The National Democratic Party
of Germany

- Analysis and Prospects

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INTRODUCTION

Modern political science is accused frequently, and sometimes justly, of being the harbinger of new, unwieldy and redundant concepts, or at least of giving obscure and overcomplex meanings to old ones. I fear that my concept of 'institutionalisation' may be seen in this light and it is thus incumbent on me to explain my usage at the outset. By an 'institutionalised' movement is here meant one which accepts, more or less, the dominant norms, values and rules of the political system in which it operates. A movement may, however, become institutionalised in the different, though related, sense that it employs, and abides by the rules of, the structures of the political system for the attainment of power. A movement may, of course, be institutionalised in the latter sense without accepting the value system of the state in which it operates. In the first sense the National Democratic Party of Germany is uninstitutionalised; in the latter sense it is, at least for the time being, an institutionalised movement and when such institutionalisation occurs, at least in complex liberal democratic systems, the movement is transformed into a party. In this study, then, we shall be analysing the progress of an 'illegitimate' or 'uninstitutionalised' movement through 'legitimate' or 'party' channels. The distinction between movement and party thus becomes obscured by the factor of institutionalisation. Yet this distinction is one which must always be borne in mind. Otherwise we confuse not only movement and party but movement, culture and state.
I wish to acknowledge the co-operation of W.P. Grant, with whom I worked on Welsh and Scottish Nationalism (published in *Parliamentary Affairs* XXII, 3, 1968), a small proportion of which work is included in Chapter Three, and also the co-operation of Professor J. Bensman, with whom I worked on The Concept of Negative Consensus (published in *Political Studies*, XVIII, 1, 1970), which forms the basis of Chapter Eleven of this study.

I should like to take the opportunity here to express my indebtedness to Maurice Hookham for his attempts to extricate me from numerous pitfalls. Where he has succeeded, I hope that I have done his criticisms justice; where I have refused to be extricated, it is because extrication would have led me to even greater analytical quandaries.

Perhaps one day ...

Waterloo, Ontario, Canada. R.J.C. Freece

May, 1970
Synopsis

This study attempts to demonstrate a method of analysing political movements on a left-right continuum in terms of social class base and relative institutionalisation, with special reference to the centre of the spectrum, and suggests that the 'convergence' argument against the left-right model is lacking, that recent attempts to understand and complexify the model have failed, and that previous analyses of 'fascist' (i.e., in the terms of this study, highly uninstitutionalised centrist) movements fall short because they have concentrated on the study of structure rather than culture, the state rather than movement, and ideology rather than relative institutionalisation. The study compares the NPD with early Nazism, Poujadism, Welsh and Scottish Nationalism, Powellism, Gaullism and the Rassemblement Jurassien in terms of relative institutionalisation and social class appeal and support.

It is considered to what extent the culture of German society, analysed in terms of verspätete Nation, the Gemeinschaft-Gesellschaft dichotomy, 'nostalgia for synthesis' and a bipolar/multipolar, centripetal/centrifugal model, and the structures of the Federal German state, in particular in respect of organization of the Bundesrat, the method of electoral financing, the budgetary system and the recent enactment of emergency powers' legislation, influence the specific form of, and the prospects for, the NPD.

These findings are then related to the potential conflict and consensus situations in modern, complex, industrialised societies, indicating the partly integrative nature of conflict and the non-necessity of consensus for the ordinary on-going process of the state, leading to some preliminary theses for a theory of political stability.
Finally, the leanings towards empirical methodology employed in this study are defended against some of the recent attacks on behaviouralism specifically, and the sociological approach in general, in British academic journals.
Chapter One

Toward a Clarification of the Left-Right Continuum

If we are to understand political movements – or, for that matter, anything else, be it rice pudding or the cosmos – we need to contain our comprehension, explicitly or implicitly, within a theoretical framework. Indeed, every proposition we express is a categorization of concepts and data within a more general theoretical Weltanschauung. One may claim that any specific theory, or conceptual framework, may mislead us, but to make such a claim is, at least implicitly, to recommend the adoption of a contrary theory. To recommend pragmatic understanding rather than theory is to recommend adherence to the dominant values of the culture in which one operates and to the theory of the state and the ideology engendered and entailed by that culture. To ask one to adopt a theory to comprehend a specific phenomenon is not, thus, to escape reality for Platonic cave images or 'ideal-types' but to ask one to be explicit and to consider the plausibility of certain hypotheses within a certain conceptual schema; and perhaps even to ask one to verify or negate these hypotheses. My claim, then, is that in order to understand the NPD we must first conduct a conceptual investigation.

The act of negation, and, within the confines of probability theory, verification, is a scientific one; the adoption of hypotheses, conceptual frameworks and fields of study are intertwined imaginative, cultural and political activities. In so far as I concern myself with understanding and I test hypotheses I act and think as a scientist; in so far as I conceptualize these hypotheses I am a servant – or, perhaps, with fortune, a journeyman – within my relatively specific culture;¹ in so far as I

1. 'Technological' or 'scientific' society is no less a relatively specific culture than, say, the Amerindian culture.
perceive relationships which may have certain effects and seek to prevent, or bring about, such effects, or even seek to analyse in what circumstances they may be brought about, I begin to think, desire and conceptualize as an end-creating being, a political man. Such a man, though he may be differentiated analytically from scientific, or acculturated, man, may not be divorced from him.¹

If an analyst's work is inextricably subsumed by - the purists may claim 'contaminated with' - his political attitudes, as I would suggest, then it follows that a political scientist's work may be fully understood only within the framework of his ideology.² My ideology is that of radical socialism. It infuses my analyses, though no more than anyone else's ideology does, and thus to understand my analyses one may best begin by knowing my ideological predilections.³ To give an example of my political attitudes: I would prefer Canada and the United Kingdom, amongst certain other states, to adopt policies which would deprive the present owners and controllers of the means of production and distribution of their profit and power, and which would aid the creation of a culture in which the arguments in favour of liberty were conducted at the level of asking 'at what expense

¹. This may seem to involve an attack on some of the more cherished ideals of the behavioural school. However, I would claim that, on the contrary, it is quite compatible with behaviouralism, a methodology of which I would count myself an adherent. The common compartmentalisation of behaviouralism, defence of the status quo and opposition to grand theory is, I would maintain, not a necessary one, but one which gives a certain direction to much of the work and whence it acquires its reputation.

². I would claim this to be equally true of the natural scientist. See C.P. Snow, The Search, London, 1934 and 1958.

³. I make this point explicitly and at some length because it was only after I had read R.A. Dahl's account of his liberalism - I cannot remember where - that I was able to understand some of the finer points he was making. I commend his wisdom in perceiving the value of such a statement and recommend the practice to others.
of our prime value of equality?, rather than the reverse, as in the liberal democratic culture.¹

What is required, then, in this study, I would claim, is a scientific explanation - though it cannot be an impartial one - of a political movement within a framework reproduced by culture-influenced creative imagination. This is what I have attempted to provide.

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Our first analytical act on examining a new political movement is, frequently, to categorize it, at least implicitly, and usually with emotive overtones, somewhere on a left-right continuum; perhaps equally frequently we conduct such an analysis with very imperfect notions of what our criteria of left and right are, and of whether they concur with our more general ideological base of political understanding. My contention is that such a continuum, so frequently used and misused, both as a tool of analysis and a medium of judgement, is in need of overhaul and clarification.

The use of 'left' as a classificatory term of political analysis had its origins in continental European parliaments with reference to what the Concise Oxford Dictionary calls the "more radical section of [the] legislative chamber seated on [the] president's left." Since the dominant legislative groups in nineteenth century, limited franchise Europe were status-ascriptive and immobiliste, the 'left' was perceived to consist of all those who proposed structural and/or social reform; and the greater the change envisaged the further left the group, or movement, was judged to be. If we are to remain consistent with the origins of the classification, and I maintain by stipulation that we should on the grounds that later uses have in no way improved analysis, we can only understand right wing deviants from the

¹ I make the states mentioned specific because, as any modern student of Marx knows, the adoption of policy needs to be related to the stage of economic and cultural development
cultural norm to be those who seek to re-establish superseded value orientations at a time when they remain the dominant value orientations of a sector of the society. Examples of such 'deviants' would be the Monarchists in Italy and France.

Within the confines of such a continuum, deviation from the right, from the normative status quo, the starting point of the continuum, may only be leftwards or historically retrogressive to a previous dominant culture. The 'radical right' thus becomes a conceptual contradiction. Since such a claim is out of step with current terminology I shall attempt later to demonstrate that refinements of the original left-right model are inadequate in that they confuse essential with associative characteristics.¹

Certainly, a re-adoption of the original left-right dichotomy leads to some initial confusions in the light of current applications, but these confusions should disappear as the analysis proceeds. Thus, in Canada the difference between the Liberals and Conservatives on such a spectrum would be negligible as both parties represent almost equally the social élite of Canadian society and appeal to, and are supported overwhelmingly by, no particular socio-economic group. Both, as dominant culture groups, would belong on the extreme right of the spectrum. On the other hand, analysis of the United Kingdom differs little from current thinking. The Labour Party can be differentiated from the Conservative Party in terms of composition, appeal and support. Nonetheless, as the convergence process of a predominantly two party system plays its part, and the Labour Party has become more a party of intellectuals who represent a very respectable, if not the dominant, cultural position, the party has moved further to the right.

¹. I use the term 'essential' in this context, not with reference to any essentialist philosophical position, but rather as a contrast. What is 'essential' is what is logically necessary if the model is to be consistent and is to aid comprehension.
If all this is acceptable in current terms, the corollaries are less so. Since the Communist Party in the Soviet Union has been relatively successful in its long term cultural revolution, and now constitutes the agent of the dominant culture, it represents the right in Soviet society, though this is on a national spectrum rather than on a broader cross-national comparative base. Similarly, fascism as deviation from dominant norms is a move away from the right, which contradicts our current usage.

In the early stages of franchise development it was a relatively simple matter to place any political movement on a left-right continuum, but as the franchise was extended, and eventually universalized, and even the establishment groups found it initially expedient to adopt 'democracy' as a symbol - and later to believe in a certain form of it - certain analytical confusions became apparent which led some political scientists to suggest that the simplistic nature of a single dimension classification rendered it worthless, whilst others came to recommend analysis on a series of continua to allow for different aspects of political attitudes - which had the merit of overcoming certain inherent limitations of the model but at the expense of its useful classificatory simplicity, whilst still others recommended the adoption of a cyclical model, with communists and fascists existing side by side.

Fig 1: The Cyclical Model
The concern, then, must be to remove both the confusions and complexities of this analytical problem by examining the nature of the difficulties inhibiting a single dimension analysis and by analysing the central concepts inherent in our use of the terms 'left', 'centre' and 'right'. Ultimately the aim is to so rationalise our use of the terms that classification will be consistent and, in part, explanatory, but first we must consider whether the cyclical model is able to overcome the limitations of the left-right model.

The reason preferred for the adoption of this model is that it allows the analyst to indicate the proximity of communist and fascist movements. But why should one wish to do so? It is clear that in terms of ideology and class base they differ fundamentally from each other, but, it is claimed, the cyclical model allows us to understand the totalitarian nature of each. However, such a claim confuses the associative characteristics of a left-right model (that is, characteristics associated with left or right wing politics at a certain stage of economic and cultural development) with the essential characteristics. The confusion lies in the attempt to impose a liberal-totalitarian continuum on a left-right continuum without differentiating between them. 1

Further, the model fails to take into consideration that, at least in part, the totalitarian nature of each movement is a factor of the movement being categorized within a liberal constitutional democratic framework. That is, the movements are totalitarian, not because their ideology is such, but because their values lie outside the norms of the culture in which they operate. When such movements come to power they are at first totalitarian because they are attempting to impose new norms and values on the society which they now control; when the population has been socialized to respond to the new symbols

1. That is, my claim is that the left-right continuum is a class continuum which is quite distinct from a continuum of attitudes or ideology.
of authority the movement becomes authoritarian; when the population eventually adopts without question the value system of the movement it becomes liberal.¹

Now clearly, there are important additional factors of the facility and perceived desirability of adopting the new value structure, but, if these factors are ignored,² then the totalitarianism of the movement is in direct inverse relationship to its institutionalisation within the culture in which it operates. Also on this basis we can see that a comparison between communism and liberal democracy is not a wholly apt one. Given the present - or, at least, some hypothetical future - state of Soviet culture, liberal democracy is simply not an alternative. If liberal democracy were to come to power in the Soviet Union it would have to impose a new culture on the society, which would not be a liberal-democratic act.³ Liberal democracy, it might be better stated, is simply one of the stages of capitalism. Capitalism, like communism, may be analysed in terms of totalitarian, authoritarian and liberal stages and is the appropriate western counterpart to Soviet communism.

The cyclical model also fails because it tries to do too much. Having extended its scope beyond the simple left-right spectrum, it needs to be able to explain why Social Democrats and Conservatives, who are closer to each other than they are to Liberals on a collectivist-individualist continuum, are found at the furthest possible points from each other on the scale.

1. However, it is not of necessity a one way process, as present American changes indicate. When certain significant sectors of the population step consistently outside the norms, the attitude of the state towards them also changes.

2. In the long run, of course, one cannot ignore them. Certain attitudes are easier to inculcate than others, though this does not make them better.

3. It has been suggested that my view of the Soviet Union is 'fanciful', by which, I take it, is meant that there is no socialist culture in the Soviet Union. Be that as it may, and I acknowledge the superior knowledge of the Soviet Union of my adversaries, the hypothetical point remains.
There is one respect, however, in which Communists and Fascists are similar and which, as we shall see, is related indirectly to the left-right continuum. Both appeal to certain, though different, uninstitutionalised groups. The communist movement appeals to those who are close to the bottom of the status scale, but they, paradoxically, may become institutionalised within the political system as the trade unions which organize them perform the functions of solidarity and identity for them, and the unions are then granted status and legitimacy by the state and the organs of capital. Fascist movements, on the other hand, appeal to those of rather higher initial status who feel first threatened by big capital and then crushed between the organizations of capital and of labour, as the latter are granted legitimacy.

It would appear that the cyclical model helps us in no way out of the analytical problem; yet when we return to the unidimensional model we are confronted with further problems. The first of these is concerned with liberalism, and arises from the fact that whereas, for example, the British Liberal Party is usually seen as lying somewhere between the Labour and Conservative Parties, and the Canadian Liberal Party is judged - to my mind, inconsistently - by most to lie between the New Democratic Party and the Progressive Conservatives, we find that the West German liberals (Free Democratic Party) choose to sit to the right of the Christian Democrats in the Bundestag. This difference may be partly explained by the disposition of the mid nineteenth German Liberals towards nationalism - an associative characteristic of the right - because of the peculiar German state-building problems, whilst the British Liberals, because of the nineteenth century trading policies, have been more frequently associated with internationalism. A further partial explanation may

1. And, as it is an associative characteristic only, we shall ultimately want to classify the German liberals at almost the same point in the spectrum as the British liberals.
be offered in terms of the different stresses which German and British
Liberals have put on separate aspects of the mutually contradictory streams
on which liberal ideology rests.¹ We might perhaps categorize modern German
liberals as followers – in the terms of British political philosophy – of
Adam Smith and John Locke, whilst British Liberals are closer to Keynes and
Jeremy Bentham (perhaps in the clothing of Lord Beveridge!). However, despite
this problem of classification, it is my intention to demonstrate that it is the
necessity of placing certain types of Liberal parties (and also Fascist parties)
at the centre of the spectrum which constitutes one of the most vital factors
in the maintenance of the left-right model, but with the additional factor of
relative institutionalisation.

The most frequently offered reason for abandoning the left-right dichotomy
as a tool of analysis is the problem of convergence and overlap between political
parties in liberal democracies. Yet on analysis this turns out to be only a
pseudo-problem.² The problem of convergence is that in a predominantly two-
party system, where both parties have a reasonable chance of success, movements
which began as representatives of a specific ideology or of a specific group
change their positions as they are accorded authority as the allocators of

1. That liberal ideology is self-contradictory is, of course, too great a claim
to leave unsubstantiated, which we must do here. However, attempts to
demonstrate the thesis have been made by myself in Contradictions in British
Liberal Ideology, Contemporary Review, Vol 215, No. 1245, October, 1969,
and by C.B. Macpherson, The Maximization of Democracy, in P. Laslett and W.G.
The contention of my argument is, basically, that the principles of
capitalism and the minimal state are incompatible (logically and ideologically)
with the principles of utilitarianism.

2. Indeed, 'convergence' is not a problem of liberal democracies but of
two-party systems, as has been admirable demonstrated by G. Sartori in
his Political Parties and Political Development, Princeton, 1966.
sanctions and rewards for a certain period. The movement's position comes to approximate that of the society in which it operates and the position of its main protagonist - at least in part for electoral reasons, but only effectively so in a relatively homogeneous culture. It is thus argued that as the parties converge and overlap we are no longer able to differentiate effectively between them on a left-right continuum. And there is certainly some point to this critique, for in the relatively homogeneous political culture of Canada, as we have seen, both major parties occupy approximately the same point on the spectrum. This amounts, however, to no more than saying there are few analytical differences between separate groups within the dominant elite. The left-right continuum remains of value for differentiating between the elites and the non elites of a society.

Indeed, we may simply consider convergence to be a part of the nature of the social bond in a certain type of social structure. When a political movement so structures itself as to be able to make demands on, and receive rewards from, the state structure it accords legitimacy to that structure and in turn is accorded legitimacy by it. Only in highly cleavage conscious and structured societies, such as post-war Italy and France, is there no move towards convergence and this is because movements will have to maintain quite specific and distanced stances from other movements to maintain their identity. Rather than increasing convergence we find increasing divergence. In France and Italy no single movement can hope to achieve total governmental power through the liberal democratic process and thus the convergence factor is eliminated.

Where the convergence factor does predominate confusion in analysis occurs because the movements, or parties, which attain power become subject to classification no longer as political movements but as authoritative allocators
of values, subject to pressures and contingencies other than those which are essential to the movement as such. In short, the problem of classification is exacerbated by the fact that we are frequently required to classify a movement performing two quite separate functions, in one respect as political movement proper - purveyor of ideology and articulator of interests - and in one respect as government-representative of the state and the dominant culture, and honest broker. The nature of each is sufficiently distinct that we need not confuse the classification of one with the classification of the other. Indeed, the fact that the British Labour Party is able to act as a relatively influential pressure group against a Labour government is an immediate indication of the significant differences. The original identification of political movements on a left-right spectrum is taken as interest articulator or ideology proponent, and the confusion occurs when certain members of that movement function in a different capacity. The confusion lies in that in the former case we are classifying a movement and in the latter, in part at least, we are categorizing the nature of the state, or perhaps even the culture of a total society.

Since the terms 'left', 'centre' and 'right' have such a venerable lineage and remain the most frequently employed classificatory terms of political analysis it would be churlish to abandon them for a more complicated model if they were capable of satisfactory rationalisation and if a more complicated model were to pose more problems than it solved. Thus far we have attempted to eliminate some of the inconsistencies and to begin a rationalisation of the model. Before this is completed we must consider whether a two-dimensional model may be more satisfactory.
H.J. Eysenck has suggested that political parties may be better understood if classified on an authoritarian-democratic continuum as well as a radical-conservative one.\textsuperscript{1} He postulates the model thus:

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{eysenck_two_axis_model.png}
\caption{The Eysenck Two Axis Model}\label{fig:2}
\end{figure}

However, there is confusion yet again between an authoritarian-democratic continuum in terms of ideology and one in terms of relative institutionalisation. If the Communist Party were to attain power in the United Kingdom and were to maintain that power over a number of decades the model would look quite different. Even ignoring any electoral considerations, the Communists would move closer to the dominant culture, and, more significantly, their modified culture would become the new dominant culture. Value socialisation does not occur in isolation; in a culture with highly efficient communications, socialisation is more than ever before the domain of the dominant elites.\textsuperscript{3}

Although, as we shall see, with the exception of the placement of the fascists, the model is satisfactory for a specific period and a specific culture, it needs to be recognized as a purely temporal and cultural model. One wonders


\textsuperscript{2} Ibid., p. 281.

\textsuperscript{3} And not only in the age of mass media. As Gilbert wrote in Iolanthe "I often think it's comical How nature always does contrive That ev'ry boy and ev'ry gal That's born into the world alive Is either a little Liberal Or else a little Conservative."
how Eysenck would have used the model to analyse, say, Cuba. Would the 'liberals' (i.e. supporters of Baptista and/or the U.S.A.) be more, or less, 'radical' than the Communists? And were they before Castro came to power?

In their attempts to overthrow the Castro regime are they more, or less, 'democratic' than the Liberals of the two axis model? How would we place the Black Panthers on such a model compared with the U.S. Republican Party?

When we consider such questions it becomes clear both that the model is really about relative institutionalisation and that the model is of most use for the analysis of liberal constitutional democracies. This does not, of course, invalidate the model, provided it is realized that the placement of the Liberals in this model is restricted to specific types of Liberal parties and that the Fascists should not be placed on the right, and if it is realized that the authoritarian-democratic (I would prefer 'liberal') continuum is only in part a matter of ideology and is also in part a matter of relative institutionalisation within the dominant culture. It must also be noted that 'radical-conservative' is an inappropriate title for the left-right continuum. To be sure, the right is the conservation of the status quo, but there are radicals at the centre of the spectrum as well as the left. However, before this is analyzed in greater detail we must first clarify our criteria of what is 'left' and what is 'right'.

Professor Eysenck himself provides the answer, though inconsistently with the placing of the Fascists in his model, when he states that "By long established custom those parties representing the interests of the high status groups are called..parties of the right, while those parties representing the interests of the low status groups are called..parties of the left."\(^1\)

\(^1\) Ibid., p. 275.
Following Eysenck, and the origins of the left-right model, our first criterion of a left-wing movement is that it makes its appeals to low status groups in terms of a re-distribution of power, status, wealth and income. The second, and related, criterion is the predominant socio-economic class support of such a movement. I include the second criterion because, even though a party may not make a specific appeal to a certain socio-economic group, if that group responds superproportionally to any appeal the party does make, then there is an important sense in which the party represents the perceived interests of that group. Any other criteria employed in left-right analysis, I would claim, are associative rather than essential criteria. Thus, as we

1. There is, of course, no constant 1:1 relationship between the two criteria, though Eysenck seems to believe there is when he claims that "A radical government, acting so as to further the interests of the low-status groups, will thereby benefit members of the low-status groups, and thus reward them for having voted for this particular party." (loc. cit.) This is at once too rationalistic and too simplistic. Other than by tautological reasoning, we would have to assume that the whole of the British working class voted for the Labour Party, or something further left, or at least voted with class or status group interest in mind, and there is much empirical evidence against it. (See, for example, R.T. McKenzie, and Allan Silver, The Delicate Experiment: Industrialism, Conservatism and Working-Class Tories in England in S.M. Lipset and S. Rokkan (eds.), Party Structures and Voter Alignments, New York, 1967, pp. 115-25). There is, indeed, a serious problem of analysis here. We may contrast objective and perceived interest, true and false consciousness, rational and irrational behaviour, but beyond a certain point 'objective', 'true' and 'rational' become my emotive attitudes - the imposition of my value judgements. It is conceivable that one party may provide more power, another higher status, yet another higher proportionate income. I have no impartial criteria for determining, which is the low-status group's real interest, though only the first stands much chance of providing the last two.
have seen, the liberal-totalitarian continuum which is frequently employed as a criterion of left and right involves in part a confusion with a continuum of relative institutionalisation. Indeed, to demonstrate that it is predominantly an institutionalisation continuum it must be shown that it is the working-class Tory, rather than the upper middle class and intellectual Tory, who represents the authoritarian right in British politics - otherwise, on the basis of my analysis, I would have to expect Eysenck's model to show that the Conservatives were at least as 'democratic' as the Liberals - and that, of the middle class Tories, those who are authoritarian in their attitudes will be those who perceive their status as threatened by a rising working class. Much empirical evidence for these theses is to be found in the study of R.T. McKenzie and Allan Silver, and also in Eysenck's *Psychology and Politics*, especially Table XXIII, p. 138.

The nationalist-internationalist continuum is also frequently employed as a criterion of right-leftism, perhaps because of the internationalist character of pre-Leninist - and some post-Leninist - Marxist groups. But this is simply a temporal question of tactics, prior to some hypothetical ultimate, non-national, rather than international, victory of the left. Given the nation-state, rather than class, as our immediate unit of analysis, whether the national or international position is further left becomes a question of determining which of these positions aids which socio-economic class or status group - within a specific state - at the period of analysis. Indeed, of the major Canadian political parties at the present time the most nationalistic, the New Democratic Party, is the furthest left of the three - because of Canada's position vis-a-vis the United States. And which African political party in the early post-colonial phase could claim to be leftist without also claiming to be nationalist?
This, I would claim, helps to clarify the Eysenck model, but does not demonstrate the manner in which we would differ most significantly from it in respect of the placement of the Fascists. Indeed, the most interesting aspect of the Eysenck model is the fundamental deviation from the hypothesis which occurred when it was tested on party supporters' attitudes by Eysenck himself. The result was thus:

![Empirically determined two-axis model of Eysenck]

Fig 3: Empirically determined two-axis model of Eysenck

Given our re-interpretation of the model the Fascists fit an almost identical position to that of the Liberals on the left-right (Eysenck's radical-conservative) continuum, yet the Fascists are highly uninstitutionalised.

(tough) whereas the Liberals are highly institutionalised (tender). It would appear that the Liberals and the Fascists occupy the same position in terms of status deviation from the dominant elites, but differ radically in their approval/disapproval response to the political system. We might thus hypothesize, that the Liberals are integrated centrists but as their supporters begin to feel crushed between the dominant organs of the urban/industrial state, the organs of big capital and of big labour, they become

1. It is curious, and indicative of current thought, that Eysenck tries to argue away this finding and suggests that the hypothesis model (fig. 2) is more accurate than the empirically determined one. It would appear that Eysenck's cultural and political values do not allow him to understand the significance of his findings. There are certain dubious characteristics about the Eysenck attitude analysis in toto, which strongly indicate his cultural and religious value system, but having removed what seems to me unsatisfactory, and having tested accuracy by chi-squared to 0.1, both on the original questionnaire and my modified version of it, I am satisfied with the statistical significance of the results. The cultural and religious bias to which I refer is indicated by the fact that the questionnaire implies that being tender-minded requires one to believe that divorce laws should not be made easier, that the average man cannot live a good enough life without religion, that there is some kind of survival after death, that birth control should not be legal and that suicide should be regarded as a social evil. (See ibid., pp. 304-5). This does not accord with my estimate of tender-mindedness, nor, I should think, with that of many liberals. Nonetheless, since there are 32 analyzable responses on the tender-tough (liberal-authoritarian) continuum, compared with 16 on the radical-conservative (left-right), the analysis is not marred too greatly.
alienated and are prone to move directly from Liberal to Fascist support. The Fascists are, thus, an uninstitutionalised liberal movement, or, since, as our Canadian examples have suggested, there are different kinds of Liberalism, we may better express fascism as a form of uninstitutionalised centrism.

The left-right continuum, then, in terms of our analysis, is a low-high status group axis with institutionalised and uninstitutionalised aspects of each part of the spectrum, as the figure below tries to represent.

![Graph showing the left-right continuum with institutionalised and uninstitutionalised aspects](image)

Fig 4: A Rationalised Left-Right Model

1. An indication of this was given when the first Marplan Political Index was published in the London Times on October 25th, 1968. It showed that support for Enoch Powell came superproportionally from previous Liberal Party supporters. The analysis assumed the finding to be an oddity; yet it fits perfectly with the general thesis proposed here.

2. S.M. Lipset, in his Political Man, London, 1960, Ch. 5, moves some way towards this conclusion, but he misses the central point when he concentrates on an analysis of ideology related to the state structure rather than analysing the relative institutionalisation aspect of the culture. Thus, (p. 173), he states that "antidemocratic ideologies as well as antidemocratic groups can be more fruitfully classified and analyzed if it is recognized that "left", "right" and "center" refer to ideologies, each of which has a moderate and an extremist version, the one parliamentary and the other extra-parliamentary in its orientation."
The model may be rendered more accurate by attempting to discern which characteristics were due to uninstitutionalisation and which to ideology, and by scaling the left-right and institutionalised-uninstitutionalised axes by degree with empirically determined analyses of attitudes.

Certainly, this model is as culture directed as the models we have already considered, though it overcomes their other limitations. However, we should attempt to discover what our model would look like if applied elsewhere, say to the Soviet Union. Assuming that we are analysing on a national spectrum, rather than a cross-cultural one, we would have the Communist Party on the institutionalised right with the remnants of any Czarist supporters and pro-capitalist groups as their uninstitutionalised counterparts. Perhaps the Writers' Union would constitute a part of the institutionalised centre with the imprisoned, persecuted and refugee intellectuals as its uninstitutionalised aspect. Factory floor union organisers and the like may constitute the institutionalised left with Trotskyites as their counterparts. The Communist Party in the Soviet Union is not, however, strictly comparable with a western party and may best be left out of the analysis. It may be more appropriate to compare the C.P. with the whole state structure in the west in which case it would encompass the whole of the institutionalised aspect of the spectrum and we would then be required to classify factions within the Communist Party on this continuum.

The contention of the analysis which is most out of step with current understanding and terminology is that fascism is best understood as un-institutionalised centristism rather than as a movement of the radical right. Clearly, we need to investigate uninstitutionalised centristism and fascism to see whether further analysis confirms our original contention.
It has long been recognised and documented that fascism in Italy and Germany had its greatest successes with the lower middle classes. Yet few, it seems, have been willing to take cognizance of this fact when theorizing about Fascism. Treating the socialist claims and ideological origins of each as lies and manipulation, F. Neumann and M.B. Sweezy analyse fascism as the highest and last forms of capitalism, Karl Popper sees it as anti petit bourgeois in character and Ernst Nolte finds it to be nationalist anti-Marxism – making the fundamental error (as does, for example, Mattei Dogan) of failing to differentiate between fascism and traditionism – and some curious 'metapolitical phenomenon' of resistance to transcendence. This peculiar failure of analysis – so political and cultural in character – stems from the tendency to analyse fascism as state rather than movement. That is, it is analysed in power and those characteristics which are a factor of the nature of the state, of the social bond and of the contingencies of governance itself are no longer differentiated from the essential characteristics of the movement. As S.M. Lipset, who sees most clearly the centrist nature of fascism, writes of Mussolini's movement, "Its ideology for a long time seemed directed mainly at the anticlerical middle classes, but after 1929 it came to terms with the Vatican and signed the first concordat in the history of unified Italy."

1. This was perhaps recognized for the first time by Harold Lasswell in his 'The Psychology of Hitlerism as a Response of the Lower Middle Classes to continuing Insecurity' Political Quarterly, 1933, reprinted in The Analysis of Political Behaviour, London, 1947, pp. 235-45. At least I know of no earlier analysis which brings out this point.
3. The Structure of the Nazi Economy, Cambridge, 1941.
Similar comments could be, and frequently have been, made about the relationship between the Nazis and the oligopoly capitalists in 1930's Germany. Unfortunately, these actions then come to be seen as the defining actions of the movements. Yet, it is clear that the agreements with the Vatican and the big capitalists are equally susceptible of analysis as in part a function of acting as interest aggregator and in part a matter of attempting to create unity in the state. If these actions are analysed as contingency actions of government outside the essential characteristics of the movement we are much better able to understand fascism within the framework of our findings on class base and relative institutionalisation. We move closer to a picture consistent with the petit bourgeois nature of fascism.

However, if we are to understand fascism as petit bourgeois we need to be able to deal with the case of Peronism - a working class movement frequently described as fascist. It seems preferable to analyse Peronism as a movement arising in a pre-fascist oriented period. If we are to understand fascism, an aspect of uninstitutionalised centrism, as a movement representing the interests of those trapped between the dominant organs of capital and labour and rising against them, then clearly Peronism cannot be fascist. Nonetheless many of the political ideas of fascism are similar to those of Peronism. Peronism, which arose before the period of union power and legitimacy, may best be understood as a movement of low status groups against the high status groups and as an aspect of the rural-urban conflict in a period of rapid urbanisation. Certainly this differentiates clearly central European fascism from Peronism, but does not help us to understand the similarity of some of their political ideas.
In previous studies the concept of fascism has been used to refer to a general ideology; yet tremendous confusion has resulted from this usage. If fascism is treated predominantly as ideology, then we are left with the problem of definition or categorization into specificities which may be analysable as aspects of a culture, a movement or political history. So far no satisfactory definition or categorizations have been offered precisely because so much of a movement's ideology is specific to the state in which it operates and is thus not comparable on a cross-national base. If, on the other hand, we analyse fascism as socio-political movement much of the problem disappears. Thus, the suggestion is that fascism must be treated as a highly uninstitutionalised form of centrism, without other reference to ideology than that engendered by being a disoriented group, as those of lower social status become a more integrated and legitimate part of the political system than the lower middle classes. The ideology aroused by that specific situation may be treated as the ideology of fascism, provided it is realised that similar political ideas will prevail in other countries and in different circumstances, as a result of different social, economic and political factors. Peronism, then, though it has certain characteristics in common with fascism, should not be treated as fascism because to do so would destroy the unity and clarity of our theoretical perspective. Nonetheless, we may still indicate its proximity to fascism.

Fascism, one need note, is not the only form of uninstitutionalised centrism, for we need to include such other groups as the United Farmers of

1. See, for example, the expression of the problem on pp. 5-6 of S.J. Woolf (ed.), The Nature of Fascism, London, 1968. It is indeed, curious that, given the awareness of the problem, no radically different approach - at least to my knowledge - has been offered hitherto.
Ontario throughout the 1920's though not the United Farmers of Alberta, and the Welsh and Scottish Nationalists in such a categorization.

Whether fascism results from such uninstitutionalisation will be partly a matter of the degree of alienation and partly a matter of whether some factor such as ethnicity obscures the economic discontent of the movement. Whether the movement displays many of the characteristics associated with Nazism and the fascists may also be a matter of cultural attitudes towards the settlement of conflict. Thus if conflict is treated as a legitimate part of the political game totalitarian fascism is much less likely to ensue.

To understand fascism we cannot begin by asking 'what is fascism?', but by categorizing movements on a left-right, institutionalised - uninstitutionalised spectrum. The act of analysis is not definition but comparative categorization. We must also differentiate between three quite distinct questions, beyond the initial analysis, which have frequently been confused in studies of political movements: under what circumstances do fascist (or social democrat, communist, liberal etc.) movements arise? Under what circumstances may they be successful? What do they do when in power? To confuse them is to confuse a study of the state with a study of the movement.

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1. I am indebted to a very interesting paper by J. Surich, Farmers in Politics: Ontario and the West Compared, unpublished MS, Waterloo, February, 1970 for the information which led to this conclusion. The difference occurs in that whilst the Ontario Farmers fit the categorization perfectly, the Alberta Farmers constitute a relatively dominant group in the province whilst they are in a potentially uninstitutionalised position vis-a-vis the federation. I am also indebted to Miss C. Highmore for demonstrating the potentially different factors which affect institutionalisation in federal and unitary states.
Chapter Two

The NPD and German Society

To claim that all previous classifications of fascism are worthless would, of course, be a gross exaggeration. Much has been written on fascism with great insight, though the theoretical interpretations have been less satisfactory. One of the best known and highly regarded classifications, that of Sir Karl Popper, may prove a satisfactory starting off point for our analysis of the NPD.

Fascism, as an aspect of modern totalitarianism, consists for Karl Popper in: "(a) Nationalism, in the form of the historicist idea that the state is the incarnation of the Spirit (or now, of the Blood) of the state-creating nation (or race); one chosen nation (now, the chosen race) is destined for world domination. (b) The state as the natural enemy of all other states must assert its existence in war. (c) The state is exempt from any kind of moral obligation; history, that is, historical success, is the sole judge; collective utility is the sole principle of personal conduct; propagandist lying and distortion of the truth is permissible. (d) The 'ethical' idea of war (total and collectivist), particularly of young nations against older ones; war, fate and fame as most desirable goods. (e) The creative role of the Great Man, the world-historical personality, the man of deep knowledge and great passion (now, the principle of leadership). (f) The ideal of the heroic life ('live dangerously') and of the 'heroic man' as opposed to the petty bourgeois and his life of shallow mediocrity."

1. Indeed, some of the most recent work has been highly illuminating. For example, two of the pieces in S.J. Woolf (ed.) The Nature of Fascism are the most intellectually rewarding material one could wish to encounter. These are A.F.K. Organski's 'Fascism and modernization' and G. Germani's 'Fascism and class'. Another related work also contains some extremely interesting work: G. Ionescu and E. Gellner (eds), Populism: Its Meanings and National Characteristics, London, 1969, especially Peter Worsley's 'The Concept of Populism'.

2. The Open Society and Its Enemies, London, 1957, Vol. II pp. 62-3. The list is not complete but contains 'some of the most precious of these fascist ideas'. An extended list would also include Platonic totalitarianism and tribalism, and the theory of master and slave.
Popper's classification strikes one immediately as the imposition of an Hegelian framework on an interpretation of the Hitler movement. That is, I am not claiming that Popper is Hegelian, but that he attempts to analyse Nazism as an implementation of Hegelian philosophy. Rather, perhaps, we should see both certain aspects of Hegelianism and also certain aspects of Nazism as part of a quite specific tradition of German culture. We might also note the contradictory, though possibly true, position of the anti-bourgeois ideology which emanates from the petit bourgeoisie. Such a classification as Popper's would not serve for a cross-national comparison of fascist movements for it has concentrated on those characteristics found in Germany; it has not differentiated between associative national or cultural characteristics and those essential to the classification of the movement. Nonetheless, since we are predominantly concerned with Germany the analysis is not totally irrelevant.

However, when we attempt to apply the classification, however apt it may be, we find that it must remain of greater use for historical and philosophical study rather than immediate political analysis of post-war fascism, for the lack of any accredited ideologist and apologist of neo-fascism, in particular of the German National Democratic Party (NPD), restricts the analyst's search for comparative ideological material to party manifestos, and, especially in the case of the NPD because of the restrictions in the Bonn Basic Law,¹ to the less well guarded utterances of party spokesmen.

¹ Article 21 states: (1) ...internal organization of political parties must conform to democratic principles... ' (2) Parties which, according to their aims and the conduct of their members, seek to impair or abolish the bases of the liberal democratic system...are unconstitutional. The Federal Constitutional Court has already outlawed two political parties and seven other political organizations. The NPD is therefore extremely careful - though without conviction - to remain within the limits.
Classifying expressed policies to see whether they fit Popper's category is still unsatisfactory in an analysis of the NPD, for the stock answers of NPD orators about their programme are that the party constitutes an opposition and it is not for itself but for the government and its immediate potential successors to outline policies. The NPD claims mockingly in the best parliamentary tradition that the major duty of an opposition is to oppose. Thus any study of the ideology of the NPD can go little further than examining modes and activities, passions and allegiances, and conclude with insufficient evidence to make substantive assertions about the party qua party rather than about some of its members.

On such inadequate evidence one might suggest that the nationalism, blood and the chosen nation of Popper's classification are exemplified in the Party Manifesto in the constant use of the terms: Volk, German-conscious literature, German-conscious men, and in the contrast of the 'primitive races' with the Kulturvölker of Europe. Defences of Hitlerism and concentration camps, exorbitant claims for once-held territory, and the terms in which they are expressed at party rallies may be said to represent the war ideal and the amorality of the state. None of this, however, can lead to a conclusive, objective and impartial analysis of the NPD, for many a political commentator, subject to the same speeches and having read the same literature, has concluded that the National Democrats constitute a movement of the authoritarian right and not the totalitarian centre.¹

¹ I would suggest, however, that a reading of Ivor Montagu, Germany's New Nazis, London, 1967, should leave one in little doubt. It is extremely unfortunate that Mr. Montagu's study, which contains invaluable material on the NPD's political attitudes, is likely to be ignored by serious students of German politics because it is marred by a number of errors which prevent
An analysis and classification of the behaviour and ideology of political movements and parties is clearly vital to an understanding of their significance but where such is hindered by the requirements of the political system and the

CONT'D

a satisfactory analysis of the NPD's prospects. Mr. Montagu demonstrates his failure to understand the nature of the various German electoral systems when he states (p. 27) 'In Federal elections and all Land elections except Bavaria a minimum of 5 per cent of votes cast in any one Kreis ensures representation in parliament on a basis reckoning total votes in all Kreise; below this figure a party's candidates are not qualified. (The corresponding Bavarian qualification is 10 per cent)'. Clearly, the regional (as opposed to local) distribution of votes would be of relatively little consequence under such a system for a party receiving as low as one or two per cent of the votes cast in any election is likely to receive more than five per cent in some Kreise where religious, class or cultural differences from the average may be of assistance to that party. In fact in federal elections a party needs to obtain five per cent of the votes cast in the federation, or to win three constituency seats - unless it is a national minority party - before it can take part in the distribution of list seats, apportioned in the Länder according to the proportion of votes received by the party in each Land, and the proportion of seats allotted to each Land is determined by the turnout in each Land. Each Land electoral system differs from the federal system and from the system of each other Land. The Bavarian ten per cent clause applies to each of the seven voting districts in that Land. Elsewhere five per cent clauses refer either to the Land as a whole, or to voting districts as in Bremen and the Rhineland Palatinate, but not to Kreise. Further, one of the most important considerations of electoral manipulation of the NPD's chances is that in some Länder limiting clauses are enshrined in the constitution and in others - as well as the federation - in simple laws, thus subject to easier amendment.

Mr. Montagu also refers (p. 144) to 'a proposal to introduce subsidies to parties on the basis of their electoral support'. In fact this has been in operation since 1959 and has recently been amended with some effect on the NPD's chances as a result of a 1966 Constitutional Court decision and the enactment of a Political Parties' Bill by parliament. Finally, the initial, and perhaps natural, fragmentary nature of the Federal German political system is overlooked by Mr. Montagu when he claims (p. 85) that 'The CDU/CSU has all along been the majority party and at first it was large enough to govern alone.' The CDU/CSU has never governed alone and at first (i.e. from 1949-53) the CDU/CSU had only 139 of a total 402 seats in the Bundestag. Later the CDU/CSU was large enough to govern alone but chose not to do so. The reputation of Mr. Montagu's book is bound to suffer with such deficiencies. However, as one of the few English language books on the subject of neo-Nazism, it is of considerable value in demonstrating, at least to my satisfaction, the totalitarian rather than authoritarian nature of the NPD. Probably in part as a reaction against the wilder statements in the British press, some academics have been inclined to give the NPD the benefit of the doubt (notably in H.W. Koch's Bavaria Again, New Society, 24.11.1966, pp. 790-2 and in my A Resurgence of Nazism in West Germany? Contemporary Review, March, 1967, pp. 132-6.
dominant culture we may be better informed by a study of the social bases of a party and its associative ideology. What is proposed, then, here is:
(a) to compare the social bases of Nazism and the NPD; (b) to consider what elements of the West German political culture may make the country susceptible to fascism, (c) to analyse the immediate causes of the rise of the NPD, and (d) to consider what chance the NPD has of success in the West German political system.

S.M. Lipset has collated several analyses of voting behaviour in the Weimar Republic and found that the "ideal-typical Nazi voter in 1932 was a middle-class self-employed Protestant who lived either on a farm or in a small community, and who had previously voted for a centrist or regionalist political party strongly opposed to the power and influence of big business and big labour".¹

One should perhaps add that, with the possible exception of the 1933 election, Nazi voters were predominantly male. Analyses of NPD support have demonstrated remarkably similar characteristics.² Some 60% of the NPD supporters are male, though men constitute only 46% of the electorate and they come disproportionately from the 45-60 age group, i.e. those in their most politically formative years during the Hitler regime. The self-employed also provide superproportional support for the NPD, as do apprentices and the unskilled working class. In other words, support for the NPD predominates in those groups which are independent

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1. S.M. Lipset, op. cit., p. 149. Since opinion research is predominantly a post-war phenomenon the data on which Lipset relied was of considerably less accuracy and sophistication than modern material, but there can be little doubt about the validity of Lipset's findings.

of the pressures of trade unions and organized business. Roman Catholics, especially practising ones, prove considerably less susceptible to the appeal of the NPD than do Protestants and the highest response is found among the anti-clericals. Refugees from the East show only a slightly above average pro-NPD response, though it seems probable that this response is considerably higher where refugees have settled as a community and not become integrated. With the exception of the very smallest communities, where lack of party organization may be a significant factor, the larger the town the smaller is the proportion of the NPD vote. The appeal of the NPD to liberals, and lack of appeal to conservatives, is evidenced by the sympathy expressed for the NPD by 21% of FDP voters, whereas only 9% of CDU/CSU voters have a similar attitude, 3% less than that of the SPD supporters. General cultural antagonism towards the Nazi period may account for the fact that NPD supporters are less likely than other voters to have had previous allegiances and that disproportionate NPD support comes from previous persistent non-voters which suggests not only the similarities of the appeals of the two movements but indicates that the superstructural changes since the second world war may have had little influence on the infrastructures. Government may have become pragmatic and centripetal whilst the general political culture has remained fragmentary and centrifugal.

The NPD, then, like the NSDAP before it, is an uninstitutionalised centrist movement, though we do not yet know whether it has potentially as broad a base.

If this is the case, what elements of the culture are preventing Federal Germany’s development to a modern liberal state?¹ The concept of verspätete Nation indicates much of Germany’s problem. Belated as a nation, as an industrialized

¹ The following analysis has drawn freely on Ralf Dahrendorf’s Society and Democracy in Germany, London, 1968.
society and as a liberal democracy, Germany has never quite succeeded in over-
coming any of the great difficulties of the development to modernity. In becom­ing a nation she never totally discarded the shackles of being a series of Gemeinschaften; in becoming an industrialized society her established elites were never persuaded to enter economic and commercial competition, and, even more, the economic elites were never allowed to join the establishment; and in becoming a constitutional democracy Germany never learned to accept institutionalised conflict as legitimate and still seeks the perfect solution. After 1918 no establishment arose to replace the ousted feudal order; the apex of society was a vacuum. The failure of the bourgeois revolution was almost rectified by Adenauer but his demise — and his own maligning of the West German constitutional order — led the combination of modern economic patterns and the open authoritarian political order to disintegrate into a new quest for certainty. Federal Germany today seems to epitomize the cartel of anxiety, and we are once more confronted with the danger that the mobility, conflict and competition of Gesellschaft will be rejected in favour of the security and immobilisme of Gemeinschaft. A higher regard for private than for public virtues, continued mistrust of political parties, and escape into (or, more probably, failure to escape from) the traditionalism of the family are all hinderances to Germany's development towards a liberal state. As Ralf Dahrendorf has acutely analysed Germany's industrial life:

That an industrial utopia has taken the place of industrial relations in Germany is of no more than symptomatic significance politically: the perfect constitution is preferred to lively disputes...The German labor movement needed conflict but it sought order...The labor movement needed society but it sought the state.¹

¹. op. cit., pp. 180,192,188.
Certainly, similar, if perhaps not so extensive, problems exist for many other European nations too, but the danger is greater for Germany today, greater than the problems of Poujadism in France, neo-fascism in Italy and perhaps even Powellism in Britain (though here the important difference is that the movement is, to a degree, a part of the established order, not an anti-system movement, and hence is accorded some legitimacy and respectability via authority and status), just as the dangers of totalitarian fascism were greater for the Weimar Republic, Mussolini's prior rise to power notwithstanding. In Dahrendorf's words:

Because the new illiberalism of the National Socialists fell on the soil of an illiberal, namely an authoritarian rather than a liberal tradition, it succeeded in seizing the power in Germany that it failed to achieve in other countries. ¹

Unfortunately German infrastructure appears to have changed relatively little since the days of Weimar.

That Bonn ist nicht Weimar has been a constantly recurring theme in Federal Germany, but just how different is the Bonn system from Weimar Germany? The Weimar political system was hopelessly centrifugal and Bonn has been deemed a successful democracy until recently because of its increasingly centripetal tendencies. However, it may be suggested that only the governing elites have developed a consensus and that, although there has been some move towards homogeneity in the political culture since Weimar, tendencies towards cleavage and the resurrection of the Lager mentality still remain in significant sectors of the population. That is, since 1951-2 Bonn has been developing governmentally towards a relatively stable bipolar system which converges towards the centre,

¹. op. cit., p. 400.
but the infrastructures are now beginning to display elements, similar to those of Weimar, of a multipolarized system with basic cleavage and hence inability to function.\(^1\) Changes in the German political superstructure in the founding of the Federal German Republic have been influential on the infrastructures only marginally and only temporarily - that is, whilst unity was further engendered by the psychological requirements of the cold war system, whilst West Germany was undergoing the hopeful insecurity of her state-building period and whilst there was economic necessity or continued economic improvement. During this period there was also a general move to the right but, as the whole governmental and traditional political organisation system has moved relatively compatibly, the effective functioning has remained bipolar, and the infrastructures are now causing greater convergence amongst the traditional political organizations and, concommitantly, greater overall signs of multipolarity. The question which remains for West Germany is whether the present authoritarian, relatively immobiliste, system can prevent the development of a culturally fragmented, polarized political system to the extent where it is incapable of any change without being itself transformed into a totalitarian state.\(^2\)

The NPD only came into existence in 1965 and has achieved its remarkable successes within five years of its founding. We must therefore ask what are the immediate causes, the manifest rather than the latent causes, of the NPD's electoral successes. Why has it happened now? Firstly, it should be noted that the apparent increase in what is traditionally called right-wing, but which is socially centrist, support is not as great as it might at first sight

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1. The centrifugal-centripetal, bipolar-multipolar analysis has been adapted from Giovanni Sartori's interpretation of the Italian political system in Political Parties and Political Development, Princeton, 1966, especially pp. 137-76.

2. The case must not, however, be overstated. Most recent developments indicate that Germany is not alone with the problem. Indeed, from a much more stable base, the situation in the U.S.A. indicates even greater signs of multipolarity there.
appear. Thus, according to statistics of the Federal Ministry of the Interior, membership of what they call right-radical political organizations numbered 78,000 in 1954, dropped to 34,400 in 1961 and 22,500 in 1964; increased to 26,300 in 1965 and 36,200 in 1966. More than the total 1965 and 1966 increases was accounted for by the rise in NPD membership. Similarly, ever since the Federal Republic was instituted in 1949 there has always been a residue of uninstitutionalised centrist votes, albeit an even declining one. Thus in the Bundestag of 1949 there were seventeen representatives of the German Party of the Right (though it, too, was, in our terms, a centrist party). In 1950 in Schleswig-Holstein the All-German Block obtained 23 per cent of the vote and in the federal elections of 1953 the Refugee Party held twenty-seven seats and the German Party fifteen. Even in the 'Adenauer Election' of 1957 these two parties managed to poll eight per cent of the vote between them. In Hessen in 1966 the National Democrats made little impact on the two major parties, the Christian Democrats reducing their share of the poll by a slightly wider margin than the Social Democrats were able to increase theirs. The 6.8 per cent obtained by the NPD was largely at the expense of the Free Democrats and the All-German Party, together with other fringe groups. It would appear, then, that some of the moderate liberal vote is becoming more uninstitutionalised and the un-institutionalised centrists are coalescing behind one party. Nonetheless, we must say that the essentially fragmentary period of the early fifties is now returning, or, more probably, that it has only been hidden in the interim.

A number of possible immediate causes of the rise of the NPD have been offered by various political commentators, but the causes are usually depicted as isolated events, or, when expressed more generally such as 'the economic situation' they are seen in isolation from cultural norms rather than as a part of a complex chain reaction. The worsening economic situation is, indeed, the most commonly offered explanation, but the relatively low opinion-poll support
for the NPD in North Rhine-Westphalia in January, 1967, (3.2 per cent), where the greatest effect of the economic depression was felt, and the Land where the NPD is the most poorly organized, makes one wary of ascribing NPD support predominantly to economic difficulties. What seems more likely is that relative status problems and economic expectations are more significant factors. Thus, we find that supporters tend to come from those of over average income, but they are also those who believe that their relative income has decreased in recent years and who believe both that the German economic situation and their own relative positions vis-a-vis fellow Germans is likely to worsen in future. We may, therefore, claim that the increase in the number who believe that their own relative economic situation is worsening and the increase in the number who believe that West Germany is facing a depression is a more significant factor than the objective economic situation. Lack of confidence plays a greater role than lack of resources. One might, then, postulate that the lack of confidence is in part a result of the fall of the authority and the failure of his successor, encouraged by an actual slackening of the economic miracle.

Similarly, it may be claimed that the student unrest in West Germany is symptomatic of the general system alienation rather than a cause of NPD support. Indeed, Erwin Scheuch has reported that the students found considerably more support from NPD than from CDU voters—explained (or explained away) by Gordon Allport's 'functional autonomy of motives'—and this is perfectly compatible with the thesis of anxiety caused by the loss of authority. Again, the grand

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1. Der Spiegel, 6.5. 1968, p. 30. Based on Emnid surveys following the Easter demonstrations against the authoritarian right Springer press.
coalition period and its sequel may be seen as the extension of power to those not considered suited to government because of the ascribed status mentality, and a consequence of the loss of the definiteness of Adenauer, so often mistaken by Germans for certainty; rather this perhaps than the lack of a genuine opposition to the government in power giving support to the NPD. If the latter were the case support would be more likely to have gone to the pro-system FDP. Instead, support is going to those who know the answers and reject the conflict. Thus, one might hypothesize that the end of state-building problems and the lessening of the cold war, the worsening economic situation and the forming of the grand coalition are individual stages in the alienation from institutionalised conflict - 'the nostalgia for synthesis' - which German education and family require that one should find and which the political situation no longer finds appropriate.

If Bonn really is like Weimar, what chance has the NPD of success? What electoral support can the party get? What electoral manipulation is possible to defeat the NPD? What chances are there of fascist revolutions and/or Enabling Bills?

At present belonging to a trade union or the Catholic Church, or being employed in a major industrial or commercial concern seem sufficient safeguards against being drawn towards the NPD. Being a member of either of the dominant organs, but conflicting interests, of the modern, urban, industrial state - the organs of capital and labour - is a sufficiently integrative factor. Indeed, many NPD supporters are precisely those who feel crushed between the powers of the trade unions and big business and thus feel alienated by having no effective institutional channel in the modern state. However, as both practising Church membership is in decline and the Church is actively reducing its own political role, and membership of trade unions is also decreasing, the NPD's potential is likely to increase. One should also note that if the multipolarized system becomes a parliamentary reality, then a mere fifteen per cent of the vote for
the NPD is likely to prove influential, especially as the general trend in Germany is towards greater authoritarianism and the anti-left parties are usually more capable of compromise and coalition than the leftist ones. Thus, continued economic problems for West Germany may well provide the increased alienation whence the NPD can derive support to secure parliamentary positions from which to attack the form of the state, and their very presence in parliament will help to decrease the chances West Germany has to develop a not just formal liberal democracy.

Electoral manipulation can, of course, be used to keep the NPD out of federal and Land parliaments by changing from proportional to plurality representation, but such would not destroy the chances of the NPD alone and may well bring reactions - perhaps revolutionary reactions - both from the extreme left and the totalitarian centrists, for the immediate consequences of manipulation will be to secure the position of the two major system parties. Even if extremist reactions did not follow, change to a constituency plurality system would not be without enormous difficulties. Of the eleven Länder (technically there are only ten, but for most practical purposes West Berlin can be treated as the eleventh) one party has an overall majority in only five: Bavaria, Hessen, and the three city states of Bremen, Hamburg and West Berlin. If, however, each Land had a simple plurality system, and electors had voted as they did under the proportional system, then all eleven would have absolute majorities, but there would be no opposition represented in three Land parliaments and in all but two parliaments one party would have at least two-thirds of the seats. Indeed, in Länder other than the Saar, Rhineland-Palatinate and North Rhine-Westphalia it is difficult to imagine

1. See Table 3 p. 117.
the major government party being defeated under a plurality system in the foreseeable future. Thus, although the NPD would be excluded from representation in the Bundestag and Land diets under a plurality system, so would nearly all the Free Democrats. In the 1965 federal election the FDP secured 49 of the 496 seats with 9.5 per cent of the vote, but the party won no direct mandates and in only one constituency did its share of the poll exceed 25 per cent. In the Land parliaments the FDP held 99 of the 1,348 seats in May, 1967, but would have obtained no more than five under a plurality system. Thus, a plurality system would mean that there would be virtually no representation for minority groups in federal or regional government, which could have disturbing consequences of cleavage in such a heterogeneous political culture.

What chances, then, are there of revolution? Only three years ago revolutions and street fights in western Europe seemed of but historical significance; few of us today can remain so confident. Who, then, if it is necessary, is going to defend the political system in the streets? The writer analysed the situation in early 1967 by stating that 'Any attempt to subvert the constitution by some form of Enabling Act, or otherwise, is likely to come to grief because of the greater subtlety and complexity of the Basic Law, but anyway any such act is certain to meet with effective hostile reaction from the other political parties and the trade unions, and even from industry and the civil service itself. The forces of democracy in Germany would not be caught unprepared twice, and those forces are immeasurably stronger today than thirty four years ago.'¹ This, it is contended, remains an accurate analysis of the superficialities of West German political behaviour. Certainly Germans are much more democracy-conscious than

during the Weimar period. Indeed, 'democracy' has become one of the formal pro-
terms of political awareness, much as 'freedom' is in Britain and Canada, but
with only a relatively minor effect on underlying political attitudes. Habermas,
von Friedeburg, Oehler and Weltz found a much less satisfying picture in their
depth analysis of German students, and one which suggests that the analysis
mentioned above contained a confusion of democratic attitudes with immobile attitudes opposed to Nazi behaviour in the second world war.\(^1\) Habermas et al.,
in a penetrating analysis, found that only 9 per cent of those studied had a
definitely democratic potential, whereas 20 per cent had a definitely authoritarian
one. The remaining 66 per cent seemed able to progress either way. With
Dahrendorf we might say that:

Democratic institutions are accepted; but they remain external, distant,
ultimately irrelevant. The individual is not committed to these institu-
tions with his person, and is therefore hardly seriously prepared to
defend them. Democratic behaviour becomes ritualized, a mere observance
of external demands, a "duty" of citizenship. If one scratches this
ritualism but a little, there often appears one of the many versions of
active and passive authoritarianism, or a complete lack of orientation,
the political effect of which is probably no less authoritarian.\(^2\)

The problem is that those with authoritarian claims have now arrived on the
German political scene, and having no authority they must become totalitarian.
Whether they are successful will depend on the ability of the elites to adapt
the system structurally and functionally to cope with the stresses.

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1. J. Habermas, L. von Friedeburg Ch. Oehler, Fr. Weltz, Student und Politik,
2. Dahrendorf, op. cit., p. 342. It is probably worth noting here that Dahrendorf's
   study was completed before the NPD was founded, so that he might not be
   accused of hindsight.
One must conclude that a democratisation and liberalisation of West German political life is hardly likely of success with its present political superstructure, preventing rapid and deep political, social and economic change. Nor can democratisation and liberalisation proceed unless there is radical change in the educational system (at present an appendage of the family stressing private virtues), in social mobility and in family authority.

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We have described the NPD as an uninstitutionalised centrist movement and demonstrated its proximity to the NSDAP of the early thirties. We have also concentrated on the similarities between Weimar and Bonn. The situation, however, is clearly more complex than that. What is proposed, then, is that, in concluding this chapter, we might speculate about the nature of the changes.

According to Organski, "Three patterns seem to characterize the period preceding the fascist power takeover:

(1) clearly detectable, long-range, rapid economic growth;

(2) large scale social mobilization with a heavy component of rural to city migration;

(3) vast and rapid political mobilization, particularly acute just before the fascists take power."\(^1\)

We might thus classify the situation as one of rapid industrialisation and urbanisation and high socio-political mobilisation. None of this, at least comparatively speaking, can be said to be descriptive of modern West Germany, or

\(^1\) A.F.K. Organski, op. cit., pp. 23-4
other highly industrialised western nations. Organski further postulates that fascism is most likely to occur in countries with between 40% and 55% of males in non-agricultural occupations. In West Germany today the proportion exceeds 80%. On such an analysis, the prospects for fascism in Federal Germany, and indeed elsewhere in the industrialised western world, seem negligible. However, as has been suggested with reference to the NPD, it seems doubtful that the potentiality of fascism may be dismissed so lightly.

The potential socio-economic base of an uninstitutionalised centrist movement may have been reduced in classical terms, but may not a different form of middle class alienation be arising? Today low status discontent seems to be channelled into anomie and anti-social behaviour rather than alienation and conscious political protest. At the same time, it is hypothesized, increased expectations unfulfilled, and a move towards the rationalisation of liberalism - equal upward and downward mobility - may increase the alienation of the middle classes on a rather broader base than that which responded to the initial appeal of fascism; and such protest will have an anti-low status orientation, for the same reason that it is the low-status whites who are the most racially prejudiced - the relative 'superiority' is being threatened.

1. Ibid, p. 25.
2. In fact, Organski wishes to exclude Germany from his analysis and to include only the Italian and Argentinian cases, on the ground that his analysis of the development of fascism is an analysis of the contradictions inherent in a change from a "non-modern" to a "modern" political system. Germany, he claims, was "already a fully developed nation" (p. 22). However, German development was, indeed, retarded, as we have seen, and the situation seems very akin to that of Italian unification problems. Organski, it appears, has concentrated too heavily on the economic structures. Perhaps one might also note here that the developmental approach, which has much otherwise to recommend it, leads towards a study of the state and misses much of what is inherent in a movement.
It has been said that this is the first generation in history which wasn't needed. Perhaps the depression generation was another example, but then the absence of general wealth made a significant difference. We might rather say that this is the first generation which has been needed neither by the state nor by the family and for which there is either little worth achieving or little chance of achieving what seems worthwhile - something beyond what the previous generation already has. Horizons have been broadened, expectations increased, but societal values seem either not worth attaining, or if real advancement is to be achieved, the competition seems too great. When social mobility is almost entirely upward, as at a time of rapidly continuing industrialisation and increasing organizational complexity, satisfaction is relatively easily acquired; when the potential mobility is in either direction - not so much in absolute terms as in terms of personal, familial and societal expectations - anxiety tensions and frustration will increase.

Now this is not entirely a middle, or lower-middle, class phenomenon. Nonetheless, since it is the middle classes who receive such a large proportion of higher education in the western world, which provides a not inconsiderable proportion of the expectations, and the expectations are becoming increasingly greater while the capacity of the politico-economic system to satisfy them become increasingly less, we might hypothesize that it is a predominantly middle class phenomenon. And since the upper middle classes find it less difficult to have these expectations fulfilled we might suggest that those most threatened are the lower middle classes. Indeed, as we saw in the case
of the NPD, those most susceptible to the uninstitutionalised centrist appeal were those who were discontented in terms of perceived potential downward mobility, and — reading between the lines — we might suggest also those who perceived their inability to achieve projected status. It is the problem of relative and expected status which creates the uninstitutionalised centrist position — and it is the lower middle class which is most threatened in this way.

To have been a university student twenty years ago was itself almost a guarantee of success; today it hardly raises one above the masses. It is not possible for most to obtain a sense of solidarity and identity within universities and thus some are led to form, and others to join, group-solidifying and group-identifying anti-institution organizations within the parent body. Such organizations are perhaps not long term disintegrative factors, much as trade unions constitute an integrative factor within complex, industrialized societies once the state and the organizations of capital grant them legitimacy. The vital question remains whether legitimacy will be granted.

Could one project and suggest that the growth of school and class sizes, accompanied by the problem of increased expectations, with the resulting lack of individual attention, are significant factors in causing earlier general anti-system alienation, rather than just causing poorer education as is usually suggested, especially amongst those who perceive themselves as comparative failures? Of course, urbanisation and industrialisation may be advanced as more significant factors, but even here the lack of solidarity and identity may be the vital psychological factors in the alienation process.
And the potentiality of personal educational success is perceived early. The academic failures perceive themselves as drop outs and become anomic. The academically successful go on to university and perceive that academic success will not automatically grant them what they were led to expect, and they become alienated.

If an Horatio Alger story was ever possible, it is not so today—certainly not so without education and highly improbable with it. Previous generations thought it possible and never expected it for themselves. Perhaps many of the present young generation expect it for themselves and see it as impossible.

Clearly, all this is highly speculative, though expressed so as to be subject to empirical investigation and verification. Might we, however, speculate a little more? Might we suggest that the accordance of legitimacy to the organs of labour in the 1920's and 1930's as a causal factor of fascism is being replaced by a granting of legitimacy to the educational, and hence employment, opportunity claims of the low status classes? It would, of course, be the lower middle class which would be the first to feel the pinch.

For the time being at least, it seems clear that in North America the lower middle class belongs to the relatively institutionalised. In the U.S.A. ethnic conflict may help almost all whites to cling to the dominant elites as the maintainers of their relative status positions. In Europe with fewer ethnic, or, at least, racial, conflicts the position remains rather

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1. The granting of legitimacy to these claims does not, of course, mean that the claims are being met, just as legitimacy for the unions has not meant that they have achieved what they originally demanded.
closer to that of the 1920's though the status expectancy problem is now beginning to develop there as a significant factor.

Nonetheless, the potentially threatened group in European nations is probably still much smaller, though growing, than it was in the 1920's. Probably, having become accustomed to trade unions and relatively stable states, the degree of alienation is—as yet—considerably less. There are also fewer specific factors—such as deep and lengthy economic malaise—which would allow the potential discontent to flourish into revolution.

In conclusion we might conjecture that the specific form of fascism of the 1920's to 40's has disappeared as a potential for highly industrialised societies; yet we may be faced with something not too dissimilar in the approaching decades.
Chapter Three
Uninstitutionalised Political Movements

Fascism, as we have argued, is not the only form of uninstitutionalised centrism and we must now turn to a comparison of the NPD with other centrist movements to demonstrate our contention that the ideology of a movement in complex industrial societies is directly related to the perceived status position of the supporters of that movement and that in the case of centrist movements their ideology is determined by their threatened position, e.g. of being crushed between the dominant organs of capital and the rising organs of labour. Ideology is thus not to be seen as a force in itself but as a justificatory philosophy of a status position. The question we pose, then, is: in what circumstances do the political attitudes, i.e. ideology, of fascism emerge? In order to answer such a question, we contend, we need to consider: (a) the historical circumstances of the state in question; (b) the cultural and economic development stage of the state; (c) the degree of institutionalisation of the movements investigated. Class will be the determining factor of institutionalisation but only in so far as it indicates the 'threatened' position of the group.

Before we proceed to our comparison, however, we need to investigate a related study\(^1\) to see if it can throw some light on our contentions. Minogue's piece is a brilliant attempt to explain "how to study a movement" but his approach differs from this in some significant respects which must accordingly be defended here.

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1. Kenneth Minogue, Populism as a Political Movement, in Ionescu and Gellner (eds.), op. cit., pp. 197-211.
Minogue's justified claim is that "To understand a movement ... is to discover the feelings which moved people". However, it does not follow that "The only way we can do this is to look at what they said and did" for if we are to understand the significance of what was done we must investigate the circumstances of the events. Minogue is right that "we must distinguish carefully between the rhetoric used by members of a movement ... and the ideology which expresses the deeper currents of the movement" but he does not take the argument far enough for the ideology may be, as Minogue himself realises, an expression of nothing more than poverty. If we are to understand the movement of an oppressed group as ideology we see only the ideology of resentment to oppression. If, on the other hand, we concentrate on the degree of institutionalisation of a movement and the specific status position of its supporters we are led closer to an understanding of movement. If we remain at the level of ideology, however, we cannot take the steps, seen as necessary by Minogue, "to understand why... American populism has been taken as, on the one hand, an ancestor of the current radical Right and, on the other, as 'the conscience of the social order and its chief protagonist'". Our method, it is here claimed, can accomplish just that. Populism, on our analysis, is an association of the middle status rural groups with low status rural groups (and, where contiguity permits, as with the United Farmers of Ontario, with low status urban groups)

2. Ibid.
4. Ibid.
against their capitalist oppressors, both commercial and industrial. At this stage the populist movement is one with both uninstitutionalised left and uninstitutionalised centre (Minogue's 'radical Right') components. The split occurs, however, as the low status groups become unionised and are eventually granted legitimacy through the unions in the dominant state conflict. It is they who provide 'the conscience of the social order' and become institutionalised in such political parties as the Cooperative Commonwealth Federation. The centrists, however, must now either move to the institutionalised right of our model so that their relative status may be defended against the 'usurpers' by the institutionalised right or they form their own party such as Social Credit. In a federal political system such as that of Canada such a party may become institutionalised in the province, as Social Credit has in the prairies and British Columbia, whilst failing to become institutionalised in the federation. In such a way Social Credit is able to win provincial elections in British Columbia, Alberta and Saskatchewan and to make a fair showing in Manitoba without ever winning more than a score or so seats in a federal election.

Where the state structure does not aid the institutionalisation of such movements the supporters of the movement are likely to feel threatened at the status level and move closer to the uninstitutionalised centrist position which creates the ideology of fascism. It is, thus, in this way that the apparent contradiction of the 'ancestor of the radical Right' and 'the conscience of the social order' arises. Although "every movement creates an ideology, which is the thought of the movement"\(^1\) it is not the ideology which identifies the movement

\(^1\) Op. cit., p. 204.
but its relative institutionalisation at a specific developmental stage. Thus "although populism didn't have an ideology in any serious sense, merely a rhetoric"\textsuperscript{1} it remains a significant movement, perhaps only marginally comparable with anything which occurred in Russia, but nonetheless comparable with much that occurred in Canada at the same time as, or a little later than, populism happened in the U.S.A.

As Peter Worsley acutely puts it, "The hunt for distinctive, 'authentic' continuities is...illusory, since all complex thought is built of components which can be combined and re-combined (and further broken down) in an infinity of ways, so that no sharp boundaries (as assumed in talk of 'systems of thought') exist."\textsuperscript{2} Relative institutionalisation' as a concept, though in some degree subject to the same kind of critique (as everything must be), can provide the categorization which ideology cannot.

Whether a movement is fascist or not must depend in some degree on the extent of the uninstitutionalisation of the movement and in some degree will be influenced by the legitimisation of conflict in the political system in which it operates. Fascism is thus much more likely in Germany, Italy and France than in Scandinavia, Britain and Canada. The NPD, like Poujadism and the Movimento Sociale Italiano, approximate the NSDAP and the Mussolini fascist much more closely than do the United Farmers of Ontario, the Welsh and Scottish Nationalists, and even Powellism, though in the last case the proximity is much greater. It is proposed here that we extend our outline of the NPD of the last chapter and that we then examine the similarities and differences between the NPD and other uninstitutionalised centrist movements.

\textsuperscript{1} Op. cit., p. 208
\textsuperscript{2} The Concept of Populism, op. cit., p. 217.
In his 1967 annual report on the progress of what is termed the radical right in West Germany the Federal Minister of the Interior, Paul Lucke, spoke of the National Democrats' success in becoming the first extremist party to gain seats in Land elections for six years. According to the Ministry's figures the party had managed to increase its membership from 14,000 to 25,000 during 1966 and now had some 70 per cent of the membership of all right-wing extremist organizations. Some 2,000 of the NPD's members were stated to be former members of the Nazi Party and several hundred had held office in the NSDAP bureaucracy. A further 500 were former members of now outlawed 'rightist' groups. In contrast, however, to those comparatively comforting statistics we find that 76 per cent of the membership of the party's executive committees had a centrist extremist past.

The NPD itself claimed that in December 1966 it recruited 1,800 new members with an average age of 31.7 years and that the total membership had then reached 30,000, including 1,200 members of the armed forces, ranging from private to colonel. If these age statistics are correct then we might surmise that the activists in the movement are much younger than party support indicates, which is, indeed, closer to what one might expect of a fascist movement than the electoral statistics have so far intimated. Professor Noelle-Neumann estimated the March 1967 membership to be between 40,000 and 50,000 but it is extremely doubtful that the increase in membership had been as rapid as this. None the less, considered that the party only came into existence in 1965, its membership appears to compare favourably with the 650,000 to 700,000 of the SPD, 350,000 of the CDU/CSU and 80,000 of the FDP, but one may expect that in the long term a party of this nature will be able to obtain
a much larger membership in proportion to its vote than less 'ideological' parties such as the CDU. The party newspaper Deutsche Nachrichten has a circulation of some 38,000 and a weekly also published by the party (Deutsche Wochen-Zeitung) sells 25,000 copies per issue. Total circulation of centre extremist periodicals in West Germany has increased from 160,300 in 1961 to 223,000 in 1963 and 272,000 in 1966. Much of this success has been due to the popularity of the Deutsche Nationalzeitung und Soldatenzeitung, which, though independent of the NPD, has consistently supported the party. The NPD's own publications bring in some 35 per cent of all the party's income, a further 35 per cent coming from donations, 25 per cent from subscriptions and the remaining 5 per cent from other minor sources. Since the membership subscription is DM 3 per month, we can calculate that the party's income, presuming the party's own figures to be not too inaccurate, is over DM 4½ million per annum.

Analyses of the Land elections since November 1966 have suggested that areas of high unemployment have been most receptive to the NPD, but the experience of the Hessen and Bavarian voting, where there was a significantly higher than average extremist vote in garrison towns, has not been evidenced elsewhere. Thus in sixteen of the thirty-one garrison towns in the Rhineland-Palatinate and seventeen of the twenty-eight in Schleswig-Holstein the NPD vote was below their national average, though when compared with the occupational composition of the area there is a slight indication of a somewhat above average vote in the garrison electorate itself. There has been considerable correlation between high Nazi voting areas in 1932 and high NPD voting. The NPD vote, like the Nazi vote, is higher in Protestant areas and lower in Catholic ones, higher in rural areas and lower in urban ones. According to 1967 Allensbach opinion polls 56 per cent of NPD supporters are Protestant and 34 per cent Catholic, though Protestants and Catholics form 52 per cent and 43 per cent of the
adult population respectively. Ten per cent of NPD supporters are atheists or agnostic (or belong to the 'other religions' category) compared with 5 per cent of the total adult population. Although least support came from the NPD from the large towns, it was not, as we have said, the very smallest villages which provided their best results, perhaps because of the organizational problems of a new party. Thus those living in villages of fewer than 2,000 inhabitants (22 per cent of adult population) constitute 24 per cent of NPD supporters, those living in small towns (2,000-20,000 inhabitants; 29 per cent) provide 34 per cent of the support and those in medium-sized towns (20,000-100,000; 16 per cent) 18 per cent of the support. The large towns (100,000+) provide only 24 per cent of the NPD supporters whilst providing 33 per cent of the adult population. These statistics indicate an alarmingly close corroboration with early Nazi voting.

Although recent elections in Germany have seen a considerable increase in the NPD vote, there has not yet been much evidence of a large swing to the uninstitutionalised position in general voting behaviour.

Allensbach surveys have suggested that between April and December 1966 support for the NPD rose from 1.9 per cent to 6.2 per cent but that this had decreased to 4.0 per cent by February of 1967. As with the Nazi party (and, incidentally, all other 'ideological' parties) men constitute an excessively high proportion of this support. Whereas only 46 per cent of the adult population is male, 76 per cent of NPD adherents are so. The SPD, usually held to be also predominantly masculine supported, has only a 6:4 ratio of male to female adherents. NPD support is at its greatest amongst those who experienced Hitler's regime as young men and those who were educated under Nazi totalitarianism.
It is the younger element which is the least attracted. Thus 19 per cent of the party's supporters are in the 16-29 age group, though 27 per cent of the adult (over sixteen) population is in that group; 28 per cent of National Democrat supporters are aged 30-44 (26 per cent of adult population) and 23 per cent are over sixty (23 per cent of the adult population). It is in the 45-59 age group - i.e. those who were between twelve and twenty-six when Hitler came to power and between twenty-four and thirty-eight at the end of it - that NPD support is at its maximum. This group comprises 30 per cent of the NPD's supporters but only 24 per cent of the adult population. Increase in educational attainment appears to have little influence in curbing NPD support, for whereas 20 per cent of the adult population had grammar school or higher education an almost identical percentage (21) of NPD adherents received the same. Indeed, previous opinion surveys have suggested that until recently a higher educational attainment correlated positively with NPD support.

The Allensbach surveys have shown that support for the NPD is greater in any one Land at a time when elections are due, indicating the tremendous amount of work being put into election campaigns by NPD members and the extent of newspaper coverage of the party, bringing it to the attention of the electorate. Thus in the Rhineland-Palatinate, support for the National Democrats rose from 5.5 per cent to 8.0 per cent between November 1966 and January 1967; in Lower Saxony support rose from 4.7 per cent to 8.1 per cent and in Schleswig-Holstein from 8.8 per cent to 8.9 per cent during the same period. All three Länder had elections during the first six months of 1967. Conversely, support in the opinion polls for the NPD in Hessen and Bavaria dropped from 10.6 per cent to 4.2 per cent and 8.1 per cent to 2.5 per cent respectively in the two months following their Land elections.
The usual psephological dictum of organization playing very little part in securing party support may thus have to be amended somewhat, at least with reference to new and/or minor parties. However, no claim is made that this achievement is possible without the additional mass media coverage.

The organization of the NPD has been extremely efficient and thorough in the five years of its existence. At a Land party congress in Baden-Württemberg in January 1967, the Land party chairman Wilhelm Gutmann declared the campaign open to fight the next Land parliamentary election in the spring of 1968. Sixty-seven of the seventy-two Kreise (local government areas) in Baden-Württemberg already had local party organizations and 5 per cent of all political party members belonged to the NPD. In Schleswig-Holstein, Lower Saxony and the Saar the NPD had already secured a well-organized party basis for electoral campaigns and it is indicative that the two Länder where the NPD gained sufficient votes at the end of 1966 to startle the rest of the world are amongst the poorest organized, and have the lowest membership in relation to the population, of all the states with the exception of North Rhine-Westphalia. Indeed 90 per cent of all urban and rural Kreise in the Federal Republic now have some form of NPD organization.

Although the National Democrats have been careful to give themselves a democratic face, their rise has been accompanied by an increase in cases of pro-Nazi and anti-semitic excesses (to use ministerial terminology) in 1965 to 521 cases (with a slight reduction to 449 in 1966) from 389 cases in 1961 and 171 cases in 1964. There were, however, 1,206 cases in the exceptional year of 1960. Included in the 449 cases of 1966 were 228 incidents of pro-Nazi
and anti-Semitic daubings, 99 threats and insults, 30 cases of illegal publications, and 20 cases of desecrating Jewish cemeteries. Of the 224 culprits, arrested in 1966, the Ministry of the Interior claims that 13 per cent acted from political conviction, 25 per cent were cases of emotional disturbance and drunkenness and 32 per cent were non-political mischief-making. Twenty-four per cent of the cases concerned the actions of children and 6 per cent the mentally ill.

Although, then, there have been few signs of more than a slight swing to the uninstitutionalised centre in German politics and Land elections since 1965 it would appear that the National Democrats have succeeded in bringing together into one organization most of the dissident radical centrist elements hitherto dispersed amongst a large number of organizations.

The potential danger which the NPD presents to the West German state does not for the time being seem a great one. Indeed, no European nation seems in any immediate peril. However, fears of fascism are constantly expressed and we need to compare the NPD with two other movements, Poujadism and the M.S.I., which have caused similar frights and frenzies to those being expressed in the Federal Republic, and elsewhere, today.

In discussing regional autonomy parties in Germany during the Weimer period, S.M. Lipset in his Political Man draws attention to a link he discerned between regionalism as an ideology protesting against bigness and centralisation, and the economic self-interest of the small businessman. He points out that the regional autonomy parties in Germany (p. 144) "gave voice to the objections felt by the rural and urban middle classes of provincial areas to the increasing bureaucratisation of modern industrial society and sought to turn the clock back by decentralising government authority". Similar attitudes were also expressed by the Poujadist movement and some now see this as the rationale of
the present British nationalist movements. However, it may be suggested that for a political party to be analytically classed as Poujadist it must draw a proportion of its support from artisans, small businessmen, small farmers and the like (generally the self-employed), substantially greater than the proportion of that socio-economic group in relation to the electorate as a whole, and that it must specifically appeal in its policy declarations to the precarious socio-economic positions of those groups. So far the British nationalist movements differ in some respects from such a classification.

'Le mouvement Poujade', like the NPD, formed a highly uninstitutionalised centrist movement rather than one of the 'right', as is usually maintained. Indeed, the place of the authoritarian right in French politics never belonged to l'Union de Defense des Commerçants et Artisans (UDCA) but instead to the Gaullist Rassemblement du Peuple Francaise (RPF), which received its support, according to Sondages, the Grench Gallup institute, predominantly from the wealthier, the more religious, the older, the better educated and the female sections of the community - in all, the traditional conservative voters.

These survey findings not only demonstrate the conservative character of de Gaulle's supporters "but also indicate that they were most likely to distrust parliamentary institutions and favour strong-man government than the electorate of any other major party except the Communists. The Gaullists were second only to Communists in the proportion of their members who believed that their party should, in some circumstances, take power by force, and who favoured progress by means of revolution. A larger proportion of Gaullist voters than that of any other party including the Communists believed that "some party or parties should be banned", that only a minority of "cabinet ministers are honest men," that
the "leadership" of a political party is more important than doctrine or program and had "full confidence" in their party leader."¹

This indicates unequivocally the failure of France to institutionalise conflict. Unlike in Scandinavia, Britain, etc., the high status classes feel that their position is threatened and they lack the confidence to become as 'liberal' as their position would indicate elsewhere. Even the conservative establishment is somewhat uninstitutionalised in France. In France less than elsewhere in Europe, with the possible exception of Italy, are the dominant elites able to impose their norms on the nation.

Much of Poujadist doctrine was directed precisely against the conservative establishment authority and bureaucracy, towards which many of the commerçants et artisans felt resentment, as well as against the trade unions which, they believed, threatened their livelihoods. The Poujadists stood midway between the great collectivist institutions of big business, the trusts, the banks and the vast organizations of the employees. UDCA, then, consisted of a segment of the community which, as with Senator J. McCarthy's supporters, did "not have their hostilities and discontents channelled into and through existing political and economic institutions."² We may also say of the Poujadists, as Trow does of McCarthy's supporters, that small businessmen "disproportionately tend to develop a generalised hostility toward a complex of symbols and processes bound up with industrial capitalism: the steady growth and concentration of government, labor organizations, and business enterprises; the correlative trend toward greater rationalization of production and distribution; and the men, institutions, and ideas that symbolize these secular trends of modern society." UDCA's name indicates its nature as

¹ S.M. Lipset, op. cit., pp. 156-7
an interest group representing a specific economic sector of the community, and McCarthy's supporters came predominantly from the poorly educated and the lower working classes, who in each case found no place within the existing political structure for the articulation and aggregation of their interests. McCarthyism had, however, rather more of a working class base than the NPD or Poujadism, and as such may have more in common with Peronism than Poujadism. Nonetheless, we may remark the similarity in ideology and note once again that rather different class circumstances may produce similar ideologies.

As Professor Peter Campbell has said, in comparing Poujadism with fascism, "In Poujadism there is the same fear of being merged into the proletariat (a fear associated with hostility to both the organized workers below and the social ranks above the threatened lower-middle class), desire for scapegoats (domestic and foreign), and hostility towards culture, intellectuals and non-conformists," which clearly indicates the uninstitutionalised centrist nature of the movement.

The Movimento Sociale Italiano reflects a very similar position. As S.M. Lipset puts it, "The monarchists are more well to do, older, religious, and predominantly female. The MSI supporters come from the less well to do and are comparatively young, predominantly masculine, and irreligious or anticlerical. Poll data locate the greatest concentration of neo-Fascist voters in small communities. And ecological studies show that the MSI, like Poujadism in France, has been strongest in the less developed and less urbanized regions of the country."

The NPD, the Poujadists, the SMI, then, we would maintain, are all in the same tradition.

We need now, however, to distinguish between the various forms of uninstitutionalised centrism. The NPD, the Poujadists and the MSI are uninstitutionalised centrist movements whose alienation derives from the feeling of being crushed between the dominant organs of the state. In the case of the UFO, the farmers and their supporters felt oppressed by big capital before legitimacy was granted to the unions. Indeed, in the earliest decades of this century the UFO saw labour as its ally against a common enemy. The UFO, then, acting in a state with legitimised conflict and representing a too small, and decreasingly small, group, for it to be a continuing effective force, was never able to develop to, or flourish as, a Peronist, or perhaps populist, type of party. Indeed, it is this which is the essential difference between fascism and populism. Whereas a fascist movement is a movement of the crushed lower middle classes, populism is a movement of peasants, farmers and the petit bourgeoisie in alliance with labour against the dominant elites—the capitalist classes.

In the case of the Rassemblement Jurassien of Switzerland and that of the Welsh and Scottish Nationalists, we are dealing with movements whose claim to disenchantment from their political system is expressed in ethnic rather than state nationalist, economic, or class, terms. The Rassemblement Jurassien is, as its name indicates, a regionalist movement of the Jura, claiming affinity to France rather than Switzerland. The population of the Jura is predominantly petit-bourgeois or peasantry and predominantly rural; in addition it is entirely French-speaking and Roman Catholic—indeed, the similarity with Quebec is most striking. Thus, the cross-cutting cleavages of class, religion, urbanisation and ethnicity, which are, we would suggest, a highly significant factor in
maintaining the stability of Switzerland, are lacking in the Jura. The result, however, has not been a fascist movement. Because the alienation is expressed in ethnic terms and relates to the dominant ethnic group of Switzerland, much of the potential – and perhaps 'real' – economic alienation is lost in the ethnic orientation, and the potentially fascist nature of the movement diminishes correspondingly.

Welsh and Scottish Nationalism are, similarly, ethnic-oriented movements of the centre, though in these cases there is no compartmentalisation factor. The nucleus of the support for Welsh, and to a lesser extent, Scottish Nationalism comes from a middle-class group threatened on a cultural and intellectual rather than a socio-economic level, which indicates a significant difference from the more fascist movements.

Writing in 1954, Brennan, Conway and Pollins stated in Social Change in South West Wales, "The support for Welsh Nationalism comes at present mainly from farmers and middle-class professional people, especially, it seems, ministers of nonconformist churches, lawyers and teachers", but we may also add that the greater support for Scottish and Welsh nationalism in the urban areas suggests that it is now developing something of a working-class base. Brennan, Conway and Pollins noted that "many people in the area ... feel that its character is being damaged by the tendencies towards centralisation in industry and administration generally" and pointed out that the local system of associations was threatened on the one hand by a working-men's club system, and on the other by the anglicised (as opposed to the Welsh) middle-class. They forecast that if the threat was not dealt with, the centre of the local system might well be attracted to Welsh Nationalism, which had the merit of "appearing to offer a defence of the Welsh way of life without regard to class".
This theme may be supported by quotations from the programme of Plaid Cymru. Nationalism is defined in "Plan For a New Wales" as "an acknowledgement of the existence of traditional communities called nations and a belief in the value of national traditions and cultures as an expression of the personality and character of their members and as a cohesive force in the life of local communities". In the statement of basic aims of Plaid Cymru, the safeguarding of the culture, language and traditions of Wales is given precedence before the protection of its economy. SNP literature places more emphasis on the alleged economic deprivation of Scotland, but there are references to the "destruction of Scotland's cultural fabric" and remedial proposals for such cultural projects as a literary renaissance in Scotland.

An analysis of the socio-economic status of nationalist party candidates contesting the 1951, 1959 and 1966 general elections indicates that Scottish and Welsh Nationalist candidates have been drawn overwhelmingly from the Registrar-General's Classes 1 and 2. Most of them were professional people who had received further education beyond the secondary school level, often at a Scottish or Welsh university or college. Three of the twenty-three SNP candidates in 1966 came from occupations which were classified as belonging to Social Class 3: otherwise neither of the parties presented candidates from Social Classes 3, 4 or 5 in the general elections of 1951, 1959 and 1966. It is, of course, true that British political parties like American and continental parties tend to draw their candidates from the occupational groups placed in Classes 1 and 2 by the Registrar-General, but the small number of candidates lower down the social scale is an interesting feature of the Nationalist parties. Plaid Cymru, in particular, emerges as a party
of schoolteacher candidates, nearly half its candidates in 1959 and 1966 being drawn from the teaching profession. Schoolteachers enjoy a less dominant position among SNP than among Plaid Cymru candidates, but were nevertheless the leading occupational group among SNP candidates in all three general elections studied. Other professions such as medical practitioners and lawyers, were well represented in terms of candidatures, and there was also a sprinkling of 'businessmen' in both parties. In 1959 95% of the Plaid Cymru candidates received some form of further education beyond secondary school level, 80% receiving at least part of such further education at a Welsh institution. This pattern of a high level of education received within the region was still present, although to a less marked degree, among Plaid candidates in 1966. It was also evident, though to a lesser degree, among candidates of the SNP at all three general elections analysed.

Most Welsh and Scottish Nationalist candidates hold secure economic and social positions; there are few independent businessmen and small farmers amongst them. However, they are people who are likely to demand cultural and intellectual, as well as social and economic, fulfilment from life. In the case of Wales, they are seeking to preserve a threatened culture; in Scotland the specific Gaelic culture is of less importance in the nationalist consciousness. That is not to say that there is not a separate Scottish political culture that one meets in Wales. In Scotland it is possibly the absence of a satisfying national intellectual culture which is important rather than its defence, though this is suggested whilst being aware of the danger of trying to explain everything and hence too much by such an analysis. In any case Scottish Nationalism would seem to have less of a schoolteacher base than Plaid Cymru.
The hypothesis of a threatened culture may be supported by reference to the upsurge of Cornish Nationalism, manifested in the decisions of Mebyon Kernow (Sons of Cornwall) to fight parliamentary elections to secure Cornish independence. The Cornish nationalists are, like the Scottish and Welsh Nationalists were in their initial stages of development, primarily a movement of the professional classes. What is particularly interesting is the explanation given for the trebling in Cornish nationalist membership. A succinct account of the political developments that have taken place is given in The Guardian of December 5th, 1967, "Cornwall is afraid the G.L.C's plans to plant overspill population in the county will submerge the Cornish identity in a new metropolitan organisation". Thus, the cultural identity of Cornwall is threatened, a cultural identity that is particularly important to the intellectual needs of the professional classes, although it should be emphasised that in all three cases an economic threat is also seen to exist. It is this relationship of the economic threat to intellectual/cultural needs which is creating the circumstances in which the possibility of a Nationalist appeal becomes meaningful.

Clearly, all uninstitutionalised centrist movements have something more in common than the uninstitutionalisation and the centrism; and that is the potential of fascist ideology. The relative uninstitutionalisation of the centre is always in part a matter of an economic and status threat, but where this is expressed in terms of ethnicity the identity of the ethnic group proves a solidarity and identity providing factor which is absent from a lower-middle class alienation on a class basis. The diversity of image and interests of the low-middle class and the peasantry suggests why it has lacked a class consciousness. Class unity of the petit-bourgeois is only expressed in opposition to other groups, whereas
the additional factor of ethnicity provides a unifying factor - and hence alienation - reducing factor - otherwise absent from the petit-bourgeoisie. It is perhaps the tragedy of the working-class that when it achieves the class consciousness necessary for political action this proves such a unifying and integrating factor that much of the drive for radical reform is lost. If one is content within one's groups one's animosity to an outside oppressor is diminished. Because there is little identity amongst the petit-bourgeoisie its potential power to oppose and change remains unabated.

In conclusion, then, our claim is that fascism is the ideology of these groups who do not belong to the dominant conflict of the urban industrial state and whose status is declining, but that ethnicity, institutionalized conflict and specific state historico-cultural experience may intervene as factors which reduce the degree of uninstitutionalisation.
Chapter Four
The Divided Legislature

In this study so far the concentration has been on understanding fascism as an aspect of political culture and our analysis of the NPD has been to that end. However it is also incumbent on us to understand the prospects for the NPD as influenced by the structures of the West German political system. It is to this which we must now turn. The structure and functions of the organs of state formally endowed by a written constitution, or implanted by the power of custom, play a significant role in aiding or preventing groups within the state from achieving their goals.\(^1\) Indeed, it is commonly maintained that the division of executive power between Reich President and Reich Chancellor, the executive emergency powers and the electoral law of the Weimar Republic were significant contributory causes of the success of Hitlerism. Naturally, though not always with total comprehension and not always wisely, similar provisions were excluded

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1. This is commonly held to be a matter of dispute, but I propose to treat it as axiomatic here. Indeed, as I have argued elsewhere, the controversy between institutional forces and social forces is based on a false dichotomy, and I have been unable to find any social scientist who explicitly denies the value of institutional analysis. Rather is this accomplished by the omission of institutions from analysis, with the implicit claim for the primacy of social forces. It is perhaps what W.J.M. Mackenzie calls "the metaphysical nature of overarching theory" (See his Politics and Social Science, Harmondsworth, 1967, Ch. 8, especially pp. 86-110) which prevents the more general behavioural approaches from dealing satisfactorily with political structures and legal systems, although some historian writers (e.g. Sir Henry Maine in his Ancient Law), whom one might expect to encounter the same difficulties, seem to have accommodated them with ease. The position I propose to adopt here is that of treating social forces as interacting with institutional forces and vice-versa, as recommended by S.M. Lipset (Party Systems and the Representation of Social Groups, European Journal of Sociology, 1960, pp. 50-85) and M.J.C. Vile, Constitutionalism and the Separation of Powers, London, 1967, though in the latter case with the reservations to his anti-behaviouralism expressed in my review of the book (Parliamentary Affairs, XX, 3, 1967, pp.267-8).
from the Bonn constitution by the framers of the Basic Law, but today the constitution faces its own quite specific problems which may have influence on the success or failure of the NPD. It is proposed, therefore, in the next few chapters to consider the problems of the divided legislature, federal emergency powers, and the use of the budget for extra-parliamentary legislation.

To date the successes of the NPD have been restricted to Land elections, and the part the NPD members play in the Land parliaments is still a very small one. However, continued and increased success in Land elections, even if not repeated in federal elections, could have considerable influence on the functioning of the federal legislative system, and, even if this at present seems unlikely, the constitutional system itself contains certain structural defects (brought about via Land elections) which could lead to a legislative impasse. This, in turn, could become a stimulant to uninstitutionalised movements to attack what would appear as the inefficiency of the liberal democratic order.

The peculiarity of German Land elections is that they decide not only the composition of the Land parliaments, and hence to some degree Land governments, but indirectly also the composition of the Bundesrat, the Upper House in the Federal Parliament. A vote in a Land election, then, may influence two distinct areas of legislation and government. The powers of Land parliaments are restricted to legislating on education, religious and cultural affairs, police and local administration; but the real powers of the Länder lie in their execution of federal legislation and many members of the Bundestag and Landstage also accept appointment in, or are elected to, senior administrative positions in the Länder. It is because so many parliamentarians undertake such administrative duties that many commentators have been led to believe that the civil service constitutes an
excessive proportion of the Bundestag and Landtag memberships. In fact it is the parliamentarians who form a vital part of the political civil service. Thus although in 1964 some 33 per cent of Bundestag members held, or had held, senior civil service positions, less than 4 per cent had been trained in the service.¹ The remainder had become civil servants during their political careers.

In the Bundesrat each Land has at least three votes, Länder with more than two million inhabitants have four and those with more than six million have five.² Thus, at present, Baden-Württemberg, Bavaria, Lower Saxony and North Rhine-Westphalia have five votes, Hessen, Rhineland-Palatinate and Schleswig-Holstein have four votes, and Bremen and Hamburg have three. West Berlin sends four consultative delegates. The Bundesrat consists of delegates from the Land governments, and each Land delegation is required to cast its vote en bloc.³ The delegates are in fact the senior members of their governments and thus perform the dual role of Land ministers and federal parliamentarians. The Bundesrat is thus, as J.F. Golay has it, "the forum in which the Länder take part in federal law and policy-making, but it is also the guardian of the rights of the Länder—the "observation post" from which the Land representatives keep watch on the activities of the federal government and intervene if the line of demarcation of functions peculiar to the German system is overstepped".⁴

The constitutional position of the Bundesrat is such that its members, indirectly elected by votes in the Länder, are able to play a major role in governing the Federal Republic, and this through an organ of federal government deeply involved in the constitutional problems of West Germany. Thus, the governmental

². Basic Law, Article 51,2.
³. Basic Law, Article 51, 3.
crisis of October to December 1966 revolved around the election of a Federal Chancellor and the formation of a stable cabinet responsible (via the Chancellor) to, and supported by, the majority of the members of the Bundestag and acceptable to the Bundesrat. The government, as prime initiator of legislation (c.75 per cent of all bills), will require the consent of the Bundesrat to some 40 per cent of its draft laws. The Bundesrat, then, is in a position to veto a major part of the government's programme, but in practice does not do so, because its members, on the whole, regard themselves as representatives of the special interests of their Länder, rather than as party delegates, provided that the government does not prevent their control over the administrative aspects of legislation which the Länder will have to execute. If a significant proportion of NPD representatives were to become members of the Bundesrat they could very easily bring legislative procedure to a standstill. Thus, even if changes in federal electoral procedure were to prevent the NPD from gaining a significant foothold in the Bundestag their presence in the Bundesrat could be equally embarrassing, and changes in Land electoral laws are - as will be seen later - even more difficult to achieve. However, NPD influence on such a scale is, at least for the immediate future, an unlikely occurrence. Unfortunately, the functioning of the federal legislative system contains potential seeds of its own destruction, without the addition of the NPD problem. Indeed, perhaps a few NPD members present in the Upper House may make the Bundesrat members more acutely aware of the dangers so that they might act appropriately.

Karl-Heinz Neunreither has calculated that only the CDU-controlled Schleswig-Holstein and Rhineland-Palatinate delegates have consistently supported the
government and only the Hessen (SPD-controlled) members have voted against it more often than not. The importance to the coalition parties involved of the continuation of Land government coalitions has militated against voting on party lines in the Bundesrat. However, since the CDU/CSU has consistently been the largest Party in the Bundestag and, whilst in federal office, had a potential majority in the Bundesrat (i.e. if there had been votes on party lines in the Upper House the CDU/CSU would have won), no problem has arisen. If, however, each House had a different majority, then the party in opposition in the Bundestag could have the government's measures defeated in the Bundesrat in the case of Zustimmungsgesetze (i.e. those bills requiring the consent of the Upper House) or delayed with other legislation. This was, indeed, one of the factors considered by the Social Democrats in their declining to form a federal government with the Free Democrats after the fall of Erhard. It is not to be presumed, however, that in such circumstances the Christian Democrats would have defeated the government in the Bundesrat, at least in part because many of the CDU-dominated Länder coalitions are with the FDP; but it is probable that they would have demanded major concessions from the government, especially when any politically contentious legislation was presented. Memories of Weimar and a belief in the efficient functioning of a democracy would prevent the Bundesrat majority from consistently defeating a government but it could none the less considerably influence the government's legislative programme, perhaps to a damaging degree at a time of political or economic crisis. The democratic responsibility of the Bundesrat may thus become a vital factor in maintaining political stability in the Federal Republic, especially as the difference in votes between the two major parties has been gradually declining.
The framers of the Basic Law expected the legislative fields in which they had given the power of veto to the Bundesrat to be of rather minor importance compared with the majority of everyday business of the federal legislature. Between 1949 and 1962, however, 504 government-sponsored bills were deemed to require the assent of the Bundestag only and 618, plus five constitutional amendments, were interpreted as Zustimmungsbedürftige Gesetze (the full title for Zustimmungsgesetze). This has been largely because the relevant clauses in the Basic Law were interpreted in the widest possible way; that is, if a particular clause in a bill is adjudged to require the consent of the Bundesrat then the whole bill is subject to veto. Thus we are confronted, according to Thomas Ellwein, 'with an unexpected increase in the power of the Bundesrat, for which it has striven tenaciously and resolutely, although the legal position remains equivocal'.

The Basic Law of the Federal Republic gives the Bundesrat veto powers in thirteen areas, the most widely used of which came under Article 84 (1) and Article 105 (3), which read as follows:

Article 84 (1): If the Länder execute federal laws as matters of their own concern, they determine the establishment of authorities and administrative procedures insofar as federal laws approved by the Bundesrat do not otherwise provide.

Article 105 (3): Federal legislation on taxes of which the yield accrues in its entirety or in part to the Länder or the local authorities require Bundesrat approval.

The Basic Law, in fact, ascribes to the Bundesrat only two areas of legislative authority outside the direct, internal administrative areas of Länder authority - territorial reorganization under Article 29 (7) and amendment to the constitution under Article 79 (2). The remaining areas of Länder...
competence - via the *Bundesrat* - appear to uphold the description of the West German system as executive-legislative federalism\(^1\) but the *Bundesrat* has managed to interpret these constitutional provisions to include a considerable proportion of federal legislation. Some three-quarters of the *Zustimmungsbedürftige Gesetze* are interpreted as such under Article 84 (1) and most of the remainder under Article 105 (3). Thus in giving the widest possible interpretation to Article 84 the *Bundesrat* has managed to include under it almost every form of legislation which in some way affects the interests of the Länder directly. It is, then, an exaggeration to say, with Alfred Grosser, that the *Bundesrat* "has to a great extent become what the makers of the constitution wishes". It has become "an assembly of wise men counter-balancing the centralizing pull of the government"\(^2\) but their legislative powers have far exceeded the formal statements of the Basic Law.

Thus *Land* Ministers, as members of the *Bundesrat*, have the onerous task of maintaining a sound parliamentary basis for West German government. Without their acceptance of the need for the federal government to be allowed to govern without undue hindrance from the state's constituent parts, the Weimar disaster of the divided executive could be replaced by a divided and eventually non-functioning parliament. That is, one of Weimar's major difficulties was reconciling the power of the President and the power of the Chancellor and finding suitable, non-conflicting areas for the authority of each. The danger under the Bonn system

\(^{1}\) P.H. Merkl uses this term in opposition to Sir K.C. Wheare's over-insistence on Anglo-American norms (Federalism, Oxford, 1953) in 'Executive-Legislative Federalism in West Germany', *American Political Science Review*, LIII, September 1959, pp. 732-41.

is that the areas of Bundestag and Bundesrat authority will become confused and irreconcilable. Indeed, the Federal Republic may be facing a close parallel to the 1910 peerage crisis in Britain.

It is possible for a parliamentary system to work successfully with differing majorities in each part of a bicameral legislature, but only if one House has very reduced powers or accepts that it is in the interests of the state for it not to use its powers fully. The House of Lords is, in fact, a good example of both contingencies. An alternative is for political parties to become parties of tradition and interests rather than ideology, as is, to some extent, the case in the U.S. Congress. That is, they must become pragmatic parties which will take most questions on their merits and consider them in isolation (they will have no 'blue-print' answers) and each party member in the House will vote with comparative freedom. The parties will have to lose some of their powers to coerce their members and this implies that they will have to refrain from binding their members in parliament to anything more than a very loose party programme. Such would represent a dramatic change for West German politics, for, as Alfred Grosser informs us,1 of the 288 roll-call votes taken in the Bundestag between 1949 and 1957 the SPD was able to command 99.8 per cent allegiance to the party line, the CDU 94.5 per cent and the FDP 90.5 per cent. It could be argued, however, that the 1959 Godesberg Programme of the SPD paved the way for a much closer alliance between the two largest parties and this could lead to a change in function of parliamentary parties in West Germany. In reality, however, the Godesberg Programme is little different from the increasing moderation shown in the Goerlitz, Heidelberg and Dortmund Programmes between 1919 and 1952 and the animosity between the party leaders, despite the coalitions, seems to be far too great to allow such a conclusion, especially as there are few signs of any decrease in the powers of

1. A. Grosser, op. cit., p. 32.
the parties over their parliamentary members.

In circumstances of crisis the pressure towards unity, or at least towards less formal separation, is more likely to result in a renewed Grand Coalition but even here one party will always be the major governing power, since there can only be one Federal Chancellor, with the power to lay down the guiding lines of policy within which Ministers must work, although these Richtlinien would naturally be subject to a coalition agreement. Nevertheless, the formal power accorded to the Chancellor in Cabinet meetings in the Cabinet Standing Orders would be certain to leave the Chancellor in such a powerful position that the party not providing the Chancellor is bound to be, and regard itself as, a minor coalition partner.

Indeed, the reason for the last Grand Coalition was tactical, not 'to engender national unity for purposes of solving the All-German question', which is the reason usually advanced for such a coalition. The overriding consideration for Brandt and SPD was the gaining of experience of government at federal level. Before the 1965 federal election, according to the opinion polls, Brandt never managed to obtain the firm support of more than 20 per cent of the electorate and at the beginning of 1965 30 per cent were definitely opposed to his becoming Chancellor.¹ Only in the elections of 1912 (34.8 per cent) and 1919 (37.9 per cent) had the SPD been able to obtain more than a third of the votes cast prior to the candidature of Brandt for the chancellorship, and then in a much larger Germany, the parts in the former Soviet Occupation Zone and behind the Oder-Neisse line containing many of the traditional Protestant and socialist strongholds. Thus the SPD's capture of 36.2 per cent of the poll in 1961, 39.2 per cent in 1965 and 42.7 per cent in 1969 (compared with 29.2 per cent in 1949, 28.8 per cent in 1953 and 31.8 per cent in 1957) says a great deal for the new vigorous leadership of the

¹ Emnid and Allensbach polls as reported in The Economist, February 6, 1965.
party. The outlawing of the Communist Party by the Federal Constitutional Court, and the '5 per cent or three direct seats' clause, aiding the virtual extinction of the minor parties, have undoubtedly contributed something to the increased Social Democrat vote, though most of the minor parties were little more than right-wing interest groups and most of their support passed to the CDU/CSU and the FDP.

Elections in the Länder have without exceptionshown that there is considerably more latent support for the Social Democrats than they actually receive in federal elections. In each of the eleven Länder the election results have shown consistently since 1946 that the SPD can expect to gain a far higher vote in the Landtag election than in the federal election (see Table 1, p.76). No doubt the Länder election results can be partly explained as reaction to the central government in power, and to some extent be ascribed to the discipline of the SPD electorate, and the fact that many of the big names in the SPD prefer to act at Land level, so that they might take part in actual government, and at most stand for election to the Bundestag on the party list, must have had some effect on past constituency results, but it would appear that another cause lies in the lack of confidence in the leadership of the SPD at the federal level. The question for the SPD, then, was: Could it afford to do no more than wait until its gradual increases exceeded the vote of the CDU/CSU, if, indeed, they were to do so, or should it make some positive effort at government in the federation, even in a time of major economic difficulties? For the CDU, the Grand Coalition meant primarily the inclusion of

1. That the SPD's 'discipline' is not the main cause can be seen from Table 5 p.136 where the increase in SPD votes in North Rhine-Westphalia can be seen to be steadily increasing in absolute votes not just percentages. The decrease in turnout at Land elections has led some commentators to ascribe SPD Land successes primarily to the discipline of their voters.
It can be seen that not only has the SPD vote increased at every Land election over the preceding federal election, except in Schleswig-Holstein in 1950, but that each Land and each federal election has produced a greater proportion of the vote for the SPD than at the previous Land and previous federal elections respectively, in almost all cases. This trend has discontinued, however, since the Social Democrats joined the federal government. This suggests—though it does not prove—that reaction against the federal government was the most important single reason for the higher SPD vote in Land elections.
Strauss and hence the chancellorship of Kiesinger, amendment to the electoral system and the co-responsibility of the Social Democrats for the worsening economic situation. The Grand Coalition solution, then, cannot be a satisfactory long-term answer to the difficulties facing the German parliamentary system in times of crisis and with different parties as the predominant party in each of the two Houses.

The federal system in West Germany has caused the structural connections between the Land parties and the Bonn headquarters to weaken. Thus, it would be conceivable for the Land parties to move away from their national organization to the extent that no question of support for national policies from the Land parties would arise, but this too would depend on a weakening of the ideological bases of the parties, and would anyway be just as likely to cause instability by opposing their national organization in government or in a Grand Coalition as to aid stability by opposing their national organization in opposition in the Bundestag. Ultimately, we may say, everything will depend upon the responsibility shown by the Bundesrat to democracy rather than specific interests in allowing the popularly elected assembly to function without too much interference. But even here the Upper House could claim that it, too, is a popularly, if indirectly, elected body and, in certain circumstances, it might argue that, on the basis of a number or all of its representatives having been elected, at least indirectly, at a later date than those of the Bundestag, it is the genuine representative of the present wishes of the people.

It would thus appear that there is no simple political answer to the situation. What, then, of a legal answer? If the Bundesrat's extended powers were considered before the Federal Constitutional Court it is possible that the Court would decide that Article 84 (1) must be interpreted in a much narrower way. If the decision
went the other way, however, as it usually has when individual cases concerning
the powers of the Bundesrat have come before the Court, the power of the Bundesrat
would be fortified. It would, of course, be possible to amend the Basic Law so that
Article 84 would carry a much more exact wording, but the concurrence of two-
thirds of the Bundesrat would be required for this. If Bundesrat voting were on
party lines at present this could be achieved by a Grand Coalition; but it is
extremely doubtful whether the Land governments would succumb to national party
organization pressure and thus reduce their own powers, unless the system had
already broken down and the Bundesrat was acting responsibly to restore the normal
functioning of parliamentary government. It would not be possible to amend the
constitution effectively by by-passing the relevant clause of the Basic Law and
introducing a 'simple' law (i.e. one not requiring the consent of the Bundesrat),
specifically enumerating the powers of the Bundesrat, first, since on the basis
of precedent, such a law would be interpreted as requiring Bundesrat approval under
Article 84 (1) and, second, since Article 79 (2) states that: 'The Basic Law may
be amended only by a law expressly amending or amplifying the text of the Basic Law',
and Paragraph 3 adds: 'Such a law requires the approval of two-thirds of the
Bundestag members and two-thirds of the Bundesrat votes.'

Again it would appear that, ultimately, the working of the parliamentary
system will depend on the democratic responsibility of the members of the Bundesrat.
Without formally conceding their powers, however, the Bundesrat members could
help to legislate responsibly by increasing the already important liaison
functions of the Vermittlungsausschuss, the Mediation Committee. This Committee
is composed of twenty-two members, eleven from the Bundestag, based on propor-
tional party strength, (because of deficiencies in the d'Hondt system this is at
present CDU/CSU, SPD and FDP 1), and eleven from the Bundesrat (one from each Land).
It can be invoked by the Bundesrat when it disagrees with the Bundestag's position on a bill. In order to help secure agreement the Bundesrat members of the Committee are not bound by directions from their Land governments and since decisions of the Committee are technically procedural matters the Berlin member has full voting rights. The Committee may also be invoked by the Bundestag or by the federal government if, in the case of Zustimmungsbedürftige Gesetze, the Bundesrat has withheld its approval. The Mediation Committee has proved of immense value to the West German parliamentary system in ironing out differences between the Houses and reaching compromise solutions. Indeed, of the 218 bills brought before the Committee up to October 1965, only thirty failed to become law. These compromises, however, are nearly always closer to the wishes of the Bundesrat than the Bundestag or the federal government. Thomas Ellwein points out that: "The favourable position of the Bundesrat is explained by the fact that the Bundestag and the federal government are vitally interested in the early promulgation of legislation proposed by themselves and that on the other hand the Bundesrat, in the large majority of cases which come before the committee, could simply veto the proposals." Thus, by compromising on politically contentious legislation, the Bundesrat has maintained a free hand in deciding the administrative points of legislation, has played an important role in deciding the substance of the laws, and has at the same time prevented the federal government from introducing bills which it has felt would go against the majority interests of the Upper House. The danger of the Mediation Committee, with extended use, then, is that the government is likely to waver before difficult situations and to be inclined to remain content with the status quo, even when radical remedies are called for. Government would thus be reduced to administration.
It was to have been hoped that the recent emergency powers' legislation would provide a solution to the potential impasse, but, as we shall see, the federal parliament chose to extend its powers only marginally with the result that the NPD could only be curbed by these powers if it were to revolt openly and militarily against the system. We are thus left with the conclusion that the effective functioning of West German government may soon lie in the hands of the Bundesrat; in the not too distant future, the representatives of the Länder may hold the key to continued stability.

It might thus be said in conclusion that the parliamentary system of the Federal Republic contains the seeds of potential self-destruction. Unless the parliamentarians act with utmost liberal democratic concern, and against their own self interests, the NPD and other dissident movements may be offered a constitutional crisis which could be well used as a vantage point from which to attack the present political and social order.
Chapter Five
The Emergency Powers

The draft proposals for emergency powers' legislation introduced into the Bundestag in the last few years have possibly aroused more passion and heated political debate – both in and out of the Federal Republic – than any other non-violent politico-legal issue; yet there is also probably no issue on which so much has been said and written purely as an emotional response in the fear of creating a loophole for a new Nazism, and sometimes in total ignorance both of the specific content of the drafts and of the general nature and use of emergency powers' legislation. The most common British response to the German proposals was exemplified by David Childs when he claimed that "If those responsible in Bonn want to be taken seriously when they protest their democratic anti-Nazi loyalties, they must at least desist from the proposed emergency powers legislation," a thesis which implies that such legislation would greatly increase the powers of those 'responsible in Bonn', would facilitate the resurgence of Nazism and would imperil the development of German liberal democracy. Now that the proposals have been repeatedly discussed, repeatedly amended, and at last enacted and promulgated, an analysis of the content of the new constitutional provisions will enable us to judge whether such fears are justified.

Perhaps the most remarkable aspect of the debate leading to the final content of the constitutional amendments is the extent to which the expression and articulation of interests in the Federal Republic spread beyond the more

prominent politically-involved organizations and the extent to which the aggregation of interests has attempted to satisfy the less commonly influential articulators.\(^1\)

On few issues can so many have had greater influence and few government-initiated proposals can have undergone greater discussion and amendment from the first cabinet draft to final promulgation.\(^2\) The **Notstandsgesetz** is thus perhaps a rare example of liberal constitutional democracy functioning as pluralist representational ideology would have us believe is the norm.\(^3\)

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2. The first cabinet draft was introduced by Minister of the Interior, Gerhard Schröder on January 13th, 1960 (Bundestags-Drucksache III/1800) and was followed by the drafts of Hermann Höcherl (31.10. 1962; Bundestags-Drucksache IV/1891) and Ernst Benda, representing the Judiciary Committee of the Bundestag and not the federal government (31.3.1965, Bundestags-Drucksache IV/3494). All failed because they were unable to obtain the necessary two/thirds support for constitutional amendment. The Draft introduced by Paul Lücke (10.3.1967; Bundestags-Drucksache V/1879) was assured of success by being sponsored by the Grand Coalition representing 90% of the Bundestag votes and was enacted, amended, by 384 votes to 100 with one abstention on May 30th, 1968, as the Seventeenth Amendment to the Basic Law.

3. Though never stated explicitly, this appears to be the implication of the use of the concepts of interest articulation and aggregation as developed in G.A. Almond & J.S. Coleman (eds), *The Politics of the Developing Areas*, Princeton, 1960, and further enlarged on in G.A. Almond & G.B. Powell, *Comparative Politics: A Developmental Approach*, Boston, 1966. The danger with a non-rigorous usage of these concepts lies in their hidden normative implications (the more open and less controlled then the more representative). The orthodoxy which Almond's work is becoming for the American SSRC Committee on Comparative Politics seems likely to perpetuate this dangerous myth. However, used scientifically, and not merely to demonstrate the superiority of western democratic modes, these concepts can be of considerable value.
The result of the many minds involved in its conception and adaptation is a law of considerably greater complexity than any other emergency powers' law and one which indicates a greater degree of awareness of the problems of an excessive concentration of power in the hands of the executive, as well as its historical experience. However, the Weimar democrats were defending the state against the monarchists when they were surprised by the fascists; it is to be hoped that the democrats are not looking the wrong way again - this time by overrestricting emergency powers.

Every state has its own emergency powers' law, altering the 'normal' constitutional position to a greater or lesser degree. Where this is not embodied in a written constitution, ordinary legislation or constitutional practice provides the necessary authority. Thus the notorious Article 16 of the Constitution of 28th September, 1958, inaugurating the Fifth French Republic and providing the President with legally unrestricted powers, is an example of the first type, as are the provisions of Articles 202 and 203 of the Netherlands Constitution, which, together

1. The Article reads: When there exists a serious and immediate threat to the institutions of the Republic, the independence of the nation, the integrity of its territory, or the fulfillment of its international obligations, and the regular functioning of the constitutional public authorities has been interrupted, the President of the Republic takes the measures required by the circumstances after consulting officially the Prime Minister, the Presidents of the Assemblies and the constitutional council. He informs the nation of these matters by a message. These measures must be inspired by the desire to ensure to the constitutional public authorities with the minimum of delay the means of fulfilling their functions. The Constitutional Council is consulted about them. Parliaments meet as of right. The National Assembly cannot be dissolved during the period of exercise of the exceptional powers. (Dorothy Pickles' translation, The Fifth French Republic, London, 1960, p. 202).
with certain procedural laws, allow the monarch to declare any one of four degrees of emergency situation, subject to ratification by parliament. In the U.S.A., Great Britain, and Canada, extraordinary executive powers are conferred by simple law and in Belgium the power of the monarch and cabinet to enact legislation in wartime is accepted as a constitutional convention. Since all states appear to have some form of emergency powers law one might expect criticism to be expressed against the specific content of such legislation rather than, as is usual in West Germany's case, for having any form of extraordinary powers, without at least attempting to demonstrate what advantages abstention from legislation would give. Such criticisms appear to stem from the belief that Article 48 of the Weimar Constitution was primarily responsible for the success of Hitlerism, but even if this were to be proved it would only constitute evidence against having

4. Switzerland is perhaps also best classified as a 'constitutional convention' type, although it is more usual to regard Article 102 ss. 8 and 10 of the Swiss Federal Constitution as conferring the power "to secure the internal and external safety of, and to maintain the neutrality of, Switzerland without legislative authority" (Federal German Ministry of the Interior, Schwarz auf Weiss, 168, Bonn, 1968, p. 6). As Christopher Hughes accurately points out (The Federal Constitution of Switzerland, Oxford, 1954, p. 169): "The text of the Federal Constitution contains no mention of special emergency provisions except in Article 102, s. 11[the power to call up troops and dispose them] ...It can hardly be contended with honesty, in fact, that the grant of Full Powers is constitutional! But no constitution is actually sovereign and the Full Powers are granted and accepted as legitimate, giving them an authority of the 'convention' type.
5. The infamous Article 48 read (Section 2): In the event that public safety and order are seriously disturbed or endangered, the Reich President may take the necessary measures for their restoration, intervening if necessary, with the aid of the armed forces. Such measures were to be reported to the Reichstag immediately which had the power to rescind them.
a similar clause, not against such clauses in general. What is needed for a responsible judgement to be made is (a) to consider the effects of Article 48 and its inherent dangers, (b) to analyse and compare the new emergency powers, and (c) to consider the problems of remaining without such legislation.

It is still commonly maintained that Article 48 was a prime cause of the destruction of the Weimar system. Thus, L.L. Snyder has claimed that "Article 48 provided the perfect opening wedge for weapons to destroy the Republic. It was abused in such a way that it led to the "legal" dictatorship of Adolf Hitler.

The men who made the constitution, operating in times of political instability, were anxious to provide for effective control of both Right and Left. But what they did, perhaps unwittingly, was to provide the enemies of the constitution with a deadly flaw which could be used to squeeze the life out of the Republic. Article 48 is rightly called "the suicide clause"... Critics have wondered how it was that constitutional experts, who were producing one of the most advanced democratic documents in history, could have fallen into the trap of including Article 48\textsuperscript{1};

and Inter Nationes has recently published a report in which it is stated that "The repeated application of this article contributed decisively to undermining the democratic order of the German Reich at that time and to paving the way for dictatorship."\textsuperscript{2} It may, however, be equally validly argued that the Weimar system would have collapsed in the early 1920's without the use of Article 48 on a number of occasions by Reich President Ebert. The difference between Ebert's and Hindenburg's incumbencies and their use of the constitutional provisions lay predominantly in the fact that Ebert supported the constitutional

\begin{enumerate}
\item Inter Nationes, Special Report E, Providing for the Hour of Need, Bad Godesberg, 1968, p.3.
\end{enumerate}
system he headed and Hindenburg was a champion of the Imperial Reich. As Benedetto Croce aptly put it, Machiavellianism can serve reactionaries as well as democrats, as the art of fencing helps both gentlemen and brigands to defend themselves and to murder. Ebert used Article 48 to defend democracy. It was with the chancellorship of von Papen that the Machiavellian brigand period and the anti-democratic use of Article 48 began.\(^1\) It was only then that the offending clause was used to subvert the constitutional order and only because the Reich President was an enemy of that order and chose not to use the clause in its defence, and because there was no parliamentary majority willing or able to unite to save the Weimar system, which was, anyway, powerless to remove the President and the Chancellor as his nominee. Indeed, it must be remembered that the appointment by Hindenburg of Hitler as Chancellor on January 30, 1933 was in part an attempt to revert to at least the formalities of parliamentary government, for the Nazis formed by far the largest Fraktions. Hitler's own misuse of Article 48 was no more than a gesture; the non-existence of such a clause is unlikely to have deterred him – though it may have slowed his progress. Clearly, Article 48 did not prove the saviour of the liberal democratic order it might have been, but in electing first Hindenburg and then the Hitler deputies the Germans showed themselves unwilling to have a democratic system of government. No constitution can ever be more than marginally blamed because the voters elected the 'wrong' candidates and today the Bonn system does more than most to ensure that these candidates are at least formal democrats. It was the political

instability of German society, the cleavage and conflict of a democratically immature people, rather than the Weimar constitution per se, which had totalitarian dictatorship as a consequence.

If danger to liberal democracy is to be found in the content of an emergency powers' law then the French Article 16 surely provides the paradigm case. The President of the Fifth Republic may, on his own initiative (as with Weimar but not now in Bonn), declare a state of emergency. After receiving advice which he need not accept, he may become virtual dictator of France (similar, if not quite so extensive powers, were accorded the Weimar Chancellor and President acting in unison, but, unlike in France, subject to parliamentary removal of those powers; in Bonn the extended powers are minimal). The President alone is the interpreter of what constitutes 'a serious and immediate threat', as was the President of the Weimar Republic, whereas in Bonn the decision rests with parliament, subject to executive initiative and ultimate interpretation by the Federal Constitutional Court. In France the President alone decides when any such emergency is at an end; in Weimar the Reichstag could take such initiative itself and in Bonn the power is reserved to parliament, subject to prior decision by the Constitutional Court. Thus, had de Gaulle failed to win the election following the 1968 riots in France he would still have been entitled to strip the National Assembly of its powers - though he could not dissolve it - and similar powers rested with the Weimar Chancellor and President, but in Bonn no such extension of executive powers are foreseen. The successful functioning of any emergency powers' clause depends, of course, on who is using it and what his or their commitments to the constitutional order are. However, it does not follow that any one such law is as good as another. The French law allows for the maximum concentration of executive, legislative and judicial powers and,
although it could be used for the protection of democratic constitutional order - if that is what the present French system is - whether it is so used or not depends on the commitments and beliefs of one man; the application of Lord Acton's famous dictum could not find a more obvious test. It is just such a situation which the Seventeenth Amendment to the Basic Law seeks to avoid by maintaining a strict separation of powers whilst limiting some of the constitutional rights of the population in times of need.

The emergency powers' law envisages two distinct types of crisis, apart from that of natural catastrophe: a state of tension (Spannungszeit), i.e. a situation approaching civil war or preparation for international war, and a state of defence (Verteidigungsfall), i.e. when the Federal Republic is under armed attack or in immediate danger thereof. The creation of a state of tension must be declared by the Bundestag (Article 80 a 1) with a majority of two-thirds of the votes cast entailing at least a simple majority of total members. The Bundestag may also declare the emergency to be at an end. Thus, although the problem of excessive executive initiative is thereby circumvented the danger of Article 80 a (1) is that if anti-democratic forces were to obtain one-third of the seats of the lower House (as did Hitler in 1932) then the effectiveness of both parliament and government would be endangered in that they would be powerless to take extraordinary measures to defend 'the democratic and social federal state'. The problem is one of having an excessive limitation on the decision to use emergency powers to defend the constitutional order - quite the reverse of Weimar and the Fifth French Republic. However, the moral and legal position of the citizen is now made clear. The new Article 20(4) states that 'When other remedial measures are not possible, all Germans have the right
to resist any person attempting to overthrow this [the democratic and social federal] order'. Thus, the ultimate onus is now placed on the German citizen to defend the liberal order and, more forcefully, once again on the German voter to elect democratic candidates. If, as is sometimes maintained, the German is not democratically mature enough for this, one can only reply by stating that a sine qua non of maturity, is being given responsibility and that, anyway, the only alternative is a greater concentration of executive power, the very evil which the opponents of the emergency powers usually claim to oppose.

The ultimate paradox of any elective system of government is, of course, that the voters may support candidates who will deprive them of their electoral rights. The only legal remedy is to outlaw anti-liberal democratic parties and, as we have seen, the Federal Constitutional Court has already outlawed two such political parties and seven other political organizations. If the neo-Nazi National Democratic Party steps out of liberal democratic line it will undoubtedly be the next to go - many are awaiting the opportunity, but they must bide their time for the NPD has been careful of its public face and an unsuccessful attempt to disband the party now would only serve to reinforce the NPD's position. Until the NPD approaches a position where it can exert influence on public affairs it is probably wiser to continue to collect evidence so that when the time comes the legal remedy will not fail. Indeed, paradoxically enough, some of the NPD's success may well be attributable to the very fact that the West German citizen and the Federal German state have been allowed too little responsibility. The passing of the emergency powers' laws and with them an end of the clauses of the Deutschlandvertrag providing for allied reserve powers may thus help to undermine the foundations of the NPD.
The creation of a state of defence is again decided by the Bundestag but with the concurrence of the Bundesrat and again with qualified majorities (Article 115 a 1), thus subject to the same criticisms, but more strongly, expressed against the difficulty of creating a state of tension. If the Bundestag is unable to meet then legislative duties are undertaken (Articles 53 a 1 and 115 a 2) by a previously nominated Joint Committee (Gemeinsamer Ausschuss) consisting of thirty three members, two-thirds being members of the Bundestag, elected in accordance with relative party strength in the House, and not being members of the federal government, and one-third being members of the Bundesrat, one from each Land. However, power to alter the Basic Law or the sovereign authority of the Federal Republic is not granted to the Ersatzparlement.

During a state of defence (but not of tension) legislative procedure is simplified in that urgent government bills (Article 115 d 2) may be presented to both Houses simultaneously, to be considered immediately, and federal legislative powers are increased (Article 115 c 1) to cover, with the agreement of the Bundesrat, matters of Land concern and to direct the administration and finances of the states (Article 115 c 3); and to allow arrest without trial or commitment to be extended to four days (Article 115 c 2 ii) but only where "a judge is not able to be present within the period applying in normal times". Article 115 h 1 allow for the extension of the legislative periods of the Bundestag and Landtage¹ to a date six months after the expiry of the state of defence.

The only extraordinary powers accorded the government in a state of defence without further federal legislative authority are the use of the Federal Border Guard and the right to issue directives to the Land authorities or, if urgent, to transfer to itself Land executive rights (Article 115 f 1). Thus, if danger to liberal democracy exists in these measures it is not in an excessive concentration of power in the hands of the executive but in the hands of the
legislature - but even here the emergency powers are severely restricted by the Basic Law. It has been suggested that the Bundestag and Bundesrat may declare a state of defence so that they might remain in permanent tenure but they may only make the relevant declaration if asked to do so by the Federal Government and the Federal Constitutional Court would be entitled to declare any such act unconstitutional. Article 115 g forbids the Joint Committee to alter the constitutional position of the Court unless "This is essential according to the Federal Constitutional Court to maintain the functioning of the Court". Of course, if a two-thirds majority in parliament were to strip the Court of its powers nothing could be done - other than by the population in accordance with Article 20 (4) - but there must always be a point beyond which constitutional safeguards cannot go. Indeed, in Britain the breaking point is reached immediately for a simple majority could constitutionally deprive any and every other body of its total authority.

No constitution can provide for all contingencies - nor should one try to make it; the constitution needs to be anchored in probabilities and to defend itself against not too unlikely possibilities.

Emergency powers which are accorded in the state of tension as well as defence include (Article 87 a 4) the use of the armed forces "to support the police and the Federal Border Guard to protect civilian property and to combat organised and militarily armed rebels". This is perhaps the most disturbing of all the powers, but, of course, much will depend on how the authorities interpret what constitutes a danger to the Republic and there will still be an ultimate appeal to the Federal Constitutional Court. The most encouraging indication of parliament's attitudes to its powers comes in the restrictions imposed on itself and the executive in relation to the limitations on civil rights. Thus

1. but not of 'the governments of the federal states' as Inter Nationes (op. cit., p. 12) has it.
Article 9 (3) provides that conscription and the emergency powers of the use of the armed forces and police "may not be invoked against industrial unrest carried on to safeguard and promote the working and industrial conditions of associations." Restrictions on the privacy of postal and telecommunications (Article 10 2) and on the freedom of movement (Article II 2 ii) may only be ordered on the basis of a federal law. The right of the federal government to conscript is introduced (Article 12 a 1) for men from the age of 18 for the armed forces, the Federal Border Guard or civil defence. Women may, if a federal law so allows, be conscripted (Article 12 a 4) from the ages of 18-55 for medical services. However, "They are not permitted under any circumstances to serve under arms", which is clearly in contradiction of Article 3 (2) of the Basic Law which states that "Men and women have equal rights" and of Article 3 (3) which begins "No one may be prejudiced or privileged because of his sex . . . .". This is certainly a legal basis for any conscript, male or female, refusing to serve and the Federal Constituitional Court would find it difficult - which is not to say it wouldn't do it - to find a compatibility between Articles 3 and 12a, which would presumably make Article 12a of the Basic Law unconstitutional. However refusal to do war service under arms and to be thus conscripted for alternative service is of right (Article 12 a 2).

In toto the Federal German emergency powers' legislation can hardly be seen as the excessive concentration of power in the hands of the executive, as its opponents are wont to claim. Indeed, it may be said to constitute a considerable diminution of it, for, as Foreign Minister Willy Brandt said on the occasion of the third reading of the bill in the Bundestag (May 30th, 1968) "any rejection of emergency legislation anchored in the Basic Law would inevitably lead to
a revival of the efforts to provide an extra-parliamentary emergency legislation by the executive, which would not be limited to the framework of the Basic Law. We should try to imagine here and now how emergency law would have looked before the abolition of the drafts of the secret laws, if a state of emergency had had to be called.

The three allies would have declared that they would immediately exercise their rights according to Article 5, Para. 2 of the German Treaty because of a direct threat to their troops stationed in the Federal Republic. Part of these rights would have been transferred to the German authorities. They would have made it possible for the Federal Government to declare a state of emergency legally and in practice for the whole of the territory of the Federal Republic of Germany. Such a decision by the Federal Government would have been made possible without the Bundestag or the Bundesrat having the chance to prevent it. During the state of emergency the Federal Government would have been able to issue emergency decrees on a wide scale on the basis of occupation law without having to observe the limits set by the Basic Law. The Federal Government could have done the following without the Bundestag being able to intervene:

a) limit, beyond the scope foreseen in the Basic Law, the basic right of freedom of speech, of the press, of information, of assembly, of travel and of employment;

b) order the arrest of individuals for longer periods without regard for Article 104, Paras. 2 and 3 of the Basic Law;

c) deploy Bundeswehr, Federal Border Patrol and the police of the various federal states centrally and without any form of control.

More detailed orders could have produced the numerous emergency provisions,
there were several dozens, which were as one knows top secret until November 1967 and held in safe-keeping by the Federal Government, the federal-state authorities, and partially at community level, until their immediate enforcement on Day X.

Without wanting to give the appearance or the hint of arguing with those who worked or believed they had to work under the conditions at that time according to this model, may I be permitted to quote a few more examples to illustrate the content of such draft emergency legislation:

a) One provision foresaw the mobilisation, either through compulsory service or through a ban on changing one's work place, of men and women for civil service without the parliamentary, material and legal security provided by Articles 12a, 9, Para. 3, and 80a of the present emergency constitution.

b) A decisive restriction on the right to choose one's domicile was foreseen.

c) The press would have been widely subject to official censorship.

d) A further provision foresaw wide-ranging measures to limit the freedom of assembly and association.

e) A provision in the labour-law sector foresaw a limitation on wage autonomy up to a general wage freeze.

The paradox of any emergency powers' legislation for use in peace time is that if the state is stable and there is a general consensus about the modes and ends of political behaviour then the state can afford to have extensive extraordinary powers vested in one or more organs but is unlikely ever to have to use them. If, on the other hand, the state is unstable and cleavage ridden it will clearly need an emergency powers' clause but democracy will thereby be endangered. Perhaps this amounts to saying no more than that the stronger the anti-liberal democratic forces then the greater the danger for the liberal democratic constitutional order. If Federal Germany, as many believe,
is facing a potentially dangerous conflict situation with the rise of the NPD, the liberal democratic state may well need such powers. Liberal democrats and Marxists alike must then welcome these powers being used against the rise of a new fascism. Our fear must be that they don't go far enough and cannot be easily applied. Thus, if the neo-Nazis maintain a democratic face until they have captured a third of the Bundestag seats then the measures cannot be used against them. Clearly, all is much worse if anti-democratic forces gain control of the state and use the emergency powers for their own ends. But is not all lost then anyway? And is not the advantage of the emergency powers that they are there before the rise of the anti-democratic forces and may be used to prevent their success?

The most forceful argument against the emergency powers' legislation is that, because of the great concern amongst certain sectors of the population, its very introduction has helped to create the disturbances which it was designed to prevent becoming dangerous. Federal Germany has until recently displayed the general western mid-century characteristic of developing to what is termed 'the end of ideology' - though the pragmatic position is itself ideological - but antipathy to the relatively immobiliste position of the governing elites is now increasing. As Barrington Moore Jr. has expressed it, "There is, I think, more than a dialectical flourish in the assertion that liberty requires the existence of an oppressed group in order to grow vigorously. Perhaps that is the tragedy as well as the glory of liberty. Once the ideal has been achieved, or is even close to realization, the driving force of discontent disappears, and a society settles
down for a time to a stolid acceptance of things as they are".¹ The economic miracle, the increasing social acceptability of the SPD in bourgeois circles and the working class feeling of being an integral part of the new state helped to decrease the Weimar cleavage, but today the growing awareness that there is little increase in social mobility and that a new class of entrepreneurs has embodied itself as an elite has increased the sense of alienation amongst intellectuals and students and those who have no institutionalised channel of expression in the modern urban-industrial state. Perhaps we may say that Federal Germany has only awakened from the dullness of social statics, but if there is a danger that this should lead to a resurgence of totalitarian centrism then effective emergency powers are clearly needed. The fear, as always, is that they may be used to defend the status quo against the legitimate claims of oppressed minorities. Ultimately such possibility can only be eliminated by further development of German democratic consciousness, to replace a superficial allegiance to the name of democracy, and only education, experience and responsibility will provide this. Paradoxically, the emergency powers' legislation provides the first step to responsibility.

¹ Barrington Moore, Jr., Political Power and Social Theory, Cambridge, Mass., 1958, p. 183.
Chapter Six
The Enabling Bill Technique

If the emergency powers' legislation were to fail to prevent the National Democrats from achieving governmental office, the Neo-Nazis would have either to accept or destroy openly the liberal democratic order, or to find some method of subverting that order whilst remaining within the formal framework of the Basic Law of the Federal Republic, as Hitler did in regard to the Weimar system with his infamous enabling bill technique. The constitutional lawyers and politicians at the Herrenchiemsee conference and the Frankfurt Parliamentary Council were careful to seek to exclude such possibilities from the Basic Law\(^1\) but they ignored the potential use of the budget for apparently illegal measures, although this had been previously employed to undermine parliamentary power.\(^2\) Thus, until recently, the right of the executive effectively to create new law by inclusion of projects within the budget has never been explicitly overridden.

When Budget resolutions are approved by the British Parliament they are embodied in the annual Finance Act and thereby become as much law as any other act passed constitutionally until they expire with the end of the fiscal year.\(^3\)

\(^{1}\) For example, Article 79, 1, of the Basic Law was made to read: The Basic Law may be amended only by a law expressly amending or amplifying the text of the Basic Law.


\(^{3}\) There are some legal difficulties - for example, the lawful collection of taxes before the Budget is promulgated - with financial legislation restricted to a particular period. These difficulties are largely overcome by permanent legislation such as the Provisional Collection of Taxes Act, 1913, and the relevant clauses of the Finance Act, 1926, Cf. Erskine May, Parliamentary Practice, 17th ed. (London, 1964), pp. 820-1.
All provisions of the Budget are thus contained in statute law and are subject constitutionally to complete parliamentary control. By contrast, in Switzerland taxation and expenditure are not authorized annually but by permanent legislation. The Swiss Budget - "the internal expedient (one could almost say) which the Civil Service adopts to conduct its own affairs" - is not formulated as statute law, but nevertheless "sometimes . . . expenditure which was not previously lawful is legalized for the first time by the Budget."\(^1\) Further, if the object of the expenditure is lawful then the Swiss Federal Government has the right to spend monies on that matter without further legal authority. Thus the Swiss Budget may create new non-statute law and is, as an aspect of parliamentary supervision of administration, an expression of a curious kind of quasi-delegated legislation, the only limits of which are that it must involve finance. Whether the West German Budget constituted law in the traditional British parliamentary manner or was an administrative statement subject to parliamentary review, as in Switzerland, has recently been the object of judicial review in the Federal Constitutional Court, thus, at last bringing the matter to settlement.

The Court was required in July 1966, to decide whether a motion brought by the Land Government of Hessen was admissible, asking the Court to declare the provisions of the Federal Budget, providing public finance for political parties, incompatible with the Basic Law. It was evident that an injured political party could claim that its constitutional rights had been infringed by an act of the executive, but the problem raised by the Hessen Government motion was whether the Budgetary provisions constituted law as such and could be examined for their

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\(^1\) Both quotations are from C.J. Hughes, *The Parliament of Switzerland* (London, 1962), p. 138. 'Legalized' must here mean 'making to have the effect of law'. The Budget becomes law by being applied and not contested. It is indicative of the complex concept of law that Professor Hughes can write "the Budget is not a law" and also, on the same page, that something can be "legalized by . . . the Budget".
compatibility with the Basic Law by the process of abstract judicial review (abstraktes Normenkontrollverfahren). The German legal system differentiates between concrete judicial review, when the Court is asked to adjudicate constitutional questions arising from actual cases before lower courts, and abstract judicial review, where organs of Federal and Land Governments are empowered to contest the constitutionality of legislation without reference to a particular case. For the Hessen Government to be entitled to oppose the Budgetary provisions, then, it was required to show that the Budgetary details constituted federal law, although they were not promulgated as such in the Bundesgestezblatt, and that the Court was competent to declare these provisions incompatible with the free formation of political parties secured by Article 21 of the Basic Law.

The Bundestag, in opposing the admissibility of the motion, argued that the details of the departmental provisions in the Federal Budget were not law in the sense of Article 93, 1, 2\(^1\) of the Basic Law because the Budget statute did not contain statements of substantive law or generally binding regulations but simply confirmed the Budgetary proposals which were not themselves promulgated as law - 'The Budget is just a piece of arithmetic, a contrast of prospective income and expenditure'.\(^2\) In other words, it was claimed that the Budget is merely an administrative account, as it is in a legally strict interpretation of the Swiss system.

The Bundestag further argued that the Budget statute and the Budget provisions could not be subject to judicial review because Article 93 did not contain in its reference the kind of statute, such as the Budget statute, which was restricted

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1. 'The Federal Constitutional Court decides in cases of differences of opinion or doubts as to the formal and material compatibility of federal law or Land law with this Basic Law . . . at the request of the Federal Government, of a Land Government, or of one-third of the Bundestag members.'
in time. The lower House, maintained that the object of judicial review was not
the act of making law but the law itself and that retroactive judicial review
was not permissible - the motion concerned the 1965 Budget, which had ceased to
have effect six months before the case was heard. The Federal Government doubted
whether the Budget was federal law in the required sense, because the Budget was
subject to judicial review by the Federal Court of Audit (Bundesrechnungshof),
which also 'incidentally investigated the compatibility of Budgetary estimates
and their uses with the Basic Law'. It was questionable, it was claimed, whether
the Federal Constitutional Court was competent to hear the case since the jurisdic-
tion of the two Courts would clash and that of the Federal Court of Audit was
secured by Article 114, 2 of the Basic Law. The Christian Democratic Union, also
opposing the admissibility of the motion, asserted that 'the Budget statute is
a planning and regulating measure agreed between Parliament and Government; it is
essentially different from other norms'. Again, the argument was in favour of
interpretation according to the Swiss model.

The Second Senate of the Federal Constitutional Court, in rejecting these
submissions, claimed that it had already been decided on several occasions that
the expression federal law should be given the widest possible interpretation as
the object of judicial review. Further, according to Article 110, 2 of the
Basic Law, Federal Budgetary proposals must be established by law (unlike in the
Swiss system) and Article 111 empowers the Federal Government to spend sums in
proportion to the Budgetary provisions of the previous fiscal year if at the end
of that year the current Budget has not been established by law. Also, according

2. Thus the Federal Constitutional Court was required to adjudicate on the question
   of its own jurisdiction. Kompetenzkompetenz is a constantly recurring theme
   in German constitutional law.
to Article 112, expenditures exceeding the Budget require the assent of the Federal Minister of Finance. In consideration of these three articles the Court argued that the Budget statute was not only a statement (Feststellung) but also a licence (Bewilligung) empowering the Government to spend monies - 'The authorizations of Articles 111 and 112 of the Basic Law may replace the authorizations of the Budget statute to distribute resources'. Similarly, Article 110, 2, 3 & 4 (.... in special cases they expenditures may be approved for a longer period. Otherwise the Federal Budget statute may contain no provisions which extend beyond the fiscal year ....) clearly goes beyond a mere statement of expenditure and implies a licence to use the resources. The Second Senate thus concluded that the Budget statute is not merely an 'arithmetical statement creating only a factual situation' but is in fact an authorization to act. In Switzerland the Budget merely authorizes again what was already lawful in itself and in this sense it is (from the strict standpoint of the constitutional lawyer) superfluous. The difference between the British, West German and Swiss Budgets, in their constitutional essence, then, is that in the first case the Budget is essential for taxation (though it need not yet have been promulgated), in the second it can be dispensed with only in special circumstances, but in the third it is not legally required at all.

The Court argued that it need not decide whether the Budget statute was procedural or substantive law since it, in either case, was clearly law in the sense of Article 93, 1, 2 and was accordingly subject to abstract judicial review. The Court further maintained that, although individual items of the Budget are not contained in the Budget statute, reference is often made to those items in the statute and the Budgetary content must be regarded as a unit, as

3. Except in those circumstances where it creates new law, as in the use of the Swiss Budget to expand the Civil Service towards the end of the nineteenth century.
4. C.J. Hughes, loc. cit.
is clear from Article 110, 2 requiring statutory confirmation of the individual items. The practice of not promulgating the Budgetary proposals as law, the Court claimed, is a long-standing practice of convenience and does not remove the details of the Budget from the realm of law. Thus not only was the Budget statute subject to abstract judicial review, but the contents of the Budget as well.

The Second Senate also maintained that the question of the time limit on the law did not prevent it from being subject to judicial review, since a Budget statute could remain effective into the following fiscal year (Article 111) and was thus not necessarily restricted to a specific period. However, one may see some problems of interpretation if an extension to a second fiscal year were carried on into a third, but a time limit does not appear anyway to be a sufficient reason for exclusion from judicial review. Retroactive abstract judicial review may cause concern, but it is little different from concrete judicial review applied to a former law since changed by Parliament.

Finally, the Court argued, the jurisdiction of the Federal Court of Audit did not extend to the constitutionality of the Budget, but was restricted to the consideration of governmental expenditure. The so-called constitutional review of the Federal Court of Audit went no further than the examination of whether the administrative bodies had adhered to the Budget statute.

In the final analysis, the Federal German Budget was interpreted as adhering more closely to the principle of parliamentary sovereignty - paradoxically the decision was fought by the majority of German parliamentarians \(^1\) - than to the principle of administrative dominance.

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1. The majority of Bundestag members opposed the motion because they did not want to forfeit public money for their parties, not because they wanted to reduce their own power.
The practical consequence of this decision for the future functioning of judicial review in West Germany will be to empower the constitutional organs of Federal and Land Government to bring a provision of the Budget to the Federal Constitutional Court before a legal person has to claim that he has been injured by that provision. If the Budget had been declared non-law a Government careless of the basic right of the citizens and supported by a majority in Parliament could have created an unlawful situation by providing finance for its projects through the Budget - a subtle, if not so effective, use of the Enabling Bill technique - and could have been prevented only after considerable delay, and after damage had been done, through concrete judicial review.

It is remarkable that such an important legal decision has caused so few comments amongst German jurists and political scientists. Coming as it did on a motion for admissibility in a case on the constitutionality of public payments to political parties, legal comment has been confined to the case rather than the motion. The effect of the decision on the case, however, is already losing some of its importance with the publication of an all-party Political Parties Bill, which among other matters has decided the principles on which public money will be divided between the parties; the effect of the decision on the motion for admissibility is to give a more precise legal interpretation of the West German constitutional system, and to take a further step towards preventing anti-democratic forces from subverting the liberal democratic constitutional order.
Chapter Seven
The NPD and the Electoral System Debate

The rise of the NPD has brought much urgency and speculation into the considerations of electoral reform which have continued unabated since the founding of the Federal Republic. Some democrats feel guilty about electoral manipulation of any kind, even when it is designed to remove anti-democrats; others are concerned that the consequences of altering the electoral system may be almost as unpleasant as living with the anti-democrats. Much of the problem stems from the fact that little academic work has been done either on the performance of the NPD or on Land electoral systems, where the NPD have so far had their successes — and from the fact that no one wishes to lose from any change irrespective of the effects on the NPD. What is proposed here, therefore, is to consider the federal electoral system debate and to analyse the potential consequences of the present federal and Land systems and the proposed changes.

Under the electoral system of the Bismarckian Reich a successful candidate for membership of the Reichstag had to poll in a single-member constituency an absolute majority of the votes cast. This, as under the present French electoral system, often required a second ballot and resulted in victory for the least disapproved rather than the most strongly approved candidate. Such a system reinforced the upper middle class and aristocratic parliamentary predominance already enhanced by the three-tier electoral system in Prussia, whereby each social class, irrespective of its size, received equivalent representation. Reaction against the Empire in the writing of the Weimar constitution resulted in a purely proportional party list electoral system, whereby only 60,000 votes were required by any political party in order to have a representative elected to parliament, with the result that as many as thirty-six parties campaigned
in one general election and as many as seventeen parties were represented in the Weimar Reichstag.¹

In the discussions about the electoral system for the new Federal Republic in 1948/49 debate was centred on achieving a system which accurately reflected the views of the electorate while at the same time providing for governmental stability, the lack of which contributed to the collapse of the Weimar system and to the catastrophic sequel of Nazism. It was decided by the framers of the Basic Law that the federal electoral system should not be part of the constitution, but simply be contained in a federal law so that it could be more easily changed should political circumstances require this. The arrangements devised for the first federal election in 1949 consisted of 40 per cent of the candidates being elected on Land party lists and 60 per cent in constituencies, together with a limiting clause whereby any party which did not win three constituencies, or gain 5 per cent of the total vote cast in any one Land, was not entitled to any of the seats apportioned among the party lists. For subsequent elections the system was modified to allow 50 per cent of the candidates to be elected on party lists, and parties were now required to obtain 5 per cent of the votes cast throughout the federation, or to win three direct seats, before taking part in the proportional distribution. Only parties representing the interests of minority national groups (e.g. The South Schleswig Voters' Association, a party of Danish nationals) are exempted from this '5 per cent clause', the object of which is to prevent the splintering of parties and the representation of small groups in the Bundestag, which might hinder the formation of a stable government and the successful functioning of parliamentary plenary and committee sessions.

¹. There were also numerous parties represented in the Wilhelmian Reichstag which suggests that the prevalent political culture was as important a cause as proportional representation in the abundance of political parties.
Although the electoral system is superficially half proportional representation and half direct constituency seats, the effect of the Bonn electoral law is almost entirely proportional on party representation in the Bundestag, as opposed to individual candidate representation. In the apportionment all the seats are distributed according to the party list votes (each elector has one vote for a constituency candidate and one for a party list) and the number of constituencies won by each party is then subtracted from the number of seats allotted on the basis of the list vote. The remaining seats won by each party are then distributed to those candidates on the party Land lists, in order of party preference, who have not been successful in a constituency. The only deviation from proportional representation in federal elections, at least from proportion according to the d'Hondt maximum ratio process, occurs when a party wins more constituencies in any one Land than it is entitled to proportionally on the basis of all the seats to be distributed in that Land. In such circumstances the candidates winning the constituencies retain their seats, and the number of members in the Bundestag is increased correspondingly.

With the introduction of the 5 per cent clause in 1949, and its later extension, though not solely because of it, the number of parties represented in parliament declined from the maximum of seventeen in the Reichstag of the Weimar period to ten in 1949, five in 1953, four in 1957 and three since 1961, in the Bundestag. Only between 1957 and 1961 has one parliamentary party had an overall majority. The problems involved in coalition government, despite the German tendency to coalesce even where one party has an absolute majority, have led to various...

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1. Even if one considers the CSU, the Bavarian counterpart of the CDU, as different from her sister party; they are in fact separate parties but form one parliamentary party.
2. The CDU/CSU were one short of an overall majority from 1953-57.
proposals to change the electoral system; proposals which have increased in number as the danger of neo-Nazism has loomed larger. Thus prior to the 1953 and 1957 elections, Adenauer recommended changes which would have had the constituencies considered separately from the party list votes instead of being subtracted from them. The Christian Democrats also offered to form a coalition with the Social Democrats in 1962, part of the governmental programme of which was to be a change to a plurality system of voting, but this was rejected by the SPD at that time as they felt that they would fare too badly under the direct system. However, a Grand Coalition of the Social Democrats and Christian Democrats was formed in December 1966, and expressed its intention to change to the plurality constituency system for the 1973 federal election and to introduce an alternative temporary system for the 1969 election; an intention it proved impossible to keep with no one wishing to lose out on any new arrangements.

With a new federal electoral law, if one is ever implemented, there will be pressure on the Länder to bring their own complicated proportional representation electoral systems into line, but here much greater difficulty will be encountered since each Land has a different system and in most Länder certain provisions of the electoral law are enshrined in the Land constitutions. Professor Dolf Sternberger, a member of the Beirat, echoed the government's view when he said 'nothing was simpler to understand and to employ' than the plurality system. Indeed, with as high as 4 per cent invalid votes cast in federal elections, largely, it would appear, from a failure to understand voting requirements, a change from the apparent justice of a complicated proportional system to a simpler method could be argued not only as a matter of expediency to allow for strong government, and to decrease the opportunities for NPD Bundestag membership, but even in the interests of an ideal democracy per se.
One of the problems of change to a plurality constituency system would be that the suburbs and medium-sized towns would grow in importance by becoming marginal constituencies and perhaps attract greater attention by the government in their policy making, and by the opposition in their promises, to the detriment of other areas. Since their inhabitants are likely also to be superproportionally middle-income recipients, and thus belong to the potential voting reservoir of either major party, government would be in even greater danger of becoming class (i.e. bourgeois) oriented than it is at present, though it is, of course possible that the marginal votes may be, say, skilled working class. In 1965 the electorate of villages of less than 1,000 inhabitants voted 57.6 per cent for the CDU and 29.7 per cent for the SPD. In towns of more than 200,000 inhabitants the voting was 47.9 per cent SPD, 38.6 per cent CDU. It is in the communities of 30,000 - 70,000 people that excessive interest could become a problem.

The Christian Democrats face a potentially formidable difficulty in that a plurality system may cause the party to develop unwillingly into an overwhelmingly Catholic party rather than to keep the inter-denominational basis it has striven so hard to maintain. Under the present Land list system for federal elections and similar arrangements for most Land elections, Protestants are assured of a sizeable proportion of the CDU seats by being granted favourable positions on the party lists. Under a plurality system the party's safe seats would be primarily in predominantly Catholic areas and the constituency organizations would be almost certain to select Catholic candidates, as they do at present, most Protestants entering parliament on the Land list. Thus in the 1965 federal elections the CDU/CSU received 72.1 per cent (SPD 21.6 per cent) of the votes cast in predominantly Catholic areas, yet only 42.9 per cent (SPD 40.2 per cent) in the predominantly Protestant areas, despite a Protestant
preponderance in rural constituencies. In the areas of mixed denominations the CDU obtained less than 40 per cent and the SPD more than 45 per cent of the vote.

Regional variations in voting - based, at least in part, on religious affiliation - are also likely to cause greater decentralization of party structures and to bring about a virtual demise of certain parties in certain areas. Thus in the 1965 federal elections the SPD managed to win but one of the eleven constituencies in Schleswig-Holstein and only nine of the forty-four in Bavaria. Conversely the Social Democrats won all the constituencies in Bremen and Hamburg and eighteen of the twenty-two in Hessen. The particularist tendencies encouraged by the structure of the Bundesrat may also thereby develop in the Bundestag. The artificial Länder creations of the Allied Military Governors may thus take on a new meaning but only to the detriment of the infirmly based nation-state existence of the Federal Republic.

The peculiar regional variations would also create considerable difficulty in attempting to devise a satisfactory constituency system. The CDU won a total of 245 of the 496 seats (excluding West Berlin) in 1965 but only forty-three of these came from Land lists. Generally speaking the better the party's results the fewer Land list seats it obtains. Conversely the SPD could only win ninety-four constituencies but secured 202 mandates altogether. All the FDP's forty-nine seats came from Land lists. In twenty-one of the 248 constituencies the CDU/CSU obtained over two-thirds of the vote whereas the SPD achieved this majority only once. Similarly, in eighty-five constituencies the Christian
Democrats received more than half the votes cast and the Social Democrats could manage this in only thirty-five. In the United Kingdom the Labour Party prior to the 1964 election required some 2 per cent more of the votes to win the same number of seats as the Conservatives because of the large numbers of wasted votes Labour received in their safe constituencies. The CDU/CSU would suffer under a plurality system from its excess votes in its large number of safe constituencies to an even greater degree than Labour in Britain. For example, in the 1962 Land election in North-Rhine-Westphalia the CDU won only two more of the 150 constituencies than the SPD despite a 3.1 per cent majority of votes. A swing of 0.3 per cent in Cologne City III would have equalized the number of constituencies won by the two major parties and in addition a swing of 0.5 per cent in Remscheid would have given the SPD a majority of two, even though, if this latter swing had occurred throughout the Land, the CDU would have still received a 2.1 per cent majority of the votes. The disadvantages of the Labour Party have now, at least temporarily, disappeared and those of the Christian Democrats are diminishing, from as much as a 5 per cent bias in the 1961 federal election, in part because of the gradual depopulation of the major towns and, in the case of Labour but not the CDU because of low turnout in their safe constituencies. The fall in anti-clerical sentiment in general and the decline in the fear of socialism amongst the Catholics and the bourgeoisie are both contributing to a reduction in the bias and to a greater spread of votes in German electoral politics. None the less, a somewhat diminished bias is likely to play an influential role for some time to come.

1. Bias in British and German electoral systems is a consequence of the accidental geographical class (and, in Germany's case, religious) distribution of the population and is not to be confused with gerrymandering.
There is also a more general argument against the proposed change: because of this bias the plurality system may simply fail to express the will of the electorate. In 1951, for example, the British Labour Party won 295 Commons seats with 48.8 per cent of the vote and the Conservatives won 321 seats with only 48.0 per cent. It is theoretically possible that the party with the most votes should have no seats at all. Should one party win all the seats but one from a second party with a total majority less than that achieved by the second party over the first in a constituency won by a third party then this odd result, however improbable in practice, would occur. Thus, if Labour won 629 seats in a parliamentary election with a majority of, say, three over the Conservatives in each case, and the Liberals won the remaining seat with the Conservatives second and Labour at least 1,888 votes behind them, then the Conservatives would have more votes than any other party yet they would have no seats. The problem is almost as great when the opposition is unduly diminished by such bias, as in the 1931 and 1935 British general elections when Labour in the first case gained 30.7 per cent of the vote and 8.1 per cent of the seats and in the second 37.8 per cent of the vote and 25 per cent of the seats. In neither case was there an effective opposition to the National Government.

It is sometimes argued that a constituency system is more successful in preventing pressure groups from 'buying' their candidates parliamentary seats in that the local constituencies choosing a candidate have less to gain from the pressure groups, and can anyway find an easier explanation for their refusal to 'cooperate' when they only have one mandate to offer, than a Land
party organization drawing up its party list. Against this, however, special
groups with legitimate interests may suffer. Thus under a constituency system
it is difficult to find seats for women, representatives of minority interests,
young candidates and electorally unattractive experts. It is as true for Germany
as for Britain that the individual candidate has only a negligible effect on
a party's chances in a particular constituency, but the choice of candidate re-
mains none the less important to the constituency organization which acts
as though their selection will be vital to the result. Further, the list
system is useful in preventing the defeat of potential Cabinet Ministers and
their consequent exclusion from the government, as with Patrick Gordon Walker,
or their remaining in the government and exclusion from parliamentary control,
as with Michel Debre and M. Couve de Murville. 1 The list system in itself,
however, does not wholly overcome this difficulty as was seen in the 1966
North Rhine-Westphalian Land election when five SPD shadow Cabinet Ministers,
who only figured on the Land list, were defeated at the polls because the Social
Democrats fared too well in the constituencies, winning as many seats there
as they were entitled to altogether.

The German federal, and some Land electoral systems, do not make for less
contact between a member and his constituency than would be likely under a
plurality system, except in so far as the member's constituency is likely to
be larger. Indeed, the opposite is often true. Since some candidates defeated
in constituencies are likely to find themselves in parliament via the party list

1. Though the French system excludes this anyway.
an equivalent number of constituencies will find themselves with dual re-
presentation and genuine competition between the members may develop in terms
of their service to the local community. It is, of course, to the advantage
of the defeated candidate to work hard in his constituency so that he may
win it next time and thus be no longer subject to the favour or disfavour
of the Land party bureaucracy which will, in effect, decide his future position
on the party list.

A possible consequence of the plurality system is that the 'wrong' party
will have sufficient mandates to form the government, yet the most common
consequence of proportional representation in federal Germany is that the
third party will be an almost permanent member of the governing coalition,
which indicates the kind of danger the Federal Republic would face if the
NPD were to replace the FDP as the third party in the federation, as it is
already doing in some Länder, though thus far without forcing any party
into an unwelcome coalition, or even a Grand Coalition, with its ensuing
damage to competitive political modes. Thus in the federation, the Free Democrats,
with never more than 12.8 per cent of the vote (but never less than 5.8 per
cent), have been in the governing coalition for all but six of the twenty one
years, whereas the Social Democrats, receiving from 28.8 to 42.7 per cent
of the vote, became members of the federal government for the first time
in December 1966. Thus the argument that a constituency system fails to
consider the interests of minor parties can be turned on its head. Minor
parties in a proportional system are likely to have greater influence in
government than the second party except under a Grand Coalition. Indeed
one may argue that a proportional system is always going to work to the dis-
advantage of the German Social Democrats under present party circumstances,
for even if the SPD is the largest party it may be defeated if it has no absolute majority by a coalition of the Right and Centre as in North Rhine-Westphalia in 1966. Even if this does not occur there is no natural coalition partner for the SPD.

There is necessarily something odd about an electoral system in which one member is elected with a majority of 74,436, as in the Cloppenburg constituency in Lower Saxony in 1965, and another with a majority of only 215, as in Munich-West in the same election, without the addition of a proportional element. None the less, it is a worthwhile reflection that the Social Democrats would almost certainly have had an absolute majority in the Reichstag of 1919 under a plurality constituency system and could have had the opportunity to create some form of stability for the new Republic. No different electoral system would alone have been a sufficient measure to prevent Hitlerism but it could have been an important stabilizing factor in creating a situation in which extremism would have been less likely of political success.

A compromise between the simple plurality and proportional representation systems was, of course, with the memory of Nazism still fresh, in the minds of the framers of the first electoral law when they combined proportion with constituencies - 'personalized proportional representation', as it became known - and added the 5 per cent clause to prevent the breaking-up of parties as occurred under Weimar.

Under the 5 per cent clause votes for parties other than the major three reduced from 27.9 per cent in 1949, to 16.5 per cent in 1953, 11.3 per cent in 1957, 5.7 per cent in 1961, and 3.6 per cent in 1965, but then rose
slightly in 1969 with the advent of the NPD. To what extent this was due to the limiting clause is difficult to say but we may presume that such factors as the influence of mass media on the personalization of politics and voting attitudes, the development of economic stability and the rise in the standard of living, and the concentration of interest on the duel between the chief government party and the chief opposition party were also important. Once a party had become in danger of falling below the 5 per cent mark electors must have become wary of the danger of casting their vote ineffectively. Also as it gradually became clear that victory must lie with either the Christian Democrats or the Social Democrats voters will probably have voted for one of these parties to keep their bête noire out.

Tendencies to splintering however did occur, not only in the 1949 federal election, but also in the Länder, from a comparatively stable situation in 1946/7 to a dangerously fragmented one between 1949 and 1951 (see Table 2). This suggests that the 'economic miracle' may have been a more important factor than the 5 per cent clause in the development to a basically two-party system.

Whichever of these electoral systems is applied, considerable difficulties will undoubtedly occur. For this reason, Professor Ferdinand A. Hermens, a leading opponent of the Federal Republic's present electoral system, has proposed the introduction of a system whereby, it is claimed, most of the plurality system's defects are to be averted.

The first proposal is that, in addition to constituency candidates, there should be a party list, providing about 25 per cent more seats, to
### Table 2

Votes cast for minor parties (i.e. other than CDU/CSU, SPD, FDP) from 1946 to 1961 in Land and federal elections (percentages)

<table>
<thead>
<tr>
<th></th>
<th>Bremen</th>
<th>Hessen</th>
<th>Lower Saxony</th>
<th>Schleswig-Holstein</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
<td>15.8</td>
<td>10.7</td>
<td>27.9</td>
<td>17.2</td>
</tr>
<tr>
<td>1947</td>
<td>16.7</td>
<td>18.5</td>
<td>41.7</td>
<td>32.3</td>
</tr>
<tr>
<td>1949</td>
<td>35.8</td>
<td>5.0</td>
<td>34.1</td>
<td>45.7</td>
</tr>
<tr>
<td>1951</td>
<td>40.0</td>
<td>13.4</td>
<td>27.8</td>
<td>21.9</td>
</tr>
<tr>
<td>1953</td>
<td>28.7</td>
<td>12.4</td>
<td>30.3</td>
<td>27.1</td>
</tr>
<tr>
<td>1955</td>
<td>25.6</td>
<td>12.6</td>
<td>22.2</td>
<td>15.5</td>
</tr>
<tr>
<td>1957</td>
<td>17.6</td>
<td>11.6</td>
<td>24.5</td>
<td>14.3</td>
</tr>
<tr>
<td>1959</td>
<td>22.2</td>
<td>7.1</td>
<td>9.1</td>
<td>8.0</td>
</tr>
<tr>
<td>1961</td>
<td>8.1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

L = Land election  F = Federal election

High points of 'other parties' votes in the remaining Länder are:

- Bavaria: 37 per cent in 1950 Hamburg: 23.7 per cent in 1949 Baden-Württemberg: 13.7 per cent in 1952 West Berlin: 9.5 per cent in 1954 North Rhine-Westphalia: 11.5 per cent in 1949 Rhineland-Palatinate: 6.3 per cent in 1953

Minor parties, as can be seen from the table, tend to fare better in Land elections than in federal elections. There is in federal elections a tendency to a greater concentration of votes on the parties capable of becoming the major partner in the federal government.
TABLE 3

Hermens's use of the Law of Cubic Proportion

An approximation of the seats gained can be achieved by the following formula:

\[ x_j = \frac{ny_j}{y_1^3 + y_2^3 + y_3^3 \ldots} \]

Unfortunately with this formula \( x_1, x_2, \ldots \) are unlikely to be whole numbers, hence the importance of using some proportional system such as the d'Hondt maximum ratio process (see below, Table 6, pp.142-3) where the third power of the number of votes received will be used for the division instead of the number of votes itself.

Examples (in percentages) of the functioning of the system based on the above formula are as follows:

<table>
<thead>
<tr>
<th>A Party</th>
<th>Votes</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>50</td>
<td>57.8</td>
</tr>
<tr>
<td>B</td>
<td>45</td>
<td>42.14</td>
</tr>
<tr>
<td>C</td>
<td>5</td>
<td>0.06</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B Party</th>
<th>Votes</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>48</td>
<td>59.5</td>
</tr>
<tr>
<td>B</td>
<td>42</td>
<td>39.9</td>
</tr>
<tr>
<td>C</td>
<td>10</td>
<td>0.6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C Party</th>
<th>Votes</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>45</td>
<td>64.2</td>
</tr>
<tr>
<td>B</td>
<td>35</td>
<td>30.1</td>
</tr>
<tr>
<td>C</td>
<td>20</td>
<td>37</td>
</tr>
</tbody>
</table>

According to Hermens's limitation on seats to be held by one party, Party A in Column C will lose some of its seats but Party B's seats will not exceed 35 per cent.

be divided between the Land parties in proportion to the number of votes cast for a party in each Land. This would allow women, minority group representatives and experts into parliament and prevent the extinction of a party in a 'hopeless' area.

Secondly he proposes to legislate against parties obtaining more than 60 per cent (or perhaps 55 per cent) of the seats unless the party receives more than 60 per cent (55 per cent) of the vote, thus preventing an over-strong government party and too weak an opposition.

Thirdly, and most interestingly, he proposes employing Poisson's Law of Cubic Proportion, not for statistical analysis, but as a method of distributing the seats (see Table 3). The Law is that if, in a relative majority system with single-member constituencies, votes are divided between two parties in the ratio of A:B, then seats will be distributed in the ratio of $A^3 : B^3$. Thus where only two parties put up candidates, 51 per cent of the votes will (on average) give 53 per cent of the seats, and 52 per cent of the votes 56 per cent of the seats. The total number of votes vast for each party will, when cubed, provide the proportion of seats to be held by each party; and the supernumerary seats - over the number of constituencies won - will be drawn from the party lists. The advantages of using this system to distribute seats are that it will make narrow majorities unlikely and ensure that the party obtaining the greatest number of votes will also have the most seats and probably an overall majority. There will also be no bias. A constituency system plus
**Table 4**

*Party representation in Land parliaments (May 1967)*

<table>
<thead>
<tr>
<th>Land</th>
<th>Actual representation in %</th>
<th>Projected representation under plurality system in %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bavaria</td>
<td>CSU: 54 SPD: 38 NPD: 8</td>
<td>CSU: 68 SPD: 32</td>
</tr>
<tr>
<td>West Berlin</td>
<td>CDU: 29 SPD: 64 FDP: 7</td>
<td>SPD: 100</td>
</tr>
<tr>
<td>Bremen</td>
<td>CDU: 31 SPD: 57 FDP: 8</td>
<td>SPD: 100</td>
</tr>
<tr>
<td>Hamburg</td>
<td>CDU: 32 SPD: 62 FDP: 6</td>
<td>SPD: 100</td>
</tr>
<tr>
<td>Hessen</td>
<td>CDU: 27 SPD: 54 FDP: 10</td>
<td>CDU: 9 SPD: 91</td>
</tr>
<tr>
<td>Lower Saxony</td>
<td>CDU: 42 SPD: 49 FDP: 9</td>
<td>CDU 27 SPD: 70 FDP: 3</td>
</tr>
<tr>
<td>North Rhine-Westphalia</td>
<td>CDU: 43 SPD: 49 FDP: 8</td>
<td>CDU: 34 SPD: 66</td>
</tr>
<tr>
<td>Saar</td>
<td>CDU: 46 SPD: 42 FDP: 8</td>
<td>CDU: 52 SPD: 48</td>
</tr>
<tr>
<td>Schleswig-Holstein</td>
<td>CDU: 49 SPD: 36 FDP: 7 SSW: 1 NPD: 7</td>
<td>CDU: 72 SPD: 28</td>
</tr>
</tbody>
</table>

Where Länder have constituencies the projected results are based on the constituency results in the most recent Land election. Where the Land has a purely proportional system projected results are based on figures for Wahlkreise or Stimmbezirke (electoral areas). These figures are subject to some error, firstly, because under a new system constituency boundaries would be redrawn and, secondly, because a change in system might affect voting behaviour. Percentages have been rounded off and may therefore not add up to 100 per cent.
a reserve list would be maintained and yet each vote would be significant—with the result that no advantage will accrue to a government or opposition in seeking the votes of a particular class, except in so far as that class contains the voters most likely to change their allegiance. Nor will there be a tendency towards abstentions in constituencies with large majorities and these will not be disregarded in election campaigning, except in so far as there will be a possible concentration of effort in those areas where the greatest gains can be made, i.e. generally where the party's vote is at its lowest.

The defects of this system appear to be that it will still virtually exclude all minor parties from representation in parliament and will make it extremely difficult for new parties to appear, which has the advantage of excluding the NPD but also much which may contribute to the development of German democratic consciousness. The system is as unlikely to be understood by the electorate as is the present system, but the number of spoilt ballots may be reduced by the use of only one vote per elector. In the Rhineland-Palatinate there was a 4.8 per cent invalid vote in the 1961 federal election where the electors had two votes and only 2.1 per cent and 1.8 per cent in the previous and ensuing Land elections where the electors had only one vote. In North-Rhine-Westphalia in 1961 the invalid vote was 2.9 per cent, yet was only 1.3 per cent and 1.2 per cent in the previous and ensuing Land elections where again the electors had only one vote.

The proportional nature of this system may be somewhat disjointed if a party wins more constituencies than it is entitled to under the Cubic Law, but this will be no different from the present system where parties which win more constituencies in the Land than their proportional entitlement,
based on twice the number of seats as there are constituencies - with the exception that turnout above or below the national average may slightly increase or decrease the number of seats to be distributed in that Land - are entitled to keep the excess seats.

Whether, however, any basic change in federal or Land electoral laws will be possible is still not certain. Apart from the reluctance of many members of the Bundestag - many are aware that a new system would decrease their chances of remaining members - the Federal Constitutional Court has on six occasions adjudicated on disputes concerning electoral provisions and as early as 1952 it stated that the 5 per cent clause could not be increased without contravening the Basic Law unless very special compelling circumstances prevailed. Since the introduction of a plurality system or the Cubic Law system would effectively increase the limiting clause well beyond 5 per cent and as there are no 'very special compelling circumstances' it will be declared unconstitutional by the reviewing court unless it is passed with a two-thirds majority in the Bundestag and becomes part of the Basic Law.

With the end of the Grand Coalition the likelihood of a new electoral system being implemented in the near future has considerably decreased, though to date the failure to change to a plurality system has not resulted in NPD representation in the Bundestag. Nonetheless, such representation remains more likely under the present system than under any of the systems proposed to keep the NPD out. However, as we have seen, there is no easy manner in which the relevant electoral manipulation can be accomplished without damaging the liberal democratic structure of the Federal German state.

In the federation the electoral law is contained in a simple (einfaches) federal law and thus change requires only a plurality of those voting (including those registering an abstention) in the Bundestag, but, as we have seen, the decisions of the Federal Constitutional Court have meant that change to a plurality system will have to be anchored in the Basic Law.

The problem of electoral system reform is even more problematical in the Länder for they are subject to the same decisions of the Federal Constitutional court, and in most Länder change from the present proportional representation system would require a two-thirds majority even if the Court were to decide that there 'prevailed very special circumstances'.

Each Land has its own electoral law and in no Land is the electoral law entirely enshrined in the Constitution of that Land. However in most Länder certain provisions of the electoral law are secured by the Constitution. Thus, for example, Article 29 (1) of the Baden-Württemberg constitution provides that: The deputies are to be elected according to a process which combines a personal election with proportional representation.

and Article 28 (3) that:

Details are to be regulated by law. It may make the distribution of seats dependent upon receiving minimum proportion of valid votes cast in the Land. The required proportion may not exceed five per cent.

The Bavarian constitution concerns itself with electoral regulations in even greater detail. Thus Article 14 (1) reads:
The deputies are elected in general, equal, direct and secret elections in voting districts (Wahlkreisen) and constituencies (Stimmkreisen) according to an improved system of proportional representation by all citizens possessing the right to vote. Each Bezirk (Landkreis) [rural local authority] and each independent (kreisunmittelbare) town (Stadtkreis) [urban local authority], in larger towns each Stadtbezirk [local authority area within a city] with an average of 60,000 inhabitants, forms a constituency;

and Article 14 (4) states:

Candidates who do not receive ten per cent of the votes in one voting district will be accorded no seats.

Other constitutions provide fewer incursions into the legislative authority of parliament. In Berlin a minimum number of deputies is prescribed as well as the following (Article 26 (2)):

Candidates may be nominated only by political parties. A party which in the Berlin region receives less than five per cent of the votes cast obtains no seats unless one of the party's candidates wins a seat in a constituency.

Similarly, Article 75 of the Bremen constitution regulates the number of deputies and provides that:

Candidates who receive less than five per cent of the votes in the electoral area of Bremen, or in the electoral area of Bremerhaven, obtain no seats.

The only specific requirements of the Lower Saxony, Hessen and Rhineland-Palatinate constitutions with respect to the electoral law concern themselves with minimum percentage clauses and in the last two cases the number of members

1. A Wahlkreis is a multi-member voting district consisting of a number of constituencies (Stimmkreisen).
in the Landtag. The Saar also stipulates a minimum number of deputies (fifty) and that they are to be elected according to proportional representation. In the remaining three Länder, Hamburg, North Rhine-Westphalia and Schleswig-Holstein, there are no specific electoral requirements other than that Hamburg stipulates a minimum number of deputies to the Bürgerschaft (the equivalent of the Landtag for a city state). In all the Länder citizens of the age of twenty-one and over are entitled to vote and those over twenty-five years of age are eligible for election. Thus, in Baden-Württemberg and Bavaria proportional representation is strictly embodied in the Land constitution, and in Berlin, Bremen, Lower Saxony, Hessen and the Rhineland-Palatinate proportional representation is ensured by logical implication, it could be argued, of the minimum percentage clauses. Indeed, if any Land were to find the necessary majority for change, the Federal Constitutional Court would probably still outlaw it on the ground that it was incompatible with federal law and 'Federal law overrides Land law', although the Bavarian ten per cent clause has not yet been so outlawed. Thus, exclusion of the NPD, at least temporarily, from Land parliaments by electoral manipulation seems to be beyond the powers of the Länder until the federation acts and even then the finding of the necessary majorities will be an extremely difficult task.

All the Länder employ some form of proportional representation system although only in Bremen and Rhineland-Palatinate is the strict form followed. Elsewhere the d'Hondt maximum ratio process or a simple proportion is used to combine a constituency system with proportional representation. Thus, the NPD

1. Article 31 of the Basic Law.
2. However, the Bavarian clause refers to Wahlkreisen and not to the whole Land, thus not specifically excluding parties obtaining only five per cent throughout the Land and making it fairly probable that such a party would succeed, although in fact the FDP was excluded from the Bavarian lower House in 1966 on this basis.
is able to achieve in Landtag representation a similar proportion to that which it achieves in popular vote and it thus already has a nuisance value in several Landtag and numerous Gemeinde assemblies. Although the d'Hondt and other proportional systems tend to provide insufficient majorities for single-party Cabinets it is interesting to note that the German feeling — now somewhat diminishing — that one-party government is somehow undemocratic reinforces the tendency to form coalition governments even where absolute majorities are obtained, e.g. the federation from 1957 to 1961, Hessen since 1962, Bremen since 1959, West Berlin since 1958 and Hamburg since 1957. Continued NPD success is likely to increase the tendency to coalition government and where the NPD holds the balance of power, as the FDP has until recently tended to, the tendency to form Grand Coalitions, with its concommitant difficulties, will be increased. The advantage of the somewhat decreased animosity between the 'system' political parties, as compared with Weimar, is that, whatever other problems ensue, the present major parties will be able to defeat the NPD in parliaments, and hence exclude them from governments, unless the NPD were able to form an absolute majority government, provided, of course, the major parties are not succumbed into joining with the NPD in order to provide itself with greater executive power. This will, of course, remain a problem where no party has an absolute majority for a second party may be tempted to use the NPD to exclude the largest party from government.

Länder legislatures are unicameral with the exception of Bavaria. Article 34 of the Bavarian constitution provides for a Senate which is 'the representative of the social, economic, cultural and local authority corporations of the Land'. Article 35 regulates the details as follows:
The Senate consists of 60 members. It is composed of the following:

1. 11 representatives from agriculture and forestry
2. 5 representatives from industry and trade
3. 5 representatives from hand craftsmen
4. 11 representatives from trade unions
5. 4 representatives from free professions
6. 5 representatives from cooperatives
7. 5 representatives from religious bodies
8. 5 representatives from welfare organizations
9. 3 representatives from high schools and academies
10. 3 representatives from local authorities

The size of the Länder legislatures and governments varies according to the following table:

<table>
<thead>
<tr>
<th>Land</th>
<th>Population (June 1965)</th>
<th>No. of members in Land gvt</th>
<th>No. of members in Land pm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baden-Württemberg</td>
<td>8,374,000</td>
<td>9</td>
<td>120</td>
</tr>
<tr>
<td>Bavaria</td>
<td>10,058,600</td>
<td>16</td>
<td>204</td>
</tr>
<tr>
<td>Berlin</td>
<td>2,201,800</td>
<td>13</td>
<td>140</td>
</tr>
<tr>
<td>Bremen</td>
<td>737,8000</td>
<td>10</td>
<td>100</td>
</tr>
<tr>
<td>Hamburg</td>
<td>1,857,000</td>
<td>12</td>
<td>120</td>
</tr>
<tr>
<td>Hessen</td>
<td>5,139,000</td>
<td>8</td>
<td>96</td>
</tr>
<tr>
<td>Lower-Saxony</td>
<td>6,892,000</td>
<td>9</td>
<td>149</td>
</tr>
<tr>
<td>North Rhine-Westphalia</td>
<td>16,664,000</td>
<td>10</td>
<td>200</td>
</tr>
<tr>
<td>Saar</td>
<td>1,123,000</td>
<td>8</td>
<td>50</td>
</tr>
<tr>
<td>Schleswig-Holstein</td>
<td>2,423,300</td>
<td>8</td>
<td>69</td>
</tr>
</tbody>
</table>
All legislatures are elected for four-year periods, with the exception of the Saar's quinquennial parliament, subject to dissolution. In Baden-Württemberg (200,000 signatures) and Bavaria (1,000,000 signatures) the parliament may be dissolved by a decision of the electors. Only in North Rhine-Westphalia and Schleswig-Holstein can the Cabinet dissolve the Landtag and then only in special circumstances. In North Rhine-Westphalia the Landtag may be dissolved by a majority of its members (Article 35) (as in all other Länder with the exception of Baden-Württemberg and Bremen) or, according to Article 68 (3), the Land government has the right to put to a referendum a bill sponsored by itself and rejected by the Landtag. If the referendum approves the bill the Land government may dissolve the Landtag; if the bill is rejected by the referendum the Land government must resign.

In Schleswig-Holstein Article 31 (2) again allows for the Landtag to be dissolved by a majority of its members and Article 31 (1) states:
If a vote of confidence is demanded by the Minister-President and does not receive the approval of the majority of the members of the Landtag, the Minister-President may within ten days, but only once for the same reason, dissolve the Landtag. Between the proposal and the vote forty-eight hours must elapse. The right to dissolution is lost as soon as the Landtag elects another Minister-President by a majority of its members.

The four, or five year, legislative period is invariably allowed to run its full term. Dissolution of the Bundestag or a Landtag is so far unknown in the Federal Republic, and it is not open to the head of government to declare elections for tactical reasons, as the Prime Minister does in the U.K., which
allows NPD members a full term of office and one they may at present use without risk of causing new elections which would impose strains on their finances. However, at present the size of NPD Land parliamentary representations is too insignificant to cause more than minor embarrassments to the major parties.

There are, as has been stated, different types of electoral systems in each of the Länder, and with varying effects on the NPD potential especially whilst the NPD remains relatively small. We shall, then, investigate a few of these systems in some detail.

The Bavarian electoral system is the most complicated in the Federal Republic with the possible exception of that of Baden-Württemberg. Each voter has four votes in a Land election in Bavaria, two on white ballot papers for the Landtag election and two on green ballot papers for the 204 members of the Bezirkstage (County Councils). The Land is divided into seven voting districts and 102 constituencies. One candidate is elected in each constituency, and the remaining 102 seats are distributed between the seven voting districts. The higher the turnout in any one voting district, as compared with the turnout in the other voting districts, the greater proportion of the 102 seats will be available to that voting district for distribution on the party lists for that district. No party may be represented in the Landtag unless it obtains at least 10 per cent of the votes in one voting district, even if one of its candidates is elected in a constituency. The total number of seats in the Landtag may be increased if a party wins more constituencies than it is entitled to on the d'Hondt distribution. Thus, the fact that the NPD, as will be evidenced below, depends more than the FDP on particular social and economic groups likely to be concentrated in certain relatively small areas, means that the Bavarian system will work more to the advantage of the NPD. Thus, for example, a predominantly agricultur-
natural population living in small villages (ideal-typical NPD voters) may constitute a very sizeable proportion of one Wahlkreis (Middle Franconia, for instance) and bring the NPD vote above the ten per cent barrier there, whereas the FDP's vote will come to a not inconsiderable extent from the urban bourgeoisie who will be less significantly concentrated in one Wahlkreis. The result of the 1966 Bavarian Land election was to give the NPD some eight per cent of the seats in the Landtag, but the FDP, which obtained less than one per cent less than the NPD's vote, was totally excluded.

North Rhine-Westphalia's electoral law is one of the many which combine single-member constituencies, of which there are 150, together with proportional representation, of which there are fifty seats filled from party lists. The total votes received by all the parties in the 150 constituencies are tabulated, after which the votes of parties failing to meet one or other of the minimum requirements (5 per cent of the votes cast or one constituency victory) are disregarded. The net totals are then used in computing how many of the 200 seats each of the qualifying parties is entitled to receive. A party which has secured more than this total quota through elections in the 150 constituencies keeps all the seats won there. The fifty seats on the Land list are then apportioned among the other parties which have received less than their quota, and further seats are added to the list quota to keep the result proportional, if one party has won more constituencies than its proportional entitlement. There may, then, be more than 200 seats. Thus, for example, if a party obtained 92 of the 150 seats in the constituencies but was found to have deserved only eighty-four proportionally then the number of seats in the Landtag would be increased by sixteen. This occurred in North Rhine-Westphalia in 1947 and, with slight
differences, in 1950, and similar circumstances have been known in the federal elections where, for example, in 1961, in Schleswig-Holstein, the CDU won thirteen of the fourteen constituencies but was entitled to only ten on proportion. So as not to deprive constituency winners of their seats the system allows the number of deputies in parliament to be increased accordingly. The difference is that in federal elections the party with the excess constituency seats is allowed to keep its advantage. The number of list seats is not increased. Thus, in North Rhine-Westphalia, the Landtag membership of any party, irrespective of regional variations in voting, will be proportionate to the vote it receives. The built-in advantages for the NPD in Bavaria is thereby excluded in the federations' most populous Land.

As one may expect, the electorate is continually confused by the different types of electoral systems it has to face. In each Land the voter will go to the polls for Bundestag, Landtag and local authority elections and each time he is likely to have a different type of ballot paper before him and will be expected to do different things with each. For example, in the federal election the voter will have two votes, one for a candidate and one for a party; he may vote for a candidate of another party than that which he chooses to support with his second ballot; he may also, if he wishes, cast only his first, or only his second, vote. In the remaining elections he will probably be confronted with a very different sheet. Thus, in the North Rhine-Westphalian Landtag election he will be required to cast his vote but once and this will count for both the candidate in the constituency and the party on the Land list. He may in this case not
differentiate between the personal qualities of a candidate in his constituency and the party which he generally supports. Not only is the electorate confused by this but also those whom one may expect to have a broader knowledge. Thus the Düsseldorf correspondent of a major German newspaper who had been writing daily articles on the North Rhine-Westphalian election of 10 July 1966, did not know on 1 July how many votes an elector had, whether the system was entirely or only partly proportional in effect, whether there was a 5 per cent or a direct seat clause in the electoral law, nor were his colleagues in the immediate vicinity able to make more than intelligent guesses at the answers. Similarly, a senior SPD Land politician stated incorrectly, when asked some months after the election, that the d'Hondt system had been used, and, most surprisingly, a highly esteemed German academic based his estimates on the final result - during a television programme immediately after the voting had ceased - on the same error. Indeed, having visited a score or so bookshops in Düsseldorf, Duisburg, Dortmund and Bonn on the days immediately prior to the election, the writer found he was unable to buy a copy of the electoral law without buying an edition containing the whole of the North Rhine-Westphalian laws. One may, therefore, expect that if, say, the problem of the divided legislature occurs and with it dissatisfaction with democratic procedure, then the complexity and, to some, incomprehensibility of the electoral systems will only help to increase the alienation. Democracy depends on commitment or acceptance; commitment and acceptance are facilitated by a sense of belonging, of being an integral part of, and this depends on knowledge. Justice, as one is wont to say, must not only be done; it must be seen to be done.
The invalid vote increases, as may be expected, in proportion to the complexity of the electoral requirements for the voter, and corresponds to some degree to the complexity of the system itself. Even in North Rhine-Westphalia, which has probably the easiest requirements for the voter, there was a 1.1 per cent invalid vote in 1966 compared with less than 0.14 per cent in the British general election in the same year. According to the Land Statistical Bureau these were mainly ballot papers in which the voting intentions of the electors were not clear and included unmarked papers, those marked more than once or in the wrong place, and empty envelopes from the postal vote. The 0.5 per cent of the invalid postal vote, where voters are more likely to understand the system used, having taken the trouble to vote by post, is probably indicative of the failure to comprehend not just one system but the fact that there are different requirements according to the type of election. Lack of comprehension rather than of will seems to be the main cause of invalid votes, for they are 70 per cent more frequent in rural constituencies than in commercial cities. Nonetheless, the signs of incipient alienation, the high turnout in elections (which is better explained as a sense of civic duty of a German) notwithstanding, appear to be there, if as yet in only a minor degree.

Specifically disfranchised in North Rhine-Westphalia are only those who have been disqualified from voting by a court of law. By contrast the Rhineland-Palatinate electoral law is less flexible and excludes prisoners and the insane from casting their votes. Indeed, there must be few places other than Britain, France and North Rhine-Westphalia where the votes

1. It is usually held that 'peers, criminals and lunatics' are disfranchised in Britain, but neither the Representation of the People Act, 1949, nor the Mental Health Act, 1959, excludes the mentally disordered from voting.
of the mentally incapable are considered equal to those of the rest of the community. Those resident in North Rhine-Westphalia on the day the election writ is issued and those resident in the Rhineland-Palatinate at least six months before the day of the election are entitled to vote provided they are at least twenty-one years of age by the date of the election. Electoral registers are on public display in North Rhine-Westphalia from the twenty-eighth to the twenty-second day prior to the election and in the Rhineland-Palatinate for eight days at least four weeks before the election. Should a qualified elector discover that he is not on the register he may have his name added provided he gives notice during the display period. In North Rhine-Westphalia, 361 people made use of this provision in 1966. No serious administrative difficulties appear to arise from these provisions, which suggests that the problem of the Y voter in Britain, who may find himself ineligible to vote until he is twenty-two, is unnecessary. Since the young voter is less likely than those up to forty years his senior to vote NPD, increased efforts to get out the under 30 vote - with a significantly lower percentage participation than any other age group - may help to stem the anti-democratic tide.

Electors prevented from casting ballots in their own constituencies, or electoral areas, for whatever reason, are, throughout the Federal Republic, entitled on application to a voting ticket (Wahlschein), with which they may vote at any polling-booth in their constituency or they may have a postal vote. The postal vote rose in North Rhine-Westphalia from 5 per cent in 1962 to 8 per cent in 1966 in Rhineland-Palatinate from 4.6 per cent in 1963 to 5.5 per cent in 1967. This is very high compared with the British 2.4 per cent.
in 1964 and 1.9 per cent in 1966, especially as some Land voters will have cast their votes at another polling-booth rather than vote by post, and also because Land elections cannot be compared strictly with a British parliamentary election. In the 1965 federal election 8 per cent of the vote in Rhineland-Palatinate and 8.4 per cent in North Rhine-Westphalia was cast by post. The differences between Land and federal election postal votes clearly lie in the interest taken in the election, and the difference between Britain and Germany in the difficulties of obtaining a postal vote in the United Kingdom. Contrary to the facility of registering young voters, the facility of the postal vote is likely to work to the advantage of the NPD, for the NPD voter is likely to feel more committed than voters of the major parties, as is usually found amongst the supporters of 'ideological' parties. However, one might expect that the predominant social economic class of the NPD supporters would militate against this slight advantage, but such class differences now appear to be slightly diminishing. Of the postal vote in North Rhine-Westphalia and Rhineland-Palatinate in 1966 and 1967 the CDU received 10 per cent or more than it did of the total vote. This, however, represented in both cases a reduction in the CDU's proportion. Indeed, in North Rhine-Westphalia the swing to the SPD was 2 per cent greater in postal votes than total votes and in Rhineland-Palatinate although the SPD lost 3.9 per cent of the vote compared with 1963 its share of the postal vote dropped by only 0.5 per cent. There appear to be four possible causes of these changes - changes in the class structure of voting, better SPD organization, greater awareness of electoral
rights amongst the less articulate and understanding sections of the population and differential absentions. There is considerable evidence of increasing support for the SPD amongst the middle classes and it is usually they who use postal votes because they may be away on business on the day of election. It is also the middle classes who are more likely to have the knowledge of that, and how, one may vote by post and they also have the interest to take the necessary trouble beforehand. It is difficult to measure whether the Social Democrats are becoming a more efficient organization. I would doubt it, but the enthusiasm displayed in North Rhine-Westphalia in 1966 and Rhineland-Palatinate in 1967 may have had some influence. The fall in the invalid vote from 1.8 per cent to 1.5 per cent in the Rhineland-Palatinate and from 1.2 per cent to 1.1 per cent in North Rhine-Westphalia suggests that greater awareness of electoral procedure is only a gradual process and that this was unlikely to have been an important factor in the use of the postal vote, though the percentage increase in the use of the postal vote may belies this. Thus, although it is likely that the social class of the NPD supporters will slightly diminish the advantages gained by the fervour of their supporters the overall advantage will probably still remain with the neo-Nazis. Clearly, such advantage is likely to be expressed in extremely small percentage terms. However, such small proportions can have considerable consequences in electoral terms, especially as it is such relatively small objects as 'five per cent hurdles' with which the NPD is predominantly concerned at this time.

There is a statistically significant inverse correlation between abstentions and CDU voting (see Table 5 below) and this has led infas (Institut fur angewandte Sozialwissenschaft, Bad Godesberg) to ignore the
### Table 5
CDU and SPD Voters and abstainers in North Rhine-Westphalia 1949-66

<table>
<thead>
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<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SPD voters</td>
<td>4.5</td>
<td>4.3</td>
<td>4.6</td>
<td>4.5</td>
<td>4.9</td>
<td>4.7</td>
<td>4.5</td>
<td>4.3</td>
<td>4.6</td>
<td>4.5</td>
</tr>
<tr>
<td>CDU voters</td>
<td>3.2</td>
<td>3.1</td>
<td>3.4</td>
<td>3.3</td>
<td>3.6</td>
<td>3.4</td>
<td>3.2</td>
<td>3.1</td>
<td>3.4</td>
<td>3.3</td>
</tr>
<tr>
<td>Abstainers</td>
<td>2.2</td>
<td>2.1</td>
<td>2.3</td>
<td>2.2</td>
<td>2.3</td>
<td>2.2</td>
<td>2.2</td>
<td>2.1</td>
<td>2.3</td>
<td>2.2</td>
</tr>
</tbody>
</table>

- F = Federal election
- L = Land election
constant increase in the absolute SPD vote and thus to believe that the CDU has a high reservoir of voters who are likely to abstain to express disapproval but not to look elsewhere. It can be seen from the table however that the proportion of votes cast is always lower for Land elections than for federal elections, which indicates only the interest of the public. Table 1 showed that the same trends against the federal government occurred in all Länder whichever party formed the Land government and suggested that reaction against the central government was the most significant cause of this. We know from British experience that the central government need not worry unduly when votes are cast against it in local elections, since general election results are almost always more favourable to the party in central government than the preceding by-elections and local election results. With the even greater desire for security and stability amongst the Germans it seems that this, rather than differential abstentions, is a more satisfactory explanation for the inverse correlation between abstentions and CDU voting. Thus, the very existence of the Grand Coalition at federal level may well have been a significant factor in stimulating the development of the NPD, which in turn might suggest that the successes of the NPD at Land level would not be reiterated to the same degree in a federal election where the choice of a viable government and the security of the status quo would be more significant factors. Perhaps, however, rather than the existence of the Grand Coalition itself, the late 1950's and early 1960's development towards 'consensus politics' has been a more significant factor, for this would help to explain the choice of the NPD rather than the FDP.
The North Rhine-Westphalian constituencies should 'consist of an approximately equal number of inhabitants. The boundaries of Landkreise and kreisfreie towns should be taken into account wherever possible' (Section 14 of the 1954 Electoral Law, as amended 1 February 1966). This attempt to combine numerical equality with geographical consistency has resulted in constituencies with from 49,052 registered voters, as in Brilon, to 105,904, as in Detmold. The 150 constituencies average 75,000 electors each but only forty-five are within 5,000 of the average and sixty-four are more than 10,000 out, despite the 1965 boundary changes in forty-one constituencies, the first since 1946. Clearly these constituencies would be inadequate in a change to a plurality constituency electoral system. However, unlike in the Bavarian system, the splitting up of the Land into constituencies does not help the NPD as total percentage votes are ultimately of sole significance in deciding party, as opposed to individual candidate, representation in the Landtag.

In North Rhine-Westphalia the selection of constituency candidates must be made by secret ballot at a meeting of members of the constituency party. Similarly, the Land party list must be drawn up by a meeting of party delegates and the Land executive. For constituency candidates whose parties do not have three or more members in the Landtag nominations must be supported by the signatures of 100 electors from the appropriate constituency, together with proof that the party has a democratically elected executive and a party programme, but no deposit is required from any candidate, nor is one required in any other Land in the federation, thus removing one of the serious obstacles which exists for new parties in Britain. Nominations of independent constituency candidates also
require 100 signatures. Land lists can only be entered by political parties, but if any party does not have three Landtag members then the list must be supported by 1,000 signatures. Similar arrangements exist in most other Länder. Thus, minimal support for a new party such as the NPD is sufficient, without financial backing, for it to play a full part in any election, though financial support is, of course, required if the election campaign is to be effective. However, extensive press publicity for the NPD has meant that the party's efforts have had considerably greater coverage than their campaign expenditure would alone have permitted. Strauss's television comment, "The NPD? Don't let's talk about them", had its point.

The constituencies have considerable power in the selection of their own candidates, not only in North Rhine-Westphalia but throughout the Federal Republic in those Länder which have constituencies and, although cooperation with the Land party executive is usual, cases of nominations contrary to their wishes are not uncommon. Nor are the constituencies particularly faithful to their sitting members; numerous cases exist, especially in the CDU constituencies, of new candidates defeating the Landtag member at the selection committee meeting. The Land party executive is much more influential, however, in the drawing up of the party Land list where it can play one group or constituency against another in the all-important question of position on the list. There is a tendency even here, however, to give preference to those members who are going to fight a constituency as a reward for their efforts on behalf of the party. Although evidence is difficult to acquire, the NPD appears to go through similar forms of democratic procedure, but, as with most of its 'democratic' image, it
fails to convince and there seems little doubt that party headquarters have made most important decisions in advance. By contrast to North Rhine-Westphalia, where there are no constituencies, as for example in the Rhineland-Palatinate, selection power is much less localized. Rhineland-Palatinate is divided into seven electoral districts supplying from eight to nineteen of the hundred Land seats each. A party list is selected for each electoral district and must be supported by at least twenty times the number of signatures as there are members to be elected and must also be signed by the Land party executive. Although delegates from the local parties are members of the selection committee it is the Land executive which effectively decides between their various claims for higher places on the list for their local favourites. This, however, has not led to more than occasional serious bitterness amongst the local parties and has never led to local organizations failing to pull their weight, as can be seen by the consistently above-average turnout in the Rhineland-Palatinate. However, it is clear that the Rhineland-Palatinate system is more easily used by the NPD in that it can play the game more or less according to its own rules and does not have to make postures which it finds degrading - and, if some reports are true, occasionally embarrassing.

In order to decide which candidates are elected the total number of valid votes cast in each electoral area is divided by the number of members to be elected, votes cast for those parties which fail to obtain 5 per cent of the total Land vote being disregarded, however many votes they may have received
in a particular electoral area. The result, rounded off to the next highest number, is the quota, for each of which a party obtains, it has one candidate elected. Remaining seats are then allotted to parties with the highest remainders. As can be seen from Table 6, the actual proportional representation system applied can affect whether a party is to be successful or not, and, with the NPD being at present concerned about just gaining representation in the Landtag as a forum for their views, whether they can just squeeze in is of great consequence to them.

The final outcome of an election and its effects on the government of the country (as can be seen from Table 6 and as was clear from Chapter Four) depends to not an inconsiderable extent upon the particular electoral system employed which poses some difficult questions for democratic representational theory. This was also seen in the results of the July 1966 North Rhine-Westphalian election where the SPD won a clear majority in the constituencies with 99 candidates elected to the CDU's 51 and the FDP's 0, but the proportional nature of the overall system gave a majority of 101 to 99 for the existing CDU/FDP coalition which continued to govern. Had the SPD won, say, 101 constituencies, this also would have failed to dislodge the CDU/FDP since, unlike in federal elections, the excess seats thereby created would have been added to by the necessary number to give overall proportional result. To have won the hundredth seat the SPD would have needed (based on the provisional official statistics) a further 9,293 votes (and another 51,856 to get 101) and no concentration
TABLE 6
Electoral Area 2 in the Rhineland-Palatinate,
23 April 1967

<table>
<thead>
<tr>
<th>Party</th>
<th>Votes Cast</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDU</td>
<td>92,990</td>
<td>45.2%</td>
</tr>
<tr>
<td>SPD</td>
<td>73,288</td>
<td>35.5%</td>
</tr>
<tr>
<td>FDP</td>
<td>23,644</td>
<td>11.5%</td>
</tr>
<tr>
<td>NPD</td>
<td>13,606</td>
<td>6.6%</td>
</tr>
</tbody>
</table>

**Quota system**

The DFU failed to obtain 5 per cent of the total Land vote. Their votes (2,135) are therefore subtracted from the total valid votes (203,128) which is divided by the number of members to be elected (12). The result of the division (16,960) is raised to the next highest whole number to give the quota: 16,961. Each party receives thereby one seat for each 16,961 votes. The NPD’s votes are now disregarded as they have failed to obtain the quota.

CDU \( \frac{92,990}{16,961} = 5 \) remainder 8,185

SPD \( \frac{73,288}{16,961} = 4 \) remainder 5,444

FDP \( \frac{23,644}{16,961} = 1 \) remainder 6,683

Thus, the quota allocates five seats to the CDU, four to the SPD and one to the FDP. Twelve seats, however, have been contested and the remaining two are given to those parties (CDU and FDP) with the highest remainders. The first six names on the CDU electoral area list, the first four SPD and the first two FDP thereby become members of the Landtag.

**Percentage system**

Had the simple percentage system, as in North Rhine-Westphalia, been used in Rhineland-Palatinate the following results would have occurred:

The DFU’s votes having been disregarded the percentages of valid votes achieved by each remaining party would be:

CDU 45.7
SPD 36.1
FDP 11.6
NPD 6.7

As a proportion of 12 this gives 5:4:8:4:CDU; 4:3:2:SPD; 1:3:0:FDU; 0:7:2:NPD. Presuming results less than one are to be disregarded the apportionment is as under the quota system above, but the SPD’s proportion of the FDP’s remainder is 85-7 per cent compared with 84.1 per cent under the quota system. It can be seen therefore that the same statistics could give different results, though this will occur infrequently.
The d'Hondt Maximum Ratio Process

Under this system the total vote cast for each party is divided by each number, beginning at 1, in turn, the numbers remaining being allotted seats in proportion to their size.

<table>
<thead>
<tr>
<th>Party</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDU</td>
<td>92,990</td>
</tr>
<tr>
<td>SPD</td>
<td>73,488</td>
</tr>
<tr>
<td>FDP</td>
<td>23,644</td>
</tr>
<tr>
<td>NPD</td>
<td>13,606</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Factor</th>
<th>Result</th>
<th>Seat</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>92,990</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>46,495</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>31,323</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>21,829</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>15,498</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>13,606</td>
<td>1</td>
</tr>
</tbody>
</table>

Thus under the d'Hondt system the CDU has six seats, the SPD five and the FDP one. The SPD is given an excess proportion compared with the quota and percentage systems. The importance of the number of seats to be filled under this system can be seen in that had there been, say, six or seven seats, then the system would not have differentiated between the SPD and the CDU, giving each party three seats. Had there been nine seats the CDU would have received five, the SPD three and the FDP one, a quite different proportion from the six, five, one with twelve seats. It can, therefore, be seen how the system works disproportionately when comparatively few seats have to be allotted, as with Bundestag committees and with the distribution of seats in the smaller Länder in federal elections. The smaller the differences between votes received by parties the greater the number of seats to be distributed is needed before a genuine proportion is obtained. It is also interesting to note that in the Rhineland-Palatinate the d'Hondt system would have given a thirteenth seat to the NPD, though the party would not have reached the necessary 13,616 votes under the quota system and would have had only a 0.871 proportion under the percentage system.
of them in particular constituencies would have been added benefit. If North Rhine-Westphalia had used the d'Hondt system, however, instead of the simple percentage system, then the SPD would have had 100 seats and would have been certain to be the major party in a governing coalition. Had the SPD received a further thirteen votes (based on the provisional official statistics) then, under the d'Hondt system, the party would have won 101 seats and had an overall majority. As it was, the SPD's seats (99.2) had to be rounded downwards, and the CDU's (85.8) and FDP's (14.8) had to be rounded upwards. Thus, the effective influence of the specific mathematical formula employed for seat distribution remains, and of those used it is the d'Hondt system which provides the greatest benefit for the NPD.

Because of the types of electoral systems used in most Länder comparatively little extra effort is made in marginal constituencies, since the increased votes obtained would be of no greater value to the party than any other votes obtained elsewhere, therefore preventing the kind of advantage the NPD is able to gain in Bavaria. Party work is accordingly often concentrated on those areas where a party has failed badly in the past but believes that it has potential voters. Another consequence of having constituencies within a list system is that good results in the constituencies may defeat the list candidates. The consequence, for example, of the surprising increase in SPD votes and constituency victories in North Rhine-Westphalia in 1966 is that five of seven known potential SPD Cabinet Ministers failed to get elected. Candidates at the top of the party list rarely trouble to seek safe constituency seats. This does not necessitate by-elections, however, for if a member resigns his seat,
or dies, a reserve nominated by the party from the Land list replaces him, and where this reserve has been nominated prior to the election, as is required by electoral law in some Länder, a little party membership juggling can achieve the desired result. The only occasions on which there are by-elections are when a candidate dies, or resigns his nomination, after the final nomination date and prior to the election, or if a party with members in the Landtag is outlawed. Thus, the NPD is deprived of what might be its most effective weapon. In full federal, and to a lesser extent, Land elections, voters are concerned with electing a government and thus are likely to vote for one of the viable alternatives. In by-elections, as has been witnessed with recent victories in Britain for Welsh and Scottish Nationalist candidates, the safety of the government is not at risk and the presidential nature of a general election is not present, with the consequence that a protest vote or a vote for an approved party or candidate without chance in a general election is not excluded. The NPD could undoubtedly use by-elections to good effect if German electoral systems provided for them.

The order of parties, or candidates, on the ballot paper is, in some Länder as a matter of practice, in others as a matter of law, determined by the number of votes received throughout the Land in the previous Land election. Parties contesting for the first time are placed below the others in alphabetical order. Recent research in Britain has suggested that the top candidate receives a small number of excess votes because of his position on the ballot paper.
If there is any similar tendency in Germany this will always help the strongest party, though the fact that the party names as well as candidates' names appear on the ballot paper is likely to reduce its effect. At present any such factor would work marginally against the NPD.

We have thus seen that the advantages which the Bavarian electoral system offers the NPD because of the peculiar regional and occupational distribution of its support is evidenced nowhere else in the Federal Republic; and of the several proportional representation systems employed none aids the NPD so much as the d'Hondt method, although all p.r. systems are distinctly more favourable to the party than plurality systems. However, amendment to the electoral law would do much more than affect the chances of the NPD. It would also alter much which constitutes the present relative stability of the German political system. On the other hand, the decreased animosity between the 'system' parties does much to diminish the potential disruptions of p.r., though the danger of polarisation, if the NPD becomes the third party in many Länder and/or the federation, remains as a not inconsiderable threat.
Chapter Nine
Land Electoral Behaviour

We have studied the electoral systems of the Federal Republic and their potential changes in relation to their effects on the NPD. However, it is now incumbent on us to consider what changes in electoral behaviour in recent years are occurring independently of the NPD and to thus estimate what changes in this electoral behaviour are likely to influence the prospects for the NPD. That is, if we analyse only those situations in which the NPD is directly involved we may not be able to differentiate between the influence of the NPD and the independent changes. We need, therefore, to analyse the last election in which the NPD did not take part to see what general changes were taking place. The last such election was the North Rhine-Westphalian election of July, 1966.

North Rhine-Westphalia, with over sixteen million inhabitants, is by six million the most heavily populated Land of West Germany, containing eleven million of the Republic's thirty-eight million voters, and is the second largest, after Bavaria, in area. It is also the most densely populated Land with 49.9 per cent of the population living in twenty-four large towns and cities. The Land consists of the heavy industry area of the Ruhr, certain light industrial areas, together with extensive agricultural areas (amounting to 61 per cent of the total area) mainly in the south, and extreme north and east. Its industries consist principally of coal mining, iron and steel, engineering, textiles and chemicals. According to Church tax figures of 31 December 1964, 8.7 million inhabitants (53 per cent) are of the Catholic faith, 7 million (42 per cent) are Protestant and 0.9 million (5 per cent) professes other or no beliefs. North Rhine-Westphalia was formed in 1946 from the former Prussian province of Westphalia,
part of the Prussian Rhine province and the former Land Lippe.

After Dr. Amelunxen had been appointed Minister-President by the British occupation forces in July 1946 he was succeeded by the left-wing CDU trade unionist Karl Arnold who formed a coalition consisting of the CDU, SPD, Zentrum (Centre Party, now virtually extinct), and KPD (Communist Party, outlawed in 1956) in April 1947. The two Communist Ministers resigned in February 1948. After the second Landtag election in 1950 a new Arnold Cabinet was formed of CDU and Centre Party members. The third Landtag was elected in June 1954 and again Arnold remained Minister-President, but now at the head of a CDU, Centre, FDP coalition which was defeated on a vote of confidence when the FDP withdrew from the coalition. Fritz Steinhoff (SPD) became the new Minister-President at the head of an SPD, FDP, Centre coalition which was heavily defeated in the elections of July 1958, when the CDU returned to govern alone with Franz Meyers as Minister-President. After the July 1962 election the FDP joined the Meyers Cabinet.

The July 1966 election was thus the sixth North Rhine-Westphalian Land election and the sixth attempt of the Social Democrats to become the largest party for the first time. Most of the opinion poll institutes, however, were predicting a CDU victory once again, though by their accounts the Christian party was only just ahead of the SPD. Strangely, the public seemed better informed than the experts, since an infas survey found in May 1966, that 38 per cent of the adult population forecast an SPD victory and only 24 per cent CDU.\(^1\) However,

\(^1\) In January 1966 Emnid found that 39 per cent said they would vote SPD if there were an election the following Sunday, 33 per cent said they would vote CDU, 3 per cent FDP, 1 per cent for another party, 6 per cent said they would not vote and 18 per cent were not sure.
only 17 per cent of 'other party' supporters believed in victory for the SPD and 40 per cent for the CDU. Newspaper articles (e.g. in the Frankfurter Allgemeine Zeitung, 21 June 1966) contained information about the CDU having a lead of 6 per cent over the SPD according to three of the five opinion poll organizations. All five later denied the truth of these statements, but not before it had become generally believed. It is difficult to know the source of these stories, or even be sure of their purpose. It is unthinkable that a newspaper with the reputation of the FAZ could have deliberately misled its readers, but the question is: Who planted the material, and why? If the intention was to create a bandwagon effect then it palpably failed in its purpose, but the articles certainly had their effect on the party workers and the politicians. When it became clear after the election that the SPD had a lead of nearly 7 per cent over the CDU all the politicians were extremely surprised. A number of senior SPD men, some now Cabinet Ministers, confided to the writer on the eve of the election that they expected 'the same old story' and Franz Meyers, three days before the election, said in private that he was absolutely sure of victory. In a discussion with the press he had previously said that he would not remain as leader of the opposition if he was defeated and now he was bemoaning his own naivety in making such a confession but he felt 'one hundred per cent confident' the contingency would not arise.

What, then, were the causes of the SPD gains? The Frankfurter Allgemeine Zeitung (11 July 1966) attributed them as 'the fruits of the Godesberg Programme', but this explains very little since the new SPD party programme was published seven years previously, it alters the outlook of the party very little (though most Germans believe it alters it considerably, and this is, of course, significant) and, although it may be said to have taken seven years for the change to sink in and alter people's voting habits, it fails to explain
why almost five in every hundred voters changed their allegiance suddenly in July 1966 (after all they hadn't done it in July 1962) in North Rhine-Westphalia, especially in consideration of the lesser 2 per cent swing in Hessen and the loss of 0.1 per cent vis-a-vis the CSU in Bavaria later in the year. It is probably true to say that the Godesberg Programme has provided the political context in which it will be easier for electors to move away from the CDU by simply reacting against the government in power, or believing it to have failed in the economic field, or just because one believes a change will be good for the country. In other words the voter can now make political decisions rather than the traditional ideological/theological dogmatic decisions more common to Germany's recent history. But just as 'ideological' decisions implied decisions appropriate to a specific non-integrative political subculture in Weimar Germany, today they refer more directly to the ideology of the dominant elites. Thus, a move away from such 'ideological' decisions may assist a move to new sub-cultural ideologies.

Heinz Kühn explained that the CDU had lost votes because of the difficulties in the coal and steel industry. Frieda Meyers maintained that it was because the SPD had exaggerated the economic malaise of the Land and played on the fears of the people. It is clear that the electorate was seriously troubled by the economic situation and the swings against the government were greatest in the industrial areas most hit by unemployment and short-time working. Indeed the swing in the industrial areas (without preponderance of a particular religion) was 5.8 per cent, compared with 5.6 per cent in Catholic industrial areas, and in Catholic mixed economy areas, 4.9 per cent in Catholic rural areas and 2.9 per cent in Protestant mixed economy areas. Thus, although the swing
was highest in the heavy industry cities it was fairly consistent throughout the whole Land with the exception of the Protestant mixed economy areas. Bottrop (11.4 per cent), Remscheid (9.9. per cent) and Gelsenkirchen II (9 per cent), the constituencies with the highest swings, are all situated in the steel/mining heavy industry areas, as were all ten constituencies with more than a 9 per cent increase in the SPD share of the vote. Since the average increase in turnout in these ten constituencies was 4% per cent, compared with 3.1 per cent in the Land and 2.8 per cent in the ten constituencies with the best results for the CDU compared with 1962, we may presume that the enthusiasm of the SPD workers, and the belief that at last the SPD was capable of winning, had their effect, for of the ten highest proportionate SPD increases seven were in safe SPD constituencies, two in SPD marginally held seats and one CDU marginally held. However, all ten constituencies with results most favourable to the CDU were extremely safe SPD constituencies, all from the Protestant mixed economy areas where comparatively little effect of the depression had been felt. Thus the evidence suggests overwhelmingly that the economic situation was the decisive factor in the election and that those hardest hit were the most determined to alter the situation. We might similarly surmise that economic difficulties will be a necessary pre-requisite of NPD success. That is, not that economic malaise could be a sufficient causal factor, but a necessary condition of the activation of a social alienation. The 1966 election led to increased SPD voting in some safe SPD areas, just as in 1958 the identical percentage of voting to 1966 led to a CDU victory through high participation in the CDU safe constituencies. One may have expected a threatened party to be the one to draw
Regional variations in swing to SPD in North Rhine-Westphalia
(10 July 1960)
CR = Catholic rural areas.
CM = Catholic mixed economy areas.
PM = Protestant mixed economy areas.
I = Heavy industry areas without overwhelming preponderance of either religion.

1. Duisburg-Mülheim-Oberhausen
2. Wuppertal-Solingen-Ruhr
3. Rhein-Wupper-Leverkusen
Raum = general area of, including suburbs and immediate rural districts
Religious differences in voting

<table>
<thead>
<tr>
<th>Catholic rural areas</th>
<th>Swing to SPD</th>
<th>Swing averaged for group of areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eifel</td>
<td>6.1</td>
<td></td>
</tr>
<tr>
<td>South-East Westphalia</td>
<td>5.5</td>
<td>4.9</td>
</tr>
<tr>
<td>Münsterland</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td>Raum Beckum-Soest</td>
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<table>
<thead>
<tr>
<th>Catholic mixed economy areas</th>
<th>Swing to SPD</th>
<th>Swing averaged for group of areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raum Bonn</td>
<td>5.6</td>
<td></td>
</tr>
<tr>
<td>Raum Krefeld-Mönchengladbach</td>
<td>6.1</td>
<td></td>
</tr>
<tr>
<td>Raum Aachen</td>
<td>6.2</td>
<td></td>
</tr>
<tr>
<td>Bergischer Raum</td>
<td>4.6</td>
<td></td>
</tr>
<tr>
<td>Raum Cologne</td>
<td>6.5</td>
<td>5.6</td>
</tr>
<tr>
<td>Raum Düsseldorf</td>
<td>6.2</td>
<td></td>
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<tr>
<td>Niederrhein</td>
<td>5.5</td>
<td></td>
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<tr>
<td>Rhein-Wupper-Leverkus</td>
<td>6.2</td>
<td></td>
</tr>
<tr>
<td>Sauerland, Siegerland</td>
<td>3.1</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Heavy industry areas</th>
<th>Swing to SPD</th>
<th>Swing averaged for group of areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vest Recklinghausen</td>
<td>6.2</td>
<td></td>
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<tr>
<td>Essen</td>
<td>5.3</td>
<td></td>
</tr>
<tr>
<td>Raum Dortmund</td>
<td>4.0</td>
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<tr>
<td>Raum Duisburg-Mülheim-Oberhausen</td>
<td>5.9</td>
<td>5.8</td>
</tr>
<tr>
<td>Raum Gelsenkirchen-Bochum</td>
<td>7.5</td>
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</tr>
<tr>
<td>South Ruhrgebiet</td>
<td>4.2</td>
<td></td>
</tr>
<tr>
<td>Wuppertal-Solingen-Remscheid</td>
<td>7.3</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Protestant mixed economy areas</th>
<th>Swing to SPD</th>
<th>Swing averaged for group of areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raum Hamm-Lüdenscheid</td>
<td>2.6</td>
<td>1.4</td>
</tr>
<tr>
<td>North-East Westphalia</td>
<td>0.2</td>
<td></td>
</tr>
</tbody>
</table>

It can thus be seen that the swing is in direct relation to the degree of industrialization. However, the swing in the Protestant mixed economy areas was much lower than in equivalent Catholic areas. The difference is diminished somewhat by the fact that the SPD vote may already have been close to saturation point in these areas. None the less, the higher swings in Raum Dortmund (4.0 per cent), Raum Gelsenkirchen (5.5 per cent), Raum Duisburg-Mülheim-Oberhausen (5.9 per cent) and South Ruhrgebiet (4.2 per cent) occurred in areas with an already higher SPD vote. We cannot, therefore, but conclude that there has been a higher Catholic than Protestant swing. This is an important indication of the gradual de-politicization of religion in Germany.
most heavily on its reserves, but the bandwagon effect in Germany appears to be as likely to occur in those areas where a party is already strong, unlike in Britain, for example, where voting participation is usually lower in the safe constituencies. It is probable that this specific form of differential abstentions in Germany is a consequence of her electoral systems whereby, again unlike Britain, little extra effort is made in marginal constituencies.

Of the twenty-five constituencies gained by the SPD from the CDU four were in Cologne (out of a total of seven constituencies for that city) and five in Düsseldorf (out of a total of six). In 1958 all the Cologne and all but one Düsseldorf constituencies were CDU-controlled. Four of the constituencies gained by the SPD were presumed safe CDU constituencies, with swings ranging from 7.2 per cent to 8.3 per cent. Cologne Land II with a 70.1 per cent Catholic and 49 per cent working-class population (7.2 per cent swing) and Rheinisch-Bergischer Kreis I with a 64.6 per cent Catholic and 47.6 per cent working-class population provided the most striking and surprising results, though both these constituencies had undergone considerable urbanization and industrialization since the 1962 Land election. We might suggest that this is a minor indication of a move towards relative uninstitutionalisation, rather than its usually assumed corollary - further integration of the SPD.

Religion has always proved a significant factor in German elections and predominantly Catholic areas have traditionally been the safe regions for the Centre Party under Weimar and the Christian Democrats since 1946. The Centre Party did, however, remain in existence after the Second World War and has been consistently losing votes to the Christian Democrats ever since. Thus the CDU has been able to increase its vote in Catholic rural areas in nearly
all elections since 1946, even where there has been a swing to the SPD, by capturing more and more of the Centre Party vote. There has, however, been growing evidence, as expressed by the Rhenish-Westphalian Bishops in 1966, of a deliberate weakening by the Church of its control of voting behaviour. That this is beginning to play an important part in voting decision-making to date is not to be doubted. The map and Table 7 above, show that the swings in Catholic areas do not differ greatly from those elsewhere and at the moment the Catholic vote is remaining fairly consistent behind the CDU but the evidence that the change has begun is easy to see. Perhaps the effect of the Pastoral Letter has been initially to ease the consciences of those Catholics who already vote SPD. A decision of the Church, which is not a command, is unlikely to change a lifetime's voting habits overnight, but the change is likely to occur among the younger Catholic voters who have not become set in their ways and who are not subject to the influence of the Kolping Movement or the KAB. The consequences of the 1966 Pastoral Letter, if continually repeated in other Länder and at federal elections, are likely to be similar to those of the Godesberg Programme. That is, ideological/theological thought will gradually change to political thought and hence political choice and political change. The immediate effect is probably only small, however, in relation to potential developments. We might suggest that this would be freeing the flock for political mobilisation, potentially to the NPD. However, all evidence suggests that the Catholics are least prone to support the NPD. Indeed, in the Weimar period Catholic support went to the Communists more than twice as frequently as to the NSDAP.
Of the minor parties only the Free Democrats, with a preponderance of their votes coming in commercial and service-occupation areas, were able to increase their proportion of the vote (from 6.9 per cent to 7.4 per cent). The increase came largely in those areas in which the CDU losses were concentrated, which suggests that some disaffected CDU voters found the journey to the SPD too far and allowed their opposition to the governing party to be expressed in favour of its coalition partner. The other minor parties suffered a crushing defeat, being able to poll no more than 0.3 per cent of the poll between the three of them, compared with 3.4 per cent between five parties in 1962; 1966 probably saw the final demise of the Centre Party which could only poll 16,181 votes (0.2 per cent), compared with 9.8 per cent in 1947. The reduction by 0.2 per cent of the invalid vote suggests, too, that the NPD failed utterly in its attempts to get electors to cast invalid ballots as a protest vote in favour of itself. However, the total failure of the other minor parties indicates that as the NPD waxes it becomes the natural recipient of uninstitutionalised centrist voting which no longer has any other home.

There is a similar age and sex voting pattern in all the German Länder, and electoral statisticians are fortunate in that some Länder prepare sample studies of actual voting behaviour according to sex and age so that reliance does not have to be put on surveys conducted by opinion poll institutes with the difficulties they sometimes encounter in getting the subjects to tell the truth. Thus, as can be seen from Table 8 below, women have a far greater preference for the CDU than men, and women over sixty have a greater preference for the
### Table 8

**Voting behaviour according to age and sex (Rhineland-Palatinate, 23 April 1967)**

<table>
<thead>
<tr>
<th>Age group</th>
<th>Registered electors in thousands</th>
<th>Actual voters in thousands</th>
<th>% age participation</th>
<th>% age invalid votes</th>
<th>% age voting CDU</th>
<th>% age voting SPD</th>
<th>% age voting FDP</th>
<th>% age voting DFU</th>
<th>% age voting NPD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MEN</strong></td>
<td></td>
<td></td>
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<tr>
<td>21–30</td>
<td>223</td>
<td>158</td>
<td>70.9</td>
<td>0.9</td>
<td>42.8</td>
<td>41.6</td>
<td>6.5</td>
<td>1.3</td>
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<td>30–45</td>
<td>337</td>
<td>275</td>
<td>81.8</td>
<td>1.4</td>
<td>37.7</td>
<td>42.7</td>
<td>7.5</td>
<td>1.5</td>
<td>10.6</td>
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<td>45–60</td>
<td>265</td>
<td>227</td>
<td>85.5</td>
<td>1.8</td>
<td>76.5</td>
<td>39.7</td>
<td>9.0</td>
<td>2.3</td>
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<td>over 60</td>
<td>259</td>
<td>212</td>
<td>81.7</td>
<td>2.1</td>
<td>40.5</td>
<td>40.4</td>
<td>9.3</td>
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<tr>
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<td>1,084</td>
<td>872</td>
<td>80.4</td>
<td>1.6</td>
<td>39.0</td>
<td>41.2</td>
<td>8.2</td>
<td>1.8</td>
<td>9.7</td>
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<td>21–30</td>
<td>208</td>
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<tr>
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<td>79.8</td>
<td>1.6</td>
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<td>338</td>
<td>286</td>
<td>79.7</td>
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<td>51.1</td>
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<td>8.3</td>
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<tr>
<td>over 60</td>
<td>373</td>
<td>274</td>
<td>73.6</td>
<td>1.3</td>
<td>56.8</td>
<td>31.7</td>
<td>7.2</td>
<td>1.4</td>
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<td>all ages</td>
<td>1,303</td>
<td>1,001</td>
<td>76.9</td>
<td>1.4</td>
<td>52.6</td>
<td>34.2</td>
<td>7.7</td>
<td>1.2</td>
<td>4.3</td>
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<td><strong>MEN AND WOMEN</strong></td>
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<td></td>
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<tr>
<td>21–30</td>
<td>431</td>
<td>309</td>
<td>71.7</td>
<td>0.9</td>
<td>48.0</td>
<td>38.5</td>
<td>6.8</td>
<td>1.2</td>
<td>5.5</td>
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<td>30–45</td>
<td>700</td>
<td>565</td>
<td>80.8</td>
<td>1.5</td>
<td>43.9</td>
<td>41.5</td>
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<td>45–60</td>
<td>614</td>
<td>513</td>
<td>82.2</td>
<td>1.7</td>
<td>44.7</td>
<td>36.4</td>
<td>8.6</td>
<td>1.7</td>
<td>8.6</td>
</tr>
<tr>
<td>over 60</td>
<td>631</td>
<td>486</td>
<td>76.9</td>
<td>1.7</td>
<td>49.6</td>
<td>35.6</td>
<td>8.4</td>
<td>1.7</td>
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<tr>
<td>all ages</td>
<td>2,587</td>
<td>1,873</td>
<td>78.5</td>
<td>1.5</td>
<td>46.3</td>
<td>37.4</td>
<td>8.0</td>
<td>1.5</td>
<td>6.9</td>
</tr>
</tbody>
</table>

DFU = German Peace Union (to the left of the SPD)

Note: Figures are rounded off. The table is based on a representative sample taken from actual election results by Rhineland-Palatinate statistisches Landesamt.
CDU than any other group. Recent study in Britain has cast doubt on the preference of women for the Conservatives, putting it down rather to the fact that it is the older people (of whom women form a disproportionately large part, both because of their natural longevity and because more men than women were killed in the Second World War) who are more conservative. The German statistics in turn cast doubt on these assertions and show that in each group the percentage difference between female and male CDU support increases (10.5 per cent between 21 and 30, 12.2 per cent between 30 and 45, 14.6 per cent between 45 and 60, and 16.3 per cent over 60). Nor is the general assumption about support for the SPD coming from the younger generation borne out. The CDU has its greatest male support amongst those under thirty and its female support in that age group is second only to the over sixties. Voting participation is at its lowest amongst the under thirties which suggests some feeling of alienation, but the extent of the difference allows us to think that it will probably be overcome with greater participation in the problems of the community on marriage. Although voting is at its lowest amongst the under thirties this age group also has the lowest invalid vote which suggests that those who do vote have, as one would expect, a greater political awareness. Since, however, there is no significant correlation between the proportion of votes cast by a particular age group and the invalid vote, rather that the proportion of the invalid votes increases with age (except in the case of women over sixty), we may suppose that the older electors
are less able to adjust to new forms of electoral requirements. In each age group except the under thirties there is a greater participation of men than women. The change in the under thirties group is a probable consequence of the greater equality felt amongst young women and their present concern to participate more fully in the life of the community than hitherto. The votes of the extremist parties are predominantly male and concentrated in the 45-60 age group. More general research, however as we have seen, suggests that the 30-45 age group is under-represented and the 21-30 age group rather over-represented in these figures. It may, then, be generally maintained that the Christian Democrats receive the greater part of their votes from women, especially those under thirty and those over sixty. The SPD, on the other hand, is favoured by men, especially those under forty-five, and indeed the greatest proportion of its votes from women also come in this age sector. If only men were entitled to vote and they had voted as they in fact did in the latest Länder elections then the SPD would be the largest party in each Land with the possible exception of Bavaria; the SPD would also have a fairly comfortable majority in the Bundestag. The Free Democrat vote is slightly greater amongst women than men - with the exception of the over sixties - and - again with the same exception - increases with the age of the voter. Thus we can see that, although the FDP provides the majority of those who digress to the NPD, there are certain quite distinct differences between them. The FDP is clearly much more institutionalised and conservative than the NPD.
Thirty-seven per cent of the North Rhine-Westphalian electorate belongs to the traditional SPD catchment area of members of (non-Christian) trade unions and members of the working classes with no direct bond to the unions or the Church. A further 36 per cent belongs either to the middle classes or the working class with strong Catholic allegiance and is thus predominantly CDU but with some FDP support. The remaining 27 per cent is in those groups with no traditional allegiance to either major party and is thus the voting group most avidly wooed. This 27 per cent consists primarily of Catholics in non-Christian trade unions, professional groups attached to trade unions and middle-class voters who have risen from the working classes. The traditional SPD electorate in the federation (30 per cent) is considerably lower than in North Rhine-Westphalia and the traditional CDU support (44 per cent) is considerably higher in the federation than in North Rhine-Westphalia. Thus the CDU election victories in the Federal Republic's largest Land from 1947 to 1962 are a considerably greater achievement than the results in the federation. The 1966 election can perhaps thus be seen as an arrival at normalcy and not as an indicator of what is to happen in the Federal Republic as a whole. The SPD in 1966 won for the first time the votes it ought to have been obtaining since 1947. Similar results throughout the federation would bring considerably less than the 4.9 per cent swing achieved in North Rhine-Westphalia in 1966. Contrary to what has been earlier stated, this might indicate the approach of normalcy and thus be a factor of relative stability, moving away from the oscillations which, we suggested, would aid the NPD.

It is, of course, true that no party is ever able to capture the whole of its 'traditional' support but it can be seen from Table 9 that the ability of the SPD
TABLE 9
Social/occupational class and voting behaviour
(North Rhine-Westphalia, July 1966)

<table>
<thead>
<tr>
<th></th>
<th>SPD supporters (percentages of total SPD support)</th>
<th>CDU supporters (percentages of total CDU support)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Registered electors (percentages)</td>
<td></td>
</tr>
<tr>
<td>Traditional left supporters</td>
<td>37 53 19</td>
<td></td>
</tr>
<tr>
<td>Trade union members of working classes</td>
<td>23 35 10</td>
<td></td>
</tr>
<tr>
<td>Working class without trade union or strong religious affiliation</td>
<td>14 18 9</td>
<td></td>
</tr>
<tr>
<td>Non-aligned groups</td>
<td>27 27 28</td>
<td></td>
</tr>
<tr>
<td>Trade union white collar workers, professional classes</td>
<td>10 12 7</td>
<td></td>
</tr>
<tr>
<td>Catholic and trade union affiliations</td>
<td>4 4 5</td>
<td></td>
</tr>
<tr>
<td>Working classes with expectations of advancement</td>
<td>7 6 10</td>
<td></td>
</tr>
<tr>
<td>Middle class risen from working class</td>
<td>6 5 6</td>
<td></td>
</tr>
<tr>
<td>Middle classes</td>
<td>16 13 17</td>
<td></td>
</tr>
<tr>
<td>Employees</td>
<td>11 9 11</td>
<td></td>
</tr>
<tr>
<td>Independent industrial/commercial</td>
<td>4 3 4</td>
<td></td>
</tr>
<tr>
<td>Independent farmers</td>
<td>1 1 2</td>
<td></td>
</tr>
<tr>
<td>Catholic groups</td>
<td>20 7 36</td>
<td></td>
</tr>
<tr>
<td>Catholic affiliated working classes</td>
<td>7 4 12</td>
<td></td>
</tr>
<tr>
<td>Catholic affiliated middle classes</td>
<td>13 3 24</td>
<td></td>
</tr>
</tbody>
</table>

Table adapted from sample surveys conducted by infas, May-June 1966. 2,338 cases.
to get 53 per cent of its support from its stronghold was perhaps the decisive factor in the election. The Karl Arnold left-CDU image was thereby at last defeated. However, without its ability to capture 9 per cent of its support from amongst the middle-class employees the SPD would have still failed. Clearly the SPD cannot get an overall majority in a federal election unless it becomes even more a party of the centre and attracts some of the middle-class vote, as well as vying for the uncommitted groups. Whether it can do this without alienating its working-class support is, of course, a difficult question.

The 4.9 per cent swing in North Rhine-Westphalia cannot be seen entirely as changes in votes, since the change in electorate since 1962 has resulted in a natural swing of 0.4 per cent to the SPD. This natural swing consists in the fact (based on voting habits of specific age groups) that of the 650,000 electors who died between 1952 and 1966 some 240,000 will have been CDU voters and some 200,000 SPD; of the 870,000 new young voters (i.e. eligible to vote in a Land election for the first time on account of their age) some 280,000 would be SPD supporters and some 250,000 CDU. Thus the generation effect will have given the SPD an advantage of some 70,000 votes. There were also some 600,000 electors who left North Rhine-Westphalia between 1962 and 1966 and some 690,000 new inhabitants. Basing statistics on the ages of the new arrivals it would appear that the SPD received some 20,000 more votes than the CDU through these migrations. Thus some 90,000 votes more went to the Social Democrats than went to the Christian Democrats through these changes.

Although the SPD increased their votes by 6.2 per cent the result was hardly the landslide claimed by many German newspapers, for the SPD was not only helped marginally by the natural swing but many of the votes they
gained were those which should traditionally have been theirs. In two previous Land elections, in the Saar in 1965 (10.7 per cent) and in Baden-Württemberg in 1960 (6.4 per cent), the SPD had obtained a greater increase in votes than on this occasion. However, only the 1953 federal election can be regarded as a landslide for on that occasion the CDU increased its share of the vote by 14.2 per cent, but mainly from the minor parties, not the SPD. We might thus suggest, again, that the situation is not changing electorally as much as many commentators have estimated. The generally erratic situation which would aid the NPD is not indicated either by these figures or by the 1969 federal election results.

On the evening of the North Rhine-Westphalian election, before all the results were in, a member of the CDU Managerial Praesidium, Heck, said on television that the SPD had won the election and that 'it belongs to the morality of democracy that the decision of the people should be respected'. Similarly, Franz Meyers, on the same programme later that evening, stated that 'The SPD has won this election; that cannot be contested... I am a good sportsman. I know how to lose.' Thus, when the computers had finished their calculations the next morning, and the final result of SPD 99 seats, CDU 86 and FDP 15, was known, Heinz Kühn, the SPD candidate for Minister-President, began coalition discussions first with the CDU and then with the FDP. It soon became clear that a majority of CDU politicians were opposed to a Grand Coalition and thus coalition with the FDP or minority government seemed the most likely alternatives.

1. Whether this announcement would have been made if the results had been correctly forecast is doubtful.
Weyer, the leader of the FDP, however, in a meeting at the Krone Hotel, Dortmund, on 6 July, had already stated that the FPD would be willing to coalesce with the CDU provided they did not have an absolute majority 'even if the SPD is the largest party'. He would not form a coalition with the SPD because he believed that 'an SPD Land government would act party-politically in the Bundesrat and one cannot sever North Rhine-Westphalian from federal politics'. Federal Vice-Chancellor Mende, later the same evening, said that 'Weyer's not being willing to join forces with the SPD was a question of trust, of confidence, of not being an opportunist party.' Indeed, in 1958, 1961 and 1965 the FDP had lost a considerable proportion of their vote because they had failed to keep pre-election coalition promises, or had broken-up coalitions. They had come to be regarded as an opportunist party. It was not surprising, then, that Weyer refused the SPD's advances, despite considerable pressure from the FDP backbenchers and some federal politicians.

Consequently, by 15 July, Heinz Kühn had changed his mind about the necessity of a coalition and expressed his party's willingness to form a minority government. The CDU and FDP, however, had by this time met and eventually agreed to continue their pre-election coalition with a slender majority of two. Thus when the new parliament met for the first time on 25 July eighty-six CDU and fourteen FDP (one abstaining) members elected Franz Meyers, Minister-President. Demonstrators carried banners outside the Landtag building protesting 'Meyers does it, but against the people's will' and 'Do what the voters want.' It had evidently been forgotten that in 1957 the SPD with 34.5 per cent of the
vote, together with the FDP (11.5 per cent) and the Centre Party, had coalesced against the 41.3 per cent of the CDU.

But it might also be suggested that the behaviour of Franz Meyers indicated in some degree how precarious the liberal democratic attitude is in German politics and thus what relatively little change (especially in relation to the Oehler et al. findings) there would need to be for a general change towards the NPD mentality. The liberal democratic culture is still not a part of the West German game. To admit defeat and later claim victory is perhaps not of itself undemocratic. But to believe, and have it accepted, that there is no need to offer even an explanation indicates the proximity to 'victory at all costs' mentality - the insecure, authoritarian, dogmatic culture.

The change to political rather than ideological electoral decision making, the embourgeoisement of the SPD and the new attitude of the Roman Church authorities are significant factors in creating a new stability. But these factors in turn create their problems. The increasing convergence of the system parties may increase the potential for the dissidents to oppose homogeneity with greater fervour and may make marginal dissidents feel further outside the dominant culture than previously, especially with the gradual crushing of the FDP between the dominant parties. Nonetheless, the arrival at "normalcy", and some move towards liberal democracy, allows the major parties to combine to outmanoeuvre the dissidents. One of Weimar's most serious problems is thereby averted, but it cannot yet be claimed that the liberal culture is entirely ingrained in the German political mind. The dangers of totalitarian political thought remain.
Chapter Ten
Electoral Finance

The amount any party can spend on elections is limited by the amount it is able to collect, and thus political parties vie with each other permanently not only in persuading the public to join their parties and in collecting dues from them but also in persuading wealthy organizations to contribute to their cause. The Federal Republic of Germany, however, also has a history of financial aid for parties from public funds. Similar arrangements also exist in Puerto Rico and Sweden but on nothing like the scale on which it has occurred in postwar Germany.

The Social Democrats receive far more than the other parties from membership dues — collecting some DM 16½ million p.a. (£1¼ million) in this way from their slightly less than 700,000 members. The CDU's membership (less than 300,000) contributes only DM 3½ million p.a. (£300,000) and the FDP's 80,000 members provide a mere DM 1½ million p.a. (£130,000) for the party's funds. As a consequence the bourgeois parties have relied to a large extent on donations from industry and commerce which have been denied to their working-class counterparts. Since the trade unions have only contributed marginally to the SPD's campaigns there has probably been only a slight difference in income for the two major parties.

Prior to 1954, however, the SPD could command somewhat greater resources than the CDU, but when in that year Federal Finance Minister Schäffer declared that political donations were to be regarded as expenses for tax purposes the
coffers of the CDU/CSU and FDP became noticeably bulkier. In 1954 an organization, Staatsbürgerliche Vereinigung, was instituted for the purpose of arranging donations in the most favourable manner for tax allowances from big business to the non-socialist parties. The CDU/CSU, FDP, DP (German Party) and BHE (Federation of Expellees and Disfranchised) received some DM 20 million (c. £ 1,800,000) from this organization in 1957. Financial assistance was, of course, expected to be repaid by influence, as the Free Democrats discovered in 1956 in North Rhine-Westphalia when they left the coalition with the CDU to join the SPD. The FDP was immediately informed that no more finance would be available for them from the Staatsbürgerliche Vereinigung unless they mended their ways. Similarly when coalition talks were taking place between the SPD and FDP in Baden-Württemberg in 1952 Reinhold Maier of the FDP claimed he was informed by the Land party's greatest benefactor that the firm would provide not a pennypiece more if the talks were successful.

In 1958 a decision of the Federal Constitutional Court made the tax concessions unconstitutional and the CDU and FDP feared for their political lives, but ways were found round their difficulties. Party publications, sometimes not even actually printed, were sold at exorbitant prices and advertising space was bought in non-existent journals. The Volkswagenwerk, whilst still a public company, was paying DM 5,000 per month for one hundred copies of a CDU pamphlet, which would normally have sold at only a mark each. However, it has been estimated that 70 per cent of the CDU's and FDP's expenses were met by private donations from industry and commerce in 1958 and that this had reduced to 20 per cent and 28 per cent respectively by 1963. None the less, we may presume that the payments from public funds were at least as effective a factor in the reduction as the cessation of tax allowances, especially since the major bourgeois parties turned something of a cold shoulder to the interest groups, who were often almost openly attempting
to buy suitable legislation, after public payments had been introduced.

If the parties were, then, unable to manage with their already high incomes and needed public finance in addition, their expenses must have been exceedingly high. In 1957 the cost of the federal election campaigns amounted to some DM 40 million but by 1961 this had risen to DM 60 million and by 1965 DM 85 million. Thus between 1961 and 1965 the costs of campaigning appear to have risen by over 40 per cent, with apparently even greater increases in the Länder since the parties' expenses other than those of the federal election rose by over 40 per cent between 1962 and 1964 - twice as fast. Prices did not rise at even half this rate during this period and we can only presume, as was visually apparent, that many more posters were produced and more expensively, more was spent on political publications and more on artistes for the SPD's cabaret evenings. Little, however, was spent on increasing the pittances received by the full-time party workers. In 1963 the SPD spent only DM 10 million on its 700 agents and the CDU not inconsiderably less on its 650. However poor these salaries are, and they compare not unfavourably with their British counterparts, the SPD would have had little left after these payments to meet other expenses, and the CDU would have been already in the red, if they had relied only on their members' subscriptions.

As a consequence the parties were being forced to rely more on, and to demand more of, payments out of taxation. As far back as 1929 Gustav Stresemann had proposed supporting democratic parties from public funds and although this came to nothing Finance Minister Dietrich paid RM 1.8 million to the Social Democrats, the Centre Party and the Staatspartei to help Hindenburg defeat Hitler in the presidential election of 1932. Similarly, in Prussia
the anti-Nazi campaign was fought with funds granted by parliament for the prevention of crime. Since the institution of the Bonn republic, parties represented in the Bundestag have received financial assistance towards the upkeep of their staffs. In 1966 this amounted to over DM 3 million of which DM 800,000 was for preparing legislation. Similarly, a not inconsiderable sum is voted annually for the use of the Chancellor for public relations and which is in fact used for party political propaganda.

In 1959, however, a whole new dimension arose when CSU member Stoltenberg (now Minister of Science) proposed to the Bundestag, having been carefully briefed by Adenauer beforehand, that DM 5 million should be distributed between the parties 'for use in the furtherance of the political education work of the political parties'. As Theodor Eschenburg remarked with foresight: 'The sum has probably been kept consciously low and the permitted use of the allowance restricted to political education in order to accustom the public to the new procedure . . . When that has been achieved the sum can be increased and its limitations as to use widened or even rescinded.' Eschenburg's judgment proved accurate for in 1962 the sum was raised - against the votes of the SPD - to DM 20 million, the increase to be spent on 'the general work of the parties'. In 1963 the sum remained the same but the legislative title under which it was granted was simply renamed: Special Funds for the Work of the Parties in pursuance of Article 21 of the Basic Law. Article 21 (1) reads: 'The parties participate in the forming of the political will of the people. They must be freely formed . . . .' In 1964 the payment was further increased, this
time to DM 38 million.

Since 1959 the Länder budgets have also contained subsidies for the political parties represented in the Landtage but the total sum has never exceeded DM 13 million. North Rhine-Westphalia, Bavaria and Baden-Württemberg have each provided an annual sum of some DM 2 million or more for the parties, whereas Hessen has voted almost nothing. An estimated further DM 7 million has been granted annually by the local authorities. Thus some DM 57 million were coming into the party coffers every year from 1964 to 1966 from public sources. The Treasurer of the CDU claimed, in April 1964, that the normal requirements of the CDU/CSU, SPD and FDP amounted to some DM 70 million annually and an additional DM 60 million every fourth year for the federal election, but the 1965 election actually cost the major parties some DM 85 million. Thus between 1964 and 1966 slightly over 50 per cent of the party requirements were paid by the taxpayer.

The method of distribution of the DM 38 million granted by the federal parliament and copied in the Länder, was that the political, not parliamentary, parties represented in parliament received 20 per cent of the total sum distributed equally between the parties. Thus the CDU/CSU received twice the basic amount the SPD received. The remainder was distributed between the parties proportionally on the basis of the number of seats held in the Bundestag. As a consequence of this method of distribution the CDU/CSU received more than an equitable proportion from the federal distribution but the real sufferers were the parties not represented in the Bundestag and the Landtage for they received nothing. In seven years DM 169 million had been awarded to the CDU, CSU, SPD and FDP from the federal budget and further millions from
the Länder and local authorities to the parties represented in the regional and local parliaments. Those parties without representation or with only a few members were thus concerned that they would be permanently disqualified because they were without the finances to compete effectively. As a consequence the All-German Party (DP/BHE), the Bavarian Party and the National Democratic Party, as well as the Land SPD party in Hessen, brought complaints before the Federal Constitutional Court. The Land SPD at first contested the legality of supporting political parties from public funds at all, as did the NPD throughout the case, but was later content to contest only the amount of the payments and their methods of distribution. The DP/BHE and the BP were more concerned that they should be allowed to take part in the distribution.

Before the case was completed before the Court a successful attempt was made to remove the strongest supporter of public funds for political parties from the Court. In a letter of 3 February 1966, the NPD, and in a similar letter of 11 February 1966, the Bavarian Party (BP), asked the Second Senate of the Federal Constitutional Court to have Judge Gerhard Leibholz excluded from further participation in the case before the Court concerning the constitutionality of supporting political parties from public funds (Entscheidungen des Bundesverfassungsgerichts. Vol. 20, Pt 1 No. 1 pp. 1-8 and No. 2 pp. 9-18).

The plaintiffs complained that Judge Leibholz, who is also a university Professor Emeritus, had spoken in favour of public finance for political parties in a lecture entitled 'State and Pressure Groups' at a Constitutional Law Teachers' Conference in Würzburg in October 1965, and had maintained the thesis that 'liberals¹ and opponents of democracy' had formed 'an unholy alliance' against state finance for parties. The NPD and the BP saw in these statements, made while the case was in progress, not just an academic opinion but a manifestation

¹. Liberale, i.e. laissez-faire liberals, much as the British Liberal Party was in the mid-nineteenth century.
of personal prejudice expressed by the convenor (Berichterstatter) of the Court for this case, and designed to bring the opponents of public finance for political parties into disrepute. The plaintiffs claimed that the statements constituted reasonable cause for suspicion of prejudice (Besorgnis der Befangenheit) and that Judge Leibholz should take no further part in the proceedings.

Judge Leibholz maintained to the Second Senate sitting without him that he was not prejudiced in the case and had only mentioned political finance in the lecture in passing. The words he used, Judge Leibholz claimed, were 'Liberals had joined with forces which stood against the present form of democracy.' He had not used the term 'opponents of democracy'. The federal government, the Bundestag and the Bundesrat all joined with Leibholz to oppose the motion.

In removing Judge Leibholz from the Court for the duration of the case the Second Senate argued that Section 19 of the Bundesverfassungsgerichtsgesetz (BVerGG) allows for the exclusion of a Federal Constitutional Court judge on the grounds of his prejudice, as in other courts with the exception that the Federal Constitutional Court judge is not replaced, and that Federal Law allows for a judge to be excluded from a case if there is 'a valid reason to justify mistrust of the independence of a judge'\(^1\) irrespective of whether the judge is actually biased. The Senate argued that Dr. Leibholz must stand down not because he was prejudiced but because the exclusive factor in the removal of a judge was whether a participant in the case by reasonable assessment of all the circumstances had cause to doubt the impartiality and objective attitude of the judge and that was the case of this occasion. The Senate had no doubt that Judge Leibholz's version of the Würzburg lecture was the correct one but he had affirmed his approval (politically not legally) of state financial support for political parties and, although he was quite free to express his opinions as a scientist, that did not exclude these

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1. Strafprozessordnung S24 (ii) and Zivilprozessordnung S42 (ii).
statements from having an effect on his work as a judge.

The Federal Constitutional Court Law specifically mentions the compatibility of being both a judge of the Court and a university law teacher\(^1\) but states that the occupation as judge shall take precedence\(^2\) and that the judge's duties as a university teacher are basically in abeyance during tenure of his legal office.\(^3\) The Senate consequently maintained that the statements of a judge, which he has made as a university teacher, must, at least in so far as they are connected with a case before the Court, be measured by the principles governing him as a judge.

Although Judge Leibholz had not given a legal opinion on the case before the Senate's decision was reached he had acted, so the Senate argued, in such a way as to give justifiable suspicion of prejudice. It was irrelevant that the lecture had been given to specialists to help them understand the relationship between liberalism and democracy; what was important was the possible effect on an un-prejudiced third party. Nor was it relevant whether Judge Leibholz's remarks were defamatory for reasonable cause, for suspicion of prejudice can be achieved by statements which are not slanderous.

The political effects of this decision may prove of considerable general consequence for the Federal Constitutional Court. When the Court was first founded it was subject to attacks for the political bias of its judges and one often heard of the 'red' Senate and the 'black' Senate, the former representing the Social Democrats and the latter the Christian Democrats. Such assertions were probably always untrue of the Court but since the early days, largely through improvement

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1. (BVerfGG, 3,4,1).
2. (BVerfGG, 3,4,2).
3. (BVerfGG, 101, 3,2).
in the composition of the Court, its reputation has considerably improved. It
would be unfortunate if this decision were to reopen the political squabbles, for,
as the President of the Bundestag argued before the Second Senate against the
motion of the NPD and the BP, to allow the removal of a judge with such ease would
have the danger of 'throwing open a constitutional organ of the highest rank to
trial tactics and politically motivated manipulation'. The Second Senate replied that
since it would have to decide on the removal of a judge it would be in a position to
prevent such manoeuvring, but in fact it could do so only if it resorted to making
other than legal decisions. That is, of the sixteen judges in the two courts only
six are required to be professional judges and it is usual for a large proportion
of the remainder to be academic lawyers and, sometimes also former politicians.
It would, then, be unusual for not one of the judges in the Senate considering a
particular case, especially one of considerable importance, to have neither written
nor lectured on the matter under consideration and thus, on the basis of the
Leibholz precedent, it will be a relatively easy matter for a participant to show
that he has 'reasonable cause for suspicion of prejudice'. It is difficult
to see on what legal grounds the Senate will be able to prevent any such 'politically
motivated manipulation' other than by appointment to the Court becoming openly
political and legal decisions being made unashamedly on this basis.

When in July 1966 the Second Senate of the Federal Constitutional Court,
without the assistance of Gerhard Leibholz, gave its decision on party finance
it went against the commonly expected verdict and against the verdict one may have
expected Leibholz to have supported had he been present. Alfred Grosser, writing
of the Bundesverfassungsgericht, states that it is 'not an exaggeration to
recognize the paternity of Professor Leibholz in certain judgments about political
parties, for they faithfully represent his views in this field'. It is an interesting speculation what the decision of the Senate would have been on party finance had Leibholz remained as Court Convenor, but it is even more interesting to note that in those decisions where Alfred Grosser has been able to recognize Leibholz's hand the participants in the case could have had Leibholz - and presumably others - removed from the Senate for he had already expressed his views and given the participants 'reasonable cause for suspicion of prejudice'.

For this case, however, it seems that the almost certainty of the maintenance of extensive public funds for political parties ceased when the composition of the Court was unexpectedly changed. In giving its decision in July 1966, the Second Senate stated that, in future, parties should only receive from the State 'the necessary expenses of a reasonable campaign' and that parties 'not considerably below the five per cent hurdle' should also benefit. The Senate, however, made no attempt at defining in what 'necessary expenses' would consist, nor did they attempt to delineate the boundaries of a 'campaign' nor give any information about 'reasonableness'. Further, the judges gave no indication of what 'not considerably below' entailed. Thus the expenditure of, for example, the SPD on the production of tapes of the life and work of Albert Schweitzer for use in schools may no longer benefit from public funds, but the production of posters, boxes of matches, children's hats and the Erhard March on records presumably can.

As a result of this decision the political parties have at last been forced to publish a Political Parties' Bill implementing Article 21 of the

Basic Law, which in Section 1 reads: 'The political parties . . . must publicly account for the sources of their funds', and in Section 3: 'Details will be regulated by federal legislation'.

Since the implementation of the Basic Law in 1949 parties have never accounted for the sources of their funds in detail, though the SPD has made a gesture in partial publication. The parties were never able to agree on the details of such legislation and thus the Basic Law remained unfulfilled. However, the judgment of the Court necessitated party discussions if they were to make the best of the decision and thus, after the institution of the Grand Coalition, an all-party Political Parties' Bill was published on 20 January 1967. The most important section of the law — on the sources of income (Section 24) states that donations of more than DM 20,000 p.a. from a natural person and DM2000,000 from a legal person in any one year must be marked in the parties' accounts with the name and address of the donor. However, the use of subsidiary companies for the purposes of donations may be able to evade these provisions.

Section 17 of the law, which has at least been promulgated, allows, DM 2.50 per registered elector to be drawn from public funds and to be spent on any matter directly connected with a federal election, but specifically excluding expenditure on current costs of party organizations and payment for unpaid activities by party workers. All parties which receive 2 1/2 per cent of second votes (i.e. those cast for parties) in federal elections will be entitled to claim. The allowance of DM 2.50 per eligible elector means that, on the present electorate of 38 million, DM 95 million may be drawn from public funds, an average, spread over the present four-year electoral period
of some two-thirds of present payments, but perhaps to be distributed amongst more parties than are at present recipients. In 1965 no party other than the CDU, CSU, SPD and FDP secured the necessary 2½ per cent but the NPD passed this barrier in 1969 and is now able to profit from public funds.

Länder payments, on the other hand, may well increase as a result of this legislation. Section 21 of the law permits the same regulations for the Länder as for the federation. Thus, for example, North Rhine-Westphalia, one of the highest Länder payers at DM 2 million, would be entitled to grant DM 2.50 for each of its eleven million voters, about 2½ times as much as previous payments. The federal parties are thus likely to exert pressure on their Länder organizations to include the necessary amounts in their Länder budgets, and thus make the Länder parties even less dependent on the federal parties than they are at present, perhaps not only financially but politically too. And since the NPD has, so far, fared better at Länder than federal level it will probably be able to derive considerably greater public assistance than if the Court's decision had gone the other way.
Chapter Eleven
Cleavage and Stability

Analyses which deny the possibility of the ordinary on-going process of the state under strain from cleavage fail to take into consideration both the nature of the social bond and the nature of consensus. As we have seen in the chapters on the structure of the West German state, the NPD does not present an immediate threat to the state; yet it may soon come to play a fairly significant role in West German politics. If this seems a contradiction it is only so because we perceive of fascism in its quite distinctive early century guise. Consensus, it is here maintained, is not necessary for the state to remain relatively stable.

Political theorists have traditionally concerned themselves with attempting to define the nature of the social bond which makes a political community possible, and with investigating the nature of the obligation to obey the authorities - or, as systems analysts would now say, the authoritative allocators of values - of that community. Yet 'community' in such an exercise is merely postulated.

1. That the problems of the nature of obligation to authority and the nature of the social bond are closely related emerges clearly from W.J.M. Mackenzie's comments on authority (Politics and Social Science, pp. 222-3): "Obedience may have been taught wholly or partially by inducements; nevertheless, once it is learnt it is a 'social fact', a norm within an interdependent system of norms which together constitute the rules of the society. One thus enters the domain of the classical theorists, in which there is talk of morality, custom, law, natural law, contract, expediency, utility. To ground debate about authority, there must be possible coincidence and possible conflict of norms, there must be the idea that norms are not just habits or traits of character - they need reasons too." It is not here suggested that Professor Mackenzie has accomplished some metaphysical flight across the is-ought gap, but that it follows that, prior to the final analysis, ultimately normative questions are capable of non-normative analysis. The point is perhaps a trifling one, but one consistently ignored by many who stress the dichotomy of 'empirical' and 'normative' questions. Nonetheless, in the final analysis, the gap remains.
In recent decades certain functionalists have employed the concept of consensus to explain the voluntaristic bases of social and political systems, whilst certain traditionalists, especially practising politicians, continue to explain political obligation in terms of a social contract, usually via the idea of legitimacy based on consent. In general, it is here maintained that such theories are prone to provide explanations solely in terms of the stipulated definitions of their concepts, and that they fail to pass the verifiability hurdle by being unable to explain the implications of the negation of their propositions - other than by maintaining by implication that all non civil war circumstances are consensus circumstances, and then drawing tautological conclusions. Our specific contention here, however, is an empirical rather than a logical one in that it is claimed that the relevant functionalists and contract theorists rely on the pre-existence of consensus situations for their

1. The explanation is ideologically implicit in most functionalist writing, most markedly that of Parsons, and that of Gabriel Almond, and only occasionally is this major premise of the theoretical framework made explicit. However, Marion J. Levy, Jr. has stated the assumption clearly thus: For a society to be stable at all, there must be some general agreement among its members on basic value orientations (A Revision of the Gemeinschaft-Gesellschaft categories and some Aspects of the Interdependencies of Minority and Host Systems, in H. Eckstein, ed., Internal War, New York; 1964, pp. 251-2). If this should constitute an explanation it clearly fails, but it appears more acceptable as a self-evident truism requiring no justification. However, if that were the case the proposition 'a certain degree of conflict in a community may increase its cohesiveness' would be self-evidently absurd, which it is not. Moreover, the very notion that there may be static, stable or unstable equilibria casts doubt on functionalist premises. Thus, at best, functionalist assumptions need justification.

2. It may be maintained that consent does not imply consensus and that contract theorists do not need to assume consensus situations. However, the notion is subsumed in all such theories with the possible exception of those of J.J. Rousseau.

3. 'Relevant' in that such functionalists as J.P. Nettl and G. Sartori do not fall into this category.
tenets and that no such situation need exist for the non-violent continuity of the political community. The concern here, then, is to investigate the thresholds of consensus and to consider the relationship of consensus to stability and the continuity of society.

It is our contention that states function on a voluntary basis not because there is any basic, overall, agreement between citizens, preventing conflict from developing into civil war, but because a minimal agreement will suffice to ensure continuity of the community in the midst of conflict and competition, and even in the midst of fundamental disagreement about basic social policies, about the power, income, prestige and recognition to be awarded to factions, groups and classes in the state, and about the nature of the state itself. We suggest that the functionalists and contract theorists use the concepts of consensus and consent, both as descriptions and explanations, in such a way as to obscure the fact that the agreement necessary for elementary stability in the midst of fundamental conflict not only needs to be no more than minimal but also that the minimal agreement is often a product of those conflicts. This minimal consensus we have chosen to call negative consensus because it arises from dissensus. Thus we are asserting that the functionalists' premises fail not only because a certain level of conflict may be cohesive, as Lewis Coser has so successfully shown, but also that a very high level of conflict of interests with little agreement on basic value orientations does not of itself lead to civil war, and need not even prevent the ordinary on-going process of the political system.

1. This was seen clearly by Bernard Crick (In Defence of Politics, Harmondsworth: Penguin, 1964, pp. 176-8) but Professor Crick's interests there were different from ours and he did not follow the argument through.

A few examples should suffice to demonstrate the thesis. De Gaulle's government of the Fifth French Republic may be seen as a response of the various parties and factions in democratic France to an image of the abyss. That is, de Gaulle was regarded (and when not regarded, used) as a temporary expedient preventing direct, and perhaps violent, conflict between contending factions which could permit no single group to achieve its demands. The relatively heterogeneous French political culture was not thereby united, but the contending parties were thereby prevented from confronting each other in a politically unresolvable conflict. De Gaulle's fundamental asset was his ability to prevent the one meaningful unifying factor between the familles politiques - their sense of nationality - from being sullied. The potential validity of de Gaulle's après moi le déluge was the sustaining force for the temporary consensus which emanated from the image of immediate potential disaster. Similarly, in Germany under Hitler conflicts were suppressed less frequently by force of arms than by force of new norms created by a new situation. The conflicts of Weimar were replaced by a superficially consensual situation, our negative consensus, because achievement of one overriding goal of a considerable proportion of the community required the absence of conflict modes of competition; the vastly differing, and politically unresolvable, group interests of Weimar were not, however, dissipated, but remained for the dispersal of the causal factors of the negative consensus.

In similar vein, it may be argued that the basis of Franco's power rests on the fear that his demise would re-enact the Spanish Civil War, in part because any defeat of Franco is likely to be followed by unresolvable internecine conflict between different factions of Franco's supporters and different factions of his opponents. Thus, affirmation of Franco suggests not a basic agreement but a resigned acceptance, a minimal consensus, which is
a direct consequence of dissenion and a sense of futility. Greater consensus in Spain on basic value orientations and modes of political behaviour would lead to greater instability of the Spanish political system. It may be similarly claimed that Tito's Yugoslavian acclamation at the end of World War II was based not on the attractiveness of a Croatian communist for the ethnic and political factions of the country but rather he was accepted because a domestic, nationalist communist was distinctly preferable to Russian domination. The potentially chaotic conflicts of Yugoslavia were thus resolved not by a positive evaluation of the regime but by a negative consensus. It is thus clear that a voluntaristic basis for society is possible without Levy's "general agreement... on basic value orientations", and that increased conflict may provide the stabilising factor.

Negative consensus may take other, more complex, forms. Hostile political parties, in order to avoid unresolvable political conflict, or a civil war which no faction feels confident of winning, or which no faction feels capable of controlling if successful, may agree to rotate control of the government. Implicit in such rotation is the acceptance that no party in its period of office will press forward any immediately irreversible policies central to the division between the parties. Thus, the willingness of each party to suspend conflict on issues basic to the identity of the party, particularly as in present-day Columbia and pre-Fascist Italy, creates a moratorium on issues and an allowance of the political system to continue. Similarly, in parliamentary democracies in which the political parties and interest groups
are so defined that no single group can form a workable majority - as
par excellence in Weimar Germany and pre-Gaullist France and, less obviously
so, in Bonn Germany and the Second Austrian Republic, and in twentieth-century
Switzerland - then not only may some parties suspend (and may ultimately lose)
their basic antagonisms but a cultural norm tends to develop about the 'unde-
mocratic' practice of one party government. It may here be objected that the
destruction, or absence, of basic party differences creates a genuine consensus
situation, but in reality this occurs only if there is also a convergence of
interests among the differing political sub-cultures, as has perhaps happened
in Switzerland (with the exception of the Jura) and as was paradigmatically the
case in the non-negro U.S.A. in the 1950's, and a relatively homogeneous political
culture develops. In West Germany and Austria, on the other hand, the moratorium
has only glossed over the cracks and the ideologically opposed factions are
beginning to re-appear, albeit in a weakened form. Even in Switzerland in times
of economic crises, or of extensive national fervour amongst her neighbours,
the various Swiss ethnic groups are prone to lose something of their Swiss
identity. We have also recently witnessed a weakening of the negative consensus
in Austria where the conflicting groups subsumed within the ÖVP and Social
Democratic Party have destroyed their twenty year coalition; and, as we have
seen, the West German moratorium is being broken by the rise of the NPD and a
dissentent extra-parliamentary left. Now, of course, in all these circumstances,
we are describing a post-revolutionary situation, but the decreased likelihood -
though far from impossibility - of revolution in the western world may stem
in part from an appraisal of the failed revolutions in the industrialised and
industrialising western societies of the earlier parts of this century.
Successful revolution is estimated to be less likely and the negative consensus
may thus be acquired in a potentially pre-revolutionary situation.
Coalitions, whether formal or informal, are able to continue as long as the parties to the coalition are willing to forego achievement of their basic goals, and as time progresses the basic goals of such parties are likely to converge. If the conflicting subcultures within a society have not converged to something approaching the same degree as the parties (and mass indoctrination via the mass media now makes this more likely than heretofore) they must at this point force the parties back toward their previous standpoints (assuming previous reasons for cleavage remain in some degree) - though not the whole way - or new anti-system movements will emerge. The temporary consensus attained during the initial periods of nation - or state-building, as with Nigeria, Ghana, Austria, West Germany, India etc., only serves to hide the basic cleavages. It is the submergence of these basic antagonisms in critical periods of development which has led to a general misinterpretation of the situation as rapidly increasing consensus - what S.M. Lipset calls the "post-politics phase". The apparent consensus arises out of hope, out of unity in antagonism to a foe, or negatively from dissent and futility of conflict, but even here a gradual increase in positive consensus may have been achieved. Of course, this positive consensus may not be a consensus about interests, but about modes of political behaviour, when it will express itself not in unity but in the ability to air grievances and express disunity without threatening the political community; and,

1. And this is no less true, and in some ways more insidious, of liberal constitutional democracies than other states. Perhaps the major difference is that western propaganda is more successful because it appears less like propaganda, but men of the dominant culture control and staff the programmes and impose the norm that conflicting (all usually intra-system) interests should be heard.

of course, certain conflicts will become permissible in any one state before others. Indeed, a stage may be reached in all states where most antagonisms are acceptable provided they are expressed in the right terms; the form of the conflict being of greater significance than the substance. Thus, in the Soviet Union specific criticism of the Party is acceptable on many points, provided it is couched in terms of general praise for, and gratitude to, the Party; in the U.S.A. much is culturally permissible if it does not appear to attack the American way of life.

The varieties of negative consensus are legion. One may even maintain that, in a limited sense, the notion of constitutional monarchy involves the achievement of a negative consensus, whereby the monarchs are awarded the prerogatives and prestige of the head of state in order to remove these perquisites from the aspirations of contending factions and thus, in states where there is little agreement either on the rules of the game or on which objects are being contested, they lower the incentive for violent confrontation and thereby reduce the potentiality for totalitarian rule. It is because of their totalitarian aspirations that the present Greek rulers must have the monarchy as an appendage of themselves or not at all, but the presence of a monarchy in any form reduces the necessity for totalitarianism since the symbols to which the population are asked to respond remain the traditional ones. Authoritarian rather than totalitarian rule was thus impossible for Hitler and Mussolini from the outset of their regimes; ultimately, once the symbols have changed and legitimacy is automatically accorded totalitarian rule will become authoritarian without any change of political doctrines or attitudes.

1. As S.M. Lipset clearly saw, "The symbolic retention of legitimate power in the hands of a Kaiser" in early Weimar Germany "conceivably might have preserved the allegiance of the middle and upper classes to a democratic political system." The First New Nation: The United States in Historical and Comparative Perspective, New York, 1963, p. 289.
In essence the notion of negative consensus involves the notion of caretaker. Whilst some governments are quite obviously caretaker governments, awaiting only a settlement of some conflict between the contending factions (e.g. following an indecisive election result), others which perform the same initial function may well rest on considerable negative support, and positive support may well develop during its incumbency. That is, the support may arise only from the prospect of worse alternatives, but the prospects may be so gloomy that the government may be granted considerable backing. A caretaker government, relying on the image of the immediacy of the abyss, may at times convert its vulnerability into an asset by stressing the value of its function in the avoidance of otherwise unresolvable conflict and it can demand both the prerogatives of government and the acceptance of its policies as its price for being an effective caretaker. The success that such a regime can achieve will depend upon its effectiveness in bargaining, its ability to suggest the horrors of the abyss and its ability to abstract concessions from rival parties and groups who differ from each other more than they differ from the caretaker. A skilled caretaker can thus maintain a regime for a relatively long period of time, provided that the conflicting parties are not able to resolve basic differences independently of the caretaker. In addition, the effective caretaker can use his caretaker role to construct a political machine to provide patronage and enact legislation which will appeal to groups and parties within the society so that these groups and parties form the basis of genuine support.
Thus some measure of positive consensus can thereby be achieved. This is what de Gaulle and Tito attempted with some success. Negative consensus, it is here maintained, is more likely to be achieved in societies which have previously established (or progressed a considerable way towards establishing) their national unity, identity and political form and which have then regressed to such disunity and conflict (or have failed initially to fulfill their aspirations) that the continued existence of the society in its known form is in doubt; where the sense of nation or state is the strongest unifying link a confessedly nationalist party will be the most likely to achieve it. Thus negative consensus may become an attachment to past identity and past consensus (or continuing aspirations) which need to be preserved in some form for the continuation of the society.

However, independence-seeking colonies may also display a negative consensus based on opposition to the colonial master. Thus, groups in fundamental conflict amongst themselves suspend their disagreements - not necessarily consciously - in order to attack a still greater enemy. Once independence has been achieved the negative consensus may purchase time during which the society develops towards a positive consensus, as in some degree in India and Ghana after Nkrumah, or, if this does not occur, conflicting ideological, class, ethnic or generational groups may reject political conflict and embrace civil war, as in Nigeria, although, of course it must be remembered that the potential tribal conflicts were always considerably greater in Nigeria than Ghana. In all the former colonial nations (an aspirational rather than descriptive term) that became new states in the aftermath of the Second World War opposition to the colonial power provided the bases for a temporary consensus, but in a majority
of these new states the achievement of independence forced the conflicting (usually tribal or ethnic) groups to confront each other directly, because the bases of their political compatibility were terminated with the achievement of independence. The consequence was often a blood-bath after which the regimes were based on force rather than consent. However, the leaders of these regimes have attempted to fashion, though with relatively little success, either by charismatic propaganda or by the selective rewarding and sanctioning of groups in their society, a new voluntaristic basis for achieving consensus.

Similarly subjected, if not colonised, societies have achieved negative consensus in order to secure the independence of their societies, as in the risorgimento when the House of Savoy made its alliance with Garibaldi and Italian revolutionary groups in order to destroy the Austrian domination of their country. Once Italy had achieved some degree of unification other forms of negative consensus followed until fascism attempted to impose a unity which did not reflect the subcultural cleavages still extent in Italian society. Some degree of negative consensus still continued, however, in that contending groups attempted to use, and even control, the fascist regime as a shield for their respective interests and policies.

It is evident from the above illustrations that negative consensus can only provide a moratorium on divisive politics and must be followed by other kinds of politics. In some cases the negative consensus rests on the life span of one man who claims charismatic authority because the alternative to him is the déjá. If this is the case violent confrontation is likely to be only delayed. Even if the ruler is able to create considerable positive support for himself - the best example is Charlemagne - he will be followed by a disaster
akin to that of the collapse of the Carolingian empire unless he is able also to create support for the political system, or at least for its symbols. In some societies the process of the forming of caretaker regimes becomes institutionalised so that a succession of caretaker regimes can avoid a fundamental confrontation for generations, as was achieved by political compromise on the slavery issue in the United States from 1820 to 1861. However, the time afforded by a caretaker government may at times make it possible for contending parties to work out compromises or for the society to become involved in such social, economic and political changes that issues that were previously unresolvable may completely disappear or be radically altered. In such circumstances the facing of new conditions may reduce the sharpness of cleavage in the political culture and provide a basis for stability.

As must have become apparent, negative consensus involves some preconditions for a positive consensus; for in engaging in what often appears to be a hopeless attempt to avoid violent confrontation the conflicting parties may reveal a different level of consensus; this different level represents the minimal basis for civic and political life. In attempting to avoid a violent confrontation, and in permitting caretaker governments which they do not positively support, the parties may eventually accept and use the machinery of a society which prevents them from pressing their most extreme claims upon that society. Indeed, the very act of employment of institutional machinery is integrative. If a claim is made upon the authorities of a society by any group and the claim is either accepted in whole or in part, or even if only the

1. It is not, however, our contention that consensus solely in terms of relative homogeneity creates stability, though it may be a significant factor. Homogeneity of a large proportion of the population may influence relatively few dissidents to oppose the homogeneous group with greater fervour.
legitimacy of the group as a claimant is accorded, then the claimant group integrates itself within the system, or at least begins the process, in the very act of making any claim and/or accepting any rewards; and it institutionalises itself within the framework of the machinery of the political system in that it places itself in a position both to make claims upon the authorities of that system and to receive benefits from it.

All such acts involve forbearance. This forbearance may originally emanate from the uncertainty of victory if a violent confrontation were to occur, but it develops to a genuine pragmatism with time, and may remain thus if the resultant social policies become increasingly acceptable and the political structures are perceived as relevant to the problems facing society. This quality of forbearance is the quality necessary for the achievement of a negative consensus. Once a positive consensus is achieved the forbearance will appear to be no more than the expression of a cultural norm.

We may thus suggest that with time the NPD may become a relatively integrated movement within German society. Even if it does not and it receives considerable support, although this will weaken the already infirm foundations of West German liberal democracy, the result may well be a period of negative consensus, rather than revolution, out of which a new possible consensus and a new ideology would emerge.

The NPD is likely to move closer to the dominant norms of the West German system since it employs its structural machinery; similarly the West German
culture will move closer to that of the NPD if it is able to maintain its support. The bipolarity of West German politics tends towards the centre - both institutionalised and uninstitutionalised, but if the potential cleavages were developed multi-polarity and centrifugality would be the consequence. It is here suggested that a period of negative consensus rather than revolution would arise in such circumstances.

Revolution is a consequence of the emergence of social forces whose opposition to the dominant ideology is not containable within the cultural confines of the socio-political system. We have indicated both that the NPD lies at the extremities of those present confines and also that there are certain limitations to the flexibility of the West German constitutional and electoral systems which hinder the possibilities of containment, but the surpassing of those cultural confines, we have also suggested, is not of the greatest likelihood. However, the NPD expresses a social force not restricted to Germany alone, but one which is a part of an alienation developing throughout the industrialised, urbanised world as a result of increased expectations and an increasingly limited ability of socio-economic systems to satisfy them. Should a significant part of the rest of the capitalist world prove incapable of either decreasing the expectations or increasing their satisfaction, the NPD is likely to be but one of many movements posing a threat to the liberal system. The means of action may here become revolutionary if any one force within a state sees itself capable of achieving total victory. However, at present it appears more likely that left-wing adventurism would create a situation in which the NPD - or, more likely still, the system parties with the adoption of an NPD ideology - would become the central point of a negative consensus of the disparate silent majorities.
Chapter Twelve

A Methodological Defence

British academics are notoriously loath to learn from their American counterparts. Anything with an American flavour is treated with disdain by the British intellectual elites. Behaviouralism is one such American import, subject to continuing attacks in the major British social science journals and some well-received books. Since the methodology - or, at least, the philosophy - of this study is in part behavioural it needs to be defended against its major British foes.

One of the most recent of the continuing attacks on behaviouralism comes under the general approach of an attack on the whole of sociological method in the study of political matters. I thus intend to proceed by considering this attack by Edmund Ions\(^1\) in detail and treating it step by step. What Mr. Ions considers to constitute sociology is never explicitly stated, and it does not seem to be a subject which most sociologists would consider their own, but it has three apparently essential ingredients, each disliked by Mr. Ions: (a) quantitative methods, (b) scientific method, and (c) 'behaviouralism'. Need it be stated that there are many professional sociologists who would also reject all three as appropriate methods of study?\(^2\) Need it also be stated that there are a number of different types of quantitative method which have little in common with each other?\(^3\) Thus, we might mention the use of

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1. Politics and Sociology, Political Studies, XVI, 2, 1968, pp 177-91

2. Indeed, sociology is seen by some as the antithesis to this approach. See for example, F. Massarik & P. Ratoosh (eds), Mathematical Explorations in the Behavioural Sciences, Homewood, Illinois, 1965, p. 8, n.2: "Perhaps the most widely quoted anti-mathematical behavioural scientists are identified with academic sociology."

quantitative methods to provide data for explanation, the use of mathematical models purporting to constitute explanation as homology or isomorphism, or even heuristically, and the use of mathematics to provide 'normative' theory.\(^1\) Certainly, the first use, the only one with which Mr. Ions deals, is not associated with any claim that its mathematically acquired data itself constitutes an explanation. For the purpose of a reply to Mr. Ions' allegations of the failure of sociology, it is perhaps fair to restrict comment to the particular sociological aspects he criticises, and to the 'psephological' use of quantitative methods with which he is concerned. None the less, the fact that there are other stimulating, and even exciting, approaches to politics via sociology should not go unmentioned.\(^2\)

Mr. Ions makes a number of valid substantive criticisms of particular uses of quantitative method,\(^3\) but the criticisms imply only a failure of the users to conform to the standards espoused by statistical analysis itself, i.e. he criticises the work for failing to fulfill certain accepted criteria of representative sampling and the requirements imposed by the problem of standard deviation. Mr. Ions cannot have his cake and eat it; he cannot (logically cannot) decry the very value of such techniques by reference to the standards the techniques espouse. As Oran Young never tires of telling us\(^4\) a critique of

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1. Thus T.C. Schelling says of games theory that "Strictly speaking, this kind of theory is not predictive. It is what is sometimes called "normative" theory in contrast to predictive or explanatory theory" (In J.C. Charlesworth (ed.) Contemporary Political Analysis, New York, 1967, 'What is Game Theory?' p. 214). However, such a theory is at least heuristically explanatory.

2. Many of these are considered sympathetically, if briefly, in W.J.M. Mackenzie, Politics and Social Science, Harmondsworth, 1967.


a particular use of a general approach is not of itself a critique of that approach.

Granted (and who of its most ardent supporters would deny it?) that there are limits to what information can be obtained from opinion polls, and granted that the utmost logical rigour must be used in the quantification and analysis of the data obtained, any adequate critique must show us not only that there are some things the techniques cannot do, but it must also offer satisfactory alternative methods of study which not only overcome the limitations but also do not contain greater restrictions of their own. This Mr. Ions singularly fails to do. Only if opinion polls fail to provide us with informative, further testable and, in principle, predictive data can Mr. Ions' contentions on the relative inutility of quantitative method be sustained. It is of no avail to attack such methods for not providing mathematical certainty when expressed in mathematical terms. The terms are simply a necessary consequence of the techniques employed, and quantitative data are only required in exact form when the results need further quantification; anyway, and more importantly, uncertainty is a logically essential aspect of probability theory, which, of course, subsumes sampling theory.

When Mr. Ions' criticisms become more specific and he derides much of the significance of statistical findings for political study he is on no firmer ground. The strongest stance in this respect can always be taken against the predictions of election results which may be self-validating and are, anyway, the least useful intellectually, and most dangerous politically, of opinion poll uses. But even here Mr. Ions goes much further than is warranted when he claims (p. 185) that "there is nothing remarkable about forecasting the result of a general election to within 3 per cent; given (a) that the
electorate has shown itself comparatively stable in its voting habits over fairly long periods of time; (b) that the electorate is fairly evenly divided between the two major parties; and (c) that the poll is taken on the eve of the election". If my recollections of pre-scientific survey elections serve me correctly, political pundits were greatly surprised by the results of the 1945 general election in Britain and the 1948 U.S. Presidential election! Mr. Ions' implicit judgement of the opinion poll results as insignificant truisms was suitably answered in a review by Paul Lazarsfeld of The American Soldier, a lengthy second world war statistical study. Lazarsfeld listed a number of truistic propositions, such as: that those with higher education displayed more psycho-neurotic symptoms, that Southerners withstood the tropical climate better, that white privates were more eager for promotion than black ones. Such conclusions were obvious from current platitudes about neurotic intellectuals, acclimatisation, and unambitious negroes, but each of these conclusions was false.' As W.G. Runciman put it, "whichever of two contradictory (but, of course, obvious) propositions of this kind is found on systematic inquiry to be correct, there will always be somebody to maintain that he knew it all beforehand. What the social scientist has to do is to establish which of two contradictory truisms is correct, and to what extent and under what circumstances it holds good". Oliver Benson has further shown that it is a false contention that political information obtainable mathematically is

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equally susceptible of intuitive analysis¹:

Let us assume a group of newly elected congressmen are given their committee assignments at random. We further assume an equal number of congressmen and committees, and that each of the group would prefer a different committee. What is the probability that none will receive the assignment of his choice? The intuitive reaction is that the information given is insufficient, and that the answer will depend on the size of the group involved. Actually the probability is (for more than a very small number) essentially independent of the number: the probability involves a complete permutation (one leaving no number fixed) and turns out as \(\frac{1}{2!} - \frac{1}{3!} + \frac{1}{4!} - \ldots + \frac{1}{n!}\), approaching \(\frac{1}{e}\), \(e\) being the number 2.7182..., the base of natural logarithms. The probability is slightly less than two-thirds that at least one congressman will get the committee of his preference, regardless of the number.

That there are limitations to the use of quantitative methods is beyond doubt, but it is equally clear that such methods can provide at least additional information and retrodictively derived hypotheses may be tested against such data.

Mr. Ions further doubts the adequacy of information obtained from sample surveys when he claims (p. 179) that "pollsters have shown that 15 per cent of the British people say they are 'very interested' in politics. The actual number may, however, be much less than this". It may indeed! It would be a very naive pollster who believed that the significance of his data lay in the superficial immediate results.² Such findings tell us little (though not nothing) of people's interest in politics, but they provide invaluable information on changing, and

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1. This point is not made explicitly in Edmund Ions' article but clearly underlies his stress on intuition.
internationally comparative, norms on attitudes towards political involvement.\(^1\)

Of course, no single item of evidence can be treated a priori as decisive; it must be added to the complicated jigsaw, and only an hypothesis external to the material to be employed can be satisfactory, but what will then be significant is the usefulness, relevance and accuracy of the data employed. It is here contended that statistical evidence is more satisfactory than intuition, though it is not to be denied that intuition will be of considerable assistance, even in providing data, where we are denied satisfactory objective information. Ultimately, what the acquisition of statistical data does is provide one with the information which needs to be explained and does not itself provide an explanation, though it is important to note that the acquisition of such data may suggest an explanation which will then need to be tested.\(^2\)

1. G.A. Almond and S. Verba's monumental study of comparative political attitudes in five states The Civic Culture, Princeton, 1963, uses these techniques in a highly informative way. Although there were bound to be both numerical and linguistic problems in such a study, the finding, for example, that pride in political institutions was expressed spontaneously by 85% of Americans, 46% of Britons, 31% of Mexicans, 7% of Germans and 3% of Italians gives us a first inkling of system satisfaction and comparative potential instability in these states. Of course, this is only a first step and a great deal more evidence is required (and some is given) but at least this is one piece of evidence to be related to other statistical and non-statistical information in building up a causal theory. In the case of Germany further information acquired statistically could be found in Habermas, von Friedeburg, Oehler and Weltz's Student and Politik, Neuwied, 1961 where democratic allegiance is studied in depth, and thus a broader picture obtained.

2. Thus a problem in my own work at present is that I have sufficient data to show that in Weimar Germany Protestants were inclined to vote Nazi and Catholics to vote Communist, though I cannot yet explain why. The data suggests that social norms dependent upon differing religious attitudes, as well, of course, as class attitudes (a larger proportion of Catholics than Protestants were working class) were significant factors. Additional evidence is offered by the non-statistically determined thesis of Max Weber's The Protestant Ethic and the Spirit of Capitalism, London, 1962, and Ralf Dahrendorf's remarks on Catholicism in Society and Democracy in Germany, London, 1968 Ch. 14. The point is that both the initial evidence and the stimulus to study the problem and even the awareness of the problem came from the statistical data.
It is not here maintained that all political problems are soluble with the aid of quantitative method, but where they are so soluble different methods will be suitable to different problems.\(^\text{1}\) However, it is my contention that even a traditional approach will benefit in many instances from the addition of statistical material. To be meticulously fair to Mr. Ions we should perhaps consider one of the examples of problems he believes to be immune from quantitative study. Mr. Ions states (p. 188) that "In British politics, one of the most potent myths affecting all forms of behaviour in politics is a resolute belief in the virtues of the amateur...The reasons clearly go deeply into British social and intellectual history. No rational 'explanation' of the myth could be furnished statistically, yet it is one of the most potent forces in British politics". So far as I am aware, no mathematical model has ever been used to attempt to explain myths of this kind, and, in principle, only a matrix or a communication net could be used, it seems to me, and then only be of heuristic value but I doubt whether this would produce any satisfactory results.\(^\text{2}\) Rather, one would wish to test the hypothesis of 'resolute belief in the virtues of the amateur' (the potency of which I doubt), both conceptually for meaningfulness, so that one might know prior to quantitative testing what evidence would be consistent with the proposition and what inconsistent (i.e. one would wish to

\(^{1}\) My own position is essentially eclectic. That is, I believe most recognized middle-range sociological theories are useful, but in different contexts.

\(^{2}\) However, other sociological methods have not found 'myths' beyond the range of their inquiry. Indeed, myths ("the value-impregnated beliefs and notions that men hold, that they live by and for") (p.4) are the central theme of R.M. Maciver's The Web of Government, New York, 1965; although different terms are used, developmental theory also accords myths great significance (cf., for example, D.E. Apter, The Politics of Modernization, Chicago 1965 especially Ch. III 'The Analysis of Tradition') and they are now finding an important place in the dynamic versions of structural/functionalism (Cf. for example, G.A. Almond and G.B. Powell, Comparative Politics: A Developmental Approach, Boston, 1966).
discover the meaning of the proposition), and quantitatively by subtle opinion polling to test the depth of related cultural norms. Now it is not claimed that the responses will provide certainty, only that they will provide evidence, and that the evidence will itself probably suggest explanations. One is, of course, always loath to accept evidence which contradicts one's subjective understanding, but so is the natural scientist and one may require a wealth of such evidence before a change of mind is made. However, overwhelming statistical evidence provides us with more reliable results than intuition alone, and, more importantly, our subjective understanding can be soon enhanced by statistical information consistent with our more general position.

Mr. Ions also doubts the validity of opinion poll methods because modern psychological theories have suggested that (p. 180) "our 'opinions' on most issues are in the nature of anticipatory gestures manufactured on the spot in order to deal with likely or unlikely developments at that moment in time; that far from being brought out of some inner banking mechanism, they are instant (though highly complex and swiftly produced) manufactures, adduced as a type of armour or weapon in order to deal with a (more or less) hostile world; that they are accommodations before they are convictions". I am much happier with this account of 'opinion' than Mr. Ions himself, but I find the problems it poses not insuperable. First, the most satisfactory opinion polls are less concerned with the superficial reactions than the underlying attitudes to which they relate and they are constructed specifically to allow for the problem Mr. Ions poses. Secondly, and what is perhaps here more relevant, if the opinions

1. Though, of course, there is much more to 'opinion' than this. See R.E. Lane and D.O. Sears, Public Opinion, Englewood Cliffs, 1964, especially Ch. II 'Portrait of an Opinion'.
collected by pollsters are likely to be no more than "anticipatory gestures manufactured on the spot", then so is any verbal, and to a lesser extent written, evidence on which Mr. Ions relies for his conclusion of "the resolute belief in the virtues of the amateur", where this is other than inferences drawn from political behaviour. Ultimately, opinions expressed can only be tested for their consistency with behaviour. If a politician claims to believe in the greater value of the amateur over the professional but appoints only experts and is not so constrained, then we have not only evidence that he was not telling the truth but proof, for a person's opinion is that which is consistent with his behaviour.

Pollsters are, of course, not only concerned with opinions but with the analysis of behaviour itself, and here the results are of even greater value. Thus, we know from statistical study that women vote more conservatively than men in all west European and North American states. The value of having such information - apart from perhaps teaching us the worth of a limited franchise! - is that it suggests certain possible causes of electoral behaviour. Thus, it is consistent with the data that certain cultural norms applicable to females but not in the same degree to males in western society are significant factors in determining attitudes. There is also a positive correlation between claiming to be a regular churchgoer and claiming to vote conservatively. There are, of course, a number of hypotheses consistent with the implications of these findings. Two, at least superficially conflicting ones would be: (a) given that females were more regular churchgoers than males, the beliefs induced

1. Of course, pollsters may be required to analyse behaviour via expressed responses to questionnaires, but their accuracy may sometimes be tested unequivocally. Thus, the responses acquired by Emnid, infas and Allensback in Federal Germany on age and sex voting patterns conform very closely to representative samples taken from actual election results by statistische Landesämter.
by organised religion were the paramount factor; (b) early environmental
attitudes, accorded differently to each sex, induced both the churchgoing and
the conservatism. To test which, if either, of these possibilities was
correct - and my 'hunch' is that the conflict between the two is only apparent
and that both are significant factors - we would seek a state where men are more
overtly religious in their behaviour than women, and test whether conservative
voting correlated inversely. Now we shall never acquire certainty this way,
we shall just obtain more relevant data, but then, contrary to Mr. Ions' beliefs,
science and sociology are not "presented in a form which admit(s) no doubt"
(p. 178). Science and sociology are concerned with evidence and probability;
certainty and the synthetic a priori are the province of academic philosophy.

Edmund Ions' criticism of scientific method is somewhat puzzling for he
considers (p. 178) that science is "deductive" and that to the scientist
"induction...(is) necessarily suspect". However, it is more usual to consider
inductive method to be the keystone of scientific method.¹ Again Mr. Ions
equates science with certainty when he claims (p. 186) that if two opinion poll
organizations disagree "we are bound to conclude that one or other of them
has been 'unscientific'". When a natural scientist's work results in a false
conclusion he has not ipso facto been unscientific; he is just wrong. Neither
'steady state' nor 'big bang' is a result of unscientific work; but one theory
is probably the result of greater genius, of more brilliant retroduction,
of the wiser use of creative imagination, in the formulation of hypotheses
and the construction of means of validating them.² The usual dichotomy, felt

¹ It is sometimes claimed that all method is ultimately inductive (see, for
example, R.S. McGowan, Predictive Policies, Proceedings of the Aristotelian
Society, 41, 1967, pp. 57-76) and I would concur. However, given certain
postulates as axiomatic, deduction is possible within the system accepted.
² Strictly speaking, one can only ever invalidate a thesis inductively.
by students of politics who see science as rigid and uncreative, between scientific method and political theory is, I believe, a false one.\textsuperscript{1} Scientific explanation, which depends on the interpretation of facts, arranging reality in terms of preconceived notions, itself constitutes theory, and indeed constructive theory, for it "must permit the phenomenon to be accounted for to be deduced from it; it must also either not do damage to existing theory, or if it does damage, be able to account for the phenomena subsumed under the theories which it damages".\textsuperscript{2}

What I propose for the second part of this chapter is to show (a) that scientific method is not the rigid, uncreative system it is often claimed to be, (b) that most attacks on 'behaviouralism' are not very meaningful, and (c) how scientific method can be useful for political study. Mr. Ions is not alone in believing that (p. 178) "Guesswork, intuition... (and) the subjective hunch" are alien to scientific method, but natural scientists themselves are not so unbending. As Einstein wrote to Sir Karl Popper, "I think (like you by the way) that theory cannot be fabricated out of the results of observation, but that it can only be invented".\textsuperscript{3} The natural sciences, like the social sciences, need to be imaginative and must perforce deal in concepts. Theories may develop from data, from facts perceived and digested, but there is no deductive connection between the formulation of the theory and the data; the theory, perhaps suggested by the data, is the consequence of creative imagination. Arthur Goldberg analysed this acutely when he claimed:

\begin{enumerate}
\item For a fascinating bridging of the gulf see A. Brecht, Political Theory: The Foundations of Twentieth-Century Political Thought, Princeton, 1959.
\item If the reader is not convinced that this is how scientists proceed, he is recommended to read: Albert Einstein, Relativity: The Special and the General Theory, London 1960. Pp. 21-4 on The Idea of Time in Physics should suffice.
\end{enumerate}
one deals with concepts...when one examines a revolution in terms of personalities, power, culture, income distributions and electoral processes. No criticism is intended of the data with which we deal. Rather it is the intent to recognize such data for what they are, viz., concepts. As such they are products of mental postulation, complex statements about the way we think the world is, for who has seen a personality, power, or a culture? For that matter, how would one recognize a revolution utilizing only the data of the senses? Without mental postulation these data would simply fail to cohere...one thing the scientist does is observe certain phenomena, e.g. the acceleration of falling bodies, the occurrence of revolutions, the growth of totalitarian systems. He then seeks an explanatory principle beyond his observations to account for them. He seeks these by the use of creative imagination. Induction will not do it, as induction - the reasoning from the specific to the general - is the specific writ large...explanations are arrived at by no mechanical process, but by a creative one. Such a process is essentially psychological...If it is the role of science to explain observations in terms of a set of testable ideas, reproduction is the means by which science expands its explanatory powers.

If prediction, expansion, subsumption and specificity are the hallmarks of science, then these can never be achieved by induction and deduction alone.

Science, it must be stressed, is not 'scientism' or 'empiricism'. Science studies events, conceptualizes, negates or fails to negate, propositions about events, but establishes causality not alone by a chronological chain, though such is indispensable, but by a meaningful explanation relating the events. It is thus clear that on the criteria of the anti-scientists in the social sciences, the


2. I am convinced by Hume's argument in The Treatise of Human Nature on the non-objective nature of the concept of causality, but I am at a loss to know how to proceed without it.
natural sciences aren't scientific either.¹ Social science² is declared impossible because it fails to achieve a required standard of certainty which the natural sciences neither can, nor try to, emulate.

The 'behaviouralists' are the next to suffer Mr. Ions' disapprobation,³ though one is never quite sure who exactly is being attacked. However, in a recent continuation of his perennial attack on the American Science of Politics, Bernard Crick made matters a little (though only a little) more explicit, when he described the behavioural approach as "at best, either truism or tautology, and, at worst, a democratic doctrine whose nativist fervour is only matched by its disdain for history and ignorance of foreign scholarship. Behaviourism (in so far as it is not simply an intellectual mistake, a belated analogy from long discredited biological theories) arises from the inadequacy

1. Thus, for example, Antonio Gramsci in his 'Critical Notes on an Attempt at a Popular Presentation of Marxism by Bukharin' (in The Modern Prince and Other Writings, London 1957, p. 101) derides Bukharin's non-scientific interpretation of Marx but in the same breath denies the principle of prediction to the social sciences: "How could foresight be an act of knowledge? One knows what has been and what is, not what will be, what is non-existent, and so unknowable by definition". However, the concept of knowledge entails belief together with a justification sufficient for that belief, which excludes the knowledge of which Gramsci speaks only if logically necessary knowledge is required and that is also excluded from the natural sciences, which base predictions on inductive probability. In the social sciences the problem of prediction is exacerbated by the inability to limit dependent variables, but in principle the position of the natural and social sciences is identical.

2. Mr. Ions (p. 190) welcomes the arrival of social science! One is bound to be puzzled by this remark. Is Mr. Ions' 'sociology' with its 'scientific method' different from social science? Is social science 'scientific'? If so, why does Mr. Ions welcome it?

3. If behaviouralists "presumably feel that other students of politics are not studying political behaviour" (p. 186), do traditionalists believe that no one else studies historical continuity, communists that no one else wishes to live in a community, and rationalists that no one else uses reason? Clearly this kind of aside from Mr. Ions can have no more than emotive value.
of the old, uncritical institutional school". If Professor Crick and Mr. Ions are attacking the adherents of the now defunct Watsonian school of psychology then only the work of A.F. Bentley (in particular his *The Process of Government*, Chicago, 1908) seems subject to the abuse; but one must presume that something less specific than this is intended. Social scientists would allow of a stimulus-organism-response paradigm today rather than the original stimulus-response, and it is perhaps more satisfactory to describe such people as behaviourists (as Mr. Ions calls them) rather than to use the term behaviourist, as Professor Crick does. However, it seems fairly clear that both have the same people as the butt of their attacks, and it would perhaps be easier to name the people than give their school an appropriate title. Robert Dahl, David Easton and Seymour Martin Lipset are perhaps the most prominent of them.

Because Mr. Ions does not make his criticisms explicit and because of Professor Crick's influence at least on British political studies today it is probably worth considering Professor Crick's critique in some detail. The reference to behavioural study as "tautology", in so far as it is justified, fails to discern the relevance and importance of informative tautologies providing us with a schema— a conceptual framework— from which to derive hypotheses. There is an


important sense in which structural/functional and general systems theory¹ concepts, criteria of relevance and categories of classification form a definition of the political system, whence derived material can only prove what was initially assumed. Retroductive analysis creates the initial system and a series of integrated and consistent propositions are deduced (tautologically!) from the basic postulates and concepts of the system. However, if these derived propositions are then tested against empirical data from outside the system we are provided with scientific material to falsify, or, ultimately, within the sphere of inductive probability, to verify, the system retroduced by creative imagination.

Professor Crick's attack on behavioural method as "truism" is perhaps best answered with reference to Lazarsfeld's truistic propositions and the "nativist fervour" - which, I would agree, is a most disturbing element - is a clear example of the fault of practitioners and not of their method.² After all, scientific method allows of a critical and even 'moral' approach provided it is realised that the particular preferences are not themselves, at least ultimately, scientifically derived.

Professor Crick's onslaught continues with behaviouralism appearing as a "belated analogy from long discredited biological theories" - a further reference to the Parsonian and Eastonian types of theory. The biological theories, are,

1. For my own part, following Professor Mackenzie, I find the over-arching nature of general systems theory and structural functionalism somewhat metaphysical, but their value, it seems to me, lies in the stimulating nature of the concepts they employ.

2. And, anyway it would be clearly inappropriate to describe J.P. Nettl, a thoroughgoing, if critical, Parsonian in such terms. Indeed Nettl's position is one which indicates some of the confusions surrounding the concept 'behaviourist'. Thus pp. 11-14 of Nettl's Political Mobilization, London, 1967, clearly denotes him as a self-acknowledged Parsonian which Crick deems behaviourist, yet on pp. 21-2 Nettl attacks the "so-called behaviourists" who "have not so far helped much".
however, not so much discredited as superseded for biology. Scientific ex-
planation develops by using different methods and, although functional analysis can
never be a fully-fledged causal analysis, it constitutes an important element
of scientific development towards such an analysis. As M. Brewster Smith has
explained, functionalism "has a venerable lineage in Darwinian biology and in
most post-Darwinian psychology. Clearly the question is not one of cause or
mechanism; one has not given a causal or genetic explanation to a person’s opinions
when one discovers their contribution to his personal economy. To confuse
function with cause is the error of teleology, and we do not mean to be
teleologists.

We recognize that in a maturing science, systematic causal explanation
replaces functional analysis: witness physiology since Bernard, Cannon, and
Henderson, where concern with the detailed operation of homeostatic mechanisms
has supplanted the earlier emphasis on the functions of organ systems. Yet
in the earlier stages of a biological or human science — and surely the psychology
of personality must be placed here together with most social science — a
functional approach provides a very useful, perhaps an indispensable strategy for
coming to grips with ongoing processes... Knowledge of the functions that a
particular opinion or belief are serving a man can be put to use without
waiting for a full understanding of the underlying causal mechanisms.\(^1\)

\(^1\) M. Brewster Smith, Opinions, Personality and Political Behaviour, in
What Bernard Crick and Edmund Ions need to show is not only the limitations of behaviouralism, but also what is preferable, how it will overcome the problems posed by behavioural analysis and how it will not produce greater problems of its own. Professor Crick's answer lies in institutional analysis (where he has a point, for some - but by no means all - behaviouralists have failed to perceive the influence of political superstructures) and history, "sheer ignorance of..." which is shown by some of the prophets and practitioners of the behavioural approach. The great concern recently of behaviouralists for development theory and historical causes of political culture would belie this critique for many behaviouralists. (The best example of such work is probably that of Stein Rokkan). One may also wonder how history qua history will help. The "unwillingness of most historians to generalize and explain" is no coincidence; it lies in their method of study. Historians too readily believe that a chronological ordering of events provides the conceptual framework of a causal relationship. Useful

1. However, S.M. Lipset, one of the most frequently criticised for his 'behaviouralism', argues most ably for the influence of constitutional procedures on political behaviour in Party Systems and the Representation of Social Groups in Dahl and Neubauer (eds.), op. cit., pp. 85ff.


3. Ibid.

4. This remains true despite the intensity and erudition of such perspicacious historiographical work as: Louis Gottschalk (ed.) Generalization in the Writing of History, Chicago, 1963. S.N. Eisenstadt's The Political Systems of Empires, New York, 1959, does espouse an empirical methodology and does generalize and theorize, but it is notable that the study is by a sociologist and not a historian. However, an introduction of rigorous analytic tools into detailed historical work has been achieved with some success by, for example, R.A. Comfort in his Revolutionary Hamburg, Stanford, 1966.
generalizations and explanations rarely follow from historical analysis because of the limitations on falsifiability, and anyway, as Giovanni Sartori tells us, "History is liable to explain too much...because our reconstruction of the past is guided by our present knowledge; that is, when we write history we already know the answers". ¹

Perhaps, however, Professor Crick and Mr. Ions regard behaviouralists as all those who purport to follow scientific method, as appears to be the case with M.J.C. Vile who talks of "the strictly empirical studies which have come to be known as 'the behavioural approach'"² and who sees behaviouralists as those for whom "the hallmark of a meaningful proposition comes to be the extent to which it can be scientifically tested".³ This sounds rather like early logical positivism and one must reply by asking who these people are. Certainly not Professor Dahl who is attacked under this heading by Dr. Vile. As Professor Dahl himself has said, "one does not need to espouse Logical Positivism in order to be an Empirical Theorist. Indeed, many different philosophical positions are consistent with Empirical Theory".⁴ It seems probable that Dr. Vile, and Professor Crick and Mr. Ions too, confuse scientific or empirical analysis with 'scientism' or 'empiricism'. For a proposition to be meaningful for a scientist it need not depend "upon the extent to which it can be scientifically tested", as Dr. Vile claims of the

¹ G. Sartori, Political Parties and Political Development, in Dahl and Neubauer (eds.), op. cit., p. 140.
behaviouralists, but upon the extent to which one knows what it would involve to falsify it (i.e. one must know which propositions would be inconsistent with the assertion) and to the extent that one knows what the negation of a proposition would imply.

It is common criticism of the scientific approach to the social sciences that it does not allow us to answer the more interesting, more complex and more general questions, especially about politics. Dr. Vile postulates such an interesting, complex and general proposition when he claims that "a constitutional separation of powers is an important factor in maintaining certain types of political systems in which abuses of powers are checked". According to Dr. Vile this is

1. Thus, L. Johnston (A Defence of Public Law, Political Studies, XVI, 3, 1968) claims (p. 385) that Bernard Crick has shown that "the more sophisticated its techniques and the more scientific its methodology, the more parochial are the interests of American political science". Mr. Johnson further claims (loc. cit) that "amazingly few of them (i.e. political 'scientists') have shed any light on the political process". However, Mr. Johnston's choice of the word process is itself significant. It is as a result of the behaviouralist's concern for methodology, which Mr. Johnson despises, that the traditionalist mistake of treating politics as structure rather than process has been recognized. J.P. Nettl's Political Mobilization is probably the best attempt to redress the balance. Again Mr. Johnston claims (p. 386) that "behaviouralism has concentrated on the mundane and the insignificant, whilst issues of great importance are completely ignored". Some of the titles of the International Yearbooks of Political Behaviour Research should serve to dispel this myth: Changing Patterns of Military Politics, Ideology and Discontent, Political Decision-Makers, Party Systems and Voter Alignments - and these are not limited, as Mr. Johnston would have us believe of the whole behavioural field, to seeing "how political ideas develop in a five year old child", nor are they concerned with "investigations of political attitudes of publicans or sixth formers" - and such studies would, anyway, be of considerable significance in helping us to understand both the development of a political culture and the effects of social stratification. More importantly, two of the volumes in the Behavioural Yearbook series study in depth perhaps the most important problem of all - under what circumstances political systems are stable.

impossible to test in the strict terms of behavioural science. "Such an hypothesis," he maintains, "can be examined only by looking at the examples of non-tyrannical political systems which exist, and attempting to form a judgement about their operation."¹ For a behaviouralist to consider the truth of this proposition for the United States, Dr. Vile maintains that he would "have to compare the United States with a society like the United States in every respect over the past two centuries, except that in the latter all powers were accumulated in one set of hands, and to show that, as regards tyranny or the abuse of power, there were no significant differences between the two societies. The impossibility of adopting this procedure indicates the limits of the behavioural approach in politics".²

One must presume from this that Dr. Vile believes - erroneously - that there is only one aspect of scientific method and that an extremely unsubtle one, and that behaviouralists believe this one to be universally applicable. However, when an engineer is asked to consider the likelihood of the collapse of the leaning tower of Pisa he does not refuse the request because the tower of Pisa is unique. He does not believe that he must compare it with every other leaning tower which has ever existed. What he does need to know are certain laws of structural stress and of gravity, and of their interaction. These laws are tested not discovered by application to as many cases as is convenient, and cases of lesser hypotheses from within the general proposition will usually prove easier to test, but will be no less scientific. Hence the importance of the study of functions for political science, for functions may be (and some say must be) similar between societies when structures differ. A social scientist may, however, test general

¹ Ibid.
² Ibid.
propositions about structures but here, it must be stressed, only against data from within the content of the proposition. I would not claim to be able to consider the truth of Dr. Vile's hypothesis because I have neither the necessary knowledge of the material, nor immediate recourse to any. We may, however, consider an at least equally general, interesting and complex proposition that has been treated scientifically and see how it overcomes the anti-behaviouralist objections.

Professor Bruce Russett has attempted to analyze and explain the general problem of the relationship of diversity of wealth to political stability.¹ He considers first previous analyses ranging from Euripides through Plato, Marx and de Tocqueville to Kling and then proceeds to clarify the problem conceptually, to present detailed distributive data and then to formulate, and test against the data, some hypotheses about the relationship between economic inequality and political behaviour. The major problem was, of course, to find relevant and comparable data, which was successfully achieved in terms of land tenure. The degree to which agricultural land tenure was concentrated was then assessed. Professor Russett used three separate indices of concentration, measuring somewhat different aspects of land distribution, two being concerned with the relative size of farms, and the third with tenancy. These were (1) the proportion of land owners who collectively occupy one half of all the agricultural land; (2) the Gini index of concentration (which uses a Lorenz curve to give a measure of inequality involved); (3) the proportion of farm households that rent

¹ Bruce M. Russett, Inequality and Instability: The Relation of Land Tenure to Politics, in Dahl and Neubauer (eds.), op. cit., pp. 150-62. The analysis which follows is not intended to be a substitute for the original, which is strongly recommended.
all their land. For operational criteria of stability four indices were used:
(1) statistical instability of political personnel; (2) Rummel's data on
Internal Group Violence; (3) Eckstein's data on Internal War; (4) Lipset's
data on democratic stability. The political dependent variables thus measure
distinctly different aspects of stability - continuity of executive personnel,
incidences of violence and conformity with a stipulated definition of 'democratic'
stability. The type of proposition formulated - based, it must again be stressed,
on retroduction - is: extreme inequality of land distribution leads to political
instability only in those poor, predominantly agricultural societies where
limitation to a small plot of land almost unavoidably condemn one to poverty.
Such propositions are then tested against the data, taking care to adequately
conceptualize each of the important terms of the hypotheses, and conclusions are
drawn. Now clearly no such results will give a final answer to the original
general question (nor do they in the natural sciences), but, it is here claimed,
they are distinctly preferable to Dr. Vile's proposal of "looking at examples"
of relatively egalitarian societies and "attempting to form a judgement about
their operation". When a lack of data prevents further scientific analysis a
student of politics may well go on to such speculation, but to speculate
when "hard" data can be acquired is a failure to use that creative imagination
so essential to political studies. We may best use retroductive methods to
discover ingenious ways to formulate testable hypotheses. A major advantage
of such scientific work is that it allows us to build on previous work, whereas the
intuitive scholar must always return to the beginning whenever he approaches a
new problem.
Mr. Ions goes even further than Professor Crick and Dr. Vile in his anti-science position when, he says of the examples he gives of political matters which he believes lie beyond the reach of quantification, that they defy (p. 189) "'rational' explanation" and (ibid) that an "institution or behaviour..(may not be) susceptible to logical explanation" But what does this mean? If a proposition is not subject to logical explanation it is surely of its nature inexplicable - and hence meaningless.\(^1\) Is not "non-logical reasoning" (ibid) reasoning which has no regard to form or consistency? Isn't it of its nature unreasonable? Does it not mean 'contravening the laws of thought', not 'correctly-reasoned' (Concise Oxford Dictionary)? Perhaps Mr. Ions means no more than that political studies is a highly complex and confusing subject, and who would deny that? But subtlety of thought is not restricted to intuition.

In the quest of political studies for a lead, Mr. Ions would have us turn from the sociologist to the anthropologist, who, it is claimed, is (pp. 189-90) "entirely prepared for the political paradox. He knows that the apparent and obvious function of an institution or behaviour pattern is not necessarily the real function or the most important one". But even if such thoughts had their origins with Radcliffe-Brown and Malinowski, who knows them better today than Talcott Parsons? And wasn't it the sociologists who refined structural/functionalism from its stimulating but static and logically self-contradictory

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\(^1\) This it seems to me, is a natural corollary and a fortiori of, the excellent account of scientific explanation in P.H. Nowell-Smith, 'Miracles', Hibbert Journal, 1952. However, the argument is succinctly contested in F. Ferre, Language, Logic and God, London, 1962, pp. 22-6.
early anthropology days? Was it not also a President of the American Sociological Association who showed in his Presidential Address that functional analysis is in fact synonymous with sociological analysis in general? Does Mr. Ions want to take sociology away from us with one hand and give it back with the other?

The purpose of this part of the chapter has been to show the value of quantitative methods for political studies at least for providing data and suggesting and testing hypotheses, the value of scientific method, and the misunderstandings of the attacks on 'behaviouralism'. However, political sociology does not consist alone, as Mr. Ions apparently believes, in opinion polling. Reinhard Bendix and Seymour Martin Lipset have aptly summed up the non-theory lines of inquiry and methods of investigation of political sociology as:

1. Voting behaviour in communities and in the nation (attitude and opinion research);
2. Concentration of economic power and political decision-making (documentary evidence, mathematical models);
3. Ideologies of political movements and interest groups (documentary evidence, content analysis);
4. Political parties, voluntary associations, the problem of oligarchy and the psychological correlates of political behaviour (documentary evidence, attitude and opinion research, psychological testing, etc.)
5. Government and the problem of bureaucracy (documentary evidence, attitude and opinion research, etc.)

2. Although the implications of such a use of the term 'theory' are relatively clear, it creates all kinds of logical problems. Professor Crick's article 'Philosophy, Theory and Thought' gives a few indications of how one might approach this, but there remains for the time being a pressing conceptual problem.
There remains unmentioned, however, the overarching and middle range sociological theories, so appropriate to general theories of political behaviour and the analysis of specific political problems, which may be said to subsume the Bendix and Lipset taxonomy, and which may perhaps also be best designated political sociology, at least when used for the analysis of predominantly political matters. Amongst these we might mention structural/functionalism and general systems theory, whose value, it has been suggested, lies in their conceptual schema, and, - of the middle-range, - decision-making theory, game theory, communications theory, developmental theory and role theory. The difference between these 'sociological' theories and political theory is that the former is directly relevant to the empirical study of specific problems, (though this is not to deny that there are dangers of normative usage of such concepts as modernization, development, interest articulation and aggregation etc.), which is not to say that political theory, predominantly concerned as it is with legitimacy and justification, is completely devoid of such content (witness much

1. It is perhaps today becoming somewhat confusing to call such theories 'sociological' as much of the best work is coming from American political scientists with direct application to political matters. Perhaps the, to many paradoxical and even self-contradictory, term 'empirical theory' is more appropriate but this, too, has its problems, and we may be best advised to talk of 'scientific theory', though the emotive overtones will not go down well with the anti-behavioural school. There is, of course, still considerable linguistic confusion about what sociology is. J.P. Nettl contends that "politics in addition to being a series of social actions in a system, is also an academic discipline - while sociology is only such a discipline". (op. cit. p. 32) However, wise as such a use of the terms may be, sociology is often considered, as it apparently is by Mr. Ions, more method than area; if Mr. Nettl's use were generally accepted then the title of Mr. Ions' paper would have suggested a discussion of relative primacy (as considered, for example, in H.J. Spiro's Comparative Politics: A Comprehensive Approach, APSR, LVI, 3, 1962, pp. 577-95 and C.J. Friedrich's, Man and His Government, New York: 1963), rather than one of differences of approach.
of Aristotle's work) but that it also usually contains a group ethical theory, which, not being merely postulated, renders it inapplicable to empirical study.

However convincing an argument one makes philosophically for a particular methodology (and I, at least, am convinced by the foregoing), I would claim it to be of no avail if one could not then demonstrate specifically how such methodology could actively help us to understand political behaviour. My general claim is that each and every middle-range sociological theory previously mentioned has a role to play in the analysis of politics. However, since I am making a claim for the whole range of such theory it is incumbent on me to defend that which in principle may be the least defensible of behavioural theory, viz. overarching theory, applied to the analysis of a specific problem. To this end, I intend to choose the structural/functional language of Parsonianism as my model and apply the conceptual framework in a comparative analysis of cleavage.

The specific distance in my stance from that of Talcott Parsons (and such other 'systems' men as Almond, Easton & Deutsch) lies in my appreciation of the concept of system. For me, all successful (though not necessarily total) explanation is systematic: 'systematic' in that all explanation subsumes more general theories than those employed and assumes a rational and consistent relationship between the significant variables of the object of study. Explanation is thus systematic of logical necessity, but only 'systemic' when raised to the level of a consciously produced patterned relationship. Even this, however, does not involve the necessity of a systemic relationship in the systems analysis mode for this makes the unnecessary assumption that such patterned variables perceived form a total overview of the whole society. A total overview, I would suggest, is not required in practice for the study of specific problems.
System, as an intellectual model making a retroductive judgement as to what constitute the most significant variables for the situation we wish to study, plays, nonetheless, a necessary role in the analysis of political behaviour; what is, however, of greater significance, and the ultimate determinant of the satisfactoriness of our study, is the conceptual schema we choose to employ. Thus, whilst one might conclude that the Parsonian system is static (and the Almond & Powell version's developmental theory does not overcome this limitation), that it is a teleological study of the Great American Dream, that its variables are of no significance for a study of the third world, we might at the same time find that the Parsonian patterned variables are the most significant for the comparative analysis of, say, cleavage between structurally highly differentiated and functionally specific, modern, complex, industrialized societies. Largely for reasons of acquaintance, I shall use the Parsonain framework developed in Almond and Powell\(^1\) and will thus restrict my choice of concepts to those offered there.

Perhaps in considering structural/functionalism as a conceptual schema rather than as system it might be contended that I am simply bypassing the problem of the metaphysical nature of overarching theory and there would undoubtedly be some justification in the claim. However, Almond and Powell's comments on 'system' succinctly avoid the problem for themselves - perhaps unwittingly - by treating systems as nothing more than an implication of "the interdependence of parts, and a boundary of some kind between it and its environment. By "interdependence" we mean that when the properties of one

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component in a system change all the other components of the system as a whole are affected." The advantage of such a limitation in usage is that it allows one, artificially but necessarily, to impose the notion of boundary in order to maintain a strict regularity and hence to prevent intellectual wandering, and encourages one to deal with social systems as consisting of roles rather than individuals. Thus, in principle, the Almond and Powell approach overcomes the limitations of single state studies in comparative politics, the predominant concern with Western culture and the formalism of concentrating on institutions and their legal norms and rules, so prevalent in traditional studies, rather than on performance, interaction and behaviour, without becoming obscurantist and irrelevant.

The problem is much greater for David Easton, and for Talcott Parsons himself, since it is the configurative model in their work, and the systematic interrelationship between the independent variables of the model, which are of paramount importance, thus hindering, if not preventing, the study of anything other than macro-level problems. When treated at the macro-level the systems approach is of necessity unable to account for social and political change if of a sudden, far-reaching or violent nature, but there seems no such limitation if, to put it crudely, one changes from running round the periphery of a flat and square world of systems to walking across the surface, and perhaps even digging a little.


2. The difference is one of principle not of fact. Thus, western cultural values pervade Almond and Powell's work, and they are perhaps the most important single factor in determining their theory of development (Ch. XI.).

Let me then suggest four personally derived hypotheses about cleavage and see how structural/functional concepts help us to understand such behaviour:

(1) A polity which is increasingly dominated by large organizations in conflict, e.g. of capital and labour, will tend to alienate those who do not belong to (do not have the functions of solidarity and identity performed by) the institutions of either, especially where these functions are not reinforced by the structure and culture of the state.

(2) Supporters of uninstitutionalised political movements will come disproportionately from previous liberal voters and/or from those without previous political involvement - an expression of their not having their interests effectively articulated by the dominant movements of the urban/industrial state.

(3) Release for mobilization and high availability are caused by major discontinuities in the social process and by a high rate of change, where status patterns were altered and no effective channels of integration or legitimating group conflict existed or were formed for certain groups.

(4) Where compartmentalization of conflict occurs (the Verzuiling situation) the tendency to disintegration is greater than where there are significant cross-cutting cleavages, provided that in the latter cases there are no overriding single dimension cleavage factors; the prevalent political culture will also be a significant factor in determining whether disintegration occurs, (I make no claim that this hypothesis is in any way original).

Before the comparison is made we need a statement of the functionalist position. Almond and Powell may best be left to speak for themselves to inform of their conceptual framework:

...we need to complicate the separation-of-powers model (legislation, administration, adjudication) by adding three other functions which enable us to compare and describe the distinctive processes which precede or impinge on the original three. We speak of these as interest articulation, interest aggregation, and communication, and refer to what is now a sixfold classification of functions as the conversion processes of the political system - the processes which transform the flow of

demands and supports into the political system into a flow of extraction, regulation, distribution, and the like, out of the political system into the society of international environment. What we do in this book is to consider the activities, or functions, of political systems from three points of view. The first of these we have already referred to - the conversion functions of interest articulation, interest aggregation, political communication, rule making, rule application, and rule adjudication. The second consideration is the operation of the political system as an "individual" in its environments. We refer to this aspect of the functioning of a political system as its capabilities. Finally, we will need to consider the way in which political systems maintain or adapt themselves to pressures for change over the long run. We speak here of system maintenance and adaptation functions - political recruitment and political socialization. The terms "structure" and "culture" are also of central importance in our analytical scheme. By "structure" we mean the observable activities which make up the political system. To refer to these activities as having a structure simply implies that there is a certain regularity to them. That particular part of the activity of individuals which is involved in political processes we refer to as the role. The units which make up all social systems, including political systems, are roles. We refer to particular sets of roles which are related to one another as structures. Thus, judgeship is a role; a court is a structure of roles. The reason we use the terms "role" and "structure" rather than "office" and "institution" is that we wish to emphasize the actual behaviour of the individuals who are involved in politics, and the actual performance of the particular institution with which we may be concerned. "Role" and "structure" refer to the observable behaviour, but they rarely describe it fully. Beginning with the concepts as one of the basic units of a political system, we may speak of a subsystem (for example, a legislative body) as consisting of related and interacting roles; and of the political system as a set of interacting subsystems (for example, legislatures, electorates, pressure groups, and courts). Every political system is continually involved in recruiting individuals into political roles. We speak, then, of the recruitment function, which must be performed in all political systems if its roles are to be manned and if its structures are to function. A principal aspect of the development or transformation of the political system is what we call role differentiation, or structural differentiation. By "differentiation" we refer to the processes whereby roles change and become more specialized or more autonomous or whereby new types of roles are established or new structures and subsystems emerge or are created. In studying any political system, therefore, we need to know its underlying propensities as well as its actual performance over a given period of time. We refer to these propensities, or this psychological dimension of the political system, as the political culture.
It consists of attitudes, beliefs, values, and skills which are current in an entire population, as well as those special propensities and patterns which may be found within separate parts of that population. Thus, regional groups or ethnic groups or social classes which make up the population of a political system may have special propensities or tendencies. We refer to these special propensities located in particular groups as subcultures...The propensities, attitudes, beliefs, and values to which we have referred are the consequence of political socialization...David Easton, the first political scientist to analyze politics in explicit system terms, distinguishes two types of inputs into the political system: demands and supports. Demands may be subclassified in many ways. The following classification illustrates the range and the variety of demands made upon the political system: (1) demands for allocations of goods and services, such as demands for wage and hour laws, educational opportunities, recreational facilities, roads, and transportation; (2) demands for the regulation of behaviour, such as provisions for public safety, controls over markets, and rules pertaining to marriage, health, and sanitation; (3) demands for participation in the political system — for the right to vote, to hold office, to petition government bodies and officials, and to organize political associations; (4) demands for communication and information, such as demands for the affirmation of norms, the communication of policy intent from policy elites, or the display of majesty and power of the political system in periods of threat or on ceremonial occasions. A political system may face these sorts of demands in many combinations, forms, and degrees of intensity.

A second type of input is supports.

Inputs of demands are not enough to keep a political system operating. They are only the raw material out of which finished products called decisions are manufactured. Energy in the form of actions or orientations promoting and resisting a political system, the demands arising in it, and the decisions issuing from it must also be put into the system to keep it running...

The functioning of any system may be viewed on different levels. One level of functioning is the system's capabilities, that is, the way it performs as a unit in its environment...concepts of regulative, extractive, distributive, and responsive capability are simply ways of talking about the flows of activity into and out of the political system. They tell us how a system is performing in its environment, how it is shaping this environment, and how it is being shaped by it. The second level of functioning is internal to the system. Here we refer to conversion processes...The conversion processes of one political system may be analyzed and compared with those of other systems according to a sixfold functional scheme. We need to look at the ways in which (1) demands are formulated (interest articulation); (2) demands are combined in the form of alternative courses of action (interest aggregation) (3) authoritative rules are formulated (rule making); (4) these rules are applied and enforced (rule application); (5) these applications of rules are adjudicated in individual cases (rule adjudication); and
(6) these various activities are communicated both within the political system, and between the political system and its environment (communication)...Finally, we shall speak of system maintenance and adaptation functions.

I have deliberately avoided including the Almond and Powell developmental theory within this analysis and considering its relationship to the structural/functional framework, since, in my view, although such a theory is a necessary addition, the Almond and Powell version fails because of its over-generality. Nothing in this direction seems so far to improve in any way on the original theory of Marx. Perhaps the introduction of the concepts of contradiction and dialectic to structural/functional frameworks may lead to some interesting rewards, though I do not intend to attempt this here.

Taking the conceptual schema, then, let us see how it relates to the hypotheses I have offered. I would suggest that in order to understand cleavage in a complex, industrialized society, and I am restricting my comments so such societies, I need to know which groups perform the interest articulation function in such societies and how effective they are in persuading interest aggregators to convert the inputs into relevant outputs. Now it may be objected that I am stating a very simple matter in a most obscure way, and that I am talking about old things and giving them new and confusing labels, that I would make more sense if I mentioned interest groups, political parties and governments instead. For some occasions the objector would, of course, be right but my answer would be that when comparing cross culturally I need to compare in terms of structures and functions in order to understand the political process. My language therefore needs to be expressed in functional terms. Thus, to give an example of the structural argument, it is sometimes claimed that the U.S.A. (or Britain, or Canada, or what have you) is more

democratic than the Soviet Union (or Albania or Greece etc.) because there is only one political party in Russia and more than one in America. The underlying thesis is that competition between different and opposing groups for political office is essential to a democratic polity. It is noted that the U.S.A. has two or more organized groups undertaking this activity and the only comparable structure in the Soviet Union is unopposed. The functionalist, however, having discovered that the particular function is performed by certain structures in the U.S.A. will not seek similar structures in the U.S.S.R. but will ask which, if any, structures perform a similar function, and he will presumably find that a number of groups within the C.P. will compete for political office. The functionalist will thus not only be comparing like with like, unlike the simple structuralist, but will help us to develop the complexities of our study, for no man could remain with so naive a concept of democracy after such an exercise. Thus, where the functionalist's terminology is no more than a restatement of traditional ontological structural terms in respect of their most common functions in western society we need do not more than indicate the significance of functions for comparative analysis.¹

In my first hypothesis I am directly concerned with certain specific functions and who performs them, what the effects are of such articulations and how the superstructure of the state as well as the dominant culture of the society affects the situation. One might claim that this is a quite specifically structural/functional hypothesis and I don't think I could disagree. Thus, in order to refute my claim for the value of structural/functionalism

¹ W.J.M. Mackenzie, op. cit., Ch. VIII, misses this totally when he derides Almond with the old wine in new bottles argument.
what is here needed is not just a specific denial of the validity of my hypothesis but a demonstration of how I might have formulated more interesting and more relevant hypotheses — how differently I should have approached the problem to obtain better insights.

In my second hypothesis it seems to me now, though not at the time I formulated it, that the proposition would have been better formulated had I compared polities in terms of whether such behaviour differed according to how one classified the state in terms of its regulative, extractive, distributive and responsive capacities. I would thus have been able to consider, which I did not, — simply because I did not have the concepts before my mind — to what extent the authoritarian nature of the regime influenced subcultures within a society to behave disproportionately differently than any similar subculture under a different type of regime. It may also be contended that I ignored the core concept of culture in formulating this hypothesis.

For the formulation of my third hypothesis I would argue that the structural/functional schema would be quite inadequate. Thus, to think solely in structural/functional terms would prevent us formulating such a proposition which, I suggest, is a considerable limitation to the theory. However, as one approach amongst others it does not thereby lose its value. For this proposition it is clear that a theory of development or of change is needed; either that of Dahrendorf or that of Marx would suffice.

It would appear at first sight that the fourth hypothesis also lies outside the range of structural/functional analysis. What is of interest, however, is that the hypothesis developed directly from a structural/functional study¹ and one which has followed fully the overarching systemic patterned

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¹ S.M. Lipset & S. Rokkan, loc. cit.
variable approach. Thus, it seems fairly clear that even where the study is restricted to following the Parsonian Paradigm of Social Interchange important and significant hypotheses of cleavage may be derived.

For my own part I can only claim that I believe I understand political behaviour better by employing structural/functional concepts, though I would not like to be restricted to them. However, there are certain serious pitfalls into which Almond & Powell's study may lead us and which should not go unmentioned. Firstly, Almond & Powell's political attitudes pervade the study in such a way that only an American liberal nationalist could avoid noticing it. Had someone with different political attitudes written the book using the same schema and concepts he could well have developed a totally different analysis. Crick's worry about "nativist fervour" is certainly borne out, but it is, I would claim, to the detriment of Almond & Powell, not of their method. Secondly, potentially useful concepts are sometimes developed in a highly misleading way. Thus, the line of argument surrounding the concepts of interest articulation and aggregation seems to imply, though it is not explicitly stated, that all members of society have their interests articulated and aggregated and no group seems especially favoured or disfavoured in this process. If this is to deny the significance of status, socio-economic, ethnic, religious, sex etc. stratification in determining political influence and effectiveness it does not seem worthy of a reply. Thirdly, some of the concepts have unfortunate and unnecessary static and emotive overtones. Thus, the choice of 'supports' as a key term indicates 'stability' as the desired end. A
teleologist of a different political ilk may well have preferred to introduce the concept of 'antipathies'. Similar remarks would pertain to the concept of system maintenance. Finally, the concept of 'capability', though very important, seems to include something of the concept of 'will'. Thus, in showing that a particular system is capable of performing effectively a certain function then it is assumed that that structure will have the 'will' to do it. There are two points here. Firstly, and simply, one may state categorically that will and capability do not correlate on a 1:1 basis. Secondly, and less simply, there appear to be only positive functions which Almond & Powell seem willing to consider. Functions appear to be opposed to dysfunctions but this can only be the case where specific goals are postulated and certain acts can be seen as dysfunctional to those specific goals. It is only in emotive terms that acts may be dysfunctional. All acts, seen objectively, perform functions. The unstated goal for Almond & Powell is not just the liberal American dream but, as their developmental theory indicates, everyone else following them there. Function used in this sense can only be teleological but, as we have seen, this is not its only permissible sense. However, all these objections, I would claim, follow from Almond & Powell's application of the structural/functional schema and is not endemic in the nature of structural/functionalism itself.

In conclusion, I would note that the most effective way my claims on the utility of structural/functional concepts - used to some degree in this study - could be refuted would be, specifically, by indicating which other concepts, schema and/or methods would provide an approach to, and understanding of,
cleavage, different from, and superior to, that obtained by my analysis.
That is, how does my approach lead me away from comprehension and how do other
approaches help? More generally, such criticism should not indicate alone
that my own political philosophy, general cultural and socio-economic class
backgrounds and personality structure influence both my analysis and my con­
cclusions, which I would accept as of necessity for both social and natural
scientists but should show how another approach could reduce such in­
fluences and/or lead to more vital conclusions.

One may employ the behavioural method without adopting its associative
philosophy; as was claimed in our first chapter, behaviouralism, opposition
to the liberal dream and attempts at grand theory are not incompatible.

1. I would thus deny impartiality and objectivity to Physics as well as
Sociology.
Bibliography

When one writes a bibliography one wonders in what it should consist. The first temptation is to include everything one has ever read—or perhaps seen on a bookshelf, for everything one peruses seems to influence one's thoughts. The second temptation is to refer to everything one has previously written, both to indicate that one is not a novice and because each article, each chapter, one writes constitutes a general development of approach. The third temptation is to indicate how well-read one is, especially in the more obscure regions of one's field—and perhaps most especially outside one's field, if one is able to find some way of making the reference almost relevant. One must resist the temptations. But this tells us only what a bibliography often is and should not be. I should like to suggest, on the lines of my early comments in this study about the influence of personal political philosophy, that a bibliography in a social science work should consist of four categories, (a) "Eureka" books (b) Works related directly to the study (c) Works related indirectly to the study (d) Cited works not in the other categories. The "Eureka" books section should constitute a list of, say, the half-a-dozen texts which have most influenced one's social, political and intellectual stance, though they may not necessarily be works with which one would agree.
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**Section D**


