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Institutionalizing the democratic party-state: political parties as 'public utilities' in Italy and West Germany, 1945–75

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ABSTRACT

This article argues that the rise of parties as 'public utilities', that is, semi-state organs crucial in the functioning of democracy, which is currently observed by political scientists, has long historical roots. It looks from an institutionalist perspective to the development of party–state relations in Germany and Italy since the Second World War, paying specific attention to how institutional reform corresponded to changing normative assumptions about the position of political parties in twentieth-century democracy. The first notions on the 'statist' dimension of parties were put forward as an answer to the challenges of mass politics in the interwar era. After 1945, politicians and constitutional judges drew upon this tradition in their efforts to stabilize mass democracy. They deliberately constructed 'party-state democracies', in which parties influenced the state and the state managed individual parties and the party system. This became visible in the constitutionalization of political parties, as well as in the enactment and normative justification of party (finance) laws in the 1960s and 1970s. The advent of parties as public utilities, even though fiercely criticized today, was therefore embedded in an ideological tradition that sanctioned the 'party-state' as crucial for the stability of modern democracy.

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Introduction

Despite years of gloomy predictions about their imminent demise, political parties have proved to be very resilient. Although they suffer from declining confidence in the institutions of representative democracy and lose their support base in society, political scientists largely agree that this does not equate to the end of parties all together. A major explanation for the resilience of parties lay in their ability to find a support base within the state.¹ Thanks to their crucial role in the functioning of contemporary democracies, parties are increasingly considered what the political scientist Ingrid van Biezen calls 'public utilities'. Indeed, as 'democracy requires elections contested by political parties, parties come to be conceived of as integral part of the democratic apparatus and democracy essentially as a service to society provided by the state.'² Consequently, parties not only expand their influence over

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the state, but may also receive state funding, while they are increasingly susceptible to state control over their internal organization.

Yet while the 'migration' of parties to the state may have been intended as a democratic asset, it is increasingly being scrutinized in both public and academic debates.³ While the agency of parties in the causal chain of democratic crisis in contemporary Europe is not universally agreed upon, it is generally assumed that the fact that parties are no longer civic organizations, but aim to be 'part of the state', contributes to the gap between the state and citizen.⁴ It is held that it contributes to corruption,⁵ that it undermines the representative function of parties, and that it contributes to the gap between state and people which is considered the root of the widely perceived crisis of democracy in Europe today. Peter Mair, a classic proponent of this thesis, argued that because parties are more oriented towards the state than to society, 'the citizens stay at home while parties get on with governing'.⁶ Also, it has been posited that 'as parties move away from society and occupy the state, they can more easily take advantage of their position as legislators and approve norms in their own favour'.⁷ It has even been argued that the contemporary party 'due to its interpenetration with the state and the consequent acquisition of an unprecedented amount of resources, along with the expansion of patronage and clientelism, paradoxically shares one feature with the totalitarian party: the colonization of the state'.⁸

This article argues that this preoccupation with the effects of the 'interpenetration between party and state' has obscured the more fundamental question of how and why parties have acquired their position as 'public utilities'.⁹ Drawing upon the concepts which political scientists have developed to study party-state relations, it analyses the historical conception and institutional development of parties as 'public utilities' in Germany and Italy. It does not claim to give an exhaustive overview of all the dimensions of party-state linkages, but, by focussing on legal arrangements and their normative justification, shows how a 'statist' view on political parties can unveil how this particular role of parties was perceived and practised as a solution to the challenges of mass democracy. It consequently demonstrates that the 'migration' of parties to the state is not a phenomenon characteristic of the crisis of political representation of recent decades.¹⁰ Rather, the roots of these post-war reforms lie in the interwar era, when the 'interpenetration' between party and state was already seen as a consequence of the advent of mass politics, but failed to materialize in a democratic form. The constitutional recognition of parties and the enactment of party (finance) laws of the post-1945 era were embedded in an ideological tradition which saw the recognition of parties as 'public utilities' as crucial for the strengthening of democracy.

Germany and Italy are particularly suited as case studies to understand what is now considered a European-wide development in the development of parties as 'public utilities'.¹¹ Although not the first European countries where parties were constitutionally recognized, Germany and Italy were deliberately reformed as 'party-state democracies' in the aftermath of the Second World War,¹² and their histories give a fascinating insight into the institutional development of party-state relations and the normative assumptions which underpinned it. Generally, historiography does not pay extensive attention to the 'statist' dimension of parties, focusing on their societal and ideological developments,¹³ rather than their link to the state.¹⁴ This trend is less visible in German and Italian historiography, yet there are few studies which compare these two countries on this distinctive aspect, let alone explain how their respective experiences with the reconfiguration of party-state relations relate to what is now increasingly seen as a structural tendency towards the construction of 'party-state

democracies' in Europe at large. Instead, despite the similarities in the historical context and institutional design, the development of the position of parties as 'public utilities' is explained in terms of national exceptions.¹⁵

This article proceeds as follows. First, it traces the legacy of the interwar era for post-1945 reforms, mapping how legal theorists and politicians saw the integration of parties with the state as a necessary outcome of the mass democratization. The second section shows how these arguments were deployed in the post-war (1943–49) debate on the public function of parties and their task in strengthening and stabilizing democracy, while the third section discusses the main institutional reforms of the first post-war decades, showing how the 'party-state' was codified by constitutional judges which were already active in the interwar era, and how the enactment of party (finance) laws in Germany and Italy strengthened the position of parties as public utilities and was still based on normative assumptions on the role of parties in democracy. The conclusion explores how this historical trajectory relates to current dissatisfaction with the role of parties as 'public utilities', and makes a plea for further comparative historical research into the statist dimension of political parties.

From parliamentarianism to party democracy

The securing of the position of parties as 'public utilities' after 1945 was far from a foregone conclusion. Rather, the relationship between political parties and the state was marked by conflicts and mutual hostility in post-unified Germany and Italy. Both regimes stood traditionally hostile to political parties, as conservative and liberal political elites aimed to exclude the constituency of Catholic and socialist parties from power.¹⁶ The Italian liberal political elite was traditionally principally against party formation, while the German statesman Otto von Bismarck even famously declared in 1884 that 'parties are the decay of the state, the decay of the future.'¹⁷ The aftermath of the First World War saw the breakthrough of mass democracy in both states: in Italy, thanks to the introduction of an electoral system of proportional representation and universal male suffrage, and in Germany thanks to the proclamation of the Weimar Republic. This meant that while political parties existed in both countries before 1919, it was only then that, propelled by the force of universal male suffrage and a new electoral system, they were catapulted onto the political centre stage. As a consequence, both countries saw the breakthrough of mass Catholic and socialist parties which gained power at the expense of the conservative and liberal elites.

Several constitutional theorists started to debate the advent of mass politics that occurred seemingly suddenly in 1919. They argued that the introduction of mass democracy changed the nature of political representation. It not only served to enfranchise millions of citizens, but also worked, unintentionally, to the benefit of mass political parties. Parties were no longer solely societal organizations with thousands of active militants, but thanks to their electoral support in mass democracies, their control over parliament and their power to make and break governments, also organizations which now directly affected state action. This development undermined the principles of parliamentarianism characteristic of nineteenth-century politics, which was founded on a free discussion among MPs not bound by party obligations, and a party-free government working in the general interest.¹⁸

This development gave rise to the first conceptions of parties as 'state-organs'. The Austrian scholar Friedrich von Wieser noted that the 'old unfree state' battled popular parties, as it considered parties an existential threat to the state. The advent of mass democracies in 'new

democracies' undermined this principle. 'The core of democracy,' he now observed, 'is the responsibility of the state before political parties.'¹⁹ Yet this made the fact of how parties were organized internally, and the fact of how they related to the regime of the state, of particular importance. In contrast to established democracies, parties in young democracies such as Germany were what Von Wieser called 'interest parties' rather than 'state parties,' meaning that they displayed a tendency to put party interest above the interest of the state. Von Wieser highlighted this as a vulnerability of democracy, but it did not negate the point that modern democracies were 'party-states'.

This was also noticed by Hans Kelsen and Gerhard Leibholz, who observed that political parties, even if they did not enjoy a constitutional recognition in the Weimar constitution, stood in a close relationship to the state.²⁰ Hans Kelsen, who had been the architect of the 1919 Austrian constitution, saw a potential tension between mass democratization and parliamentarianism, thanks largely to the role of political parties. He noted that 'modern democracy is founded on political parties ... Seen from this perspective we can understand the tendencies to constitutionally enshrine political parties [thus] recognizing them legally for what they actually already are: organs of *staatlichen Willensbildung*.'²¹ Gerhard Leibholz, who as a constitutional judge would become a figure of major importance in the post-1945 sanctioning of the 'party-state,' also first conceptualized parties as 'public utilities' in the interwar era. Akin to Kelsen, he noticed that the advent of parties as both societal and state actors eroded parliamentarianism. Indeed, parties were for him the crucial link between state and society, because they operated on both spheres, as 'only [parties] are able of uniting the emancipated masses of citizens to groups which are capable of political action.'²²

Equally important was the work of Heinrich Triepel. Even though not positive of this development,²³ this German legal scholar could not deny the 'state function' which political parties had come to assume under the Weimar Republic. Regardless of the fact that the Weimar Constitution had not recognized parties, he argued that parties *de facto* already performed the role of public utilities. The problem was, however, 'that written law has completely ignored' this.²⁴ This was ever more remarkable as Triepel observed that 'in reality and practice, it is parties which are in control of the government of the state,' as parties 'deliver ministers, decide upon the making of laws, [and] acquire ever more influence over bureaucracy by means of patronage of civil servants.' He predicted that if current developments continued, 'the party-state will replace the old parliamentarianism.'²⁵

A similar reaction to the rise of mass politics occurred in Italy. Also there, the empowerment of parties resulted in speculation about their position as public utilities. The legal scholar Gaspare Ambrosini saw that the installation of universal suffrage and the installation of proportional representation greatly empowered political parties, not only as societal organs, but also fostered their migration to the state. Effectively, the result of the reforms was 'the entrance of parties and parliamentary groups to the constitutional life [of the state]'.²⁶ Whereas this was still rather neutral, Costantino Mortati, a prominent legal scholar, provided a defence of the integration of parties with the state. At least originally, Mortati was not concerned with founding a legal basis for only democratic politics. He argued that dictatorships could also be representative regimes, as they could also provide the unity of society and state by means of a single mass party required in an age of mass politics.²⁷ Yet even in the studies which he published in the fascist era, he always left the possibility of multi-party politics deliberately open.²⁸ He argued that modern states were necessarily party-states, because 'the party is within the modern state the subject from which the fundamental

constitution emanates and which imposes itself as one of the elements, necessary to give it its content', because 'it can unite the various interests which are present within the state'.²⁹

As such, it was prudently acknowledged by some influential scholars that only parties could translate this will of the masses in state action in regimes that claimed to rule on the basis of mass support. Facing a political culture of anti-party politics and the instability of mass democracy, some German and Italian legal scholars came to see the integration of parties and state as a potential solution to the challenges of mass politics. However, even though it was obvious to contemporaries that modern politics equated to party politics, the rise of fascism and Nazism showed that this did not necessarily mean democratic politics. The question of how to unite political parties with a democratic state therefore still lay open in 1945.

The constitutionalization of political parties in the 1940s

The difficult history of party–state relations once again made itself felt in 1945. In both states political parties had to defy broadly shared anti-party sentiments in the aftermath of the War. Carlo Schmid, one of the main proponents of the Social Democratic Party (SPD), remarked that constitution-makers had to establish the dominance of parties in the face of broadly shared popular resentment. He observed that people had had enough of parties, 'enough because of the disenchantment before 1933 and enough because of the evil tyranny that has been carried out for twelve years over us in the name of the word party'.³⁰ Apart from popular diffidence, parties also faced critique from leading German intellectuals, who advocated a more participatory form of democracy, which stood at odds with party political dominance.³¹ In Italy, dissatisfaction with party politics found much more vocal and overtly political outlets. Especially in the south of the country, which had not experienced the Nazi occupation and the anti-fascist resistance, parties were regarded as yet another form of elite dominance over ordinary citizens. This was made visible by the electoral surge of the Common Man's Front, which took over two million votes in the elections for the constituent assembly in 1946. Resistance against the *partitocrazia* was a key element of its programme.³²

This historical legacy of one-party dictatorship, the failures of multi-party democracy in the interwar era, and the political culture of anti-party critique weighed heavily on the institutional reform of the 1940s. Politicians therefore drew the lesson from the interwar era that, in the words of SPD leader Kurt Schumacher, 'modern democracy can only function within a party-state'.³³ The road to the recognition of parties as 'public utilities' was different in both countries. In Italy, post-war democracy was from the outset deeply entangled with political parties. The mass parties of republican Italy, the socialists, Communists and Christian Democrats, played a major role in the Italian resistance against fascism, until such an extent that the Italian resistance hero Vittorio Foa observed that 'the history of Italy since 25 July [the date of the fall of Mussolini] is the history of the parties'.³⁴ Politicians from the major resistance parties also played a decisive role in the Constituent Assembly. In what would become West Germany, the parties started from a markedly different position. They were (re-)constituted by the Allies, who discriminated against political extremes and licensed parties at first only on local and state levels.³⁵ Nonetheless, the Allies were convinced that political parties were crucial in the consolidation of democracy, and the Parliamentary

Council which drafted the Basic Law was consequently largely staffed with party politicians selected by parliaments at state level.³⁶

Within the Italian Constituent Assembly and the German Parliamentary Council a broad consensus emerged that a resilient democracy required a revised relationship between state and parties. Like the constitutional theorists in the 1920s and 1930s,³⁷ politicians considered 'party-state democracy' fundamentally distinct from 'parliamentary democracy'. The leading Italian socialist Lelio Basso stated that it was 'through this form of *party democracy* that the weaknesses of democracy are eliminated. It is clear that parliamentarianism as it was intended can nowadays not be replicated, because the deputy is not connected to its constituents, but to its party.'³⁸ Consequently, in terms of political reform, 'one should not think about a certain form of political regime which has been defined for a long time as democracy, but actually is not', meaning the Italian liberal regime.³⁹ Similarly, Schmid remarked that it is a 'fundamental error of most of our constitutions that they act as if parties were only marginal phenomena, instead of decisive factors of the reality of the state'.⁴⁰

Given their authorship of the new constitutions, parties had a unique opportunity to realize such a 'party-state democracy' after 1945. They did so first of all by securing state influence over the internal organization of individual parties, and the party system as a whole as a means to stabilize democracy. This was intended to ensure that all parties were indeed of democratic conviction and, as one member of the Parliamentary Council put it, 'cannot use the rights of democracy to fight against democracy'.⁴¹ A major question was therefore how to ensure that only those with democratic intentions could claim party status, in order to be able to define which parties qualified for state protection. In West Germany, the Parliamentary Council largely followed the guidelines which had been stipulated at Herrenchiemsee, the place where a blueprint for the Basic Law was drafted. Here it was agreed that parties should have a democratic internal organization with public meetings and transparent finances.⁴² This made its way into Article 21 of the German Basic Law, which holds that '[parties'] internal organization must conform to democratic principles. They must publicly account for their assets, for the sources and use of their funds. Parties that, by reason of their aims or the behaviour of their adherents, seek to undermine or abolish the free democratic basic order or to endanger the existence of the Federal Republic of Germany shall be unconstitutional'.⁴³ This article proved to be no mere rhetoric. It eventually played a role in the decision of the Federal Constitutional Court to outlaw the neo-Nazi Socialist Reich Party and the German Communist Party.⁴⁴

As in Germany, many Italian politicians felt that a democratic 'party-state' could only function as long as parties were democratic. Costantino Mortati, by now a Christian Democrat (Democrazia Cristiana, DC), representative in the Constituent Assembly, not only argued that parties should determine the direction of national politics, but also stated that the state should be allowed to ensure that parties had transparent finances, and were democratically organized internally.⁴⁵ This notion was supported by his party. Aldo Moro asserted in a speech in the Constituent Assembly that it was 'obvious that if there is no democratic internal base of parties, parties cannot give a democratic direction to the politics of the country'.⁴⁶

However, there was no such thing as an Italian anti-totalitarian consensus which resulted in an agreement on which parties actually qualified as democratic.⁴⁷ The democratic credentials of the Communist Party stood at the heart of this debate on the extent of state control over the internal organization of political parties, even though, initially, this debate had

centred on the risk of a fascist party. Italian Communist Party (Partito Comunista Italiano, PCI) leader Palmiro Togliatti argued that any fascist party should be outlawed. However, as Christian Democrat members of the assembly argued that 'some even recognize true resemblances with fascism in the communist party', this put the Communists in a difficult position on empowering the state with far-reaching means to control the party system.⁴⁸ Giuseppe Dossetti, a prominent Christian Democrat, predicted that the exclusion of fascism in general harboured a danger for the Communists in the future, as some 'might argue that [the PCI] reproduces the fascist party, and might want to suppress it referring to the law proposed [by Togliatti]'.⁴⁹

In the view of the Left, this underlined the danger of entrusting the state with the power to outlaw parties by referring to the rather generic label of 'fascism.' The matter was ultimately resolved by a compromise, which resulted in a ban on the reconstitution of *the* Fascist Party rather than *a* fascist party in general. Section 12 of Article 139 of the Italian constitution stipulates that: 'It shall be forbidden to reorganize, under any form whatever, the dissolved fascist party.' As in Germany, this was utilized, namely to outlaw the neo-fascist Ordine Nuovo.

Political elites agreed that the construction of a democratic party-state required certain state privileges for parties so that they could ensure that the state reflected the popular will. SPD member Otto Sur rhetorically asked whether 'trade unions, women's organizations and so on should be treated equal to political parties',⁵⁰ and there was broad consent that other organizations should be prevented from having the status of party. Schmid pointed to the special status of parties in the Parliamentary Council when he remarked that parties 'are decisive factors of the life of our state, and consequently, whether they will be organized one way or another, our state organs have a political value'.⁵¹ So, in other words, to create a true democracy, there should be not merely state influence over parties, but also party influence over the state.

Consequently, parties became partly responsible for political education on behalf of the state. The democratic responsibilities in political emancipation were reflective of concerns among elites about the political abilities of the average citizen.⁵² Konrad Adenauer, leader of the Christian Democratic Union (CDU) and president of the Parliamentary Council, contended that the German people should be 'remade in their entire feeling and being', and that this was the 'task of the political parties'.⁵³ Also in Italy, parties took on the task of democratizing the Italian population. Ferruccio Parri, the prime minister who more than any other embodied the resistance values, argued that fascism had 'accentuated the lack of civic education of our people'.⁵⁴ It was consequently the task of the mass parties to 'inculcate' democratic values in the average Italian.⁵⁵ The primacy of parties in emancipating the people made their way into the post-war constitutions. Already at the Herrenchiemsee Convention, a consensus emerged that the constitution ought to proclaim that parties should contribute to 'the formation of the political will of the people'.⁵⁶ This clause was later adopted in the West German Basic Law: 'Political parties shall participate in the formation of the political will of the people.' The Italian constitution proclaims in Article 49 that citizens can form political parties in order to 'contribute with democratic means to the direction of national politics.'

Party influence over the state also became evident in privileges at times of elections. It was agreed that, in the words of SPD leader Kurt Schumacher, 'only parties can be the pillars of elections, if not we will have anarchy' – thereby ruling out the possibility of independents running for office.⁵⁷ This might seem futile, but as the state controlled which organizations

qualified as ‘parties’ and at the same time proclaimed that only these organizations could compete in elections, it effectively controlled the system of political competition. In Italy, the privileges of the label ‘party’ were debated in similar terms, with parties receiving the monopoly at democratic elections and a special status. The state should not only outlaw a reconstruction of the Fascist Party, but also, as Basso argued, only allow those movements which gathered half a million votes at parliamentary elections to benefit from the party status.⁵⁸ Even though other members of the constituent assembly rejected this precise circumscription, a broad consent emerged that parties should dominate electoral competition.

Politicians sometimes put forward rather sweeping ideas for the way in which the state should be reformed to become a true ‘party-state’. The Parliamentary Council stipulated that, in contrast to other social organizations, only the to-be-established Federal Constitutional Court could outlaw parties, which thereby received a special protection which other civil-society organizations lacked.⁵⁹ Also, it was argued, by the SPD, that the civil service should necessarily be dominated by the parties, because either a civil servant ‘makes politics in the spirit of the party to which he is committed, or he makes unpolitical politics behind the cloak of neutral party indifference’, which would lead to ‘a camouflaged, reactionary, and sabotaging policy.’⁶⁰ Basso argued that the constitutional rights of parties should not only be to present electoral lists, but also ‘the right to take actions to the to-be-installed Supreme Constitutional Court, the defence of constitutional liberties and other tasks.’⁶¹ Togliatti went further still and argued that ‘the consultation of the large parties could be possible for the formation of a government, and one could think of a legislative participation of parties in the formation of certain constitutional bodies, or organs in the control of the state’, including the press.

Togliatti’s remarks could be regarded as the hidden agenda of Communists with an ambiguous stance on parliamentary democracy, even though it should be noted that he always talked about parties in the plural.⁶² Yet, this would obscure the fact that even though his remarks were a rather far-reaching example, the conviction that an important aspect of the reform of democracy was party control over the state was broadly shared among Christian Democrats and the Left in both countries. The responsibility of parties controlling the state, and its organs such as the civil service, the judiciary and the press, were watered down in the constitutions, also because in both states it was agreed that a specific party law should deal with this after the constitution’s ratification had been finished. However, by defining the criteria of their own special status, giving themselves a monopoly in electoral competition, emphasizing their importance in political education and enacting constitutional articles on their importance, parties moulded the state to a significant degree in line with their own normative assumptions about the position of parties in a democracy.

Party-state entanglement in the post-war party (finance) laws

Constitutional recognition formed the background of the strengthening of the societal and political position of political parties in the decades following the War. The largest parties in Italy, the Christian Democrats and the Communists, both had a massive membership base, which numbered almost two million members in the case of the PCI, and 1.3 million in the case of the DC in the mid-1950s. The DC was moreover from the outset a true ‘inter-class’ party, whose message appealed to a broad segment of the electorate.⁶³ In Germany, membership numbers, especially for the Christian Democrats, initially lagged behind, with

the party numbering only about 200,000 members in the mid-1950s, in contrast to the 600,000 of the SPD.⁶⁴ Yet, also here, parties saw their societal base expanding in the first decades after the War. So even though there certainly was critique of parties at the time, the expansion of the party-state in terms of patronage, laws and funding occurred in what has been described as the core of the 'age of party democracy', in which political parties were firmly rooted in society.⁶⁵

The 'migration' of parties to the state was of course not always positively evaluated. An often criticized aspect of the party-state was the extension of party influence over public and semi-public institutions, generally referred to as party patronage. Party patronage is a distinguishing feature of the 'migration' of political parties to the state, as parties use their political leverage to appoint personnel in public and semi-public life.⁶⁶ As such, it should come as no surprise that scholars of German and Italian politics talk about a 'colonization' of the state by political parties in the post-war era.⁶⁷ This was the legacy of a tradition of political influence over a supposedly neutral state bureaucracy, which, despite many regime changes in the twentieth century, was not broken.⁶⁸ It was reinforced by the lack of government alternation, which gave the Christian Democrats in power the opportunity to 'colonize' state institutions. This happened in Germany, for instance, in the CDU's attempt to control state broadcasting,⁶⁹ and, on a far larger scale in Italy, where the DC and their allies colonized 'industrial undertakings, banks and credit institutions, and the media industries with their appointees in order to reward political favours, win electoral support, and guarantee access to new sources of party funding.'⁷⁰ However, to map and measure party patronage is empirically very difficult, as it potentially involves counting individual appointments in the bureaucracy, but also public and semi-public sectors of the economy.⁷¹

From the perspective of institutional reforms taken by this article, the role of constitutional courts and the enactment of party (finance) laws in the post-war period indicate how the party-state developed and how it was legitimized. Two of the most fervent supporters of the notion of the party-state in the interwar era, Gerhard Leibholz and Costantino Mortati, became constitutional court members in 1952 and 1960 respectively. As such, they were able to make an important contribution to the securing of the new 'public' function of parties.⁷² Leibholz and Mortati shared a strikingly similar outlook on the function of parties in mass democracies which displayed continuity with their views in the interwar era. They saw no tension between parties as societal actors and organs of the state, precisely because the power of parties in a mass democracy, in the words of Leibholz, 'fundamentally revised the traditional relationship between state and society.'⁷³ Leibholz stated that 'political parties, as autonomous civic organizations in the political arena can be institutionalized in the state, which means, inserted in the state, in such a way that their will and actions equate the will and actions of the state.'⁷⁴ Also Mortati argued that the distinctive feature of modern political parties was 'their public nature.'⁷⁵ A party

offers to the people on the one hand the programmes with which it expresses its will, on the other hand it offers to the men elected to transfer the state's institutions at the popular will. Therefore it prepares and conditions the manifestations of the electoral body and the state, without confusing one with the other... Even when the organs of the party are used by the state, this does not affect their actions as a party, but is added to their function as organ of the state.⁷⁶

This defence of the 'party-state' led to a further sanctioning of the power of parties in the organization of democracy. Both argued that the very essence of mass politics lay in the fact that the state's policies should reflect the will of the people, and not that of individual

MPs – as had hitherto been the case under ‘parliamentarism’. Modern mass politics, were, as already noted by Mortati in 1945, ‘a regime of public opinion.’⁷⁷ Political parties articulated and shaped public opinion. If individual MPs did whatever they considered best during their tenure instead of following the party line, this breached a gap between state and society. It was from this perspective that Mortati argued that there were limitations to the ‘free mandate’ which MPs had according to the constitution, as MPs had a ‘natural obligation’ to their party – a vision which was shared by Leibholz.⁷⁸ As such, the Federal Constitutional Court asserted that in their capacity as state actors, parties were entitled to defend their constitutional rights just as any other branch of the *trias politica*. Indeed, a party could ‘seek to vindicate its rights under the principle of the separation of powers.’⁷⁹

The constitutionalization of parties, and the way this was interpreted in the subsequent decades, also paved the road for the enactment of party (finance) laws. The development of these laws, which had the state financing of political parties as their most poignant aspect, occurred against a somewhat paradoxical background. On the one hand, parties increasingly faced fierce criticism. Signs of dissatisfaction with the *partitocrazia* and *Parteienstaat* became more apparent. This took the form of intellectual criticism from both the left and the right,⁸⁰ but also, as the 1960s proceeded, of extra-parliamentary protests which were geared partially at the ‘cartel’ which parties allegedly formed with each other, the state and big business. The German-Italian intellectual Johannes Agnoli, a main source of inspiration of the ‘68 generation, literally argued that ‘parties become detached from their original, societal role and are becoming state organizations.’⁸¹ On the other hand, however, parties showed a striking resilience which defied all signs of a crisis. Their membership base reached new heights in the 1970s, when even the CDU had more than 700,000 members. This indicates that they were to some extent able to respond to societal developments and continued to be the bridge between state and society which they had aspired to be in the 1940s.⁸²

The enactment of party laws and state financing in both states was presented as a fulfilment of the post-1945 aspiration to stabilize democracy by integrating parties with the state. In the Federal Republic, the party law of 1967 went furthest and it is still a key example of the institutionalization of political parties worldwide.⁸³ The law’s most poignant aspect was the expansion of state financing for political parties, but it has some other notable features which concerned the way in which parties privileged their own relationship with the state in order to strengthen democracy. This included the way in which they delineated the boundaries of the legal status of organizations which could be called ‘parties’, and excluded those organizations which failed to get elected to federal or state-level parliaments over the last six years. In return for state financing, parties allowed control over their internal finances, their internal organization and even their names.

Most importantly, the law made explicit how the conception that parties were key in unifying state and society had remained unchanged. Like Kelsen and Von Wieser had argued in the interwar era, and Schumacher after the War, it was still widely considered that democracy was necessarily a ‘party-state’. Anti-party politics equated a hostility against democracy. SPD representative Adolf Arndt held in the parliamentary debate on the enactment of the 1967 party law that:

We can recognize the enemies of democracy today. We can recognize them not by their expressions, [because] everyone seems a democrat nowadays. However, we can recognize them because they are against political parties, against the financing of political parties ... this is how we recognize enemies of democracy today.⁸⁴

Such conceptions about the position of parties in democracy paved the way for further integration of parties in the state. Going beyond the provision in the Basic Law, parties now formulated their role as follows:

Parties shall participate in the formation of the political will of the people in all fields of public life, in particular by exerting influence on the shaping of public opinion; inspiring and furthering political education; promoting active public participation in political life; training capable people to assume public responsibilities; ...and ensuring continuous, vital links between the people and the instruments of state.⁸⁵

At first sight, the party finance law of 1974 enacted in Italy was less far-reaching. Strictly concerned, it solely covered financing of parties by the state. It was enacted against the backdrop of a corruption scandal earlier that same year, which involved bribes paid by ENEL, the state-owned energy company, to four government parties, which, in return, enacted laws favourable to the company. Yet, even if the law itself exclusively dealt with the conditions and extent of state financing of parties, lawmakers argued that it had a broader political meaning and legitimized the law with similar remarks about the importance of party–state integration in stabilizing democracy. During the debates which led up to almost universal adoption of the law in Parliament, MPs situated the law in the context of the constitutionalization of parties in the aftermath of the War. Indeed, the initiator of the law, DC representative Flaminio Piccoli, justified his call for state financing by arguing that ‘political parties have assumed an ever more extensive importance and dominant presence in the daily functioning of the constitutional life of modern states.’⁸⁶ For DC representative Giovanni Galloni, state financing was actually equivalent to citizen financing of parties, because it ensured that parties remained, by means of the state, financed by the community as a whole. In this way, the law ‘recreates a system in which the democratic development and popular sovereignty have the party as an instrument freed from whatever [outside] influence.’⁸⁷ And PCI member Alberto Malagugni, echoing Arndt, stated that the critics of the party-state

have not been able to propose any alternative. The precarious circumstances of our country, its history, its traditions, its experiences and upheavals of the last half-century have demonstrated how the question of democracy ... can only find an answer in the efforts of the parties ... above all in their capacity of construct unitary moments of convergence in respect of the diverse political and ideological inspirations [of the people].⁸⁸

As such, the party (finance) laws of 1967 and 1974 were a culmination of the arguments and institutional reforms of the interwar era and the 1940s. As a consequence of a series of institutional reforms, parties were no longer solely constitutional organs of the state, but were also paid for by the state just like other state institutions crucial in the functioning of modern democracy. Like the institutional reforms after 1945, these party laws had two sides. On the one hand, they should render parties more dependent on the state, in terms of financing, but also in terms of the control which the state had on their internal (financial) organization. On the other hand, this occurred on the initiative of the parties themselves, who moulded state legislation to their own advantage and thus contributed to the strengthening of the principle of the party-state and the essential functions which parties had in modern democracies. They therefore illustrate how state and parties were not entirely distinct entities, but had rather become entangled, as their relationship was adapted by mutual actions.

Conclusion

This article has provided a historical perspective on the position of parties as public utilities in contemporary democracies. The party–state entanglement in Germany and Italy after the Second World War had long historical roots. Already after 1919, political theorists observed the rise of ‘party-states’, even if these had not yet been legally sanctioned. Party politicians, legal scholars and constitutional judges considered the reinforcement of links between parties and the state a key element in the strengthening of democracy after 1945. In this sense they ‘completed’ the task which the interwar era had left unfinished – in the eyes of many reformers with terrible consequences for democracy as a result.

The constitutionalization of parties and the enactment of party (finance) laws in the 1960s and 1970s were therefore the result of a deliberate strategy. Political parties in Italy and Germany did not so much ‘migrate’ to the state to compensate for the lack of societal support. Instead, they were already ‘public utilities’ before the social support base of parties was eroded in the last quarter of the twentieth century. The institutional changes were embedded in an ideological tradition sanctioning the ‘party-state’ as an essential feature of modern democracy. The main theorists of the party-state such as Mortati and Leibholz, but also post-war politicians such as Adenauer and Basso, assumed that only by making parties ‘public utilities’, could democracies ensure that the will of the masses was translated into state action. Indeed, just as do the political scientists of today, and even before Otto Kirchheimer pointed to the ‘state-party cartel’ in 1957,⁸⁹ Mortati had already talked about a *trasformazione pubblicistica* of political parties, or, in other words, about the advent of parties as ‘public utilities’, in 1950.⁹⁰

However, it was mistakenly assumed that the advent of ‘party-state democracy’ was democracy’s ultimate transformation. The way in which society increasingly turned its back on parties since the late 1970s has pointed to the contrary, and has cast a shadow over the claim that only parties can bridge the gap between state and society in mass democracy. *Parteienverdrossenheit* in Germany, first expressed by anti-party party the Greens,⁹¹ but later more widely felt, ensured that the entanglement between party and state which had been sold as a democratic asset for decades, was now increasingly scrutinized.⁹² The Italian party system even completely broke down in the years 1992–94, during which the state-financing of parties was also abolished by referendum. The major parties which had embodied the post-war order vanished in the space of a few years, mostly under the influence of an extensive corruption scandal which wiped out the leading political class. International events such as the collapse of communism and European integration played a role, but the party system also collapsed because it was already eroded from the inside as major parties lost voters, members and societal support.⁹³ More recent scholarship, however, has tended to downplay the changes brought by the early 1990s, showing that the clientelism and corruption associated with the old party system have survived.⁹⁴ The state financing of parties also re-emerged.

As parties tend to lose their societal dimension, the institutions which made parties ‘public utilities’ tend to be perceived more critically than during the heyday of party politics in the mid-twentieth century. Whereas they used to be considered an asset to strengthen democracy, these institutions might now be considered an example of how political elites are defending their own position. This raises the question of what the historical experiences of Germany and Italy indicate about party–state links in Europe at large. Were these two

states perhaps exceptions, due to their respective experiences with one-party dictatorships? On the contrary, it seems rather that they were models which, despite their pitfalls, were increasingly followed across Europe. As shown above, after the First World War, they were part of a trend observed by contemporary political theorists which saw the advent of the 'party-state' as an essential outcome of mass democratization. After the First World War, they were among the first countries to legally sanction the 'party-state', a trend which has been followed by many countries since. This counted particularly for countries that emerged from dictatorships, such as Spain in 1977, and, a decade later, the countries of Central and Eastern Europe. For many states, the German party law of 1967 has served as a template.⁹⁵

As mentioned at the outset, this article is by no means conclusive research on the history of party-state relations. It still leaves further research questions unanswered, three of which seem of particular importance as a way of conclusion. The first concerns the question of a dimension of the party-state which has received only scarce attention in this contribution: party patronage. While patronage has also been a feature of post-war German politics, the way in which the Italian DC conquered the state apparatus was arguably without equivalent in Europe. How can we explain the different extent of the 'colonization' of the state by the main governing parties in Germany and Italy, while the institutional framework of party-state relations in both countries and the protracted period of Christian Democrat rule during the first post-war decades showed so many similarities? While Italian historiography often points to the institutional framework of party-state relations and protracted Christian Democrat rule as explanations for the failures of the 'party-state',⁹⁶ comparative research into this question suggests that it was not so much the formal institutional rules, but the way in which Italian politicians chose to neglect them, which opened the way for clientelistic party-state relations.⁹⁷ A more structural comparison with the German case might serve to explore the linkages between the institutional and patronage dimension of the party-state further.

The second question concerns the relationship between democracy and totalitarianism regarding the concept 'party-state'. As mentioned earlier, scholars observed that modern mass politics of whatever kind were necessarily party politics in the period after 1918. This not only counted for Mortati, who had already been active during the fascist regime. Leibholz argued in 1960 that 'there is no alternative to the party-state anymore' and that, consequently, 'the only alternative to a democratic party-state is a totalitarian party-state.'⁹⁸ It is along this line of reasoning that cracks more recently appeared in the stark distinction between multiparty and one-party party states regarding the relationship between parties and the state. This first occurred in Italy, where the lack of government alternation and the power of the DC have led many scholars to believe that there was more than a superficial continuity between party-state relations under fascism and the republic.⁹⁹ In Germany, scholars are more reluctant to point to the similarities between democratic and antidemocratic party-state models, but also here some hint at possible continuities of the models of pre- and post-war party-state relations.¹⁰⁰ This suggests that the topic of historical continuity between the pre- and post-1945 states, from the perspective of the 'statist' dimension of political parties, is a fruitful subject for further research.

The final question concerns the position of the 'party-state' in the reform of democracy in the aftermath of the Second World War. The 'transformation' of democracy has emerged as a booming topic in historiography in recent years.¹⁰¹ Democracy was reformed radically as a reaction to the traumatic interwar experiences after 1945.¹⁰² Whereas the difference

between pre- and post-war democracy is usually sought in socio-economic reforms, the development of ‘militant democracy’, or the expansion of the sociological base of parties which became genuine people’s parties, the transformation of parties into ‘public utilities’ was an equally important dimension of this reform.¹⁰³ Parties led the political transformation and privileged their own role over that of the other organizations of civil society. Yet they did so not primarily out of self-interest, ‘helping themselves, in that they are regulating themselves, offering resources to themselves, and paying themselves, albeit in the name of the state.’¹⁰⁴ Rather, they implemented normative assumptions about the role of parties in democracy that were based on the traumatic experiences with mass politics in the interwar era and that found their institutional expression in the post-1945 period.

Notes

1. Katz and Mair, ‘Changing Models of Party Organization.’
2. Van Biezen, ‘Political Parties as Public Utilities,’ 706.
3. Luther and Müller-Rommel, ‘Political Parties in a Changing Europe,’ 7; Poguntke, ‘Party Organizational Linkage;’ Bardi, Bartolini and Trechsel, ‘Party Adaptation.’
4. Keane, *The Life and Death of Democracy*.
5. Blondel, ‘Party Government,’ 235.
6. Mair, *Ruling the Void*, 98.
7. Bardi, Bartolini and Trechsel, ‘Party Adaptation,’ 154.
8. Ignazi, ‘Power and the (Il)legitimacy of Political Parties,’ 161.
9. Katz and Mair, ‘Changing Models,’ 17.
10. Katz and Mair, ‘The Ascendancy of the Party in Public Office.’
11. Van Biezen and Kopecký, ‘The Cartel-party and the State.’
12. Van Biezen, ‘Constitutionalizing Party Democracy.’
13. Apart from numerous individual party histories, see: Eley, *Forging Democracy*; Sassoon, *One Hundred Years of Socialism*; Kselman and Buttigieg, *Christian Democracy*.
14. See, for such a critique on historiography: Kreuzer, *Institutions and Innovation*.
15. Richter, ‘The German Party State;’ Lösche, ‘Parteienstaat Bonn – Parteienstaat Weimar?;’ Holtmann, *Der Parteienstaat*; Grüner, ‘Probleme des Weimarer Parteiensystem;’ Lupo, *Partito e antipartito*; Scoppola, *La Repubblica dei partiti*; Orsina, *Il Berlusconismo*.
16. Blackbourn, ‘Progress and Piety;’ Corner, ‘State and Society 1901–1922.’
17. Quoted by: Birke et al., *Politikverdrossenheit*, 110.
18. Manin, *The Principles*, Ch. 6.
19. Von Wieser, *Das Gesetz*, 433.
20. Pombeni, *Partiti e sistemi*, 196–8.
21. Kelsen, *Von Wesen*, 18.
22. Leibholz, *Die Auflösung*, 51.
23. Wiegandt, ‘Antiliberal Foundations, Democratic Convictions,’ 130.
24. Triepel, *Die Staatsverfassung*, 14.
25. *Ibid.*, 29.
26. Ambrosini, *Partiti Politici*, 5.
27. La Torre, ‘The German Impact.’
28. Fioravanti, *Costituzione e popolo sovrano*, 73–5.
29. Mortati, *La costituzione in senso materiale*, 74.
30. Schmid, ‘Weg und Ziel der Sozialdemokratie,’ 13.
31. Forner, *German Intellectuals*.
32. Corduener, ‘Challenging Parties and Anti-Fascism.’
33. Schumacher, ‘Politische Richtlinien für die S.P.D.’ 262.
34. Foa, ‘I partiti e la nuova realtà italiana,’ 21.
35. Rogers, *Politics after Hitler*.

36. Feldkamp, *Der Parlamentarische Rat*.
37. Fioravanti, 'Giuristi e dottrine del partito politico.'
38. Assemblea Costituente, Commissione per la Costituzione, Prima Sottocommissione, 20 Novembre 1946, 410. My emphasis. Found on: http://legislature.camera.it/frameset.asp?content=%2Faltre_sezionism%2F304%2F8964%2Fdocumentotesto%2Easp%3F, visited on 20-2-2017.
39. Ibid.
40. Parlamentarische Rat, *Band 5/I*, 8.
41. Parlamentarische Rat, *Band 9*, 536.
42. Parlamentarische Rat, *Band 2*, 282-3.
43. Article 21 of the German Basic Law. All the citations from party laws and constitutions in this article are taken from the database: <http://www.partylaw.leidenuniv.nl/party-law>
44. Kommers, 'The Federal Constitutional Court: Guardian of German Democracy,' 111-28.
45. Assemblea Costituente, Assemblea plenaria, 22 Maggio 1947, 4159-60.
46. Ibid., 4164.
47. Barbagallo, *Dal'43 a '48*.
48. Assemblea Costituente, Commissione per la Costituzione, Prima Sottocommissione, 19 Novembre 1946, 404.
49. Ibid.
50. Parlamentarische Rat, *Band 5/I*, 307.
51. Parlamentarische Rat, *Band 9*, 39-40.
52. Müller, *Contesting Democracy*, 128.
53. Adenauer, 'Rede in der Universität zu Köln,' 89.
54. Parri, 'Per la chiarezza democratica,' 207.
55. Ventresca, 'Mussolini's Ghost,' 91.
56. Parlamentarische Rat, *Band 2*, 280.
57. Schumacher, 'Politische Richtlinien,' 265.
58. Assemblea Costituente, Commissione per la Costituzione, Prima Sottocommissione, 19 Novembre 1946, 402.
59. Parlamentarische Rat, *Band 2*, 287.
60. Schumacher, 'Politische Richtlinien,' 263.
61. Assemblea Costituente, Commissione per la Costituzione, Prima Sottocommissione, 20 Novembre 1946, 409.
62. Di Loreto, *Togliatti e la 'Doppiezza'*.
63. Scoppola, *La democrazia cristiana*, 194.
64. Padgett, 'The Chancellor and his Party,' 47.
65. Manin, *The Principles*, 206-18.
66. Kopecký and Mair, 'Party Patronage as Organizational Resource.'
67. Von Beyme, *Die politische Klasse*, 39; Ginsborg, *Italy and Its Discontents*, 139.
68. Piretti, 'Continuità e rottura alla nascita del sistema dei partiti,' Von Beyme, *Die politische Klasse*, 63.
69. Nichols, *The Bonn Republic*, 160.
70. Pollard, 'Italy,' 91.
71. Von Beyme, *Die politische Klasse*, 60.
72. Fioravanti, *Costituzione*, 73-4; Lösche, 'Parteienstaat Bonn - Parteienstaat Weimar?', 141; Von Alemann, *Das Parteiensystem*, 81; Richter, 'The German Party State,' 73-4; La Torre, 'The German Impact,' 311-12.
73. Leibholz, *Das Wesen*, 245.
74. Ibid.
75. Mortati, *Concetto*, 3.
76. Mortati, *Istituzioni*, 727.
77. Mortati, *La costituente*, 215.
78. Mortati, *Concetto*, 26.
79. Kommers, 'The Federal Constitutional Court,' 120.

80. Chiarini, 'La fortuna del gollismo in Italia.'
81. Agnoli and Brückner, *Die Transformation*, 33.
82. Eley, *Forging Democracy*, Ch. 20 and 23.
83. Van Biezen and Kopecký, 'The Cartel-party,' 174.
84. Deutscher Bundestag, 5. Wahlperiode. 116 Sitzung, Bonn Mittwoch, 28 Juni 1967, 5800. Found on: <http://dipbt.bundestag.de/doc/btp/05/05116.pdf>, visited on 20–2-2017.
85. Party Law Germany 1967, Article 2.
86. Camera dei Deputati, Atti parlamentari, VI Legislatura, Proposta di Legge, Seduta 20 Marzo 1974. Found on: http://legislature.camera.it/_dati/leg06/lavori/stenografici/sed0241/sed0241.pdf, visited on 20–2-2017.
87. *Ibid.*, 14201.
88. *Ibid.*, 14192.
89. Kirchheimer, 'The Waning of Opposition.'
90. Mortati, *Concetto*, 11.
91. Hockenos, *Joschka Fischer*, Ch. 6–8.
92. Von Beyme, '30 Jahre Parteiengesetz,' 44–52.
93. Grillo di Cortona, *Dalla Prima alla Seconda Repubblica*.
94. Crainz, 'Italy's political system,' Special issue: Italy 1990–2014.
95. Van Biezen and Kopecký, 'The Cartel-party,' 174.
96. Masala, 'Born for Government'
97. Warner, 'Mass Parties and Clientelism in France and Italy.'
98. Leibholz, *Das Wesen*, 241.
99. Levy, 'From Fascism to "Post-Fascists;" Gregorio, 'Costituzione, forma di governo e partiti politici.'
100. Schefold, 'Die Parteiinstitution in Italien,' 136.
101. Mazower, *Dark Continent*, 287–91; Müller, *Contesting Democracy*; Conway, 'Democracy in Postwar Europe.'
102. Conway, 'Democracy in Postwar Europe,' 71.
103. Eley, 'Legacies of Antifascism;' Müller, 'The Triumph.'
104. Mair, *Party Democracies*, 18.

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References

- Adenauer, K. "Rede in der Universität zu Köln [Speech at the University of Cologne]." In *Reden 1917–1967. Eine Auswahl* [Speeches 1917–1967: A Selection], edited by K. Adenauer, 84–104. herausgegeben von Hans-Peter Schwarz, Stuttgart: Deutsche Verlags-Anstalt Stuttgart, 1975.
- Agnoli, J., and P. Brückner. *Die Transformation der Demokratie* [The Transformation of Democracy]. Frankfurt am Main: Europäische Verlagsanstalt, 1968.
- Ambrosini, G. *Partiti Politici e Gruppi Parlamentari dopo la Proporzionale* [Political Parties and Parliamentary Groups after the Introduction of Proportional Representation]. Firenze: La Voce, 1921.
- Barbagallo, F. *Dal'43 a '48. La Formazione dell'Italia democratica*. Turin: Einaudi, 1996.
- Bardi, L., S. Bartolini, and A. Trechsel. "Party Adaptation and Change and the Crisis of Democracy." *Party Politics* 20, no. 2 (2014): 151–159.
- Birke, A. M., et al., eds. *Politikverdrossenheit: Der Parteienstaat in der historischen und gegenwärtigen Diskussion. Ein deutsch-britischer Comparison* [Politikverdrossenheit: the party-state in historical and contemporary discussion. A German-British Comparison]. Berlin: De Gruyter, 1995.
- Blackbourn, D. "Progress and Piety: Liberals, Catholics, and the State in Wilhelminian Germany." In *Populists and Patricians. Essays in Modern German History*, edited by D. Blackbourn, 143–167. London: Allen and Unwin, 1987.
- Chiarini, R. "La fortuna del gollismo in Italia. Le suggestioni di una "Seconda Repubblica" [The fortunes of Gaullism in Italy. The suggestions of a Second Republic]." *Storia Contemporanea* 22, no. 3 (1992): 173–220.
- Conway, M. "Democracy in Postwar Europe: The Triumph of a Political Model." *European History Quarterly* 32, no. 1 (2002): 59–84.
- Corduwener, P. "Challenging Parties and Anti-Fascism in the Name of Democracy. The *Fronte dell'Uomo Qualunque* and its Impact on Italy's Republic." *Contemporary European History* 26, no. 01 (2017): 69–84.
- Corner, P. "State and Society 1901–1922." In *Liberal and Fascist Italy*, edited by A. Lyttelton, 17–43. Oxford: Oxford University Press, 2002.
- Crainz, G. "Italy's Political System Since 1989." *Journal of Modern Italian Studies*, 20, no. 2 (2015): 176–188. Special issue: Italy 1990–2014: The transition that never happened.
- Eley, G. "Legacies of Antifascism: Constructing Democracy in Postwar Europe." *New German Critique* 67 (1996): 73–100.
- Eley, G. *Forging Democracy. A History of the Left in Europe 1850–2000*. Oxford: Oxford University Press, 2002.
- Feldkamp, M. F. *Der Parlamentarische Rat. Die Entstehung des Grundgesetzes* [The Parliamentary Council. The Birth of the Basic Law]. Göttingen: Vandenhoeck & Ruprecht, 1998.
- Fioravanti, M. "Giuristi e dottrine del partito politico: gli anni trenta e quaranta [Judges and the doctrine of the political party: the 1930s and 1940s]." In *Le idee costituzionali della resistenza. Atti del Convegno di studi Roma 19, 20 e 21 ottobre 1995* [The constitutional ideas of the resistance. Minutes of an academic convention in Rome, 19, 20, 21 October 1995], edited by C. Franceschini, S. Guerrieri, and G. Monina, 193–205. Rome: Presidenza del Consiglio dei ministri, 1995.
- Fioravanti, M. *Costituzione e popolo sovrano. La Costituzione italiana nelle storia del costituzionalismo moderno* [Constitution and sovereign people. The Italian constitution in the history of modern constitutionalism]. Bologna: Il Mulino, 1998.
- Foa, V. "I partiti e la nuova realtà italiana [Parties and the new Italian reality]." In *Lavori in corso 1943–1946* [Works in progress 1943–1946], edited by V. Foa, 17–80. Turin: Einaudi, 1999.
- Forner, S. A. *German Intellectuals and the Case of Democratic Renewal. Culture and Politics After 1945*. Cambridge: Cambridge University Press, 2014.
- Ginsborg, P. *Italy and Its Discontents. Family, Civil Society, State*. London: Penguin Press, 2003.

- Gregorio, M. "Costituzione, forma di governo e partiti politici [Constitution, form of government and political parties]." In *Le istituzioni repubblicane dal centrismo al centro-sinistra (1953-1968)* [The Republican institutions from centrism to the centre-left (1953-1968)], edited by P. L. Ballini, S. Guerrieri and A. Varsori, 109-123. Rome: Carocci, 2006.
- Grillo di Cortona, P. *Dalla Prima alla Seconda Repubblica* [From the First to the Second Republic]. Rome: Carocci, 2007.
- Grüner, S. "Probleme des Weimarer Parteiensystem in Vergleich [Problems of the Weimar Party System in Comparison]." In *Herausforderungen der parlamentarischen Demokratie. Die Weimarer Republik in Europäischer Vergleich* [Challenges to parliamentary democracy. The Weimar Republic in a European Comparison], edited by A. Wirsching, 111-128. Munich: Oldenbourg Verlag, 2007.
- Gunther, R. S. and José Ramón Montero "The Ascendancy of the Party in Public Office. Party Organizational Change in Twentieth-Century Democracies." In *Political Parties. Old Concepts and New Challenges*, edited by R. Gunther, J. R. Montero, and J. J. Linz, 113-135. Oxford: Oxford University Press, 2002.
- Gunther, Richard "Party Government, Patronage, and Party Decline in Western Europe." In *Political Parties. Old Concepts and New Challenges*, edited by R. Gunther, J. R. Montero, and J. J. Linz, 233-256. Oxford: Oxford University Press, 2002.
- Hockenos, P. *Joschka Fischer and the Making of the Berlin Republic. An Alternative History of Postwar Germany*. Oxford: Oxford University Press, 2008.
- Holtmann, E. *Der Parteienstaat in Deutschland. Erklärungen, Entwicklungen, Erscheinungsbilder* [The party-state in Germany. Explanations, developments, appearances]. Bonn: Bundeszentrale für politische Bildung, 2012.
- Ignazi, P. "Power and the (Il)Legitimacy of Political Parties: An Unavoidable Paradox of Contemporary democracy?" *Party Politics* 20, no. 2 (2014): 160-169.
- Journal of Modern Italian Studies* 20, no. 2 (2015). Special issue: Italy 1990-2014: The transition that never happened.
- Katz, R. S., and P. Mair. "Changing Models of Party Organization and Party Democracy: The Emergence of the Cartel Party." *Party Politics* 1, no. 1 (1995): 5-28.
- Keane, J. *The Life and Death of Democracy*. London: Simon and Schuster, 2009.
- Kelsen, H. *Von Wesen und Wert der Demokratie*. Aalen: Scientia Verlag, 1963 [1929].
- Kirchheimer, O. "The Waning of Opposition in Parliamentary Regimes." *Social Research* 24 (1957): 127-156.
- Kommers, D. P. "The Federal Constitutional Court: Guardian of German Democracy." *The Annals of the American Academy of Political and Social Science* 603 (2006): 111-128.
- Kopecky, P., and P. Mair. "Party Patronage as Organizational Resource." In *Party Patronage and Party Government in European Democracies*, edited by P. Kopecký and P. Mair, 3-16. Oxford: Oxford University Press, 2012.
- Kreuzer, M. *Institutions and Innovation. Voters, Parties and Interest Groups in the Consolidation of Democracy - France and Germany, 1870-1939*. Ann Arbor: University of Michigan Press, 2001.
- Kselman, T., and T. Buttigieg, eds. *Christian Democracy. Historical Legacies and Comparative Perspectives*. Notre Dame: University of Notre Dame Press, 2003.
- La Torre, M. "The German Impact on Fascist Public Law Doctrine - Costantino Mortati's "Material Constitution"" In *Darker Legacies of Law in Europe. The Shadow of National Socialism and Fascism over Europe and its Legal Traditions*, edited by C. Joerges and N. S. Ghaleigh, 307-320. Oxford and Portland: Hart Publishing, 2003.
- Leibholz, G. *Das Wesen der Repräsentation und der Gestaltwandel der Demokratie im 20. Jahrhundert* [The essence of representation and the transformation of democracy in the twentieth century]. Berlin: Walter de Gruyter, 1960.
- Leibholz, G. *Die Auflösung der liberalen Demokratie in Deutschland und das autoritäre Staatsbild* [The abolition of liberal democracy in Germany and the authoritarian image of the state]. Munich: Dunker & Humblot, 1933.
- Levy, C. "From Fascism to "Post-Fascists": Italian Roads to Modernity." In *Fascist Italy and Nazi Germany*, edited by R. Bessel, 165-196. Cambridge: Cambridge University Press, 1996.

- Di Loreto, P. *Togliatti e la "Doppiezza". Il PCI tra democrazia e insurrezione (1944–1949)* [Togliatti and the *Doppiezza*: the PCI between democracy and insurrection (1944–1949)]. Bologna: Il Mulino, 1991.
- Lösche, P. "Parteienstaat Bonn – Parteienstaat Weimar? Über die Rolle von Parteien in der parlamentarischen Demokratie [Party-state Bonn – Party-state Weimar? About the role of parties in parliamentary democracy]." In *Demokratie in der Krise. Parteien im Verfassungssystem der Weimarer Republik* [Democracy in crisis: parties and constitutional system of the Weimar Republic], edited by E. Kolb and W. Mülhausen, 141–164. Munich: Oldenbourg Verlag, 1997.
- Lupo, S. *Partito e antipartito. Una storia politica della prima Repubblica 1946–1978* [Party and anti-party. A political history of the First Republic]. Rome: Donzelli editore, 2004.
- Luther, K. R., and F. Müller-Rommel. "Political Parties in a Changing Europe." In *Political Parties in the New Europe*, edited by K. R. Luther and F. Müller-Rommel, 3–16. Oxford: Oxford University Press, 2002.
- Mair, P. *Party Democracies and Their Difficulties*. Leiden: Leiden University Press, 1994.
- Mair, P. *Ruling the Void. The Hollowing of Western Democracy*. London: Verso, 2013.
- Manin, Bernard *The Principles of Representative Government*. Cambridge: Cambridge University Press, 1997.
- Masala, C. "Born for Government. The *Democrazia Cristiana* in Italy." In *Christian Democracy in Europe since 1945*, edited by M. Gehler and W. Kaiser, 88–102. New York, NY: Routledge, 2004.
- Mazower, M. *Dark Continent. Europe's Twentieth Century*. London: Allen Lane, 1998.
- Mortati, C., "Concetto e funzione dei partiti politici." *Quaderni di ricerca* (1949).
- Mortati, C. *Concetto e funzione dei partiti* [Concept and function of parties]. Rome, 1950.
- Mortati, C. *Istituzioni di Diritto Pubblico II* [Institutions of public law]. Padova: CEDAM, 1967.
- Mortati, C. *La costituente. La teoria. La storia. Il problema italiano* [The Constituent Assembly. Theory, history, the problem of Italy]. Rome: Darsena, 1945.
- Mortati, C. *La costituzione in senso materiale* [The material constitution]. Milan: Giuffrè editore, 1940.
- Müller, J. W. *Contesting Democracy. Political Ideas in Twentieth Century Europe*. New Haven, CT: Yale University Press, 2011.
- Müller, J. W. "The Triumph of What (if Anything)?" *Rethinking Ideologies and Political Institutions in Twentieth Century Europe, Journal of Political Ideologies* 14, no. 2 (2009): 211–226.
- Nichols, A. *The Bonn Republic. West German Democracy 1945–1990*. New York, NY: Longman, 1997.
- Orsina, G. *Il Berlusconismo nella Storia dell'Italia* [Berlusconism and Italy: A historical interpretation]. Basingstoke: Palgrave MacMillan, 2014.
- Padgett, S. "The Chancellor and his Party." In *Adenauer to Kohl. The Development of the German Chancellorship*, edited by S. Padgett, 44–77. London: Hurst, 1994.
- Parlamentarische Rat. *Der Parlamentarische Rat 1948–1949. Akten und Protokolle, Band 2. Der Verfassungskonvent auf Herrenchiemsee* [The Parliamentary Council 1948–1949. Minutes and protocols. Volume 2. The constitutional meeting at Herrenchiemsee]. Boppard am Rhein: Harald Boldt Verlag, 1981.
- Parlamentarische Rat. *Der Parlamentarische Rat 1948–1949. Akten und Protokolle, Band 5/I. Ausschuß für Grundsatzfragen* [The Parliamentary Council 1948–1949. Minutes and Protocols. Volume 5/1. Committee on fundamental questions]. Boppard am Rhein: Harald Boldt Verlag, 1993.
- Parlamentarische Rat. *Der Parlamentarische Rat 1948–1949. Akten und Protokolle, Band 9* [Parliamentary Council 1948–1949. Minutes and Protocols. Volume 9] Boppard am Rhein: Plenum Harald Boldt Verlag, 1996.
- Parri, F. "Per la chiarezza democratica (1946) [For democratic clarity]." In *Scritti scelti 1915–1975* [Selected Writings 1915–1975], edited by F. Parri, 207–221. Milan: Feltrinelli editore, 1976.
- Piretti, M. S. "Continuità e rottura alla nascita del sistema dei partiti [Continuity and rupture during the birth of the party system]." In *Le idee costituzionali della resistenza. Atti del Convegno di studi Roma 19, 20 e 21 ottobre 1995* [The constitutional ideas of the resistance. Acts of an academic convention in Rome, 19, 20, 21 October 1995], edited by C. Franceschini, S. Guerrieri and G. Monina, 206–212. Rome: Presidenza del Consiglio dei ministri, 1995.
- Poguntke, T. "Party Organizational Linkage. Parties Without Firm Social Roots?" In *Political Parties in the New Europe*, edited by K. R. Luther and F. Müller-Rommel, 43–62. Oxford: Oxford University Press, 2002.

- Pollard, J. "Italy." In *Political Catholicism in Europe*, edited by T. Buchanan and M. Conway, 69–96. Oxford: Clarendon Press, 1996.
- Pombeni, P. *Partiti e sistemi politici nella storia contemporanea 1830-1968* [Parties and political systems in contemporary history 1830–1968]. Bologna: Il Mulino, 1985.
- Richter, M. W. "The German Party State. A Reassessment." In *Transformation of the German Political Party System*, edited by C. S. Allen, 62–98. New York and Oxford: Berghahn Books, 1999.
- Rogers, D. E. *Politics after Hitler. The Western Allies and the West German Party System*. Basingstoke: Palgrave MacMillan, 1995.
- Sassoon, D. *One Hundred Years of Socialism*. London: I.B. Tauris, 2013.
- Schefold, D. "Die Parteiinstitutionen in Italien [Party-institutions in Italy]." In *30 Jahre Parteiengesetz in Deutschland. Die Parteiinstitution im internationalen Vergleich* [30 years of party-law in Germany. Party-institutions in an international comparison], edited by D. D. Th. Tsatsos, 133–142. Baden-Baden: Nomos Verlagsgesellschaft, 2002.
- Schmid, C. "Weg und Ziel der Sozialdemokratie [Road and objective of social democracy]." In *Politik als Geistige Aufgabe. Gesammelte Werke I* [Politics as spiritual mission. Collected writings], edited by C. Schmid, 13–37. Bern, Munich, Vienna: Scherz Verlag, 1973.
- Schumacher, K. "Politische Richtlinien für die S.P.D. in ihrem Verhältnis zu den anderen politischen Faktoren [Political guidelines of the SPD in its relation to other political factors]." In *Reden, Schriften, Korrespondenzen 1945–1952* [Speeches, writings, correspondence, 1945–1952], edited by K. Schumacher, 256–286. Bonn/Berlin: Dietz Verlag, 1985.
- Scoppola, P. *La democrazia cristiana in Italia dal 1943 al 1947* [Christian democracy in Italy from 1943 to 1947]. Milan: Dott. A. Giuffrè editore, 1975.
- Scoppola, P. *La Repubblica dei partiti. Evoluzione e crisi di un sistema politico* [The Republic of the parties. Evolution and crisis of a political system]. Bologna: Il Mulino, 1997.
- Triepel, H. *Die Staatsverfassung und die politische Parteien. Rede bei der Feier der Erinnerung an der Stifter der Berliner Universität König Friedrich Wilhelm III in der alten Aula am. 3. August 1927* [The state constitution and political parties. Speech in memory of of the founder of Berlin University, King Friedrich Wilhelm III in the Old Auditorium on 3 August 1927]. Berlin: Preussische Druckerei und Verlagsgesellschaft, 1927.
- Ventresca, R. A. "Mussolini's Ghost: Italy's Duce in History and Memory." *History and Memory* 18, no. 1 (2006): 86–119.
- Warner, C. M. "Mass Parties and Clientelism in France and Italy." In *Clientelism, Interests and Democratic Representation*, edited by S. Piattoni, 122–151. Cambridge: Cambridge University Press, 2012.
- Wiegandt, M. H. "Antiliberal Foundations, Democratic Convictions. The Methodological and Political Position of Gerhard Leibholz in the Weimar Republic." In *From Liberal Democracy to Fascism*, edited by P. C. Caldwell and W. E. Scheuerman, 108–135. Boston/Leiden/Cologne: Humanities Press, 2000.
- Van Biezen, I. "Political Parties as Public Utilities." *Party Politics* 10, no. 6 (2004): 701–722.
- Van Biezen, I. "Constitutionalizing Party Democracy: The Constitutive Codification of Political Parties in Post-War Europe." *British Journal of Political Science* 42, no. 01 (2012): 187–212.
- Van Biezen, I., and P. Kopecký. "The Cartel-Party and the State: Party-State Linkages in European Democracies." *Party Politics* 20, no. 2 (2014): 170–182.
- Von Alemann, U. *Das Parteiensystem der Bundesrepublik Deutschland* [The party-system in the Federal Republic of Germany]. Bonn: Bundeszentrale für Politische Bildung, 2000.
- Von Beyme, K. "30 Jahre Parteiengesetz – zum Stand der Parteienforschung [30 years of party-law. About the state of party research]." In *30 Jahre Parteiengesetz in Deutschland. Die Parteiinstitution im internationalen Vergleich* [30 years of party-law in Germany. The party-institutions in an international comparison], edited by D. Th. Tsatsos, 44–52. Baden-Baden: Nomos Verlagsgesellschaft, 2002.
- Von Beyme, K.. *Die politische Klasse im Parteienstaat* [The political class in the party-state]. Frankfurt am Main: Suhrkamp, 1993.
- Von Wieser, F. *Das Gesetz der Macht* [The law of power]. Vienna: Verlag von Julius Springer, 1926.