivotal person,” as a mentor in life, that can “help” someone rise (Viaud 2011).

large state with more than 17 million inhabitants. The four regional parties all create their own respective party list proposals, which then are combined with the list proposals of the remaining regional parties. This process of combining the four lists, which are put together by the local party elites, involves just the state party elite, the national party has little or no say in it.

The procedure for creating the four regional candidate lists is that a regional convention is held, where the local party leadership comes together to create a candidacy list. In the case of one of the four regions, western Westphalia, the local party leadership from the respective *Kreis-* and *Ortsverbände* (Siegerland, Olpe, Märkischer Kreis, Hochsauerlandkreis, Hagen, Ennepe-Ruhr, Bochum, Unna, Hamm, Dortmund, and Münster) sent, proportionate to their membership, delegates to the regional conference (*Regionalausschuss*). The key criterion for being nominated at this stage is having been loyal to the party, in the way it was described in the theory of rewarding the *Ochsentour*.

As for the fact that the national party has no say in the matter of nominations, one interviewee assessed this as a bad thing. “Berlin” (i.e. the national party), should have a say in the nomination process for promoting “specialists” into national politics. Such specialists, who might not be able to convince the lower echelons of the party to nominate them, might still be valuable in national politics. It was also lamented that legislators who “made a name” with their work in the Bundestag and were important to

¹⁸⁰ The four regions in North Rhine-Westphalia are: Western Westphalia, Eastwestphalia-Lippe, Middlerhine, and Lowerrhine.

the national party lose renomination battles, since the local and/or state party did not regard their work as being important to the interest of the state party.

With regard to the state party lists, the consensus among the interviewees was that in the absence of the federal party influence, the state party influence is very strong when it comes to the top positions on the list. At this stage, the state party leadership can, as it occasionally does, promote party outsiders for the sake of having a prominent person among its ranks. The party leadership also pays attention to having candidates at the top of the list from the rural areas. The rural areas are more conservative and it is unlikely for SPD candidates to win in single member plurality elections there. The only way for the SPD to have representatives from these rural areas is then by placing politicians from these regions high on the state list. Other than these interventions of the state party leadership, the delegates at the state party convention are free to vote as they want.

The issue of influence-taking by the national and state party in other cases was described by Lühmann as being a double-edged sword in that it can backfire on the promoted candidate. Thus prominent people at the top can say occasionally that they need such-and-such a person in Berlin. Yet in circumstances where the local party members have their own favorite who was pushed aside, they will abstain from supporting the new candidate. In such cases, Lühmann stated, it is quite common that local parties may withhold their support for a candidate (and even an incumbent), if they are not “on fire” for him or for her. Yet the German candidate is dependent on such support from the local party members. Unlike the American candidate, the German candidate does not have his

own campaign staff. Thus the German politician relies on the support of the local party members for a successful campaign.

Consequently, in the case of the SPD, the role of state party officials and of *éminences grise* can be decisive in the nomination process. A call from an influential person to the party functionary who creates the list can put someone's name at the top of the list. Yet this process is secondary to winning the nomination in one's own district first. Recall that the SPD has the informal rule that only if a person has won the candidacy in a district will he¹⁸¹ be also considered for a state party list. On very rare occasions is this rule not followed.

One prominent example given by Lühmann was that of Gerhard Schröder in 1998. Schröder had no single member district candidacy.¹⁸² After he became the candidate of the SPD for chancellor, the only path into the Bundestag for him was via the state party list. Yet due to the success of the SPD in the SMD districts, only one spot on the state-list was allowed to be "pulled" into the Bundestag, which was Schröder's spot. If just one more SPD candidate in Lower Saxony had won his direct seat, Schröder would not have been elected into the Bundestag in 1998.

¹⁸¹ This requirement does not apply to women.

¹⁸² Schröder was the prime minister of Lower Saxony and had not participated in the candidate nomination process, which occurs generally in the winter before the election.

With regards to campaign financing, the interviewees pointed out that this matter is party-centric. The SPD has a scheme, in which legislators give from their salary a thousand Euros a month to the national party. The party invests this money and makes it available to the local party during elections. This contribution is called “solidarity contribution” (*Solidaritätsabgabe*) This contribution is an informal agreement among the SPD Bundestag members. Legally it is a standing order, albeit not legally enforceable. Similar contributions are made to the state and local party as well.¹⁸³ These contributions are given back to the local parties for Bundestag elections and defray about 80 percent of the costs that accrue during the Bundestag elections.

The remaining 20 percent of campaign expenses is met by donations from local businesses and credit unions (*Volksbanken*) and by the candidate himself. Such fundraising is not seen as a burden on the legislator, as it is drawn out over the course of the legislative period. This fundraising was characterized by Strässer as being an indicator for how well the legislator is connected in his region. If a candidate or incumbent cannot receive a significant amount of donations, it is regarded that that person lacks support in his district. This perspective does not apply to all SPD legislators, as in some districts, the SPD does not accept donations from corporations as a principle.

To give another example, Kirstin Lühmann explained that in her case about 10 percent of the campaign finances are met by the federal party. Forty percent come from the local

¹⁸³ In the case of Röspel, he was giving 350 EUR per month to the state party.

party, which are the membership dues. Another 10 percent is her own private money. The remaining 30 percent are donations, mostly from corporations¹⁸⁴ and from unions (if the politician is either a member of the union or holds a position in Berlin that is important for a union).¹⁸⁵

All interviewees concurred that campaign financing for individual candidates in the SPD is generally a local matter. Neither the state party nor the national party makes contributions to local expenses nor do they have the means to limit the availability of finances. First, most of the expenses are defrayed from local sources. Second, it would draw negative attention if funds were withheld from a candidate for no other reason than maverick voting behavior and in an attempt to punish him for that.

There is also little or no money to give away to begin with. The taxpayer money given by the state to the SPD national party organization for election purposes is used entirely for the national campaign. The *Solidaritätsabgabe*, the funds accrued from the legislators' salary deductions, is distributed on top of that evenly among local parties. The local party is then the only place where it is decided how much and how to spend money for the local campaign.

¹⁸⁴ Who thereby have a contact person in Berlin.

¹⁸⁵ In the context of the unions, it was mentioned that the unions in Germany have no influence whatsoever on the candidate nomination process in the SPD. The given reason for this was that the German unions are ideologically very heterogeneous. This statement conflicted with the assessment of both CDU and Linke politicians.

Based on these factors, campaign financing is not seen as a critical issue in the electoral process by individual SPD candidates. The interviewees agreed that when they decided to enter politics and were nominated for a Bundestag seat, they neither knew how to finance this endeavor, nor did they mind this. Rene Röspel (Hagen – Ennepe-Ruhr-Kreis I)¹⁸⁶ put it this way. “When I became a candidate, I did not know at all how to finance a campaign. I didn’t mind the financing at all.”

Another SPD member of the Bundestag, Ingrid Arndt-Brauer (Steinfurt I – Borken I)¹⁸⁷ pointed out that without the German candidate nomination and campaign financing rules being as they are, a person like her could not have successfully entered politics. As a mother of four, she had no money to spend for campaigning nor was she well connected either in the local party or in the community after devoting her time to her family. Thus the only way she was able to prevail against her rivals in the nomination process was that party seniority provided her with patronage, which elevated her above the much better connected contenders. Later on in the general election, it was again the party’s support that helped her win.

¹⁸⁶ Elected in a single member district with 43 percent of the vote. The interview was conducted on 13/12/2012.

¹⁸⁷ Elected on the SPD’s state party list for North Rhine-Westphalia. The interview was conducted on 12/11/2012.

6.1.5 Greens

Valerie Wilms (Pinneberg)¹⁸⁸ entered politics with the expressed intention to become a professional politician. She actively sought party work to increase her name recognition. She did this first by doing party work in the state¹⁸⁹ and later by partaking in national party work. Party work was described as meetings of party members where particular issues are discussed. Based on this, Wilms acquired name recognition, and was able to stand for election. The financial aspect during this process was seen as completely negligible.

The reason given by Wilms, for why statewide name recognition is decisive for a successful nomination in the case of the Greens was that the candidate has to find support from delegates who come from throughout the state. Thus a focus on one's own district is not enough. The national party's role in this selection process is generally irrelevant. Partaking in statewide working groups is a good way to achieve statewide name recognition and support. Insofar as delegates change frequently, it is not sufficient to gain name recognition among them. Instead, one has to have name recognition among the statewide party members from among whom the delegates are recruited.

¹⁸⁸ Elected on the Greens' state party list for Schleswig-Holstein. The interview was conducted on 12/12/2012.

¹⁸⁹ In so called *Landesarbeitsgemeinschaften*, which are state-wide working groups.

In cases where the party leadership tries to influence the delegates to vote for a specific candidate; these attempts backfire most of the time, since the delegates are keen on maintaining and asserting their independence from the leadership. This attitude was characterized as being typical for the Greens. With regards to other parties' practice, Wilms stated that their state PR lists are "arranged in backrooms" by the state and local party leaders and then the delegates vote on such prearranged state list *en bloc*. Among German parties, only the Greens were described as being different with regards to the complete openness of the nomination process at state caucuses.

Wilms described this process as an "open fight" for each position on the state party list, since the Greens are "*basisdemokratisch*." *Basisdemokratisch* is a popular term in German politics, denoting that the party is organized from the bottom ("basis" = base) up, rather than from the top down. It was therefore characterized as being very difficult if not impossible to circumvent the process of acquainting the party-members with oneself through party work. A stellar performance at the state party convention would not substitute for years of party work.

There are a number of elements of the Greens' candidate nomination procedures, which have these *basisdemokratische* features. One is the rule that after two terms in elected office, an incumbent has to be renominated with at least 75 percent of the votes of the delegates and not the usual 50 percent. After two or three terms in office, the party base and thus the delegates become more "unruly" with the incumbent. The party base is seen as preferring rotation in office rather than political careerism. Another peculiarity of the

Greens is that uneven numbered positions on the state party list are open only to women, while for even numbered positions both men and women can compete.

Campaign financing was described as being of no concern at all to Wilms. The campaign is largely conducted by the party. The candidate may campaign too and can use predesigned posters of the party on which she can put her photograph. Such posters and flyers must be paid for by the individual candidate. Only the party-generic “modules” are paid for by the party. All individual advertisement costs are paid by the candidate herself. The local party may defray such costs if they want to.

Fundraising for such individual expenses does not exist, since the individual candidate cannot issue receipts to donors, necessary for tax deduction purposes. Thus while gifts can be accepted by candidates, these gifts are not tax-deductible. Since only the party, local, state, or national, can issue tax deductible receipts, donations are purposefully channeled away from the individual and towards the party. Consequently, the campaign expense of about ten to fifteen thousand Euros that have to be met for a Bundestag election is primarily an issue that is dealt with by the local party and not by the candidate.

6.1.6 Die Linke

The interviews with members of the Bundestag from the Linke reveal a divergent candidate nomination process. While differences from state to state exist among all German parties, the differences within the Linke are more prominent and noticeable than

differences within other parties. Differences between the state parties in the West and in the East are the greatest divide. While in the state parties in the West the influence of the party leadership is seen as being miniscule to nonexistent in the candidate nomination process, in the East the party leadership (party heavyweights like Gregor Gysi) have substantial personal authority.

This situation is typical for leftist parties, and the same praxis applies to the SPD, where influential party members can promote individual candidates. An exception to this rule arises if the candidate who is promoted by the leadership challenges a local politician who has strong support among the local party. Then it is up to the local party leadership to decide if the nomination is given to the promoted outsider or to the local favorite.

The nominations for state party lists are attended by delegates. In the case of Raju Sharma (Kiel)¹⁹⁰, treasurer of the Linke, there were one hundred delegates representing one thousand party members at the state caucus. In Sharma's case, when he ran for the Bundestag for the first time, he made his candidacy for position number two on the state party list. He had to compete with twelve other contenders for this list position. In the ensuing process Sharma and the other contenders went to local party meetings (about 15) throughout Schleswig-Holstein, where each candidate introduced himself to the party members for about five minutes. This introductory round was followed by Q&As. (This praxis exists with the Greens and Pirates as well.) The only cost associated with this

¹⁹⁰ Elected on the Linke's state party list for Schleswig-Holstein. The interview was conducted on 12/12/2012.

nomination process was payment for transportation. Otherwise no costs accrued by being a candidate for the Bundestag. Upon his nomination, Sharma had again no concerns with regards to campaign financing. The party assumed all responsibilities and expenses for the campaign and defrayed all costs connected with it. Sharma noted thereby that the party leadership¹⁹¹ determines how the money is spent. It is up to the candidate and the local party to spend additional money. Yet this is not expected, and if it is done, it is asked that the additional campaigning be in line with the “corporate design” of the party. Most of additional money spent is for posters featuring a picture of the candidate. The national party itself refrains from campaigning with the photographs of individuals. In their political campaigns, the Linke emphasizes “issues rather than persons.”

When it comes to the nomination of candidates, it was said that the national party has, in certain circumstances, the ability to promote a candidate. When it comes to the opposite however, the prevention of a candidacy, it was said that the national party has no ability to do so, provided that that person has support in his district or within the state party. In the interviews, several examples were given for this practice of promoting a candidate. One example was the case of the former judge at the Federal Court of Justice of Germany (*Bundesgerichtshof*), Wolfgang Neskovic. One of the most prominent party members, Gregory Gysi, approached him and offered him a seat in the Bundestag with the Linke. The aim was to increase the prestige and competence of the Linke in the Bundestag. Once

¹⁹¹ In the American usage of the term, party leadership denotes Congressional leadership. In Germany, the term denotes the organizational leadership of the party, which is not necessarily connected to the Bundestag leadership.

Neskovic accepted the offer, the party leadership sought a district for him to be nominated in.

Stefan Liebich (Berlin)¹⁹² gave the example of Hakki Keskin, a so called “community leader.” In this case, the chairman of the party, Lothar Bisky, approached Keskin and asked him if he would be interested in going into the Bundestag for the Linke. As a Turkish community leader, Keskin was to function as a token Turk in the Bundestag. After Keskin accepted the offer, Bisky’s next step was to find for him a place to get elected in. Coincidentally, it was Liebich who was approached by the party chairman and asked to abstain from a candidacy for the Bundestag and leave his spot on the state party list to Keskin, so that he could get elected. Liebich did so and let Keskin get into the Bundestag in 2005. By 2009 however, Keskin had lost the support of the party leadership. Without their support, Keskin was not renominated on the state party list and no district accepted him as a candidate.

The entrance of Liebich into professional politics was notable in itself. When East and West Germany were united, the governing party of the East, the Socialist Unity Party of Germany (*Sozialistische Einheitspartei Deutschlands*, SED) changed its name to Party of Democratic Socialism (*Partei des demokratischen Sozialismus*, PDS). Many of its old cadres resigned from politics, which created a unique political opportunity for regular party members. Rank and file members were actively recruited into high party positions

¹⁹² Elected on the Linke’s state party list for Berlin. The interview was conducted on 12/12/2012.

and to elected office. Thus it was easier in the PDS to make a political career in state and national politics, as the void of the resigned senior party members had to be filled. Liebich, who was a student in 1995, was approached by the party seniority and directly asked if he would like to stand for election for the Berlin legislature. Thus Liebich was actively recruited into politics. Liebich did therefore not undergo the *Ochsentour*, but entered the Bundestag relatively quickly. The most relevant factor thereby was that he had the support of both the state party and his local party organization (*Bezirksverband*). When Liebich was nominated for the first time, he had the support of his local party. The state party, however, supported another candidate for his spot. Yet upon the insistence of the local party leadership, the state party backed down and accepted him to be the nominee for the particular spot on a state party list.

The national party leadership has the power to influence the nomination process in order to promote a specific candidate. This power is, however, limited to the East. In the West of Germany, it was said that intervention in the nomination process was quite impossible due to the “chaotic” nature of the nomination process in the West. This is why the examples of Keskin and Neskovic, as legislators who were “recruited” by the party, had their seats in the East.

Yet be it East or West, nominations are done by delegates. The interviewees explained this as a better practice than having candidate nomination caucuses where all party members are allowed to participate. Such *basisdemokratisch* nomination procedure was said to be more democratic, but only upon a cursory view. In reality, such nomination

caucuses are only attended by a small number of members. Thus the candidate who makes “the most telephone calls” wins and thereby the apparently more democratic caucus is seen by Liebich as being less democratic and a less desirable method of candidate selection than through nomination conventions with delegates in attendance and participating.

In the case of the Linke, campaign financing was seen as not an issue at all for the candidates. All campaign expenses are met by the party. Liebich mentioned that in contrast to his American colleagues, who would tell him that they “spent 75 percent of their time on the phone begging for money,” he would not solicit a single cent from anyone. He stated that donations, in particular donations from corporations are “wrong,” since they would beget control. Donations would come generally from party-members. Occasionally, party-members who die would bequeath their inheritance to the party. Otherwise, the Linke was said to receive little support. In particular the unions were described as being on the side of the SPD, as well as giving smaller support to the CDU and the Greens. Yet the unions would not financially support the Linke “at all,” and politically they would give the Linke only marginal support. This, despite the fact that many unionists get elected to the Bundestag through the Linke.

The way the Linke finances itself was described by Sharma as being one half from state funding and the other half through member contributions. For the latter, Bundestag

members were required to give 1,100 Euros of their monthly salary to the party.¹⁹³ All other party officeholders, ministers, members of state legislatures, county commissioners, etc., would also give a certain portion of their salary to the party. All this money is centrally collected by the national party, who then decides how to allocate and spend it. While certain strong state parties also have their own funds, local parties were seen as having little financial resources of their own. The conclusion of the interviewee was that in Germany “one has not to be rich to go into politics. One only has to be nominated.”

6.1.7 Analysis of the German case

One noticeable feature of the candidate nomination procedure in Germany as evidenced in the interviews is the small number of persons involved in it. For single member districts, the number can be as low as a few dozen of people from the local party. Thus the selectorate has a certain degree of knowledge about the candidate. In the case of the state party lists, the delegates still have a considerable degree of knowledge about the candidates. Considering the praxis of the leadership promoting and placing their favorites on the state party list, familiarity is a key factor in the candidate nomination process. Such powerful role of the party leadership in the form of metaphorical gate keepers was evidenced in the interviews. Several of the interviewees had been recruited and promoted

¹⁹³ This voluntary practice exists for all parties represented in Germany. The amount of the contributions vary however.

by party elders. These cases are good examples for the theory presented in the first three chapters. Additional examples for this practice were provided in the interviews as well.¹⁹⁴

Another peculiarity of the nomination process in Germany, and an example for an informal rule, or rather informal practice to be more precise, is the praxis of the “telephone massage.” Due to the numerically manageable size of the selectorate, and the relevance of personal relationships in the candidate nomination process, candidates have the opportunity to contact the selectorate on the advent of a nomination convention, and reassure themselves of their support.

What has become apparent in the interviews is the ability of the party leadership to recruit candidates to achieve descriptive representation or to increase the prestige of the party. Yet the example of Hakki Keskin shows that if such support is withdrawn, the politician without his own support base in the party will also lose his renomination and mandate quickly.

¹⁹⁴ Cemile Giousouf has become the first token Turkic member of the Bundestag for the CDU. The motivation for her nomination was to “show that the CDU is a political home” for minorities as well. Such token representation (rather than actual descriptive representation) was possible since the leader of the CDU in North-Rhine Westphalia, Armin Laschet, promoted her and even found a place for her candidacy (<http://www.cdu-hagen.de/21-aktuelles/archiv/425-nominierung-giousouf>). During the state party convention where Giousouf was to be nominated for a safe state party list position, the party rank and file opposed the leadership’s decision. Since Giousouf did not undergo the Ochsentour, more senior, more veteran party members protested openly against the preferential treatment of Giousouf, pointing out that they had spent many years in party work and thus deserved a nomination more than Giousouf did (<http://www.welt.de/politik/deutschland/article114500565/Migrantin-fuer-Merkel-uebersteht-Kampfkandidatur.html>).

With regard to raiding, it has to be said *prima facie*, that this is in the case of Germany a real possibility. Keep in mind that renomination conventions are conducted with a low attendance rate of a few hundred party members in *Urwahlen*, and therefore raiding is a possibility. Yet there are noteworthy constraints. To become a party member, one has to first apply for membership, which can be denied. Then, a party membership means paying dues. Lastly, one cannot be a member of another party. The interviews accordingly showed that raiding, in the American sense of the term, does not happen. (The only example provided in the interviews was that sympathizers of a party member joined the party to support that member's candidacy.)

The interviews also displayed the phenomenon of the *Ochsentour*, where political careerists purposefully become members in a party and actively engage in party work to build a resume and to increase name recognition. Thus political capital built up to a certain level can be used to stand for election. This political careerism is detached from one's financial resources and fundraising capabilities. What counts instead is one's performance in the specific milieu of the party insiders.

With regard to campaign financing rules, the interviews show that campaign financing is either literally not an issue at all, or where it is an issue (mostly with single member district candidates), it is typically resolved in the year prior to the election. Thus the German political aspirant does not have to worry about finances for the success of his or her political career.

6.2 Interviewing American legislators: Nominations as private business?

6.2.1 Republicans

Talking with Representative Tom Petri (Sheboygan – Oshkosh, Wisconsin)¹⁹⁵, who has been serving in Congress since 1979, the first point made was that congressmen are “politically autonomous.” This autonomy was said to include both activities in the constituency and work in Congress, since the party leadership “cannot control Congress at all.” The explanation given was that the Founding Fathers specifically designed a political system that would reduce the power of parties. Unlike in Germany, Petri said, American politicians cannot “work their way in” to Congress through party service and cannot be “awarded” with a seat. Instead, the way into Congress depends exclusively on the individual’s abilities. The only way congressmen can be influenced in Congress was said to be by “carrot rather than [by] stick.”

One reason why this autonomous behavior was said to be possible is due to each congressman having his own “fundraising operation.” Additionally, Congress allocates resources on the basis of seniority (such as offices) and thereby congressmen were said to be much more “politically autonomous” than members of the Bundestag. Consequently, Petri said that American “parties are a coalition, not necessarily an ideological coalition.” In this coalition, he as the legislator is the one who supports the party financially and not the other way around.

¹⁹⁵ The interview was conducted on 4/26/2013.

Representative Petri said that in over three decades in Congress, he did not receive funding from the party even once. Instead, it is the party who constantly solicits money from him. “I thought parties existed to help candidates. It turns out I am always giving them money. I give money to the state party, I give money to the Republican Congressional campaign committee.” Going back to the carrot and stick metaphor, financially the party has neither carrot nor stick.

Effectively, the one carrot the party has, according to Petri, is the committee assignment procedure. Each party in the House has a committee that determines what the committee assignment are, and the leadership picks the chairman for the respective committee. Yet even in this case, the power of the leadership is limited.

Representative Petri gave the example of Speaker of the House Boehner, who removed in December 2012 a number of conservative representatives from their committee assignments. Boehner intended to punish them for their voting record going against the leadership’s interests. Yet this punishment had little to no deterrent effect on these legislators. “It didn’t seem to bother them and it made them more popular in their districts.”

When then these legislators complained at the Republican House Conference, Boehner said to them: “I hope you work your way back into our good graces.” The legislators’ response to this remark was indicative of the power relations in Congress. The ousted

legislators responded: “Well, we hope that you work your way back into our good graces, since we think you work for us.” Thus there is no clear top-down power structure within the parliamentary group.

The independence of the American legislator derives from how the candidate nomination rules and campaign financing rules allow him to act (i.e. vote), independently from the wishes of the leadership. “The leadership can bring issues up, we can vote it down,” Petri said. That is why the leadership counts the votes before they bring up a bill, and pull the bill back if there is not enough support. The whips who inquire about a legislator’s vote are, however, generally not told how the legislator will vote but rather in what direction he leans.

Representative Petri mentioned that in one instance, he indicated that he would vote “no” on a bill that the leadership supported. The whip organization then “called up people” (head of a company and others) in his district and told them: “Tell your representative to change his mind.” Thus the leadership “tried to brow-beat” him. Yet even this rare occurrence of the congressional party-leadership trying to assert authority backfired. Confronted with this *fait accompli* of the leadership, the legislator informed them that if they ever did something like this again, he would never again tell them what his voting intentions were and that he would “go maverick.” This was enough to intimidate the leadership. “Please, please, we won’t do it again,” is how the representative characterized the leadership’s reaction.

Legislators are therefore quite independent of party pressures. Instead, and here a partisan difference exists, extra-party political groups, self-funded and self-organized, are more of a concern to politicians. In particular on the Democratic side, it was said, that such groups have more of a say in the primaries than “Nancy Pelosi.” With regards to the Democratic “average member,” industrial unions and public employee unions have more a say than the party when it comes to a politician’s renomination, campaign financing, and congressional behavior. Succinctly put, “If the unions support someone else, you’re done.”

Thus asked what the function, the *raison d’être* of the party is, Representative Petri said the party is there to “help organize politics at the national level somewhat, it helps to provide a storyline so people can follow it like comics.” The way the party was described was that of a service organization, “a defensive crouch,” which “holds the illusion that they are in charge than really being in charge.”

In his district, Representative Petri faces, in relative terms, a weak party as well. Political rivals, including some from the same party, arise as independent and autonomous competitors. In the end, the legislator is less accountable to the party than to outside groups (especially ideological groups in the case of the Republicans), as these groups are the ones that “go after the candidates.”

This weakness of the party enables uniquely American political careers. Rather than earning an elected political position based on party favor, people can enter (if they have

the resources) electoral politics whenever they want to and on their own conditions and not those of the party. One example that was given by Representative Petri was that of an accomplished businessman from his district. His “kids were grown and he thought it would be fun and interesting to run” for Congress and ran in the “next district over” and got elected. Another businessman, Ron Johnson, from Petri’s district was “frustrated” with the state of politics. He decided to run for the Senate and beat the incumbent Senator Russ Feingold and won the seat. This independence of the candidates and of the selectorate makes it difficult (if not impossible in most districts) for an incumbent officeholder to pick his successor. In neither case of the given examples, did the political entrepreneur have to earn his spoils from the party.

6.2.2 Democrats

“You gotta run twice” is how the path into Congress was characterized by Danny Davis (Chicago, Illinois)¹⁹⁶. Referring to the primary and the general election, Davis described the primary as being more important than the general election for a politician running in a so-called safe seat (which most congressional seats are). The “primary is more important for American politicians. For all practical purposes you are elected, except in a competitive district,...a swing district.”

¹⁹⁶ The interview was conducted on 4/25/2013.

With regards to the local party, the congressional office-holder was seen as the “most dominant person in the party.” The party is, however, not a “particular group of people. It is the organized party apparatus...and registered Democrats.” This diversified status quo is contrasted with the previous state of party power. “Chicago used to be totally controlled by the party. When I broke into politics, if the party was not with you, you had virtually no chance at all,” said Davis. The party was then synonymous with the leadership. Yet “I beat the party when I ran, I consistently beat the party. I am not a party guy, although I am a member of the central committee, which is the party apparatus.”

This apparatus is constituted of two persons (one man and one woman) for each district, which on the aggregate makes up the state party. The committee members elect a state-party chairman, vice-chairman, and secretary. These become the state-party apparatus and these are the state-party offices. This apparatus used to have controlling influence on nominations. Yet this is not the case anymore. Now, only the decision of registered primary voters counts. Davis said that the party could support someone other than him, but it could move the final decision on the nomination anymore.

There was a time, Davis said, when “you could not get elected if the party did not support you.” In the present, however, there are on occasion “people who can break through the party and get elected.” This is because the party does not have the power it once had on the nomination and election process. Davis’ conclusion was: “It ain’t all about money, but it’s a great deal about money.” Without money, someone who is a good speaker, is charismatic, erudite, etc., can “rise to a certain level, but cannot win a major election” if

he does not have money. If someone is already well known in the district, then money is less of a concern than if a political aspirant is unknown and has to achieve name recognition. Then, an incumbent can figuratively suffocate a rival (primary and election) just with money. If someone has not enough money, then the “press would say he is not a viable candidate.”

This is why fundraising is so important to American politicians. “Most of the time you have to raise funds.” You have to have “fund raisers, cocktail parties, chicken dinners,” Davis said.¹⁹⁷ A candidate has to raise whatever funds he needs by himself. No one aids him therein. Even in the case “where the party is sponsoring you, you still have to raise funds.” The reasoning behind that is that “he who pays the piper, calls the tune.” If a politician would accept money from the party, he would rely on the party and he would be indebted to it. The constituency would not want that. If, however, someone from a politician’s district gives him “a big, fat campaign-check,” then that is OK.

The constituency wants to think that their representative acts independently of the party. On an individual basis, party leaders like Obama and Pelosi give money to people they support. Yet there is no across-the-board financial support. Davis put it like this: “Money begets control. People don’t want to be controlled – that much, that way. I don’t want people to tell me how to vote.” The voters would not accept that Davis receives money from Obama. They would ask what Obama is trying to do, “buying all the politicians.”

¹⁹⁷ Representative Pastor similarly said that “fundraising is part of campaigning.” He conducts receptions, breakfasts, and concerts for that purpose. Direct soliciting, from businessmen, associations, and nationwide active PACs are part of this fundraising-campaigning effort as well.

The electorate likes “the idea that you are making up your own mind, not that someone else is taking care of you.”

Davis explained that campaign donations derive mainly from “self-interest” groups, and in his case from lobbyists. These are lobbyists representing local, state, and national groups. Since each person and interest group is limited to giving “little bits and pieces” (USD \$2,600 for the primary and general election each¹⁹⁸), Davis says that he is not dependent on any particular person or group. Since there are too many ways to get caught, Davis stated that it does not happen too often that the legal contribution limits are evaded. He also stated that often candidates finance their campaigns in such a way that “many candidates do not use their own money” for elections. With such electoral and financial autonomy, Representative Davis said that the reason why legislators still cooperate in Congress within the party is that “out by yourself, you couldn’t get anything passed.” Thus legislative achievement is the reason given for why congressmen cooperate in a parliamentary group.

Representative Timothy Bishop (Long Island, New York)¹⁹⁹, gave a twofold definition of the American party and its functions. First, it is a “set of principles and of guiding values.” Then, there is also the national party with his colleagues and the leadership, as well as the local party. The local party is where he turned to first, when he intended to run

¹⁹⁸ <http://www.fec.gov/pages/brochures/contriblimits.shtml#fn>

¹⁹⁹ The interview was conducted on 11/14/2013.

for Congress. In a “pretty traditional” way, Bishop announced his intentions to the county leader. He emphasized that he did not need his “blessings” for his candidacy. Next, Bishop “touched base” with the party leadership in each of the seven townships in his district on Long Island. In a third step, Bishop got in contact with the DCCC (Democratic Congressional Campaign Committee) to get their support as well.²⁰⁰

The support he received, Bishop described as get-out-the-votes campaigns, walking the neighborhood, and running phone banks. Thus valuable, yet non-financial support was given to him. As a candidate for federal office, the local party is precluded from financially supporting his campaigning efforts. This federal law was said to “diminish the impact of parties” on politics. The financial support for campaigning, the candidate gets from individuals. In the two year period between elections, Bishop receives about 3,000 individual contributions, reaching from ten dollars to five thousand dollars.

Besides this group of financial supporters, Bishop also acknowledged the group of people who support him electorally with their work. This group, encompassing “thousands,” is much bigger than the financial supporters, and “move[s] from campaign to campaign” with him. Some of these supporters “have a particular loyalty” to Representative Bishop, some are partisans who support him as the Democratic Party candidate. Collating the different sources of support, Bishop stated that having “grass roots support is vastly more important” than the party structure. In three out of six congressional elections Bishop was

²⁰⁰ The support received from the DCCC in the eventual general election was described as “considerable.”

outspent by his Republican opponents. Still, he won the races, sometimes very narrowly, thanks to strong grass-roots support. Illustrating for the mode of party-candidate relationship existing in the United States, was the fact that Bishop had prior to his announcement of candidacy for Congress no formal involvement with the party structure in his district.

Regarding campaign finances, Bishop furthermore said that over the two year congressional cycle, he spends about ten hours a week just for fundraising. Closer to the election, this effort “goes up.” A last point made by Representative Bishop, which is worth mentioning for the purpose of comparison, was his assessment that in the United States, the “Democrats run with organized labor, Republicans run against organized labor.” From this source, support in the form of votes, volunteers, and money is derived.

Another aspect of fundraising was emphasized by Representative Ed Pastor (Phoenix, Arizona)²⁰¹. Pastor pointed out the importance of establishing “relationships” with donors. While anyone can run, not anyone can establish these relationships, which are based on personality. Family connections were described as being of particular help in attracting support. Representative Pastor pointed out that for a successful candidacy for elected office, one does not have to have his own money necessarily, but at least “a relationship with people who have money,” who are outside the party. While in the primary process, the people with whom relationships have to be established for

²⁰¹ The interview was conducted on 12/3/2013.

fundraising are characterized as partisans, in the general election money is solicited from “everyone.” Accordingly, Representative Pastor stated that a prospective candidate has to know people who have money before becoming a candidate for elected office. In this context, the utility of the party is that it “introduces you to people who can help.” Alternatively, being a member of a union or an association is helpful in fulfilling the same fundraising function. Examples given were Emily’s List, which solicits money for the candidate and can refer the candidate to potential donors. Another example given was the National Firefighters Association.

Representative Pastor also pointed out the possibility that the party can recruit someone if an incumbent has a “problem.” In this case, the party can support the recruited person by helping him with managing the campaign and connecting him with donors. Yet as a general rule, it was stated that the party does not want to get involved in the primary stage by taking sides with one of the contenders.²⁰² At this stage, the candidate has to have his own money and his own people for campaigning.

Another peculiarity of the American nomination system mentioned by Representative Pastor is the easiness for an outsider to use only the party label to run for office, without being “part of a particular party and not getting support from the party.” The possibility for every political entrepreneur to gain the “party banner” in the candidate nomination

²⁰² This narrative contrasts in particular Representative Davis’ account of the party taking sides.

process, was described in the following manner by Pastor: “There,²⁰³ the candidate has to be part of the party. Here they don’t” (sic.).

From a comparative perspective, it was interesting that Representative Pastor said that “party soldiering can be rewarded, too” in America. “Persons can be supported with manpower and financial resources. But that does not mean that they can keep anyone out.” This liberality of American candidate nomination and campaign financing rules was said to have a functional effect on Congress, too. “If you have the means, then you can act independently from congressional leadership.” The “only saber” in the hands of the leadership of the parliamentary group was, again, described as the committee assignment process. Due to these discussed reasons, Representative Pastor described the American national legislators as “independent contractors” – “You can run as a Democrat and not be supportive of Obama.”

Representative David Price’s (Durham – Chapel Hill, North Carolina)²⁰⁴ assessment of American party power was that while the “party machinery” is quite decentralized in the United States, the party in Congress has “a more important and dominant role than” it had “in a long time.” The Congressman equated the increase in party power with an increase in the power of the parliamentary group leadership. As for the “party in the electorate,” “party activists and issue activists” were seen to be the groups dominating the party. The

²⁰³ Referring to Germany.

²⁰⁴ The interview was conducted on 5/17/2013.

“party establishment” was seen as having little or no control over these groups. Indeed, Representative Price said that many of his colleagues would “run against the party” and “deny their party,” paralleling a previous argument made by Representative Pastor. These colleagues would call the party “almost an annoyance.” An example for such behavior was said to be found in the “Blue Dog Democrats.”

Campaign financing was described as an individual, almost personal matter for a Congressman. The rank and file Congressmen from “reasonably safe districts,” those who are not on “target lists,” are expected to fund their campaigns entirely on their own. Thus no party funds are expected or received. Those politicians in endangered districts, however, would receive outside party support. Yet not only would this give the leadership more sway with such candidates, but on the contrary these candidates are the ones least in agreement with the party line.²⁰⁵ Thus there is “no correlation between party loyalty and how much money they get.”

Representative Pastor commented in this context that the rank and file party members (the registered Democrats who are most partisan and active in the primaries and caucuses), tend to be those who donate very little to the campaign. The big campaign donors are a different circle of people. As pointed out in the previous interviews too, a dissonance is evident in American politics between those people who are responsible for the candidate nomination stage and the campaign financing stage.

²⁰⁵ Since these candidates are in swing districts, meaning potentially Republican districts, this independence is by default.

The difficulty differentiating between the nomination stage and the financing stage (and thereby the general election stage), mentioned by the previous interviewees, was evident in Price's statement that "fundraising is campaigning," too. This process was described as being done through "small-dollar fundraisers in peoples' homes." These events are perceived as means for "reaching out to the community" and the place where "people are activated" in the process.

The candidate nomination process was characterized as almost always being a local matter. Two relevant factors for achieving success in this process were named. One point for a successful nomination is achieving name recognition. A second point is getting the support of activists groups, inside and outside of the party. The role of the party (i.e. the "parliamentary group" leadership), becomes relevant and active only in those cases where a viable candidate²⁰⁶ runs in a marginal district. Only then does the national campaign committee come to the support of a candidate.

6.2.3 Analysis of the American Case

In the case of the congressmen, it was revealing that their understanding and/or usage of the term "party" referred primarily to the leadership of the parliamentary group in Congress. Only in this context does it become understandable why some legislators run

²⁰⁶ The definition of a viable candidate was said to be someone who had already raised significant amount of money on his own, and who has good poll numbers.

against the “party.” They do not run against the party in its generic, Weberian form. They do not run against the brand identity of Republican or Democratic. When legislators run against the party, they run against the legislative leadership. Thus the popular semantic understanding of the “party” must equally be narrowly defined as the legislative leadership instead of an external partisan structure.

The peculiarity of the American candidate nomination and campaign financing rules become evident in the noted dissonance between the political participants who are active in the candidate nomination stage and the political participants who are active in the campaign financing stage. The ostensible different composition of these two groups highlights that the American legislator has, paraphrasing Fenno (1978),²⁰⁷ two different “circles” of supporters. Thus the American legislator has a divided loyalty and divided accountability towards two distinct bodies of supporters.

The interviews also made clear that in the American case, the candidate nomination process (and subsequent campaign process) and the campaign financing process are conflated into one undertaking. To succeed in both the nomination and election, the American politician has to constantly raise funds to meet the campaign expenses. Thus the *a priori* menial task of fundraising becomes synonymous and indistinguishable with the political campaign itself.

²⁰⁷ Yet the difference is based on function, and not the degree of support as in Fenno’s argument.

Lastly, the interviews provided excellent examples for the active-politician model. In particular the interview with Congressman Petri, and the examples he provided. In the case of Ron Johnson, a citizen was “frustrated” with how politics was conducted and wanted to change this. Thus, a politician who had a calling for office. He decided to run for the Senate and beat the incumbent Senator Russ Feingold. A perfect example for someone who wanted and could live for politics. Similarly, another accomplished businessman from Petri’s constituency, who out of curiosity and interest ran for office, was able to live for politics. His “kids were grown and he thought it would be fun and interesting to run” for Congress and ran in the “next district over” and got elected. These cases match perfectly the theoretical propositions of the active-politician.

6.3 Analytical Comparison of the American and German Cases

The interviews with the American congressmen and German members of the Bundestag provide significant insight into the effects of candidate nomination rules and campaign financing rules on the elite recruitment process. From a comparative perspective, the first point to be made is that the cause for party cohesiveness in the legislature is different between Germany and the United States. In Germany, the reason the legislative caucus cooperates is to keep their reelection chances high. The legislators depend on the party and the party brand.

In contrast, the primary reason why legislators cooperate in Congress is that they depend on each other to get anything done legislatively. Thus the necessity to cooperate in the

legislative process is the key incentive in the American case. While the party label is significant too, American legislators are shielded from the party²⁰⁸ leadership by the candidate nomination rules and campaign financing rules. The party label has a different functions; most legislators run in safe districts where a damage to the party label is less likely to be advantageous to the political opposition. The party label or party banner helps to identify a congressional candidate with an ideological camp rather than with a specific group of politicians.

In the previous chapters, I hypothesized that while German legislators resemble a followership in the sense of Max Weber's theory, American congressmen are more like a guild. The interviews validate this hypothesis, as the American representatives pointed out that the party leadership cannot count automatically on the support of the party caucus. Even in cases where the leadership wanted to assert its authority, it backfired and was counterproductive. Thus the comparison with a guild is quite apposite.

This finding also confirms the hypothesis that a political system with many active-type politicians would be marked by having weak political parties. As the previous statistical chapter demonstrated, the United States has many active-type politicians. The interviews showed, the American political party, either inside or outside of Congress, is weak in historical and comparative perspective.

²⁰⁸ Being synonymous with the parliamentary group leadership.

The interviews show that in Germany, the candidate selection process is a defining, intrinsic function of the party. In contrast, the candidate selection process is entirely removed from and thus extrinsic to the party in the United States. The only connection the candidate nomination process has with the party is that the identifying label of the party is used. Yet it cannot be said that the party in America has the same function as the German party, which I demonstrated theoretically in Chapter 2. In this context, the role of personality is different between Germany and the States. In Germany, the selectorate has a comparatively close relationship with the candidate over a long time. This allows for a certain degree of acquaintanceship. In contrast, the selectorate in the American case is confronted with a marketed image and is more removed from the candidate.

Another theoretical expectation received evidence in these interviews, as well. It was argued that until the Progressive Era, political offices were quite literally handed over, but that this practice ceased since. In contrast, it was expected that this is still practicable in Germany. In the German interviews, several examples were given where legislators were directly picked by party superiors, and where party elites picked their successors. In contrast, in the American case the interviewees regarded this practice as quite rare and generally not practicable. (The one example given in the interviews was that of Daniel Lipinski of Illinois.) In this context, informal rules (such as in promoting a candidate or successor) are important in the German nomination process in influencing the selectorate.

The next critical distinction between the United States and Germany is that the decision to run for office is made in the United States by so-called quality candidates on the basis

of electoral opportunities that arise among the electorate (*viz.* electoral district), and notably not within the party. In contrast, the political aspirant in Germany has to closely observe what is going on within the party to find an opportunity to stand for election. This is why there are uniquely American careers, as I said above when discussing Representative Petri. The two examples given by Petri account for the fact that if someone wants to enter politics, is an active-politician, and the conditions are right, he can do it. In contrast, someone “bursting” into politics in the German case, would be confronted with the obstacle of an established pecking order within parties, where other people have “seniority” over him in getting a candidacy, irrespective of the qualities and capacities of the political novice.

As mentioned above, the candidate nomination process and campaign financing process are conflated into one process, one activity in the United States. These two activities are functionally one and the same for the American politician. In comparison, the German politicians emphatically distinguish between the two. Politicians of the left in fact define the activity of fundraising as something “dirty” and as something that should not be part of politics. The differences between German and American politicians are most pronounced when it comes to campaign financing. While in the United States fund raising is synonymous with political activity, in Germany it is seen by at least half of the political spectrum as something apolitical and malign to the political process.

Based on the interviews, the following general observation can be made. The process of fundraising is a permanent endeavor for American legislators. The metaphorical constant

campaign is also a constant fundraising. In Germany, the process of fundraising is largely contained to the year before the election. When the election season arrives, fundraising is already done. Thus fundraising and campaigning are separate and subsequent processes. In the United States, the two steps are conflated into one effort.

This difference is evidenced by another finding in the interviews, which is a powerful example for the different political culture, if not worldview, when it comes to campaign finances. In Germany, the opposition to fundraising was expressed in that by accepting donations the politicians would be susceptible to extra political influence. Bringing in money is something negative. In the American case, the opposite argument is made. By accepting donations the politicians gain independence from the party. If the politicians would get their funds only from the party, or indeed merely accept funds from the party, this is seen as something negative. Bringing in money is something positive therefore. It provides the politicians with freedom from their party. Thus a different perspective and outlook on the task of representation becomes clear. In Germany, the legislator is the representative of the party and thus should shun the influence of extra-party influence. In the United States, the legislator is the representative of the constituency and thus should shun the influence of the party as an entity outside the constituency. This is a very good and clear example for how different political culture can be on a specific issue.

Comparing the American and the German cases, a conclusion can be made that in the United States a politician has two different circles of supporters²⁰⁹ to win over. First, there are those people who will vote for him (nomination and election). Second, there are those people who will financially support his campaign (nomination and election). These two groups are separate in quality and quantity. In contrast, there is no such difference in Germany. The politician does not have to cater to two different groups and thus two different interests. If the politician gains the support of those who nominate him, no separate and significant effort for fundraising has to be made. Thus fundraising is campaigning in the United States and these two are completely separate in Germany.

Another notable difference between the two political systems is the role of unions. In the United States the unions were described to be entirely on the side of the Democrat Party, as there is no viable political alternative for them. In Germany, however, the influence of the unions on the SPD was pointed out by politicians of all *couleur*. Yet the CDU has a strong union arm, too. The Linke as well, has close ties to the unions. Thus the dominant and decisive influence alluded to unions in *certain* Democratic constituencies is lacking in Germany where the relationship between the unions and political parties is much more polycentric than in the United States.

To sum up the differences between Germany and the United States with regards to candidate nomination rules and campaign financing rules, a dichotomous terminological

²⁰⁹ The role of outside groups in the nomination (and campaign) process in America, such as the ones' mentioned by the interviewees (Firefighters, Emily's List) has no equivalent in Germany.

juxtaposition would be familiarity versus image. In Germany it is decisive that a candidate has familiarity, and thus support of the small electorate or even just one influential person within the party. Such familiarity then assures the nomination of the politician, and the finances are a mere formality. In the United States, it is image that is decisive. The electorate is not familiar with the candidate and thus he or she has to have a certain image (be it true or not), and this image relies heavily on marketing and thereby on the availability of funds. Consequently, the nomination process and campaign financing are intertwined and mutually enforcing.

CHAPTER 7 – THE EFFECTS OF INSTITUTIONAL RULES ANALYZED

Overview

I began this research by asking two fundamentally political questions. Do the institutional rules for candidate nomination and campaign finance have an effect on elite recruitment, i.e. on what type of people get elected? And, does it matter whether one or the other type of people are in politics? On the basis of the empirical evidence given in chapters five and six, the answer to both of these questions is, yes. Both the statistical analysis and the interviews support the claim that the type of candidate nomination rules and campaign financing rules in effect pose different incentives and have different demands on the politician. These institutions can therefore be regarded as gatekeepers into politics. This matters, since a different type of people with different backgrounds and life-experiences will be in positions of political power. The following elaboration on this finding allows to offer lessons and insights to practitioners of politics, who are interested in the consequences of the institutional rules under which they act or which they design. I also outline some limitations of the present study and point out where future political science research can build upon this dissertation.

The key research problem of this dissertation was whether institutional rules pertaining to how candidates for national legislatures are nominated, and how the consequent election campaigns are financed, have an effect on elite recruitment. I wanted to know if different rules would mean that different political personality types would end up in the national legislature. The reasoning behind this argument was that certain political personalities

will be more likely to prevail under a specific institutional setting than in another. With this approach, I purposefully chose an institutionalist explanation to the political recruitment process rather than a structuralist explanation.

I was able to answer this question by creating the necessary research design for this problem. I selected the cases of the United States House of Representatives and the German Bundestag to research the effects of candidate nomination rules and campaign financing rules on elite recruitment in comparative perspective. I argued that these institutional rules affect what type of political representation, what type of elite recruitment is accomplished. I brought this hypothesis into operation by creating the conceptual distinction of active-politician and passive-politician. Thereby, I distinguished between political personalities living for politics and those living by politics. While this notion roots in numerous previous theories, I operationalized this conceptualization for the first time in a comparative way and conducted statistical measurements.

The argument I developed went beyond culture and ideology as explanations for elite recruitment. It added a psychological dimension with the concept of the active and passive-politicians to the cultural and ideological predisposition of a politician. This is why I argued that variation in political personality types is a decisive factor in understanding why someone enters and prevails in politics under particular electoral rules.

My argument did not, however, include a normative reasoning if it is better to have one or the other type preferably in politics. Nor did I argue what the effects of one or the other political personality type would be on the quality of democracy. Instead, I provided a thorough explanation on what the difference in personality types is and how these types manifest themselves. Based on previous literature, especially Max Weber's work, I argued that there are differences and that such differences matter. The scientific assessment of the effects of active and passive-politicians on the quality of democracy remains a phenomenon to be studied in further research. Yet the explanation provided in this study can already anecdotally inform the reader.

To test the theory I used multiple approaches. First, I created an original large-N data set. I used the cases of the United States House of Representatives and the German Bundestag to observe the differences in elite recruitment at the individual level. To ensure that the data set, and therefore this study, is expandable and replicable, I used the same operational definitions for the variables used in the two data sets. Thereby I was able to observe the political elite and statistically ascertain the different outcomes. The statistical analysis was complemented by case studies of legislators from both countries that analyze in depth their personal experience with the elite recruitment process.

Theoretical Findings

On a meta-level, my research was a test for the theory of institutionalism itself. The dissertation showed that the basic argument of institutionalism, that institutions affect the behavior of those who are subject to its constraints, is a correct assessment (Sartori 1997).

More specifically, this study proved that variation in recruitment opportunities will favor one type of political personality over another type (Loewenberg 1985: 35). Thus institutions are important as explanatory variables, corroborating Zaller's (1998) and Rahat and Hazan's (2001) hypotheses, stated in Chapter 1.

The statistical analysis in Chapter 5 showed that there are significantly more active-politicians in the United States House of Representatives than in the German Bundestag. In the sole case of the German Bundestag, the statistical analysis showed that active type politicians are, as expected, more prevalent in the single member districts than on the state party lists. In both cases, the statistical tests confirmed the theoretical predictions.

I also predicted that the conceptual definition of the active/passive legislator would have strong explanatory power with regard to showing the effects of differing institutional rules, i.e. that it matters to distinguish between active-politicians and passive-politicians. Bringing this concept into operation, I was able to test my prediction against evidence presented by data on the House and the Bundestag. I found that the active/passive-politician distinction to be a powerful predictor for behavior and different life-experience. The concept proved thereby to be helpful in identifying patterns within the elite recruitment process.

The findings on the active/passive-politician concept have implications for the literature on democratic quality, too. Having established that institutions can act as gatekeepers into politics, the question from the democratic quality perspective is how this function of

institutional rules as gate keepers is to be evaluated. The two possible options are that 1) institutional rules were intentionally designed by their framers in such a way to weed out certain types of people and advance another type of people. Or, 2) institutional rules were designed without having in mind any gate-keeping function, which instead developed over time, and people just live with it. In either case, both for theoretical and practical purposes, a discussion of the effects of institutional rules on elite recruitment is necessary.

Another finding pertains to the proposition that candidate selection is “one of the central defining functions of a political party in a democracy” (Katz 2001: 278). Based on the definition of “party” by Max Weber, this assessment can unreservedly be given only to the German case, where a core partisan group selects the candidate. In the American case the candidate selection process involves many participants, the party being just one of them.

Based on the statistical analysis, the research question – whether institutional rules have a demonstrable effect on elite recruitment – can be answered in the affirmative. In the comparative case of the Bundestag and the House of Representatives, significantly more active-politicians are found in the American system than in the German system. Additionally, I reveal that state politics is a key prerequisite for a successful political career in national politics in the United States, while in Germany local politics is the

functional equivalent to this prerequisite.²¹⁰ This last point constitutes a genuine discovery of a hitherto unknown political phenomenon.

Political science theory is mute on this phenomenon of systemic differences between state and local politics as prerequisites for national politics. While I discovered this phenomenon through exploratory research, the explanation for this phenomenon of diametrically opposed recruitment patterns between Germany and the United States can be found in the theory I advance in this study. The candidate nomination and campaign financing rules in the United States “force” or “guide” politicians to move into state politics for having sufficient “clout” to launch a successful bid for national office. The candidate nomination and campaign financing rules in Germany, in the meanwhile, allow politicians to launch a successful bid for national politics on the basis of local office service.

In the “natural experiment” of the Bundestag, evidence was given again that institutional rules have the ability to “design” national politics. Thus, institutional rules, irrespective of a normative evaluation for the purpose of the theory of democratic quality, can be characterized as *de facto* “gate-keepers” into politics, even if they are *de jure* not assigned such function.

²¹⁰ The statistical evidence in Chapter 5 showed that even though Germany and the United States are both federal systems, local and state politics have diametrically opposed functions for national politics in these two cases. It is therefore most apposite to look for these patterns in other, comparable cases, which are federally organized, such as Canada and Austria.

Practical Implications

This study has important real world implications, too. The most consequential finding is that even if a political entrepreneur has the same strategic goal of going into national politics in Germany and the United States, he has to use different tactics to achieve that goal. In Germany, the politician has to earn the favor of a specific group of people.²¹¹ These people, small in number,²¹² have to know you. For the politician, this institutional setting is calculable. One can purposefully get to know party members and realize who is active in the party. In the United States, the process is more ambiguous. A politician needs money and advertising to be known by a wider group of persons. Very early on in the nomination process, the American politician relies on public campaigning, while in the German case a more private conversation suffices. Thus while in the United States it is more about **perception** and **image**,²¹³ in Germany the key element is **convincing**. Additionally, the circle and the role of **enablers**, i.e. the people who enable someone to become a professional politician, are different in the United States and Germany.

The circumstance that in the case of the United States the selectorate equals the electorate makes the nomination process only apparently more democratic. As the interviews show, in Germany everyone can literally afford to go into national politics. Someone “poor” in Germany, can by dedicating time to the affairs of the party, become prominent and in that

²¹¹ Or even just with one person, as the interviews show, if that person has the ability to promote the candidate with his or her influence.

²¹² A few dozen to a few hundred.

²¹³ The term “marketing” comes to mind in this context.

way earn his or her way into national politics. In the United States, this option is not there, and thus, entrance into politics is more costly.²¹⁴ Consequently, the German case constitutes the case of “peer-review,” where fellow party members are “eyeballing” a potential candidate. A narrow, clearly defined and known group of party-peers exists. This group observes over a long time a person’s abilities, attachment to the party’s ideology, and party loyalty and service. Consequently, the institutional rules provide for a **personal** selection process, whereby the candidates are well known to the electorate.

In the American case, such personal peer review is institutionally of much less consequence. Instead, early on a politician has to advertise himself to a larger population, where no familiarity exists. Through the presence of money, partisan peer review can be bypassed. This makes the selection process more impersonal. Even though the personal image of the candidate is highly relevant both in the primary and in the general election, this personal image is a marketed and advertised image. It is thus of a different quality than the case of Germany, where one has to set an example over time.²¹⁵ The American selection process is therefore much more **impersonal**.²¹⁶

²¹⁴ Following the aphorism, “Time is money,” cost is not only about financial means but also the ability to afford spending time for political activity.

²¹⁵ Through the *Ochsentour*, for example.

²¹⁶ The personal-impersonal differentiation in recruitment/ promotion processes between Germany and the United States is noted in other areas, too. Van Creveld, for example, observes the same division in case of military promotions (van Creveld 1982: 137). Culture, and political culture for that matter, have a strong influence on selection processes.

These practical differences, in who has to be won over for a successful candidacy, and what type of resources have to be “invested” over what period of time, determine the success of active and passive political entrepreneurs. The differences in the institutional rules between Germany and the United States also point toward the differentiation of people made by Weber, in that there are more people in American politics who can live for politics. Practically, paraphrasing MacKenzie, American candidates assume more “personal responsibility for securing the nomination” (MacKenzie 2011). Professional personal marketing is of higher importance.²¹⁷

For the practitioner of politics these findings might lead to a reevaluation of the candidate nomination rules and campaign financing rules. Knowing that a specific type of people end up ruling, the political elite could look for alternative institutional rules that would favor different recruitment paths and patterns to bring different types of people into politics. Venturing into this aspect of my finding which pertains to democratic quality, would be a topic for future research.

Outlook

Besides the accomplishment discussed above, the results of this study lead to further research questions. A key component thereby is to further investigate the comparative effects of culture, ideology, and institutional rules on elite recruitment. Since my focus in this study was on the effects of institutional rules, the effects of culture and ideology

²¹⁷ Due to the significantly larger constituency sizes, this professional marketing is not only more relevant in the selection process but in the election process as well.

remained under-evaluated. In particular the results of the regression analyses in Chapter 5 show however, that in particular the predictive power of culture rivals that of institutional rules. Methodologically novel approaches are needed to comparatively evaluate these rival explanations. One way to improve such analyses would be to gather good quality data on cultural characteristics at the micro-level.

Another topic for future research is to what extent the institutional rules I analyzed not only shape elite recruitment, but to what extent they facilitate or prevent elite replacement. What is meant thereby is to see – through a time-series analysis – if a specific strata or type of people are recruited constantly into politics, or not. Thus when politicians are replaced by other politicians, it is important to know if the politicians are replaced by the same type of people. If the same segment of political personalities is replacing the outgoing politicians, then only the “faces” change, while over time the same political personality types prevail.

Yet another important task for future research is to extend the present methodological approach to the analyzed phenomena with cross-sectional studies. In this first step, I researched the cases of Germany and the United States. Other, similar cases²¹⁸, can easily

²¹⁸ Such as Canada, the United Kingdom, the Netherlands, and Austria, to name some. Thus new discoveries on elite recruitment could be added to the knowledge in political science, and the gaps would be filled.

	US	CA	DE	NL	AT	GB
Local Office	27%	??	46.6%	??	??	??

be added to the methodological “blue-print” I put forward here. By combining qualitative and quantitative methodologies, as I did in this dissertation, the effects of institutional rules on elite recruitment can be studied further to better understand the rules under which we live. The replication of this study on the political class promises thereby to be an interesting, useful, and productive field of comparative political science research.

State	52.3%	??	16.4%	??	??	??
Office						

(Country codes are according to ISO 3166-1.)

Appendix A: Vocational choice of German and American legislators.

		GER	USA	Total
Judicial, Lawyer, Judge	Count	65	83	148
	% within Country	10.1%	18.9%	13.6%
Administrative, Bureaucrat	Count	59	24	83
	% within Country	9.1%	5.5%	7.6%
Parliamentary work	Count	28	27	55
	% within Country	4.3%	6.1%	5.1%
Party work, Union Work	Count	40	4	44
	% within Country	6.2%	0.9%	4.1%
Entrepreneur	Count	41	69	110
	% within Country	6.3%	15.7%	10.1%
Academic, Science	Count	26	7	33
	% within Country	4.0%	1.6%	3.0%
Teacher	Count	64	13	77
	% within Country	9.9%	3.0%	7.1%
Medical	Count	11	24	35
	% within Country	1.7%	5.5%	3.2%
Worker	Count	34	8	42
	% within Country	5.3%	1.8%	3.9%
Politics, Activist, Social Worker	Count	118	101	219
	% within Country	18.3%	23.0%	20.2%
Media, Journalist	Count	9	2	11
	% within Country	1.4%	0.5%	1.0%
Military	Count	4	17	21
	% within Country	0.6%	3.9%	1.9%

Skilled Labor, Engineer	Count	29	4	33
	% within Country	4.5%	0.9%	3.0%
White Collar, Manager	Count	60	32	92
	% within Country	9.3%	7.3%	8.5%
Assistant, Secretarial, Sales	Count	25	2	27
	% within Country	3.9%	0.5%	2.5%
Police, Law Enforcement	Count	8	7	15
	% within Country	1.2%	1.6%	1.4%
Agriculture	Count	13	9	22
	% within Country	2.0%	2.0%	2.0%
Student	Count	2	0	2
	% within Country	0.3%	0.0%	0.2%
Houseman, - wife, Unemployed	Count	4	3	7
	% within Country	0.6%	0.7%	0.6%
Priest, Pastor, Religious Vocation	Count	4	2	6
	% within Country	0.6%	0.5%	0.6%
Artist, Sports	Count	2	2	4
	% within Country	0.3%	0.5%	0.4%
Total	Count	646	440	1086

Appendix B: Educational background of German and American legislators

		GER	USA	Total
no High School	Count	0	1	1
	% within Country	0.0%	0.2%	0.1%
Higher Education without graduation	Count	26	15	41
	% within Country	4.0%	3.4%	3.8%
FH, BA or Less	Count	16	142	158
	% within Country	2.5%	32.3%	14.5%
JD, LLM, Law	Count	108	160	268
	% within Country	16.7%	36.4%	24.7%
VWL, BWL, MBA, Business Degree	Count	49	19	68
	% within Country	7.6%	4.3%	6.3%
MA, Diplom	Count	221	61	282
	% within Country	34.2%	13.9%	26.0%
PhD, Dr., Habilis	Count	114	15	129
	% within Country	17.6%	3.4%	11.9%
MD	Count	8	20	28
	% within Country	1.2%	4.5%	2.6%
Total	Count	646	440	1086
	% within Country	100.0%	100.0%	100.0%

Appendix C: Active/ passive politician distribution by party in Germany.

	CDU	CSU	FDP	SPD	Grüne	Linke	Total
Active	74	17	40	13	7	7	158
Politician	42.3%	44.7%	51.9%	9.5%	10.6%	10.0%	28.1%
Passive	101	21	37	124	59	63	405
Politician	57.7%	55.3%	48.1%	90.5%	89.4%	90.0%	71.9%
Total	175	38	77	137	66	70	563
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100%

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