

June 2022 Volume 29, Number 4
ARTICLES
Institutional constraints and regional incentives for the strength of presidential term limits Shin Shun-woon
The autocratic bias, self-censorship of regime support Marcel Somersberg
The authoritarian practice of issuing internet shutdowns to media, the Internet Society, NGOs, and political opposition Kriszta Auguszt
Opposition party organizational features, ideological orientations, and effect on support in electoral autocracies Boris Kuvshinov
Gender balance in national parliament voters' perceptions towards the gender equality mechanism in India Frank Baume, Maria Brown and Vincent Anthony Marimón
The ground for the liberal turn in the Philippines Marin Gerschlager
Can democratic values bring the parties to the table in a protracted, volatile conflict? The attitudes of youth in the context of the Arab–Israeli conflict Davidson Khushf
The relationship between effective globalization and democratic backsliding: comparative evidence Tamas Emeric Oros
Militant democracy and successors to authoritarian ruling parties in post-1945 West Germany and Italy Angela Bourne and John Veugelers
Towards a unified approach to research on democratic backsliding Hassim Joo, Hans Lindberg and Rachel Myrick
BOOK REVIEWS
ISSN 1367-5847

# Democratization

ISSN: (Print) (Online) Journal homepage: <https://www.tandfonline.com/loi/fdem20>

## Militant democracy and successors to authoritarian ruling parties in post-1945 West Germany and Italy

Angela Bourne & John Veugelers

To cite this article: Angela Bourne & John Veugelers (2022) Militant democracy and successors to authoritarian ruling parties in post-1945 West Germany and Italy, *Democratization*, 29:4, 736-753, DOI: [10.1080/13510347.2021.2012160](https://doi.org/10.1080/13510347.2021.2012160)

To link to this article: <https://doi.org/10.1080/13510347.2021.2012160>



Published online: 03 Jan 2022.



Submit your article to this journal [↗](#)



Article views: 127



View related articles [↗](#)



View Crossmark data [↗](#)

RESEARCH ARTICLE



# Militant democracy and successors to authoritarian ruling parties in post-1945 West Germany and Italy

Angela Bourne<sup>a\*</sup> and John Veugelers<sup>b</sup>

<sup>a</sup>Institute for Social Science and Business, Roskilde University, Roskilde, Denmark; <sup>b</sup>Department of Sociology, University of Toronto, Toronto, Canada

## ABSTRACT

This article contributes to the empirical literature on militant democracy and successor party bans by comparing post-1945 West Germany and Italy. These countries shared a right-authoritarian past but their tolerance of right-authoritarian parties differed. Looking for reasons behind the ban of the Sozialistische Reichspartei Deutschlands and the survival of the Movimento sociale italiano, this study tests five conditions: (1) ambiguity towards – if not open approval of – violence; (2) absence of effective alternatives to proscription; (3) securitization; (4) veto player agreement; (5) veto player incentives. We find that securitization is a necessary condition for proscription, whereas approval of violence is not. While neither the presence of effective alternatives nor veto player incentives relate to ban outcomes in a consistent pattern, veto player support remains crucial. Given the findings from this comparative study, we conclude that successor party bans should not belong to a separate category of militant democracy.


**ARTICLE HISTORY** Received 22 September 2020; Accepted 11 November 2021

**KEYWORDS** Italy; Germany; militant democracy; party bans; neo-Nazism; neo-Fascism

## Introduction

Rooted in the breakdown of the Weimar Republic and the rise of the Nazi Party, the proposition that a liberal democracy may need to fight fire with fire – defend democracy by restricting the rights of those who pose a threat to democracy – remains relevant today. Islamic fundamentalism, ethno-nationalist separatism, and left- and right-wing extremism in the party system offer controversial examples of threats that some believe should be fought with fire. Research on militant democracy has favoured either legal-constitutional or philosophical-normative analysis.<sup>1</sup> By comparing West Germany and Italy – countries with a right-authoritarian past but dissimilar in their tolerance of post-1945 right-authoritarian parties – this study responds to the call for empirical analysis of the conditions under which democracies actually proscribe, or choose not to proscribe, problematic parties.<sup>2</sup>

Contributing to critical analysis of concepts, we address the theoretical claim that bans to successor parties should form a separate category of party bans.<sup>3</sup> Our

**CONTACT** Angela Bourne  [bourne@ruc.dk](mailto:bourne@ruc.dk)

\*The authors are equal contributors.

premise is that a compelling rationale for placing bans on successor parties in a separate category would require: (1) discrepancy from the empirical conditions that explain other party bans; and (2) convergence between the empirical conditions that explain variation in potential successor party bans. We proceed by comparing two party ban regimes that approach (albeit in different ways) the ideal type for bans on former ruling parties: post-1945 West Germany and Italy.<sup>4</sup>

The Second World War terminated right-authoritarian regimes in both countries and each (Germany with its Basic Law of 1949, and Italy with its 1947 Constitution) prohibited the re-organization of the former ruling party (the *Nationalsozialistische Deutsche Arbeiterpartei* and the *Partito Nazionale Fascista*, respectively). Yet, putting these countries side-by-side creates a puzzle: Germany had a weak right-authoritarian party after 1945, yet banned this party; Italy, which until the 1980s had the strongest right-authoritarian party in Western Europe, let this party survive. We address this paradox by testing the importance of five hypothetical conditions. This allows us to examine both divergence from conditions that explain other party bans and convergence among conditions that explain variation in successor party bans. Finding that successor parties belong to a separate category would challenge previous research on militant democracy, an emerging field of empirical research.

Our findings on the effects of securitization and veto player support match those from previous comparative research. In Italy, however, ambiguity towards the use of violence did not lead to proscription. This suggests that the driving force behind bans is not the threat of violence but persuasive framings of a party as threatening. To make this argument, our article begins with party ban theory. Next, we discuss the logic of case selection, the methods of analysis, the types of data used, and the cases selected. Our comparative analysis of West Germany and Italy subdivides into five sections, one for each hypothetical party ban condition. We fail to find compelling evidence that bans on successor parties should form a separate category from other bans. Our conclusion presents some implications of our findings, limits of this study, and questions for further research. Understanding how liberal democracies can successfully ban a party provides valuable insights into the challenges facing those choosing repressive responses to contemporary anti-system, radical, or populist parties. More specifically, it demonstrates the importance of two conditions: veto player agreement and securitization discourses that plausibly frame a party as a serious threat.

## Explaining party bans

Literature on proscription reveals two problems: the prevalence of partial approaches; and the unresolved issue of successor party bans.

Proscription is a measure deployed at some point by many liberal democracies.<sup>5</sup> Explanations tend to be partial, focusing on democratic competition<sup>6</sup>; effectiveness of alternative strategies like electoral systems<sup>7</sup>; and prohibitions on political violence.<sup>8</sup> Because political outcomes often depend on multiple conditions, an explanatory framework that is comprehensive seems necessary.

Further, an issue remains unresolved in research on proscription in post-authoritarian regimes.<sup>9</sup> In new democracies, specifically, a substantial class of bans targets successor parties.<sup>10</sup> Successor parties aim to carry into a new democracy the ideas and sometimes the personnel of former ruling authoritarian regimes.<sup>11</sup> Political

polarization, instability, and uncertainty – and the threat of violent counter-revolution – offer incentives for this type of ban, which explicitly targets the former ruling party, establishes an “essential affinity” with former rulers, and tends to be permanent.<sup>12</sup> Contributing to the stabilization of new democracies, successor party bans involve a “symbolic rejection of past injustice, crime or atrocities”.<sup>13</sup> While plausible, the claim that bans on successor parties belong to a different category from other bans remains to be evaluated empirically.

To avoid the limitations of a partial approach, we adopt a synthetic framework that brings together various hypotheses. In addition, it adds a focus on securitization.<sup>14</sup> Because this framework has previously been applied to a range of cases, it allows us to compare findings on variation in bans for successor as opposed to other parties.<sup>15</sup> This framework suggests two possible models.

Model A treats the conditions as links in a causal chain. Specifically, we expect that a ban will follow when: (1) *the ambiguity of an anti-system party about the appropriateness of political violence* and (2) *the ineffectiveness of alternatives to a party ban* facilitate (3) *the securitization of that party as an existential threat* and the identification of a ban as a solution to that threat, a framing that (4) all veto players accept, including (5) *partisan party-ban-veto-players, who are unlikely to be negatively affected in terms of their policy and office goals*. If any links in this chain are missing, we expect the failure of party ban initiatives (see Figure 1).

Model B instead treats the five conditions as independent and additive. This effectively removes the arrows between the boxes in Figure 1. Even if links in the causal chain are missing, according to this model, variation in ban outcomes only depends on the number of conditions that fit with theoretical expectations.

Case selection, data, methods, and the two cases

Three rationales motivated our selection of West Germany and Italy. The two countries present an empirical paradox: both prohibited the post-war re-organization of the old right-authoritarian ruling party, yet one banned its successor party while the other did not. As the paradigmatic Fascist country, moreover, Italy provides a crucial case for analysis: like post-Nazi West Germany, we would expect a ban of its post-1945

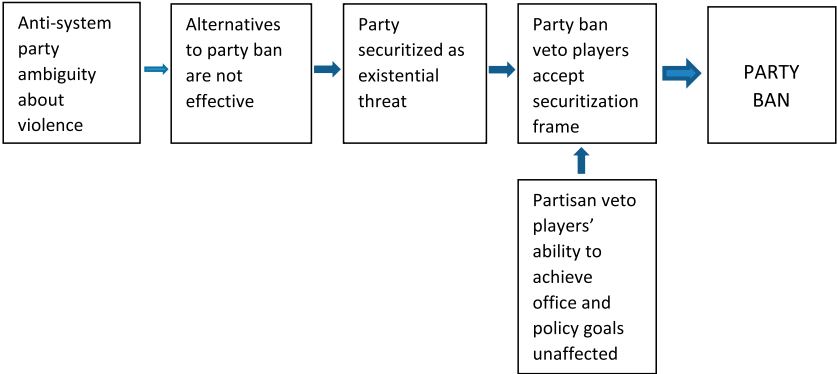


Figure 1. Expected conditions for a party ban.

right-authoritarian party. Third, this study incorporates variation in the outcome of theoretical interest. This avoids problems inherent in sampling on the dependent variable. Selecting these cases thus makes it possible to ground explanation in the search for consistent patterns of empirical variation across conditions and outcomes.

Given the kinds of evidence needed to assess the five conditions, we adopted a mixed methods approach that requires diverse data. To avoid selection bias in assessing condition 1 (ambiguity or approval of political violence), we searched primary documents (such as ministerial reports) and secondary sources (scholarly studies by party experts) for consistent and reliable evidence of violent action or symbolic admiration for another party or movement that had resorted to violence. For condition 2 (absence of proscription alternatives), we relied on election results and authoritative scholarship on parties and party systems for evidence of a *cordon sanitaire* and effects of electoral systems (through representation thresholds and proportionality). For condition 3 (securitization), we used content analysis to examine argumentation and frames used by leading politicians, parties, and occupying powers justifying (or not) right-authoritarian party bans. For West Germany we examined, among other source, files in the *Bundesarchiv* (Koblenz), cross referenced with reports from two newspapers (*Frankfurter Allgemeine Zeitung* and *Süddeutsche Zeitung*) and minutes of cabinet meetings. Apart from the specialist scholarship on Italian neo-Fascism, anti-Fascism, the *Operazione Sturzo*, and the Christian Democratic Party, for Italy our sources included police reports on neo-Fascism in the *Tribunale di Roma* archive; minutes of the Scelba Law parliamentary debates; and accounts of cabinet meetings in the private papers of Christian Democratic leaders. For condition 4 (veto player agreement), we evaluated evidence in relevant cabinet documents, public statements by party leaders, and analyses by party specialists. For condition 5 (veto player incentives), we calculated Penrose-Banzhaf scores and sets of minimum winning coalitions (details below). Consistent with constructivist conceptions of reliability in content analysis we deployed an iterative approach to ensure intercoder reliability. Coding for West Germany was replicated for the Italian case, with discrepancies discussed between the authors to achieve “homogeneity of the content under study” obtained by “expert consensus”.<sup>16</sup>

To analyse the data for patterns that allow us to evaluate the validity of our two models (A and B), we rely on crisp set Qualitative Comparative Analysis (QCA).<sup>17</sup> The advantage of this method is that it allows the detection of equifinality, or the possibility that different combinations of conditions may determine the same outcome. While another form of QCA – fuzzy-set analysis – permits a finer measurement of values associated with conditions and outcomes, the nature of our data makes this second type of QCA less appropriate. Like past comparative research on party bans, specifically, we identify variation in the outcome of interest bimodally (i.e. as proscription absence or presence).<sup>18</sup> We code variation in the five causal conditions similarly (i.e. as condition absence or presence). Binary coding suffices to capture the important qualitative similarities and differences between West Germany and Italy. Because it eases comparison with other cases, it also facilitates both generalizability and future research that may build on ours.

Formed in 1949, the *Sozialistische Reichspartei Deutschlands* (SRP) was a blatantly neo-Nazi party. It claimed that Germany’s political parties were lackeys of the occupying Allies and the Third Reich remained the legal authority. Former Nazi Party functionaries, SS officers, and army officers predominated among its founders. After the

Federal Republic's first elections in 1949, two of the five Bundestag representatives of the neo-Nazi *Deutsche Reichspartei* switched to the SRP. In the year that ban proceedings were launched (1951), the SRP was relatively successful in state elections in Lower Saxony (11.0% of the vote, 15 seats) and Bremen (7.7% of the vote, 8 seats) but after proscription it disappeared.<sup>19</sup>

Article 21 of the 1949 West German Basic Law was “designed to repair a central failing of the Weimar Republic, namely, its tolerance of extremist parties bent on destroying democracy”.<sup>20</sup> It upholds the freedom to establish political parties, which have a central role in the democratic life of the state. In accordance with the constitutional concept of militant democracy, however, the Basic Law permits the proscription of parties whose aim or adherents' behaviour endangers the free democratic basic order or the existence of the Federal Republic. The Federal Constitutional Court dissolved the SRP in 1952 after deciding that its Nazi leadership, undemocratic internal organization, and anti-democratic programme made it unconstitutional.<sup>21</sup>

Formed in 1946, the *Movimento sociale italiano* (MSI) relied on leadership by former Fascist officials and soldiers (particularly those who had served the Nazi puppet state of 1943–45, the Italian Social Republic). Apart from calling for revisions to (or replacement of) the post-war constitution, the MSI advocated a return to illiberal Fascist corporatism and it never disowned Benito Mussolini. In national elections, it attracted 2.0% of the vote in 1948; peaked in 1972 (when it won 8.7%); and averaged 5.5% until its self-dissolution in 1995.<sup>22</sup>

After the overthrow of Mussolini in 1943 the wartime Badoglio government banned his National Fascist Party, whose reorganization the Italian Constitution of 1947 also prohibited. To implement this prohibition, in the early 1950s the government sponsored the Scelba Law, which made it a crime to reorganize the dissolved Fascist party.<sup>23</sup> During the 1940s and 1950s the Vatican, the United States, and members of the ruling Christian Democratic Party pressed the government to ban or weaken not the MSI, however, but the Italian Communist Party.<sup>24</sup>

## Analysis

### **Condition 1. Ambiguity towards – if not open approval of – violence as a political means**

Few parties in post-war Western Europe openly espoused the violent overthrow of the democratic political order. Nonetheless, some sought to legitimize the violent actions of others or represent insurgents in electoral politics. Either way, a failure to reject political violence unambiguously might facilitate their securitization.

We find that Germany conforms to our theoretical expectations (the SRP's ambiguous stance towards violence preceded its ban) whereas Italy does not (the MSI's ambiguous stance towards violence did not result in its ban).

### **Germany**

Although contesting elections was the SRP's main purpose, it also established the quasi-paramilitary *Reichsfront*.<sup>25</sup> With its Nazi-style marches, music, insignia, security unit, and propaganda activities, the Interior Ministry and the US High Commissioner saw the *Reichsfront* as analogous to the Nazi's paramilitary wing, the *Sturmabteilung*

(Storm Troopers).<sup>26</sup> The government banned the *Reichsfront* in May 1951 for its “attack on the constitutional order” and announced its intention to also ban the SRP.<sup>27</sup>

The SRP’s open mimicry of Nazi symbols and oratory at electoral rallies provoked counter-demonstrations and riots involving anti-Nazis, left-wing activists, and trade unions.<sup>28</sup> The Interior Ministry stated that through “the *Führerprinzip* [leadership principle] and militaristic patterns, by forming militant associations, as well as by means of propaganda according to National Socialist example, a violent confrontation with political opponents is being prepared”.<sup>29</sup> The decision to pursue an SRP ban affirmed that it was undermining the fundamental order of a free democracy by sowing terror among voters. When US Secretary of State Dean Acheson raised the question of what might happen if the SRP launched a coup, Chancellor Konrad Adenauer responded that a “repetition of events leading to a strengthening of Nazism in the twenties” would not happen.<sup>30</sup>

### Italy

The MSI’s early leadership consisted of a coalition of pragmatists and hardliners. The pragmatists prevailed and to widen their electoral base they proclaimed the MSI’s respect for the rules of democracy. This coincided with a decline in neo-Fascist clandestine action.<sup>31</sup> The party did contest liberalism but at this time called only for constitutional reform and new laws.<sup>32</sup> It lacked a paramilitary wing and ruled out a repeat of Mussolini’s 1922 March on Rome. A right-wing counter-insurgency meeting in Rome in 1965 attracted few from the MSI (military officers and neo-fascists from outside the party predominated). When former MSI figurehead Junio Valerio Borghese led an aborted coup in 1970, similarly, the MSI leadership distanced itself.<sup>33</sup>

The MSI belittled past Fascist atrocities and anti-Partisan violence, however.<sup>34</sup> Party activists brawled with leftists in streets, schools, and factories; and attacked the offices of government agencies, trade unions, opponent parties, and Partisan associations. The MSI’s ambiguity towards violence persisted during the terrorist wave of the 1970s.<sup>35</sup> Even conservative anti-Communists blamed the MSI for the surge in neo-Fascist extremism. Few of them proposed a ban, however. The MSI had accepted democracy, one long-time anti-Fascist wrote, thereby rendering an important service to the parliamentary regime.<sup>36</sup>

### Condition 2. Absence of effective alternatives to proscription

Beyond civic education and criminalization of offensive speech acts like Holocaust denial, arguably the most effective instruments for marginalizing anti-system parties are the electoral system and the *cordon sanitaire*.<sup>37</sup> Electoral systems make it difficult for small anti-system parties to win seats in parliament. This lends importance to proportionality,<sup>38</sup> or features of electoral systems that affect the share of seats obtained relative to the vote share, such as electoral formulas, district magnitudes, and legal thresholds for representation.<sup>39</sup> The *cordon sanitaire* includes refusals to form an electoral cartel with an anti-system party; collaborate with this party on candidate lists; rely on its votes to pass legislation; give support to its candidates or proposals; or allow it into a coalition government.

We find that Germany does not conform to our theoretical expectations (the SRP was banned despite effective alternatives) whereas Italy does (effective alternatives to proscription accompanied the MSI’s survival).



## Germany

West Germany held no federal elections during the SRP's short life (October 1949 to October 1952) and at the Land level it contested only five elections. These conformed to a straight PR system (in Bremen) or variations of Mixed Member Proportional systems combining plurality and PR formulas that resulted in low to moderately disproportional outcomes (LSq ranging between 3.89 and 5.17).<sup>40</sup> The effectiveness of the electoral system as an alternative to proscription was high when the SRP was a relatively small party; where it earned more than 5% of the vote this effectiveness dropped significantly. As for legal thresholds, four of the five Lander had 5% thresholds at either Land or constituency levels. The exception was Lower Saxony, where the SRP's 16 seats saw it underrepresented in relation to its 11% vote share (Advantage ratio: 0.92). In Bremen – the only other Land where the SRP obtained seats (7.7% of the vote, 8 seats) – it was slightly overrepresented (Advantage ratio: 1.04). In sum, none of the foregoing – proportionality, electoral formulas, or legal thresholds – systematically disadvantaged the SRP.

More effective was the national policy of containment (*Ausgrenzung*) by the mainstream parties. It took form as a reaction to the discredited Nazi regime and as an element in “the construction of a new democracy that sought actively to protect the Basic Law and democratic parties”.<sup>41</sup> *Ausgrenzung* deprived the SRP of the opportunity to join an interparty coalition, enter a coalition government, or sponsor a bill that might become law. Despite incentives to collaborate with the SRP, therefore, its containment upheld the pattern of exclusive oligopoly in the German coalition market.<sup>42</sup>

## Italy

Italy did not have a legal threshold for representation and – with a mean LSq of 2.87 between 1948 and 1992 – its electoral system was among the most proportional in Western Europe.<sup>43</sup> These institutional features undoubtedly helped the MSI, which in 1948 attracted only 2.0% of the vote yet entered both houses of parliament (with 6 deputies and 1 senator). Between 1948 and 1992, moreover, the neo-Fascist party exceeded 5% of the vote (the German legal threshold) in 8 out of 11 general elections.

The other alternative was containment. On one hand, the Christian Democratic Party accepted MSI support – sometimes merely symbolic, but other times politically necessary – for presidential candidates Giovanni Gronchi (1955), Antonio Segni (1962), and Giovanni Leone (1971); as well as for the governments of Giuseppe Pella (1953), Antonio Segni (1959), Adone Zoli (1957), and Fernando Tambroni (1960). Especially in towns and provinces of the south, moreover, Christian Democratic administrations collaborated with MSI politicians. Still, no Italian government included the MSI (not even after the 1972 national elections when, placing fourth, the neo-Fascists surpassed the Liberals and the Democratic Socialists, who did enter government). In national elections, likewise, only the Monarchists formed regular cartels or slates with the MSI. In addition to exclusion from national governments, electoral cartels, and electoral slates, to contain the MSI the government banned its party conferences in 1953 and 1960.<sup>44</sup> Although the *cordon sanitaire* was permeable, then, unlike the electoral system it provided an alternative to proscription.



### Condition 3. Securitization

When neither electoral system nor *cordon sanitaire* serve to marginalize an anti-system party, securitization can provide an alternative. Securitization is a process whereby a party is framed and accepted as an existential threat to the territorial integrity of the state or the democratic values and institutions of the political community.<sup>45</sup> Through “a grammar of security”, it uses discourse to “construct a plot that includes existential threat, point of no return, and a possible way out”.<sup>46</sup> Securitization invokes the necessity for emergency measures outside the boundaries of normal democratic procedure that permits unhindered competition between political projects.

We find that both Germany (securitization preceded the SRP's ban) and Italy (the MSI was neither securitized nor banned) fit with our theoretical expectations.

#### Germany

The SRP's success in the 1951 Lower Saxony elections strengthened resolve to ban it.<sup>47</sup> Calling these elections a “defeat” for democracy, *Christlich Demokratische Union* (CDU) circles said the danger that radical groups might achieve their goals was “very great” and preventive action was needed.<sup>48</sup> The CDU's Hans Lukaschek referred to a “state of emergency”.<sup>49</sup> In cabinet, Chancellor Adenauer called for all means to prevent the proliferation of organizations such as the SRP.<sup>50</sup> In public, Adenauer stated that unlike Weimar his government would not grant freedom to the opponents of freedom and allow them to bring back chaos.<sup>51</sup>

The Allies also used the language of securitization. British Foreign Secretary Herbert Morrison told Adenauer that the SRP gave rise to “serious concern” and that people might think “the Nazis are coming back to work”.<sup>52</sup> US High Commissioner John McCloy said that leading figures in Congress were worried about “progress made by Germany on the road to genuine democracy”.<sup>53</sup> McCloy's office stated that the SRP posed “a challenge which cannot safely be ignored by those in places of power and responsibility”.<sup>54</sup> US intelligence officials warned that the SRP might eventually come to power by gaining control of the Bundestag, as the Nazis had done.<sup>55</sup> In a meeting with Adenauer in May 1951, McCloy told the Chancellor that the Allies would intervene if needed to avoid a repeat of the “old Nazi adventure”.<sup>56</sup> Suspicion that Moscow was giving the SRP financial support added to concern that this party was impeding Germany's full integration into Western Europe.<sup>57</sup>

In its submission to the Federal Constitutional Court, the Interior Ministry argued that the SRP sought to undermine the free democratic basic order. The party had claimed that imprisoned former Nazi Admiral Karl Dönitz was the rightful leader of Germany. It refused to recognize the constitutional legitimacy of the Federal Republic and vilified its constitutional bodies. The SRP urged its followers to undermine the authority of the government. Realizing the SRP's goals, the Interior Ministry argued, would return the “inhuman” Nazi regime that had “brought unspeakable disaster and misery over all of Europe”.<sup>58</sup> Accepting the substance of this argument, the Federal Constitutional Court decided in favour of proscription, which it said would avert the danger of an abuse of political power.<sup>59</sup>

#### Italy

By contrast with Germany, which lost the war and became subject to the Allied Control Council, Italy signed an armistice (in 1943) and retained its sovereignty. Given its

geostrategic importance in the Mediterranean as well as the popularity and influence of the Socialist and Communist parties, in 1945 the US was less concerned about a Fascist rebirth than with the strengthening of an anti-left coalition of conservatives and centrists led by the Christian Democrats.<sup>60</sup> Anti-Fascism did unite the earliest post-war governments. Already by 1947 the Christian Democrats were putting anti-Communism first, however, and by 1950 the prime minister said the time for anti-Fascist reprisals had passed.<sup>61</sup> The Church threatened Communists with ex-communication, similarly, but tolerated support for the MSI.<sup>62</sup> During the campaign for the 1952 Rome municipal elections, the Vatican even went so far as to (unsuccessfully) press the Christian Democrats to join with local MSI candidates on an anti-left slate.<sup>63</sup>

Calling for a ban on any party that reconstituted the fallen Fascist Party, certainly in 1952 the Christian Democrats alluded to the MSI as Fascism in masquerade.<sup>64</sup> This was a temporary tactic, however, more opportunistic than principled: with the 1953 general elections imminent, centrist politicians feared a loss of votes to the neo-fascists.<sup>65</sup> Reporting to the Minister of the Interior, significantly the police judged that the MSI had stabilized the new Republic by pulling former Fascists away from subversive projects.<sup>66</sup> With post-war opinion fearful of civil war and anti-Communism overshadowing anti-Fascism, in sum, the MSI became a covert ally of the regime and was not framed as an existential threat.<sup>67</sup>

Neither deadly anti-Fascist protests when the Tambroni government accepted MSI support in 1960 nor threats of right-wing subversion during the next decade led to securitization. Explaining his support for a ban, social democratic philosopher Norberto Bobbio avoided the language of threat in writing that “the justifications are not so much political as they are historical and moral. We call for a dissolution of the MSI not because it is dangerous (the dangers for our democracy are elsewhere), but because it is shameful”.<sup>68</sup> When a public prosecutor launched proceedings against MSI leaders in the 1970s, bureaucratic manoeuvres and police priorities continued to shield the neo-Fascist party.<sup>69</sup> After 1952, arguably, for the ruling Christian Democrats the absence of a neo-Fascist electoral breakthrough reduced the urgency of MSI securitization.

#### **Condition 4. Veto player agreement**

Because they affect democratic principles and fundamental rights, party bans are not only constitutionally important but also politically sensitive. The transition from securitization to proscription thus depends on those involved in the decision process.<sup>70</sup> Actors with pivotal importance are veto players, “whose agreement is required for a change in the status quo”.<sup>71</sup> While *institutional veto players* – such as parliaments and presidents – are empowered by formal constitutional rules, the political game produces *partisan veto players* – such as parties in a coalition government.<sup>72</sup>

We find that both Germany (veto player agreement preceded a ban) and Italy (absence of veto player agreement accompanied a non-ban) conform to our theoretical expectations.

#### **Germany**

The SRP case involved three institutional veto players: the Federal Government, which was entitled to initiate ban cases; the Federal Constitutional Court, which made the final ruling for or against proscription; and the occupying Allies, who put pressure

on Chancellor Adenauer.<sup>73</sup> Partisan veto-players were members of the right-wing coalition government formed after the 1949 Bundestag elections. The CDU and the *Christlich-Soziale Union* (CSU) dominated this coalition, which also included the *Freie Demokratische Partei* (FDP) and the *Deutsche Partei* (DP). With the CDU/CSU in favour and the DP and FDP more reluctant, initially the cabinet disagreed over a ban.<sup>74</sup> DP leader Hans-Joachim von Merkatz reportedly dissented from a statement by the Interior Minister that described the SRP as a mass movement of former Nazis, arguing that – compared to Italy – neo-fascism was unimportant in Germany.<sup>75</sup> Citing political difficulties, Von Merkatz and DP Minister Hans-Christoph Seebohm argued that the SRP was not as bad as the Communists and should not be turned into a martyr.<sup>76</sup> Another DP leader, Hans Mühlenfeld, argued that declaring the SRP unconstitutional was counterproductive.<sup>77</sup> After the SRP's second electoral breakthrough in Bremen (in October 1951), differences were resolved and the Cabinet treated ban proceedings as “urgent”.<sup>78</sup> FDP and DP politicians now insisted that the government treat the Communist Party and the SRP in the same manner. After the Interior Minister accepted this position, the government initiated the ban proceedings.<sup>79</sup>

### Italy

In the immediate post-war years, acceptance of the MSI followed discussions between its founders and the Communists, Socialists, and Christian Democrats, veto players who proposed an amnesty for past Fascists if the MSI promised not to exacerbate political tensions.<sup>80</sup> Procedures for banning a party under the Scelba Law of 1952, by contrast, did not conform to the pattern of bargained pluralism that had multiplied veto players in Italy.<sup>81</sup> Actualizing a provision in the 1947 Constitution that forbade the reorganization of the dissolved Fascist party, the Scelba Law concentrated authority in the Minister of the Interior who, after consultation with other members of government, could impose a ban. In effect the Scelba Law removed authority and influence over a ban from the judiciary, parliament, and junior partners in a coalition government.

Lasting only a year, on average, post-war governments were unstable but always dominated by the Christian Democrats, who held most, if not all, ministerial appointments and unfailingly the Ministry of the Interior. No available evidence suggests that a coalition partner ever turned a MSI ban into a decisive issue. For proscription to occur, then, only the Christian Democrats needed to be in favour. In 1973, unusually, the public prosecutor in Milan launched an investigation into the MSI's possible violation of the Scelba Law (with other investigations to follow in 1975, 1979, and 1983). Ultimately subject to the Ministry of the Interior, which the Christian Democrats controlled, these investigations closed inconclusively after the death in 1988 of the main accused, MSI leader Giorgio Almirante.<sup>82</sup>

### Condition 5. Veto player incentives

State responses to extremism may depend on the rational choice of mainstream parties in their struggle for votes, policy, and office.<sup>83</sup> If so, incentives generated by electoral competition will affect veto-player decisions. When collaboration with other parties is necessary, mainstream parties might resist proscription if it reduces their chances of achieving policy goals or holding political office. Partisan veto players are thus more

likely to support the proscription of an anti-system party when its potential as a partner in winning coalitions is low.

We use two indicators of coalition potential. The first, the Penrose-Banzaf score, is a measure of the relative power of different actors in weighted voting systems when winning coalitions must be formed.<sup>84</sup> This score is a percentage of the total winning coalitions in which a party could be a crucial member. Second, we expect a ban likelihood will decrease when an anti-system party joins the set of minimum winning coalitions (MWCs).<sup>85</sup>

We find that Germany does not conform to theoretical expectations (absence of veto player incentives preceded a ban) whereas Italy does (absence of veto player incentives accompanied a non-ban).

### *Germany*

Formed after the first Bundestag election and banned before the second, the SRP did not participate in national elections. Still, its performance at the Lander level allows us to estimate its potential importance. In 1951 the SRP was potentially an attractive coalition partner in Bremen and Lower Saxony. Its Penrose-Banzaf score indicates that the SRP was crucial for 10.6% of winning coalitions in Lower Saxony and 6.0% in Bremen. More important, the SRP ranked second (with other parties in both Lander) in the number of coalitions for which its participation was crucial. The SRP could have been included in 2 out of the 4 MWCs in Lower Saxony and 3 out of the 4 MWCs in Bremen. Although denied by the DP, the press speculated that some parties in the coalition considered a government that included the SRP.<sup>86</sup>

For SRP proscription the partisan veto players were the three parties in the federal government coalition: the CDU/CSU, the FDP, and the DP. In Lower Saxony the local CDU/DP union could have formed a MWC with either the SRP or the FDP. The FDP, for its part, could have entered various MWCs that excluded the SRP. In Bremen all three parties could have jointly participated in two MWCs with the SRP. In sum, the CDU and the DP (but not the FDP) had strong incentives to collaborate with the SRP rather than proscribing it. Despite incentives at the local level, eventual agreement within the federal cabinet resulted in SRP proscription. In Bremen the CDU (9 seats) and the FDP (12 seats) joined with the SPD (43 seats) to form an oversized coalition consisting of 64 out of 100 seats.

### *Italy*

Decisions by Christian Democrats shaped both passage of the 1952 Scelba Law and MSI immunity to a ban until the end of the First Republic in 1994. These decisions rested on internal and external strategic considerations whose weight over time shifted.<sup>87</sup> In ten national elections when no single party won an absolute majority (1953-1992) the MSI's Penrose-Banzaf scores indicate that it was critical for the formation of between 4.5% (in 1992) and 12.7% (in 1972) of winning coalitions. By this measure, the MSI's hypothetical coalition potential was relatively low but not insignificant.

Its relative ranking among potential coalition partners was higher. For each of the ten elections counted, the MSI's rank was at least equal to the median position and sometimes among the highest. The MSI was also an important member of at least one theoretical MWC that could have been formed after 9 out of 10 post-war elections analysed. Multiple MWCs could have formed but MWCs including the MSI often

outnumbered alternative MWCs without it. MWCs involving the MSI between 1953 and 1992 were almost equally as likely to centre on the Christian Democrats (26 MWCs with the MSI) as the opposition Communists (27 MWCs with the MSI). The ideological distance between the MSI and the Christian Democrats was much shorter than that between the MSI and the Communist Party, however, thereby making collaboration between the MSI and the Christian Democrats more likely.

## Conclusion

Addressing the drawbacks of a partial approach to party bans, our approach incorporates multiple hypotheses and adds securitization. This still leaves open the issue of causal relations, and in response we have proposed two models. Model A treats antecedent conditions as links in a causal chain; Model B treats these conditions as independent and additive.

Model A is too complicated, we find, and can be simplified. Comparison of West Germany and Italy shows that without securitization (condition 3) a party's attitude towards violence (condition 1) need not result in proscription. Our study also shows that two conditions – the presence of effective alternatives (condition 2) and veto player incentives (condition 5) – do not relate to ban outcomes in a consistent pattern. We also find that veto player agreement is important. Model A should be truncated, in sum. If it posits a *causal chain*, a more parsimonious explanation will include not five but only two conditions: securitization and veto player agreement.

For Model B, proscription instead depends on the *number of conditions* that fit with theoretical expectations. Given a ban in West Germany, for this model the strongest proof would be the presence of all five conditions; given the opposite outcome in Italy, such proof would come from their entire absence. As Table 1 shows, the fit between theoretically expected and empirically observed relationships was slightly stronger for Italy (where 4 out of the 5 observed relationships matched theoretical expectations) than for West Germany (where only 3 matched). These findings suggest that Model B should be simplified to include at most three conditions: attitude towards violence, securitization, and veto player agreement.

Future research should seek to resolve the inconsistency in our findings, under Models A and B, over the role of condition 1 (attitude towards violence). This would require a research design that makes it possible to assess if condition 1 is *necessary* for proscription; and whether the combination of condition 1 with either one – or both of – conditions 3 (securitization) and 4 (veto player agreement) *suffices* for a ban.

**Table 1.** Expected conditions vs. observed findings related to variation in party bans, right-authoritarian parties in post-1945 West Germany and Italy.

	West Germany: Far-right party banned		Italy: Far-right party not banned	
	Expected	Observed	Expected	Observed
1. Ambiguity/approval of violence	✓	✓	○	✓
2. No alternative to proscription	✓	○	○	○
3. Securitization	✓	✓	○	○
4. Veto player agreement to ban	✓	✓	○	○
5. Veto player incentives to ban	✓	○	○	○

Symbols: ✓ Presence of condition; ○ Absence of condition.

Apart from proposing and testing models, our study asks if the proscription of successors to former ruling authoritarian parties should form a separate party ban category on empirical grounds. To address this question, we seek evidence of: (1) discrepancy from the conditions that explain the proscription of non-successor parties; and (2) convergence between the conditions that explain the variation in proscription for the two cases in this study.

Previous research shows that attitude towards violence (condition 1), securitization (condition 3), and veto player agreement (condition 4) explain party proscription, legalization, and failed proscription.<sup>88</sup> These findings match ours for West Germany; for Italy, our findings match for conditions 3 and 4, but not condition 1. These results (5 matches and 1 discrepancy) suggest that the proscription of former ruling parties probably does not form a separate category of militant democracy on empirical grounds.

Searching instead for convergence between the conditions that explain variation in our two cases, we find that ambiguity towards – or approval of – violence (condition 1) preceded both proscription and non-proscription. Despite the countries' divergent approaches to their successor parties, we also note the absence of alternatives to a ban (condition 2) or veto player incentives (condition 5) in West Germany and Italy alike. Other discrepancies also stand out: securitization (condition 3) and veto player agreement (condition 4) were present in West Germany but absent in Italy.

Given these findings – which suggest a great deal more difference than similarity between cases – again we conclude that empirical grounds for putting successor party bans into a separate category of proscription are weak. Further research should explore the validity of this conclusion by considering the fate of successor parties in other contexts – including post-communist Europe, where some communist successor parties were banned (Latvia and Lithuania) but many others were not (Hungary, Poland, Czech Republic); and post-conflict societies such as Rwanda (where the Hutu successor party, *Mouvement Démocratique Républicain* was banned in 2003).<sup>89</sup>

## Notes

1. Thiel, "Militant Democracy"; Malkopoulou and Kirshner, *Militant Democracy*.
2. Capoccia, *Militant Democracy*.
3. Niesen, "Banning Former Ruling Party."
4. *Ibid.*, 544.
5. Capoccia, *Defending Democracy*; Downs, *Political Extremism*; Bourne, *Democratic Dilemmas*.
6. *Ibid.*
7. Downs, see note 6 above; Navot, "Fighting Terrorism"; Pedazhur, "The Defending Democracy."
8. Brems, "Freedom of Political Association"; Isaacaroff, "Fragile Democracies"; Rosenblum, "Multiculturalism."
9. Hartman and Kemmerzell, "Understanding Variation in Party Bans."
10. Bourne, "Democratization and Proscription"; Bourne and Casal Bértoa, "Mapping 'Militant Democracy'; Niesen, see note 3 above.
11. Niesen, see note 3 above.
12. Karvonen, "Legislation on Political Parties".
13. Niesen, note 3 above, 540; see also Niesen, "Anti-Extremism."
14. Buzan, *Security*; Balzacq, *Securitization*.
15. Bourne, see note 10 above.
16. Drisko and Maschi, *Content Analysis*, 49.

17. Ragin, *Comparative Method*.
18. Bourne, see note 10 above.
19. Nagle, *The National Democratic Party*, 19–20; Fisher, *Minor Parties*, 129–30; Zimmermann and Saalfeld, “Three Waves,” 52.
20. Kommers, *Constitutional Jurisprudence*, 218.
21. *Ibid.*, 217.
22. Chiarini, “Profilo Storico-Critico”; Ignazi, *Il polo escluso*; Parlato, *Fascisti senza Mussolini*.
23. Ministero di Grazia e Giustizia, “Legge 20 giugno 1952.”
24. Ceccanti and Clementi, “Militant Democracy in Italy”; Mazzei, *De Gasperi e lo “Stato forte”*.
25. Lee, *The Beast Reawakens*, 49.
26. Bundesministerium des Innern (BMI), “Beschluss der Bundesregierung”; *Sozialdemokratische Partei Deutschlands*, “Sozialdemokratischer Pressdienst”; USHICOG, “The Radical Right,” 65–7.
27. Bundesregierung, “Beschluss der Bundesregierung vom 4. Mai 1951”.
28. Lee, see note 25 above, 50; Frei, *Adenauer’s Germany*, 252–3.
29. Bundesregierung, see note 32 above.
30. Akten zur Auswärtigen Politik, “Gespräch . . . McCloy”; Frei, see note 28 above, 260.
31. Parlato, see note 22 above, 251–69.
32. MSI, “*L’alternativa in Movimento*,” 146–8.
33. Ferraresi, *Threats to Democracy*, 71–124.
34. *Ibid.*, 15–29.
35. Ignazi, see note 22 above, 211–43.
36. Parlato, see note 22 above, 122–3.
37. Capoccia, see note 5 above; Downs, see note 5 above.
38. Proportionality of electoral systems (difference between parties’ seat and vote shares) indicates the ease with which small parties can enter the parliamentary arena. We adopt Gallagher’s Least Squares Index of disproportionality using this formula:

$$LSq = \sqrt{\left(\frac{\sum (s_i - v_i)^2}{2}\right)}$$

where  $s_i$  is each party’s percentage of seats and  $v_i$  is each party’s vote percentage. High values indicate that larger parties benefit from a strong mechanical effect at the expense of smaller ones; low values suggest parties’ seat and vote share are similar; see Gallagher and Mitchell, *Politics of Electoral Systems*, 603.

39. *Ibid.*; Lijphart, *Electoral Systems*; Carter, *The Extreme Right*; Norris, *Radical Right*.
40. Massicotte, “Create or to Copy?”; Bourne, see note 10 above.
41. Kestel and Godmer, “Institutional Inclusion and Exclusion,” 135.
42. *Ibid.*, 133–6.
43. Chiaramonte and D’Alimonte, “... Italian Electoral System”; Gallagher, Election indices dataset.
44. Possenti, *Storia della D.C.*, 346–7, 423–4; Ignazi, see note 27 above, 88–92.
45. Buzan et al, see note 14 above, 21; Bourne, see note 16 above.
46. Buzan et al. See note 14 above, 33.
47. Frei, see note 28 above, 259–60.
48. *Süddeutsche Zeitung*, “Rechts-Radikalisierung in Niedersachsen.”
49. Kabinettsprotokolle, “Verhalten der SRP 1951”; *Sozialdemokratische Partei Deutschlands*, see note 26 above.
50. Kabinettsprotokolle, “Wahl in Niedersachsen und SRP 1951.”
51. Kabinettsprotokolle, “Innerpolitische Lage und Wahlen 1951.”
52. Akten zur Auswärtigen Politik, “Gespräch des Bundeskanzlers . . .,” 266–82.
53. Akten zur Auswärtigen Politik, see note 30 above.
54. USHICOG, see note 26 above.
55. Lee, see note 25 above, 51.
56. Frei, see note 28 above, 260.
57. USHICOG, see note 26 above, 66; Akten zur Auswärtigen Politik, “Gespräch.. Morrison,” 266–82; *Frankfurter Allgemeine Zeitung*, “Eindeutige Beweise”; Lee, see note 25 above, 74.



58. BMI, see note 26 above; Frankfurter Allgemeine Zeitung, "Feinde der demokratischen Ordnung"; Frankfurter Allgemeine Zeitung, "Die Sozialistische Reichspartei."
59. Kommers and Miller, Constitutional Jurisprudence, 288–9.
60. Malgeri, "Gli avvenimenti," 114–15; Platt and Leonardi, "American Foreign Policy and the Postwar Italian Left."
61. Fanfani, *Diari (Volume II, 1949–1955)*, 158.
62. Sani, *La Civiltà Cattolica*.
63. D'Angelo, *De Gasperi*.
64. Camera dei Deputati, "Relazione della I Commissione Permanente", 2.
65. Colarizi and Panvini, "From Enemy to Opponent", 62–64.
66. Tedeschi, *Fascisti dopo Mussolini*; Parlato, see note 22 above, 260; Carioti, *Gli orfani di Salò*, 230–51.
67. Mazzei, see note 24 above, 29–84.
68. Giachetti, *Per la giustizia*, 79.
69. Questura di Roma, "Ufficio Politico 1973"; Parlato, see note 22 above, 113–27.
70. Balzacq, see note 16 above; Bourne, see note 10 above.
71. Tsebelis, *Veto Players*, 17.
72. *Ibid.*, 9.
73. Under Article 3 of the 1949 Occupation Statute, the Allies could limit German sovereignty if "essential to security or to preserve democratic government in Germany".
74. Frankfurter Rundschau, "Halbe Maßnahmen"; Kabinettsprotokolle, "Verhalten der SRP 1951."
75. Süddeutsche Zeitung, "Vor der regierungsbildung ..."
76. Kabinettsprotokolle, "Innerpolitische Lage und Wahlen 1951"; Kabinettsprotokolle, "Verhalten der SRP 1951."
77. Mühlenfeld, "Letter to Federal Minister of the Interior."
78. Kabinettsprotokolle, "SRP und KPD 1951."
79. Bundesregierung, see note 27 above; Kabinettsprotokolle, "Prüfung der Frage ..."; Frei, see note 28 above, 251–76; Niesen, see note 13 above, 255.
80. Ignazi, see note 22 above, 24.
81. Vassallo, "Government under Berlusconi."
82. Parlato, see note 22 above, 111–26.
83. Capoccia, see note 5 above; van Spanje, "Parties beyond the pale"; Downs, see note 5 above; Casal Bértoa and Bourne, "Prescribing Democracy?"
84. Banzaf, "Weighted Voting Doesn't Work."
85. Riker, *Theory of Political Coalitions*; Axelrod, *Conflict of Interest*. Following Riker (1962), a MWC only includes those parties possessing the smallest number of seats beyond that necessary to form or maintain a government. Details about Penrose-Banzaf scores and MWCs available from the authors on request.
86. Süddeutsche Zeitung, "Vor der regierungsbildung ..."; Frei, see note 28 above, 258.
87. Ballini, *Alcide De Gasperi*; Capperucci, "La 'destra' democristiana"; Malgeri, see note 60 above; Possenti, see note 44 above.
88. Bourne, see note 10 above.
89. Bourne and Casal Bértoa, see note 10 above; Niesen, see note 3 above.

## Acknowledgements

We would like to thank colleagues commenting on many of the ideas presented in the article during the ECPR Joint Sessions workshop on "Rethinking 'Militant Democracy': Democratic Dilemmas in the Age of Populism", 10–14 April 2018 held at the University of Nicosia, Nicosia, Cyprus. Veugelers thanks Giovanni Orsina for his comments and suggestions, and the LUISS-Guido Carli University, Rome, Italy, which hosted him when writing this article.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## Notes on contributors

**Angela Bourne** is Professor (with special responsibilities) at the University of Roskilde, in Denmark. She has published various books and articles on militant democracy, including *Democratic Dilemmas: Why democracies ban political parties?* (Routledge, 2018) and articles in *European Journal of Political Research*, *European Constitutional Law Review* and *Comparative European Politics*. She is a co-PI in a project funded by the Carlsberg Foundation on Populism and Democratic Defence in Europe. Other research interests include Europeanisation, minority nationalism and social movement mobilisation in Europe.

**John Veugelaers** is Professor of Sociology at the University of Toronto. He has published widely on the far right, immigration politics, social movements, and voluntary associations in Canada, France, and Italy. His book *Empire's Legacy: Roots of a Far-Right Affinity in Contemporary France* (Oxford University Press) received the 2021 Outstanding Contribution to Political Sociology Award from the Political Sociology Section of the American Sociological Association. His current research examines the conditions under which far-right activism migrated between the neo-Fascist party (the *Movimento Sociale Italiano*) and extremist movements in post-1945 Italy.

## References

- Acten zur Auswärtigen Politik der Bundesrepublik Deutschland (AuZ). *Gespräch des Bundeskanzlers Adenauer mit dem britischen Außenminister Morrison Geheim*, 19 Mai 1951, 266–282. Munich: Institut für Zeitgeschichte, 1951.
- AuZ. *Gespräch des Bundeskanzlers Adenauer mit dem amerikanischen Hohen Kommissar McCloy Geheim*, 5 Juli. Munich: Institut für Zeitgeschichte, 1951, 379–386.
- Axelrod, R. *Conflict of Interest: A Theory of Divergent Goals with Applications to Politics*. Chicago: Markham, 1970.
- Ballini, P. L. *Alcide De Gasperi (Volume III, Dalla costruzione della democrazia alla “nostra patria Europa” (1948–1954))*. Soveria Mannelli: Rubettino, 2009.
- Balzacq, T. *Securitization Theory*. Abbingdon: Routledge, 2011.
- Banzaf, J. “Weighted Voting Doesn’t Work: A Mathematical Analysis.” *Rutgers Law Review* 19, no. 2 (1964): 317–343.
- Bourne, A. “Democratization and the Proscription of Political Parties.” *Democratization* 19, no. 5 (2012): 1065–1085.
- Bourne, A. *Democratic Dilemmas: Why Democracies Ban Political Parties*. London: Routledge, 2018.
- Bourne, A., and F. Casal Bértoa. “Mapping ‘Militant Democracy’: Variation in Party Ban Practices in European Democracies (1945–2015).” *European Constitutional Law Review* 13, no. 2 (2017): 221–247.
- Brems, E. “Freedom of Political Association and the Question of Party Closures.” In *Political Rights under Stress in 21st Century Europe*, edited by Wojciech Sadurski, 120–195. Oxford: Oxford University Press, 2006.
- Bundesministerium des Innern (BMI). “Beschluss der Bundesregierung vom .... Sozialistische Reichspartei” (draft), 2 May 1951, Bundesarchiv B/141/207.
- Bundesregierung. “Beschluss der Bundesregierung vom 4. Mai 1951.” *Gemeinsames Ministerialblatt* 8 May, no. 11 (1951): 111.
- Buzan, B., O. Wæver, and J. de Wilde. *Security: A New Framework for Analysis*. Boulder, CO: Lynne Rienner, 1998.
- Camera dei Deputati. “Relazione della I Commissione Permanente sul Disegno di Legge approvato dal Senato della Repubblica nella seduta del 1° febbraio 1952.” *Atti Parlamentari (Documenti – Disegni di Legge e Relazioni)* (1952): 2549–A.
- Capoccia, G. *Defending Democracy: Reactions to Extremism in Interwar Europe*. Baltimore, MD: Johns Hopkins University Press, 2005.
- Capoccia, G. “Militant Democracy and the Study of Political Tolerance.” In *Militant Democracy and Its Critics: Populism, Parties, Extremism*, edited by Anthoula Malkopoulou and Alexander S. Kirshner, 133–149. Edinburgh: Edinburgh University Press, 2019.
- Capperucci, V. “La ‘destra’ democristiana.” In *Storia delle destre nell’Italia repubblicana*, edited by Giovanni Orsina, 41–84. Soveria Mannelli: Rubettino, 2014.

- Carioti, A. *Gli orfani di Salò: Il "Sessantotto nero" dei giovani neofascisti nel dopoguerra 1945–1951*. Milan: Mursia, 2008.
- Carter, E. *The Extreme Right in Western Europe: Success or Failure?* Manchester: Manchester University Press, 2005.
- Casal Bértoa, F., and A. Bourne. "Prescribing Democracy? Party Proscription and Party System Stability in Germany, Spain and Turkey." *European Journal of Political Research* 56 no. 2 (2017): 440–465.
- Ceccanti, S., and F. Clementi. "Militant Democracy in Italy: A Path Between Rules and Politics." In *The "Militant Democracy" Principle in Modern Democracies*, edited by Markus Thiel, 209–218. Farnham, UK: Ashgate, 2009.
- Chiaromonte, A., and R. D'Alimonte. "The New Italian Electoral System and its Effects on Strategic Coordination and Disproportionality." *Italian Political Studies* 13, no. 3 (2018): 8–18.
- Chiarini, R. "Profilo storico-critico del Msi." *Il Politico* 54, no. 3 (1989): 369–389.
- Colarizi, S., and G. Panvini. "From Enemy to Opponent: The Politics of Delegitimation in the Italian Christian Democratic Party (1945–1992)." *Journal of Modern Italian Studies* 22, no. 1 (2017): 57–70.
- D'Angelo, A. *De Gasperi, le destre e l' "operazione Sturzo": Voto amministrativo del 1952 e progetti di riforma elettorale*. Rome: Studium, 2002.
- Downs, W. *Political Extremism in Democracies: Combatting Intolerance*. Basingstoke, UK: Palgrave Macmillan, 2012.
- Drisko, J., and T. Maschi. *Content Analysis*. Oxford: Oxford University Press, 2015.
- Fanfani, A. *Diari (Volume II, 1949–1955)*. Soveria Mannelli: Rubettino, 2011.
- Ferraresi, F. *Threats to Democracy: The Radical Right in Italy After the War*. Princeton, NJ: Princeton University Press, 1996.
- Fisher, S. *Minor Parties of the Federal Republic of Germany: Towards a Comparative Theory of Minor Parties*. The Hague: Martinus Nijhoff, 1974.
- Frankfurter Rundschau. "Halbe Maßnahmen – halbe Wahrheiten", 7 May 1951.
- Frankfurter Allgemeine Zeitung. "Feinde der demokratischen Ordnung", 17 November 1951.
- Frankfurter Allgemeine Zeitung. "Eindeutige Beweise", 8 July 1952.
- Frankfurter Allgemeine Zeitung. "Die Sozialistische Reichspartei verfassungswidrig", 24 October 1952.
- Frei, N. *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration*. New York: Columbia University Press, 2002.
- Gallagher, M. Election Indices Dataset. Accessed October 10, 2019. [https://www.tcd.ie/Political\\_Science/people/michael\\_gallagher/ElSystems/index.php](https://www.tcd.ie/Political_Science/people/michael_gallagher/ElSystems/index.php).
- Gallagher, M., and P. Mitchell. *The Politics of Electoral Systems*. Oxford: Oxford University Press, 2005.
- Giachetti, D. *Per la giustizia e la libertà: La stampa Gelle nel secondo dopoguerra*. Milan: FrancoAngeli, 2011.
- Hartmann, C., and J. Kemmerzell. "Understanding Variation in Party Bans in Africa." *Democratization* 17, no. 4 (2010): 642–665.
- Ignazi, P. *Il polo escluso: Profilo del Movimento Sociale Italiano*. Bologna: Il Mulino, 1989.
- Issacharoff, S. "Fragile Democracies." *Harvard Law Review* 6, no. 120 (2007): 1407–1567.
- Kabinettsprotokolle. "Innerpolitische Lage und Wahlen." Kabinettsitzung am 24. April 1951, no. 143.
- Kabinettsprotokolle. "Verhalten der SRP", Kabinettsitzung am 4. Mai 1951, no. 145.
- Kabinettsprotokolle. "Wahl in Niedersachsen und SRP", Kabinettsitzung am 8. Mai 1951, no. 146.
- Kabinettsprotokolle. "SRP und KPD", Kabinettsitzung am 9. Oktober 1951, no. 178.
- Kabinettsprotokolle. "Prüfung der Frage der Einbringung der Verfassungsklage gegen SRP und KPD", Kabinettsitzung am 12. Oktober 1951, no. 179.
- Karvonen, L. "Legislation on Political Parties: A Global Comparison." *Party Politics* 13, no. 4 (2007): 437–455.
- Kestel, L., and L. Godmer. "Institutional Inclusion and Exclusion of Extreme Right Parties." In *Western Democracies and the New Extreme Right Challenge*, edited by Roger Eatwell and Cas Mudde, 133–149. London: Routledge, 2004.
- Kommers, D. P. *The Constitutional Jurisprudence of the Federal Republic of Germany*. Durham, NC: Duke University Press, 1997.
- Kommers, D. P., and R. A. Miller. *The Constitutional Jurisprudence of the Federal Republic of Germany*. Durham, NC: Duke University Press, 2012.

- Lee, M. *The Beast Reawakens*. Boston: Little Brown and Company, 1997.
- Lijphart, A. *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945–1990*. Oxford: Oxford University Press, 1994.
- Malgeri, F. “Gli avvenimenti.” In *Storia della Democrazia Cristiana (Volume II, De Gasperi e l’età del centrismo 1948–1954)*, edited by Francesco Malgeri, 1–249. Rome: Cinque Lune, 1987.
- Malkopoulou, A., and A. S. Kirshner. *Militant Democracy and Its Critics: Populism, Parties, Extremism*. Edinburgh: Edinburgh University Press, 2019.
- Massicotte, L. “To Create or to Copy? Electoral Systems in the German Länder.” *German Politics* 12, no. 1 (2003): 1–22.
- Mazzei, F. *De Gasperi e lo “Stato forte”. Legislazione antitotalitaria e difesa della democrazia negli anni del centrismo (1950–1952)*. Florence: Le Monnier, 2013.
- Ministero di Grazia e Giustizia. “Legge 20 giugno 1952, n. 645. Norme di attuazione della XII disposizione transitoria e finale (comma primo) della Costituzione.” *Gazzetta Ufficiale della Repubblica Italiana* 93, no. 43 (1952): 2275–2276.
- Movimento sociale italiano (MSI). “*L’alternativa in Movimento*”. Rome: Ufficio Stampa del MSI-DN/Edizioni Nuove Prospettive, 1984.
- Mühlenfeld, L. “Letter to Federal Minister of the Interior”, 3 April 1951, Bundesarchiv B 141/207.
- Nagle, J. D. *The National Democratic Party: Right Radicalism in the Federal Republic of Germany*. Berkeley and Los Angeles: University of California Press, 1970.
- Navot, S. “Fighting Terrorism in the Political Arena: The Banning of Political Parties.” *Party Politics* 14, no. 6 (2008): 745–762.
- Niesen, P. “Anti-extremism, Negative Republicanism, Civil Society: Three Paradigms for Banning Political Parties.” *German Law Journal* 3, no. 7 (2008): 249–286.
- Niesen, P. “Banning the Former Ruling Party.” *Constellations* 19, no. 4 (2012): 540–561.
- Norris, P. *Radical Right: Voters and Parties in the Electoral Market*. New York: Cambridge University Press, 2005.
- Parlato, G. *Fascisti senza Mussolini: Le origini del neofascismo in Italia, 1943–1948*. Bologna: Il Mulino, 2006.
- Platt, A. A., and R. Leonardi. “American Foreign Policy and the Postwar Italian Left.” *Political Science Quarterly* 93, no. 2 (1978): 197–215.
- Possenti, P. *Storia della D.C. dalle origini al centro-sinistra*. Rome: Ciarrapico, 1978.
- Questura di Roma, Ufficio Politico. *Denuncia alla Procura della Repubblica di Roma, nei Confronti di “Avanguardia Nazionale” e di “Ordine Nuovo”*. Rome: Tribunale di Roma, 1973.
- Ragin, C. *The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies*. Berkeley and Los Angeles: University of California Press, 1987.
- Riker, W. *The Theory of Political Coalitions*. New Haven and London: Yale University Press, 1962.
- Rosenblum, N. “Multiculturalism and the Anti-Discrimination Principle.” *Law and Ethics of Human Rights* 1, no. 1 (2007): 1–59.
- Sani, R. *“La Civiltà Cattolica” e la politica italiana nel secondo dopoguerra (1945–1958)*. Milan: Vita e Pensiero, 2004.
- Sozialdemokratische Partei Deutschlands. *Sozialdemokratischer Pressdienst, Zu Spät und zu wenig*, 4 May 1951, Bundesarchiv B/141/207.
- Süddeutsche Zeitung. “Rechts-Radikalisierung in Niedersachsen.” 8 May 1951.
- Süddeutsche Zeitung. “Vor der regierungsbildung in Niedersachsen.” 10 May 1951.
- Tedeschi, M. *Fascisti dopo Mussolini: Le organizzazioni clandestine neofasciste 1945–1947*. Rome: Settimo Sigillo, 1996.
- Thiel, M. *The “Militant Democracy” Principle in Modern Democracies*. Farnham, UK: Ashgate, 2009.
- Tsebelis, G. *Veto Players*. Princeton, NJ: Princeton University Press, 2002.
- United States Office of the High Commissioner for Germany (USHICOG). “The Radical Right.” *Information Bulletin* (1951): 65–68.
- Van Spanje, J. “Parties Beyond the Pale: Why Some Political Parties are Ostracized by Their Competitors While Others are not.” *Comparative European Politics* 8, no. 3 (2010): 354–383.
- Vassallo, S. “Government under Berlusconi: The Functioning of the Core Institutions in Italy.” *West European Politics* 30, no. 4 (2007): 692–710.
- Zimmermann, E., and T. Saalfeld. “The Three Waves of West German Right-Wing Extremism.” In *Encounters with the Contemporary Radical Right*, edited by Peter H. Merkl and Leonard Weinberg, 50–74. Boulder, CO: Westview, 1993.