

Democracy and the Entanglement of Political Parties and the State: Party–State Relations in 20th-Century France, Italy, and Germany

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Abstract

This article makes a plea for a historical turn in the study of party–state relations. Building on recent insights on the role of political parties in institution-making which have emerged in the historical sciences, it suggests that the deployment of a historical institutionalist perspective can tackle the difficulties in isolating the causal mechanisms and identifying empirical indicators of party–state entanglement, which stand at the foreground of political science studies into the contemporary crisis of democracy in the West. Based on a analysis of institutional reforms of party state relations such as party laws, constitutions, and electoral laws in France, Italy, and Germany over the course of the 20th century, this article demonstrates how, other than the democratic problem which it is considered to be today, the entanglement of party and state not only had long historical roots but also made a major contribution to the democratization of Europe.

Keywords

political parties, democracy, cartel party, historical institutionalism, democratic theory

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Introduction: Three Unresolved Puzzles in the Study of Party–State Relations in Contemporary Political Science

The ever-closer relationship between political parties and the state occupies a prominent place in explanations for the current crisis of democracy in Europe. Even though not undisputed (Aucante & Dézé, 2008; Koole, 1996), the assumption that parties have moved ever closer to the state is widely accepted among political scientists today. Over the past few decades, parties have turned into “semi-state agents” (Katz & Mair, 1995) to compensate for the loss of their societal support base. Consequently, their traditional role as “watch-dogs” of the state has been eroded, anti-party politics have flourished and democracy has been damaged.

Party–state entanglement has stood at the foreground of party research ever since the publication of Richard S. Katz’s and Peter Mair’s seminar article on the “cartel party” (Katz & Mair, 1995). In this article, and in subsequent publications (Katz & Mair, 2002, 2009; Mair, 2013), they argued that parties have recently moved closer to the state, thereby triggering the widely perceived current crisis of democracy. Due to increased economic affluence and resulting changing modes of political participation, parties lost their societal roots, and turned to the state for support, becoming ever more dependent on and regulated by the state. Contemporary democracy is consequently characterized by the “interpenetration” between political parties and the state (Katz & Mair, 1995, p. 17).

As noticed, Katz and Mair considered this development to be rather recent. They assumed that in what they saw as the “golden age” of democracy, that is, the mid-20th century (Mair, 2013, p. 81), parties were “neatly separated from the state” (Katz & Mair, 1995, p. 8). They considered this separation from the state essential for the development of democracy. Indeed, Mair implied that the 20th century was “not only the century of democratization, but also the ‘century of party democracy’” (Mair, 1994, p. 7), rightly because of this separation. Their argument about the subsequent transformation of parties from societal to semi-state organs has become an important explanation of the current crisis of traditional parties and representative democracy across Europe, and different denominations have been coined to characterize the migration of parties to the state, such as the “state-centred party” (Ignazi, 2014) or the more neutral concept of parties as “public utilities” (van Biezen, 2004).

By shifting our understanding of political parties from their relations to society to their ties with the state, political scientists have enhanced our understanding of parties and their role in modern democracies. Yet, the notion of the “migration” of parties to the state (Luther & Müller-Rommel, 2002, p.

4) has also given rise to at least three continuing questions and controversies on the causes, features, and consequences of party–state entanglement, which, this article argues, political scientists have been unable to answer, because of their focus on contemporary developments rather than their historical roots.

The disputes concern in the first place the empirical foundations of the so-called “statist dimension” of parties, that is, the question where party–state “interpenetration” is actually located, or, put simply, *where* does it occur? While the notion that parties migrate to the state is widely accepted, it has proven difficult to map this migration empirically. Katz and Mair emphasized that party–state entanglement was primarily institutional in nature (Katz & Mair, 2009), and subsequent research consequently points to two institutional dimensions. One is party regulation by the state. This captures the way in which political parties internally and the party system as a whole are increasingly managed by the state, visible for instance in party laws and constitutions (Müller, 2002; Müller & Sieberer, 2006; van Biezen & Kopecký, 2014). The second feature of party–state entanglement concerns party financing by the state. It is widely assumed that parties are ever more dependent on the state for their survival, and some even argue that party financing by the state is “protecting the genus of parties as a species” (Dalton, Farrell, & McAllister, 2011, p. 30).

While it has proved difficult to find additional institutional indicators of party–state entanglement, the concern with growing party dependency on state subsidies points to the second dispute in the study of party–state entanglement, that is, the causal mechanisms that drive the migration of parties to the state, or, in other words, *why* do parties move to the state? It is widely assumed that party migration toward the state is driven by party “weakness” and a consequence of the eradication of their societal roots. This eradication is driven by large, structural processes such as changing modes of civic participation, increased affluence, and secularization, which have eroded parties’ social base (Dalton, 2004; Inglehart, 1977; Katz & Mair, 1995; Müller & Luther, 2002). Indeed, it is asserted that “the partyness of society is declining, [while] the partyness of the state is increasing” (Mair, 1994, p. 13). Parties “lose their societal roots” (Poguntke, 2002) and survive because party–state relations have “intensified” (van Biezen & Kopecký, 2014, p. 180). State financing of parties is usually considered the key indicator of this trend. It compensates for the alleged decline in membership contributions and in turn makes parties dependent on the state, further alienating them from society.

As this understanding of growing party dependency on the state already suggests, the final issue that preoccupies contemporary party scholars is how

we should evaluate these developments normatively. Although some scholars tend to take a more neutral stance toward them, as state support of parties could guarantee political pluralism (van Biezen, 2004), the far majority holds that the institutional entanglement of parties and state is actually negative for democracy. Mair famously argued that the migration of parties to the state is “hollowing out” democracy and that it makes democracy “unsustainable in its present form” (Mair, 2013, p. 1). Many hold the migration of parties toward the state responsible for the rise of populism, as populist parties have jumped into the societal vacuum that parties left behind (Mastropalo, 2007; Pasquino, 2007). Others even claim that by moving toward the state, contemporary parties are “following to some degree in the footsteps of the totalitarian party,” which also “colonized” the state (Ignazi, 2014, p. 161).

Toward a Historical Approach in the Study of Party–State Entanglement

Building on recent insights on the crucial role of political parties in institution-making which have emerged in the historical sciences over the last few years (Hanson, 2010; Kreuzer, 2001; Ziblatt, 2017), this article suggests that the deployment of a historical institutionalist perspective can tackle difficulties in isolating causal mechanisms and identifying empirical indicators of party–state entanglement. Contrary to most scholarly analysis of party–state relations, which assumes that the migration of parties toward the state is a recent and negative trend, this article demonstrates that it had long historical roots and was intrinsically linked to the institutional entrenchment and normative justification of democracy in the 20th century. With the institutional entanglement between parties and the state, I mean, following Ingrid van Biezen’s conceptualization of the growing interdependence between parties and state, the institutional integration of parties and the state, which renders parties simultaneously more dependent on the state and gives them increased control over the state (van Biezen & Kopecký, 2014).

Needless to say, the empirical material presented here, based on an analysis of electoral, constitutional, and party laws; parliamentary debates; and interventions from legal scholars, is no exhaustive overview of all possible nexuses between parties and state in 20th -century Europe. Instead, it analyzes moments of institutional change of party–state relations in three major European countries: France, (West-)Germany, and Italy. These countries had widely disparate historical experiences in at least four dimensions of party politics which feature in explanations of party–state entanglement. First, while all three countries knew powerful, yet different, traditions of anti-party politics, after 1945, anti-party political organizations were politically

marginalized in Germany and Italy, while in France they have been politically powerful (Berstein, 2001; Capozzi, 2009; Poguntke & Scarrow, 1996). The marginalization of anti-party forces in Germany and Italy leads to a second difference: Germany and Italy experienced a period of totalitarian one-party rule in the Interwar era, while France remained democratic. In other words, Germany and Italy knew an “unsettled road” to democratization, while France’s road to democracy was relatively settled since the end of the nineteenth century (Ziblatt, 2017). Third, in France, and especially Italy, professional mass parties were formed relatively late in the late 19th and early 20th century, while Germany was a global pioneer in this regard. Especially the German Social Democratic Party, founded in 1864, counts as the model of the well-organized mass party emulated elsewhere (Sassoon, 1996). Finally, these cases also had different party systems and different degrees of access of parties to public office. After 1945, the German party system crystallized around two moderate parties alternating in office. France’s system was more polarized and volatile. While the socialist party was a stable political force throughout the century, conservative and Gaullist parties frequently changed name and identity (Knapp, 2004). Italy’s party system was characterized after 1945 by a stability, but also the lack of government alternation: its “imperfect bi-partism” (Galli, 1967), condemned the Communist Party to permanent opposition and kept the Christian democrats in office for almost five decades.

Even though differences in democratization, anti-party politics, formation of parties, and their access to public office feature in scholarly explanations whether party–state entanglement proceeds (e.g., Blondel, 2002; Mair, 1994; Musella, 2015; Ullrich, 2009), a long-term comparative historical perspective reveals that had they had ultimately little impact on party–state entanglement. Of course, there are differences between the three states in exact party legislation. But seen with the benefit of historical distance, the similarities of a far-reaching institutional entanglement of parties with the state visible in party and electoral laws, constitutionalization, and direct public financing which evolved over the course of a century are much more striking. Indeed, notwithstanding these different historical contexts, this article shows how party–state entanglement proceeded in all states following a similar pattern which was driven primarily by party agency and party conceptions of democracy rather than structural social developments. Similar institutional reforms that strengthened parties saw a breakthrough everywhere after WW-I. Parties gained first state recognition in the running of parliament and elections, while prudent public financing was established. After the Second World War, party–state entanglement intensified, visible in constitutionalization and extensive direct public financing.

The striking similarities in the features and causes and effects of party–state entanglement make this a promising comparison. For if party–state entanglement indeed occurred in different party–political contexts, was able to withstand hostile anti-party currents, and survived major regime changes, these case studies potentially reveal something not only about the causes and nature of party–state entanglement in France, Germany, and Italy, but also about this aspect in the history and present of democracy in Europe at large, in which party agency has been essential and party–state entanglement has contributed to democracy’s entrenchment.

This article takes on the three issues that stand at the foreground of political science research to the position of parties in contemporary democracies and have been outlined above. The following section investigates how the tendency to regulate political parties actually goes back way beyond the last quarter of the 20th century. History shows what other institutional nexuses between parties and state preceded (and were a prerequisite for) constitutionalization that dominate today’s party studies to party regulation. Focusing on electoral laws and parliamentary ordinances enacted in the early 20th century, it shows how these institutional reforms collectively formed the first formal recognition and regulation of parties by the state and constituted a critical juncture for future integration.

The history of the reforms in the post-World War I era already suggests that political parties instigated their own entanglement with the state when their social base was still strong. The third section develops this argument further by analyzing a second major dimension of party–state relations: state financing of parties. Even during the “golden age” of party democracy, membership fees were far from sufficient to cover for party expenses. Parties looked for alternative funding that left them open to the accusation of jeopardizing democracy. State financing was early on presented and practiced as way of strengthening democracy. This means that state subvention to parties is far from a feature of the last quarter of the 20th century. It was practiced and justified from the early 20th century onward, because parties were considered “public utilities,” that is, essential for the entrenchment and development of democracy.

This susceptibility to various institutional nexuses of party–state relations and party agency as driving force of institutional change paves the way for a *longue durée* view of party–state relationships in the era of mass democracy in which a remarkable continuity can be discerned in how the institutional entanglement of parties and state was legitimized. The third section investigates how parties held normative assumptions on their role in democracy and their relation with the state that drove party–state entanglement. It investigates

the ideological roots, enactment, and reception of the constitutionalization in the 1940s and 1950s to unveil this pattern.

The conclusion then turns to the question of the relationship between party–state entanglement and the crisis of democracy today. If the institutional integration of parties in the state was actually not harmful, but beneficial for the development of democracy, and not recent, but deeply rooted, how can we explain the current alienation between parties and society that is characteristic of contemporary democracies? Building on the findings of the normative justification of institutional party–state entanglement, the conclusion puts forward the alternative hypothesis that it was the discursive identification of parties with the state, rather than institutional integration, that alienated them ever further from their constituencies. In other words, parties do not fail to represent all together (Mair, 2013), but represent in a different way: They view themselves increasingly as public bodies that represent the interests of the state. This is characteristic most of all for the so-called traditional parties that embodied the democratic order in European countries and governed the state in the second half of the 20th century. They have become parties of government which represent and defend the state’s interest to electorates *par excellence*. The conclusion posits that this identification with the state’s interests is responsible for the crisis of traditional parties across Europe, and that the concurrent rise of anti-party forces might, possibly, lead to the disentanglement of the institutions of the party–state in the future.

The Incorporation of Parties in the State at the Critical Juncture of the First World War

Constitutionalization officially transformed political parties from civil society agents to semi-public bodies which are recognized by the state for playing a crucial function in the organization of democracy (van Biezen, 2012). As such, constitutionalization is considered a starting point for the recent trend to transform parties into “public utilities” (Sartori, 1976; van Biezen, 2004).

However, seen from a long-term perspective, constitutionalization was not the beginning, but rather a step in the long history of institutional party–state entanglement. This was at least the view of early 20th-century legal theorists, who already commented upon the migration of parties to the state in very similar terms as political scientists do today. One of those was the respected German legal scholar Heinrich Triepel. In a lecture to commemorate the founding of Berlin’s university in 1927, he analyzed party–state relations in Europe, in general, and in Weimar Germany, in particular. Over the course of the 19th and early 20th century, he argued, party–state relations went through

at least four different phases. States had first actively battled political parties, then ignored them, subsequently recognized them, while, finally, a phase still in the future, parties would be constitutionally codified and, Triepel predicted, “incorporated” in the state.¹

If, indeed, as Triepel suggested in 1927, “incorporation” was only the final phase of party–state entanglement, how was it preceded by other institutional reforms that integrated parties with the state? In other words, what did the migration of parties consist of before their constitutional codification became reality in France, Italy, and Germany between 1948 and 1958?

The critical juncture for the first major reforms of party–state relations was the aftermath of the First World War. Critical junctures do not necessarily need to result in radical institutional change, but do always provide a window of opportunity for political reforms to enact institutional change (Capoccia & Kelemen, 2007). In the aftermath of the First World War, however, the critical juncture of mass democratization did lead to major changes to party–state relations. To stay with Triepel’s schematic outline, party–state relations made the crucial step from the second phase of “ignorance” to the third phase of “recognition.” As critical juncture, the collective institutional reforms of the post-World War I era established a pattern (Pierson, 2004) that Wars, anti-party forces, and regime changes did not change in the remainder of the 20th century. Party politicians instigated practices of state regulation that were, even though they were still prudent, not overturned, rightly because they empowered parties and entangled them with the state. Most importantly, however, they established the notion that the institutional elevation of parties from society to the state was crucial for democracy. Consequently, future institutional reforms with the objective of strengthening democracy virtually always took the direction of further party–state entanglement, rather than their disentanglement.

The impact of the advent of mass democracy after the First World War is key in this regard. This counted particularly for Germany and Italy, where the establishment of the Weimar republic and suffrage extension established mass democracy for the first time. This directly touched upon the position of the mass parties which had been the fiercest protagonists of democratization. Under the liberal autocratic regimes of Italy and Germany, but also in republican France with its ideal of a unified *volonté générale* not divided by partisan divisions, parties had successfully been prevented from dominating parliament and government (Mommson, 1990; Roussellier, 2017; Sergio, 2002). Institutional tricks such as a two-tier electoral system or the process of government formation successfully kept parties institutionally separate from the state. After the First World War, this situation quickly became obsolete, and the link between parties and mass democracy became institutionally

established (even if it was far from undisputed). Three particular institutional reforms collectively constituted this critical juncture of party–state entanglement.

The first reform was the introduction of proportional representation, which was introduced virtually everywhere on the European continent as the most democratic and modern electoral system imaginable at the time. Yet, nowadays usually studied from the perspective of representation theory, legal scholars and politicians at the time valued the introduction of proportional representation, because it equated the formal recognition and regulation of parties. It is therefore no coincidence that it was driven by organized mass parties themselves, which stressed the connection between the electoral reform, the formal recognition of parties by the state, and democratization. Indeed, during the debates on the reform in the Italian parliament in 1919, MPs made it clear that “this reform is initiated so that the Chamber [of deputies] will be a direct expression of the parties.”² The leader of the powerful Italian Socialist Party, Filippo Turati, even asserted that the reform’s greatest “virtue” was that it would “create parties where there are no parties yet.”³

The introduction of proportional representation implied, for the first time, the recognition by the state of the necessity of parties (rather than individual candidates) to organize political competition. Parties were no longer considered merely societal organizations without a formal role as mediators between state and society, but recognized at the crucial moment of that mediation: election time. As a consequence, France, Germany, and Italy ended up with electoral laws that introduced proportional representation, and which, for instance, impeded candidates from running in several districts simultaneously, obliged “political groups”—as parties were referred to, to present “closed lists” at elections, and regulated party competition by obliging parties to collect several hundreds of signatures of support before they could participate—thereby aiming to provide political splintering. The fifth article of the French electoral law of 1919, for instance, stipulated that “the lists are constituted, for each constituency, of groups of candidates who sign a duly legal declaration.”⁴

The introduction of proportional representation was the first positive state recognition of parties, and even in France, where the reform was reversed, re-introduced and reformed several times over the course of the 20th century, it permanently contributed to the empowerment of parties (Hanley, 2002, p. 25ff). This explains why Gerhard Leibholz, the legal scholar who was the intellectual father of post-1945 party–state democracy in Germany, already argued in 1931 that the “the development of the mass-democratic *Parteienstaat* found its clearest expression in the introduction of proportional representation.”⁵

The second step in the recognition of political parties by the state in the early 20th century constituted of their recognition on the electoral ballot, which followed proportional representation, but was empirically distinct from it. While all three states eventually enacted legislation that further endorsed parties or “political groups” in the running of elections explicitly, this was arguably most clearly visible in the Weimar Republic. Here, the question whether the state should formally recognize parties also on the electoral ballot after the adoption of proportional representation was considered an important issue in the passage to party democracy. During the *Kaiserreich* and the first years of the Weimar Republic, electoral ballots were not allowed to figure symbols of political parties and mentioned the names of individual candidates. This increasingly clashed with parties’ pivotal democratic role. The National Assembly, which designed the Weimar constitution and prepared parliamentary elections, despite all the violence and political chaos, found time in July 1919 to extensively debate the local election in Berlin, where ballot papers had figured the party symbol of the Social Democratic Party (SPD). Some MPs argued that the electoral commission should invalidate the 400,000 votes cast. Allowing party symbols to figure on electoral ballots, as the Berlin electoral commission did, was rejected for harboring a “revolutionary spirit.”⁶ Others, however, defended the commission’s decision, claiming that “it would be recommendable to print on future ballots ‘list of the social democratic party, list of the German people’s party,’ etc., so that voters are fully informed.”⁷ This recommendation to fully recognize parties was eventually followed upon. While the first electoral law of the Weimar Republic, that of 1920, did not mention parties explicitly yet, its reform in 1922 already stipulated that “on the ballot paper the name of the party should appear on the place of the name [of the candidate] or next to it.”⁸

The third institutional reform was a reform of the internal orders of parliaments. In France, this reform of the parliamentary orders actually preceded the First World War. From 1910 onward, 9 years after the French association law first formally allowed the formation of political parties, parliamentary orders allowed MPs to organize in groups, thereby legally recognizing that parliament, the state institution that should embody the unity of the nation as a whole, now reflected diverse societal interests (Hanley, 2002, p. 26). Also, in Germany and Italy, parliamentary orders were still based on the liberal principle that there was no formal connection between parliamentarians and political parties before 1918. MPs, at least in theory, embodied the sovereignty of parliament and were free to vote according to their own conscience. After 1918, the parliamentary orders obliged MPs to organize in political groups that corresponded to party organizations. In Weimar Germany, for instance, the internal orders of parliament of 1922 declared that each

parliamentary faction, which corresponded to parties, should count at least 15 members, and that parliamentary hierarchy followed the strength of these fractions.⁹ Triepel consequently observed that “an MP is no longer a representative of the people, but a representative of their party.”¹⁰ The same counted for Italy, where the new parliamentary orders obliged MPs to become part of a parliamentary group that corresponded to the lists that parties presented at election time. Gaspare Ambrosini, a prominent legal scholar, considered this reform key in the recognition of parties by the state. He claimed that even though

parliamentary groups existed also prior to this reform, they were disorganized . . . there was no constitutional legal connection between them. But today there is: this connection is imposed by the new regulations: the deputy can no longer remain isolated, but has to become part of a group.¹¹

The reform of parliamentary orders in France, Germany, and Italy meant that the state institution which like no other embodied the democratic legitimacy of the state, parliament, was now explicitly and formally organized along party lines.

The three reforms were collectively of key importance. The state for the first time legally recognized and regulated parties and affirmed their importance in the organization of democracy. Comments of legal scholars reflect this importance and bear a striking resemblance to how contemporary political scientists comment on ever-closer relationships between parties and the today, namely that of “incorporation” of parties in the state that Triepel observed in 1927. Triepel himself called it “evident” that

the government of the state is in the hands of political parties. They occupy the positions of the ministers, support the governments, and decide on the making of laws. They have more and more influence on the bureaucracy, which contributes to the patronage of civil servants.¹²

Ambrosini observed already in 1921 the “entrance in constitutional life of two new entities: political parties and parliamentary groups,”¹³ while Hans Kelsen stated in 1927 that the “constitutional recognition of political parties would merely legally recognize parties for what they already are: organizations of *Staatliche Willensbildung*.”¹⁴ But also party critics such as Otto von Koellreutter argued that in Germany, the *Parteienstaat* had become “a constitutional reality” and that this meant that “the organization of the state would become dysfunctional without the decisive collaboration of political parties.”¹⁵

Collectively, these institutional reforms constituted a critical juncture on which future reforms built. Parties now enjoyed state recognition in running elections, and state institutions that hitherto functioned without parties—parliament and government—now formally centered around them. The reforms thereby established an important pattern, namely that party–state entanglement and democratization were two sides of the same coin. The institutional reforms were still rather marginal compared with the enormous power that mass parties acquired in political practice in the Interwar era, but because of the establishment of this pattern, democratic challenges would be met with further party–state entanglement rather than their reversal after 1945.

Party Agency and the Gradual Expansion of Public Party Financing

If the groundwork for the migration of parties toward the state was laid already in the first decades of the 20th century, the main question remains why parties moved to the state. As outlined in the introduction, current-day understandings of the causal mechanisms that drive party–state entanglement emphasize that parties are largely reactive to structural social trends that work against them. State financing of parties is then highlighted as key proof of this trend. During the golden age of democracy, parties “leaned heavily on [their] membership base” for their finances (Katz & Mair, 1995, p. 20). But as these members under the influence of secularization and growing affluence opted for different forms of political participation, parties turned to the state for support. However, this reading of the causal mechanisms that drive party–state entanglement tends to underestimate party agency in instigating the institutional reforms. Other than being a response to social trends of the final decades of the 20th century, state financing was part of the institutional entrenchment of parties in the state that started already in the beginning of the 20th century and closely related to the question how democracy could be strengthened.

Other than the somewhat “nostalgic” image of the mass party of the mid-20th century suggests (Dalton, Scarrow, & Cain, 2006, p. 250), the major political parties failed to be funded largely by their members’ contributions in that “golden age” of party democracy. Their social entrenchment was certainly visible in the impressive amount of social activities of some parties. Especially, the Italian mass parties and the SPD ran numerous local offices and employed hundreds of permanent party officials. Yet, this did not mean that they were able to survive solely on membership fees. Even the SPD, the most successful party in this regard, was unable to cover for its organization by membership fees only in the 1950s (Dübber & Braunthal, 1963, p. 776).

The French Christian Democratic Party, one of the major parties of government during the Fourth Republic that explicitly presented itself as a mass party even suffered from “chronic financial weakness,” to such an extent that 75% of its regional organizations could not employ *any* full-time official in the late 1940s (Irving, 1973, p. 97).

Parties consequently sought alternative financial resources. The Italian and French communist parties relied heavily on financial support of the Soviet Union after 1945, which caused suspicion among other parties about the influence of a foreign power on the democratic process. Other French parties were funded “by a multitude of sources, economic enterprises, cooperatives, agricultural organizations, and religious organizations” rather than members (Fusilier, 1953, p. 159). The Italian and German Christian democrat parties tapped their government clientele and business organizations. The Italian DC was funded by state-owned enterprises and the *Confindustria*, the Italian employers’ organization (Passigli, 1963, p. 722). The CDU likewise followed the recommendation of the president of the well-funded regional party branch in Schleswig-Holstein, to “move into the business organizations” (Heidenheimer, 1957, p. 376). Given their control over government, the CDU also tapped the finances of state-owned organizations. The SPD objected strongly, calling financial support for the CDU by state-owned company *Volkswagen*, the “abuse of public money to finance a political party” and “a clear case of political corruption.”¹⁶

The difficulties of parties to being funded entirely, or even primarily, by membership fees are thus far from a new phenomenon, but existed even in the “golden age” of party democracy. As the accusation of the SPD already suggests, the funding schemes of the major parties left them open to the accusation of corruption and even of jeopardizing democracy. The expansion of party funding by the state was therefore not primarily related to declining membership numbers, but rather to the question until what extent and how the state should support the development of democratic institutions. As such, it had a long history that went back to the birth of mass democracy itself.

It is therefore no surprise that the first forms this kind of state subvention were practiced in France, which was democratizing in the last quarter of the 19th century. In 1881, the parliament of the Third Republic passed a law that released state funds to support electoral competition. It allowed parliamentary candidates and groups free campaigning space on public buildings (Fusilier, 1953, pp. 152-153). After the First World War, France ended the practice, common practice also in Germany and Italy, of candidates and “lists” being responsible to pay for the distribution of ballot papers. These would henceforward be paid for by the state. Whereas such state expenses for the organization of elections are obvious from our current-day point of view,

they were controversial at the time. They necessarily raised the question whether the states should fund political parties and what this implied for the institutional separation between parties and the state which had been cherished by pre-1918 regimes.

Increasingly, the answer shifted toward state funding of parties. The German National Assembly, for instance, debated electoral expenses in the context of the enactment of the electoral law in 1920. Felix Waldstein of the liberal German Democratic Party refuted the claim that state support for parties in the running of elections meant that “we, the parties, want to improperly appropriate the *Reich's* money.”¹⁷ Instead, it was only reasonable that “if parties are responsible for the ballot papers, they receive a contribution to this aim.”¹⁸ In his successful defense for financial support of parties, Waldstein explicitly connected state subvention to parties with the strengthening of democracy. He claimed that “it is way better that ballot paper is paid for by the state than by big industry”¹⁹—referring to how the far right was funded by forces hostile to democracy. This argument was also on the mind of arguably the most esteemed statesman of Weimar Germany, Gustav Stresemann, when he proposed the direct funding of political parties by the state in 1928. Stresemann stated that the state should cover all electoral expenses of parties to support democracy. According to Stresemann, “In these times, when capitalist powers have a much larger influence than before, we have a clear stake in the fact that they cannot exert this influence on the composition of parliament.”²⁰

Such arguments denoted a shift in how parties viewed themselves. They no longer considered themselves crucial for democracy solely as social organizations, but also as public organizations essential for the functioning of the democratic state and therefore worthy of state funding. Whereas political scientists observe democracy is becoming “a service to society” provided by the state by means of parties (van Biezen, 2004, p. 705), the legislation on funding of political competition, elections, and parties in the beginning of the 20th century reveals the same underlying mechanism and justification.

While the pattern of the expansion of state funding of parties had been established already before 1945, state financing of parties greatly expanded only after the Second World War. The funding schemes of fascist parties in the Interwar era had painfully revealed how party funding could jeopardize democracy and that the legislation of the Interwar era failed. After the Second World War, further entanglement of parties with the state by means of public funding and state regulation of party resources was therefore put forward as a solution to prevent a repetition of the past. In that sense, the critical juncture of 1945 did not lead to a reset of party–state relations, but confirmed, and strengthened, the pattern that was established before the War. In constitutional assemblies in all three states, proposals were made that foresaw in state

control over the funding of parties. Yet, the importance of party agency in enacting legislation that enabled this was once again underlined by successful communist resistance to these constitutional articles in France and Italy. Italy ended up with a watered-down version of a constitutional article on parties, while France's Fourth Republic knew no constitutional reference to parties at all. And even in Germany, where the constitution obliged parties to publish their accounts yearly, the article remained a dead letter in the 1950s and early 1960s.

This did not preclude the steady expansion of state financing in the first postwar decades. This initially followed the pattern established in the Interwar era of the state taking on ever more expenses that parties made in running elections and parliament and of funding parties indirectly, underlining how institutional patterns can resist major shocks such as regime changes (Mahoney & Thelen, 2009). The French government took over electoral expenses that were hitherto funded by parties themselves after liberation in 1945. Party propaganda material was now paid for by the state, while the state also offered free air time on public media. The contribution to parties expanded quickly: The French state spent twice as much for the 1956 parliamentary elections than in 1951. The major increase came from the state reimbursement of the campaign costs of parties, which tripled in a period of 5 years (Dogan, 1957). In Italy, the parties greatly expanded the state contribution to the maintenance of parties' parliamentary factions, which quadrupled in late 1960s (Pizzimenti, 2017). In Germany, the CDU government developed a tax break scheme for political contributions to parties—a means of indirect party funding by the state. The Federal Constitutional outlawed the tax break scheme, because it did not favor all parties equally. Yet, it also stated that because parties played a “decisive” role in elections, the government should consider “to provide financial means by the state for political parties.”²¹ Parties quickly responded by expanding indirect state funding (Dübber & Braunthal, 1963, pp. 784-785).

However, the indirect funding of parties still entailed only limited state control over their incomes. All states battled with political scandals that involved party funding in the postwar era. In the first decades after the War, political parties, moreover, continued to put forward proposals for full-fledged party finance laws that would foresee in direct funding of parties and would also increase state regulation of party finances. After the constitutionalization praised the roles of parties as essential for democracy, party funding by the state was presented as a natural consequence that enabled parties to fulfill their constitutional roles. The Italian Christian Democrat proposed state financing of parties “proportional to their size” not only as a way to “moralize” politics but also because parties had “entered the life of the state”

at a conference in 1963. Indeed, they argued it was essential, because parties had “changed the state” and had “made the state a democratic state.”²² The same counted for Germany, where in reaction to the constitutional court ruling that outlawed the tax break scheme, the Christian democrat–led government installed a commission that propose a full-fledged party law. This commission concluded that it was “obvious” that political parties could not fulfill their new and recently expanded democratic roles without financial means. It consequently proposed two means of state financing of political parties: either indirectly by means of tax deductions, now within a new legal framework that benefited all parties equally, or directly through subsidies.²³

The expansion of state funding of political parties culminated in the party (finance) laws of Germany (1967), Italy (1974), and France (1988), which introduced direct state funding and increased state regulation of party finances. Two aspects of this legislation are worth mentioning. First, even the major parties on the Left in their heyday did not see any tension between their claim to be mass parties rooted in society and their increased integration with the state. In other words, they saw themselves not as societal forces versus the state, but as “public utilities” which merited state funding. Indeed, the SPD “recognized” that public financing of parties was “reasonable in the interest of the consolidation of our democratic order” in 1966.²⁴ The Italian Communist Party, the most powerful membership party in Western Europe, likewise stated that it was “decisively and principally in favour” of public financing of parties, because this enabled them to play their constitutional role.²⁵

Second, it is important to note that party finance laws were enacted by collaboration between the major political parties. This was characteristic also of other moments of “institutional layering” (Mahoney & Thelen, 2009) of the institutions of the party–state such as in the aftermath of the First World War and during their constitutionalization in the 1940s and 1950s. In Germany, the party law was enacted during the Grand Coalition between SPD and CDU; in Italy, during the lead-up to the Historic Compromise between PCI and DC; and in France, during the co-habitation between the Gaullist party of Jacques Chirac and the socialist presidency of Francois Mitterrand. The cross-party collaboration emphasized that public financing was intended to support not only individual parties but also a pluralist party system as a whole as essential for democracy.

The party finance laws that foresaw in direct funding and increased control did not prevent future disputes and scandals on party funding, but were driven by the notion that party–state entanglement was considered a strengthening of democracy. Far from a recent development that compensates parties for declining membership numbers, the gradual extension of state financing

of parties has been inextricably linked with the development of democracy over the course of the 20th century.

Constitutionalization and the Normative Justification of Parties as “Public Utilities”

The justification of the introduction of state financing of parties reveals how the entanglement between parties and state was entwined with the development of democracy in the 20th century. At no moment did this become clearer than during the constitutionalization of parties after the Second World War. After experiences with dictatorship and one-party regimes, party pluralism was institutionalized and constitutionally enshrined to protect democracy.

The responsible politicians who drove the constitutionalization and, who sometimes even, like German CDU-leader Konrad Adenauer asserted that “all political activities should go through the parties,”²⁶ built on Interwar notions of the regulation and institutionalization of political parties as a means to strengthen democracy. Francois Goguel, writing under pseudonym, remarked in 1939 that the lack of regulation on the internal affairs of parties proved to be “an undisputed danger for democracy.”²⁷ His contemporary Jean Gosset went further still and proposed that all parties should adopt the same party statutes: “A statute common to all parties, regulating the relationship with their members, their internal currents, and the state, would mean a notable improvement of the liberal regime.”²⁸ Hans Kelsen argued similarly in 1929 that the “constitutional recognition of parties would create the opportunity to democratize the formation of political will inside parties.”²⁹

The end of the War provided a window of opportunity for parties to translate these views into practice into new constitutions. Parties played a key role in the formation of the new republics in Italy, France, and Germany in the second half of the 1940s. They were what the German philosopher Dolf Sternberger in 1948 called *Staatsgründer* (founders of the state). Even before the parties could play their traditional role as electoral competitors, they constructed postwar democratic states in constitutional assemblies and councils.³⁰ This culminated in what contemporary legal scholars considered a “revolutionary” legal development,³¹ namely in a formal constitutional recognition of parties and their rights and duties in the democratic state. The Italian constitution and the West German Basic Law elevated parties to constitutional organs and clearly stipulated that the democratic state could not function without them. They should “contribute with democratic means to national politics,” in the Italian case, or “contribute to the formation of the political will” of the people, as in the German case.

Communist resistance was, as mentioned above, the explanation for initial absence of the constitutionalization of political parties in France, even though also the Fourth Republic “was the creation of party machines” (Gildea, 1996, p. 36). France’s first constituent assembly, on initiative of the socialists and Christian democrats, had even proposed a “party statute” which regulated party behavior. Goguel claimed that a statute could be “a guarantee of democracy, a prevention against the power of money over politics, a [protection] against fascism in all its forms.”³² It was therefore no surprise that France ended up with a constitutional article on parties in 1958, when the Fifth Republic was established and the communists were marginalized. The relationship between parties and state was essential for the commission that drafted the Fifth Republic’s constitution, notwithstanding Charles de Gaulle’s anti-party sentiments. The commission remarked that “a party statute is at least as important as the legal aspects of the constitution,”³³ and the German and Italian constitutions were referred to as examples of how party constitutionalization could be realized.³⁴ Some commission members wanted to go beyond these articles and even introduce an imperative mandate for MPs to ensure that they followed the party line.³⁵ Such proposals were eventually voted down, but revealed the extent until which also in France, during the establishment of a Gaullist republic clearly inspired by anti-party sentiments, the relationship between parties and state was reformed and made more co-dependent, and which underlined the importance of parties in the democratic process.

Sometimes, the tendency to integrate parties and state with each other went further still. Arguably, the most telling example of this trend was the 1947 constitution of the German state of Baden. This constitution stipulated in great detail how the integration between state and parties should foster democracy. For instance, the constitution fostered large people’s parties by demanding that only organizations that counted 30,000 members could claim the privileged party status. But more importantly, it stipulated that parties’ first duty was state responsibility rather than voicing societal concerns:

Parties must feel co-responsible for the formation of political life and for guiding the state, whether in government or in opposition. When they are in government, they are obliged to put the national interest above party interest. When they are in opposition . . . their critique [on the government] should be to-the-point and constructive. They must be willing to take government responsibility.³⁶

The Baden constitution, even though far-reaching, shows how the entanglement of political parties with the state was not the result of social trends working against parties, but of parties capitalizing on their prominent role in the making of democratic institutions. This became first visible in the wave

of democratization that followed World War I, when they strengthened their own role in the running of elections and parliaments, and was boosted again in the aftermath of the Second World War. The path dependency of party–state entanglement is thereby clearly visible over the course of the 20th century. Constitutional recognition of parties built upon the institutional reforms of the Interwar era and later led to further integration between parties and the state. Indeed, direct state funding of parties was presented as a natural consequence of constitutional codification of parties in the party (finance) laws of 1967, 1974, and 1988. Parties were lauded in the Italian parliament in 1974 as “the authors and guarantors of the change from monarchy to republic” (which had followed the collapse of fascism) and their constitutional recognition was praised as “not merely formal,” but essential as it allowed parties to unite “institutions and civil society.”³⁷ In Germany, similarly, lawmakers asserted in 1967 that the current *Parteienstaat* was markedly different

from the nineteenth-century understanding of parties as mere electoral organizations of honorary clubs. Rather, the commission [that designed the party law] has adopted a modern and more extensive party understanding that has been guaranteed by the constitution and has become constitutional reality over the past twenty years.³⁸

In a very similar fashion, then Prime Minister, and future president, Jacques Chirac defended the French law on the “transparency of political life” of 1988 that foresaw a spending cap in elections, the obligation for politicians to publish financial assets, and direct state funding of parties (Doublet, 1990, pp. 61–62). He claimed in parliament that “our ambition, one which I believe everyone will share, is to make our democracy even more democratic.”³⁹

Such comments reveal a striking continuity in how the institutional entanglement between parties and state was driven by normative assumptions that parties held on party–state relations and their importance for democracy in the 20th century. Already in the 1920s, the “public function” of parties was implicit in proposals for state financing and the enshrinement of parties in parliamentary orders and electoral procedures, and the same argument was made extensively during the constitutional reforms of the 1940s and 1950s and again during the enactment of party financing laws in the 1960s, 1970s, and 1980s.

Conclusion: The History of Party–State Entanglement and the Crisis of Democracy Today

Based on three case studies, this article has demonstrated how a long-term historical perspective can reveal the historical roots of current-day

party–state entanglement and how this has contributed to the entrenchment of democracy in states that were haunted by regime changes and experiences with the (threat of) dictatorship. The institutional migration of parties toward the state is no new phenomenon and not a sign of democratic crisis, but an intrinsic part of the pathway to democracy in France, Germany, and Italy in the 20th century.

This raises the question until what extent the findings of this research can be extrapolated to Europe, or “the West” at large. This article has underlined the importance of the introduction of proportional representation as a critical juncture for the further fostering of party–state ties, also because, as this article has shown, it had important consequences for internal ordering of parliament, the running of elections, and, eventually, constitutional enshrinement, and state financing of parties. This meant that the findings of this research are less applicable to countries with a first-past-the-post system such as the United Kingdom or the United States and confirm that proportional representation is essential for the development of a *Parteienstaat* (Puhle, 2002). However, given the three very distinct historical trajectories that these countries went through, it seems fair to conclude that the dynamics and causes of party–state entanglement in these countries reveal something about the causes and effects of party–state entanglement in continental Europe at large. Indeed, the history of France, Germany, and Italy that has been the subject of this article suggests that, at least for continental Europe, the institutional entanglement between parties and the state is not so much an aspect of the current crisis of democracy—as it is usually understood—but rather an essential feature of the development of 20th-century democracy, even if, of course, the exact institutional integration of parties in the state shows some variation among the cases (van Biezen & Kopecký, 2007).

As such, this *longue durée* perspective on party–state relations sheds a light on contemporary controversies in the political science literature on the causes, features, and consequences of the migration of parties toward the state. First, it has unveiled the long historical roots and multiple institutional nexuses of party migration toward the state. Every generation of scholars over the course of the last century or so seems to have been preoccupied with the migration of parties to the state. Katz and Mair acknowledged that their famous predecessor Otto von Kirchheimer already noted the ever-closer ties between parties and the state in the 1950s (Katz & Mair, 2009). This article has revealed how also Interwar scholars observed the “incorporation” of parties in the state.

The critical juncture for this migration was the aftermath of the First World War, when the state for the first time formally recognized parties and endorsed them formally for controlling elections, parliament, and government. These

reforms established a pattern that, despite regime changes and anti-party sentiments in France, Germany, and Italy, was not reversed after the Second World War. Rather, episodes of political change always resulted in further institutional entanglement between parties and state with the aim of strengthening democracy. Germany and Italy were emphatically constructed as a *Parteienstaat* and “republic of the parties” after 1945, while also France’s institutional party–state framework, despite the Gaullist influence on the constitution, came to display very similar features as in the other two countries.

Political parties were the main drivers behind these institutional changes and their integration with the state, also at moments when their societal base was still strong. Other than assumed by political scientists as well as historians (e.g., Eley, 2002), the contribution of parties to democratization does not seem to lie primarily in their role as societal actors, but also in their relationship with the state and their capacity as institutional engineers. Mair was thus surely right when they stated that parties “to all intents and purposes, *are* the state, or at least, they are those who devise the rules and regulations promulgated by the state” (Mair, 1994, p. 19). However, other than he assumed, even in the “golden age” of democracy parties were not “neatly separated from the state” (Katz & Mair, 1995, p. 8), which casts doubt over the claim that their institutional “separation” from the state was necessarily beneficial to democracy and their “interpenetration” with the state is necessarily negative. The institutional entanglement of parties has rather been an essential feature of 20th-century democracy that has, overall, benefited its development. This imposes on scholars the imperative to put “parties at the centre of analysis” (Capoccia & Ziblatt, 2010, p. 958) and study their role as institutional reformers to understand the development of Europe’s trajectory to democracy.

This opens up two possible avenues for research into the history and future of party–state relations and their implication for democracy. The first concerns the question how can we explain the current alienation between parties and society if, other than often assumed, the institutional integration of parties in the state, which is now blamed for that alienation, was actually deeply rooted and beneficial for the development of democracy. The findings of this article suggest that future research should focus on another dimension of the entanglement of parties and the state. Over the course of the past decades, parties have increasingly come to consider themselves public bodies and have come to identify with the interests of the state, rather than with their social constituencies. Parties increasingly express, what the British scholar Michael Saward calls, “statel representation.” Whereas “popular representation” means that parties represent preexisting social cleavages and build on “mass membership and high degrees of partisan support,” “statel representation” means that parties emphasize “the performance of state functions” and “in a broader sense

[represent] the state to the people via crafted depictions of national interests and aspirations” (Saward, 2008, pp. 275-277).

It should be said that also this trend for parties to represent the state goes back a long time. From the Interwar era onwards, observers noted party tendency to move away from the representation of particular groups and identify with the general interest and, by implication, the interests of the state. The famous political scientist Sigmund Neumann noted already in 1932 an “entanglement of parties with the destiny of the *Gesamtheit* . . . also the so-called class parties, that consciously appeal only to a part of the people, cannot escape this trend.”⁴⁰ However, this trend has become ever more strongly entrenched in recent decades. Examples are rife. The SPD stated at the party congress of 1964 that “we should not let ourselves be pushed out of the state. But we must very emphatically identify with the nation, with the general interest of the people.”⁴¹ The SPD’s party treasurer claimed that parties should “help to support the state.”⁴² The Italian Socialist Party stated in 1961 that “parties are, by now, structurally organs of the public and bureaucratic life of the country.”⁴³ The prominent Italian socialist politician Lelio Basso claimed that “the party assumes a public function in the democratic society.”⁴⁴ The DC argued that “parties are the fundament of democratic systems, the pillars of the modern state” in 1974.⁴⁵ And politicians defended the French party finance law of 1988, because it “recognizes the function of parties as participants *in a sort of public service* to universal suffrage.”⁴⁶

The institutional entanglement of political parties with the state—visible in electoral laws, constitutions and party (finance) laws—seems connected to this shift from popular to statal representation that parties have gone through. But it does not seem to be a hard prerequisite for it. Indeed, focusing on the dimension of representation in the entanglement of parties and the state might explain why the crisis of traditional parties is felt also in countries where the institutional entanglement of parties and state has not proceeded as far as in, for instance, Germany. Also in Scandinavian countries or the Netherlands, where parties are less institutionally integrated with the state, future research could establish how the so-called traditional parties also there increasingly identify with the interests of the state and see themselves as a “public service” in the first place, which might undermine their capacity to represent societal forces. And it could consequently explain why also there anti-party forces have been on the rise.

This leads to the second question: What will the demise of the (left-wing and Christian democrat/conservative) traditional parties that drove the institutional integration between parties and the state in the 20th century mean for the prospects of (party) democracy in the future? Will the entanglement of

parties and state be reversed or will current anti-party forces eventually adapt and conform to standing institutions of the party–state?

Some might argue that adaptation is what we could expect. The German Green Party comes to mind as the key example here. Explicitly founded as an extra-parliamentary movement that would break with a typical party organization that characterized the established parties and determined to break with the privileges that parties enjoyed in the German *Parteienstaat*, the Greens, once in parliament, easily adapted to existing structures and did no longer challenge the institutions of the *Parteienstaat* it once resented (Hockenos, 2007). More generally, the history of party–state relations in France, Italy, and Germany shows how parties have been able to meet anti-party challenges with further institutional entanglement of parties with the state, and that the pattern established after 1918 has been able to withstand regime changes and Wars throughout the 20th century.

However, there are also signs that democracy is entering a new phase in which anti-party politics could translate into the institutional disentanglement of parties and state. Italy can serve as the most enlightening historical case in this regard, as in this country, more than in any other anti-party forces have politically been powerful since at least the 1990s (Orsina, 2013). Italy experienced an exceptional political crisis early in that decade in which, as first European country, the parties that embodied the postwar democratic order and had driven the institutional entanglement of parties and state, broke down (Scoppola, 1997). While there were numerous causes for the tumultuous events of the early 1990s, growing fatigue with traditional parties was a major explanation for their quick collapse (Crainz, 2012).

Many peculiarities of Italian democracy have survived the political overhaul of the early 1990s (Bull, 2012), but for party–state relations the events did constitute a critical juncture in which opportunities arose to disentangle parties and the state. Indeed, ever since the 1990s, the country has witnessed a wave of anti-party movements and initiatives that have not only successfully broke the power of traditional parties but also commenced to challenge the institutional entanglement of parties with the state. While, during the first post-1945 decades, the country adhered to a system of proportional representation that benefited power sharing between the major parties, the country abandoned the system in the early 1990s by referendum—and frequently changed system since. More importantly, direct party financing by the state has been abolished in the country. A referendum in the late 1970s still showed majority support for the practice of state financing of parties, but public financing was abolished in the crisis of the 1990s and formally ended in 2013 (Pizzimenti, 2017).

Because of the gravity of its political crisis in the early 1990s, Italy stands out as a far-reaching example of how the rise of anti-party forces can translate in institutional change that contests the notion that parties are “public utilities.” It, moreover, suggests that a “critical juncture” with a radical disintegration of traditional parties and rise of anti-party forces is essential to provide an opportunity for change and break the pattern of party–state entanglement. Still, it is possible that also elsewhere anti-party forces will grow stronger and aim to enact institutional change that will benefit them and their own model of political organization, just as the current institutional outline benefits traditional parties and their organizational model. Traditional parties have prided themselves on a tradition of representative democracy within their own organizations that was compatible with, and indeed fostered, representative democracy in the state at large. Political newcomers nowadays are built on a different kind of internal organization, such as the strong leadership tradition in right wing populism or (the promise of) some kind of liquid e-democracy in the case of the Italian Five Star Movement (Iacoboni, 2018). These notions of political organization practiced inside these challengers of the political order might prove to be incompatible with current existing institutional arrangements that regulate (and benefit) traditional parties. It could even, as recent Italian history seems to indicate, result in a call for institutional reform that would disentangle parties and the state. As such, one could even argue that the current situation shows some similarities to the political situation at the beginning of the 20th century. Then, as now, political newcomers—at the time, mass parties, now anti-party forces—challenged the established political order—then, the old liberal-conservative elite, now established political parties—and aimed to adapt the institutional outline to their advantage.

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