RESEARCH NOTE

The triumph of what (if anything)? Rethinking political ideologies and political institutions in twentieth-century Europe

JAN-WERNER MÜLLER

Department of Politics, Corwin Hall, Princeton University, Princeton, NJ 08544, USA

ABSTRACT This note explores new ways of thinking about the history of political thought in twentieth-century Europe. It argues that more attention ought to be paid to the interaction between political thought or imagination on the one hand and, on the other, actual political institutions as they were designed, sometimes destroyed, an often re-designed in the course of twentieth-century European history. With this comes a clearer focus on ‘in-between figures’ (such as public lawyers). The note then outlines an argument concerning the emergence—even triumph—of a particular set of institutions and normative ideas (or sometimes just intuitions) in Western Europe after 1945, a set that was largely extended to Southern as well as Eastern Europe towards the end of the century. What is summed up as a conception of constrained civilian democratic administrative statehood did not reflect any traditional ‘ism’ and constituted a genuinely new ideological configuration.

Have you forgotten the other bankruptcies? What was Christianity doing in the various catastrophes of society? What became of Liberalism? What has Conservatism produced, in either its enlightened or its reactionary form? ... If we are indeed honestly to weigh out the bankruptcies of ideology, we shall have a long task ahead of us.

Victor Serge
Democracy has developed wherever the abstract appeal of the ideologue and the concrete experimentation of the practical man have worked together.

A. D. Lindsay

How are we to understand political developments in twentieth-century Europe? In 2009 in particular—the 20th anniversary of the annum mirabilis 1989—we will be confronted with a chorus (or, more likely these days, cacophony) of master-narratives: the ‘triumph of liberal democracy’, ‘Westernization’, ‘liberalization’ and, no doubt, once more, the ‘end of history’ (or, alternatively, and more likely these days: the end of the end of history as its sequel). But which political regime or ideology, if any, really ‘triumphed’ towards the final years of the twentieth century? Democracy, qualified by an adjective or other, liberalism, or other ideological configurations built from conceptual elements of ‘purer’ nineteenth-century ideologies, or perhaps particular conceptions of statehood and sovereignty, rather than any identifiable ‘ism’, as James Sheehan has suggested recently?¹

In fact, should accounts of political developments in twentieth-century Europe operate with much larger and less obviously political concepts, and also not submit to the arbitrary periodization of ‘1900–2000’—when the real caesura might have been more plausibly around the 1860s and the 1960s (a prime example of such an approach being Charles Maier’s focus on ‘territoriality’)?² Broad macro-concepts like ‘high modernism’ (again, ranging from about the 1860s to the 1960s), have a certain plausibility, but have proven hard to operationalize; ultimately, they seem compatible with a whole range of ideological traditions and sets of political institutions.³ At the same time, simply to talk about ‘changes in political legitimacy’ is far too vague (and comes up against the problem of the double nature of legitimacy as both an analytical and a normative concept).

Of course, we all want to avoid Whig history, teleological and normatively loaded narratives—but then the question becomes all the more urgent, which concepts should we use in analyzing what prima facie at least in twentieth-century Europe is a kind of development in institutional practices and normative justifications of those practices (and not just one damn’ thing after another)? Dare one say progress? That is another question, which might or might not be usefully debated after we have gained a conceptual handle of the development of political forms under consideration here.

In this note I want to suggest that it is not an illegitimate narrowing specifically to focus on the interaction of political ideas (or, if one prefers, political imagination) and political institutions as they were designed, as they were destroyed, and then re-designed in the course of the century. ‘Interaction’ is of course rather vague; and it is an open question whether what are customarily seen as the major twentieth-century ideologies really correlate with actual institutions—or whether the gap between political thought and political
institutions (which as such is inevitable) was perhaps particularly large during the twentieth century. If these kinds of questions can be answered at all, it seems to me, we need an account that is situated at the intersection of the history of political ideologies, comparative politics and comparative public law.

But why such an account at all, one might ask, why not just intellectual history and political history as separate, though not always clearly delimited enterprises? It is worth pointing out that a strong contemporary trend tends to dismiss the role of political ideas altogether in attempts to understand the European twentieth century. Arguably, these dismissals—from the perspective of a political, economic or even socio-biological historiography—are signs of a move from one extreme to the other. They seem best understood as a reaction to the fact that during the twentieth century—and during the Cold War in particular—the main actor, or rather, culprit, of the stories being offered was ‘ideas’, disembodied ‘ideologies’, ‘political religions’ or a mixture of ideas and political emotions (such as ‘hatred of bourgeois society’). They made the period 1914 to 1945 in particular seem like a modern version of the Thirty Years’ War. Moreover, the belief in the vast and direct influence of ideas was widely shared across political and philosophical divides: one might just think of Khrushchev supposedly remarking about the Hungarian uprising of 1956: ‘none of this would have happened if a couple of writers had been shot in time’ or Czesław Miłosz’s observation that in mid-twentieth-century Europe ‘the inhabitants of many European countries came, in general unpleasantly, to the realization that their fate could be influenced directly by intricate and abstruse books of philosophy’.

‘Ideologies’, as one of the most influential accounts of the history of political thought in twentieth-century Europe has it, were really a result of the loss of a belief in progress towards the end of the nineteenth century; they were an expression of ‘crisis thinking’, made up of dispersed and often incoherent fragments from ‘decayed thought systems’. But whoever says ‘ideologies’ still most often means fanatical thinking, ‘ideas not worth taking seriously’, or ‘ideas to hide power’, or simply dissimulation—in short, many historians still find it difficult to dissociate ‘ideology’ from its Marxisant meanings or to see ideology as anything other than a kind of political-psychological pathology. Thus, when the twentieth century is interpreted as an ‘age of ideologies’, the story tends to go like this: Europeans were more or less inexplicably seized by an ideological fever in or about 1917, a terrible affliction from which they were only cured in 1991 or so.

Yet seeing the twentieth century as an age of ideological extremes or as an ‘age of hatred’ is to fail to understand that ordinary men and women—and not just intellectuals and political leaders—saw many of these ‘ideologies’ and the institutions that were justified with their help as real answers to their problems. In retrospect, a statement such as ‘Fascism came into being to meet serious problems of politics in post-war Italy’—made by Giovanni Gentile in the American magazine Foreign Affairs in 1927—seems banal (and, at the same time, a repulsive understatement). But any account which completely leaves out the dimension of ideologies as making claims to problem-solving and successful institutional experimentation misses one of their essential aspects. So we also need
to restore a sense of why and how ideologies could have been attractive in this way—without thereby making any excuses, of course. Few clichés have done more harm for the serious study of the history of ideas than _tut comprendre c’est tout pardonner._

In short, we have to resist the temptation to interpret people in the past as simply having been afflicted with psychological pathologies. What I want to suggest instead is that we need to adopt an approach that is _problem-driven_, even if often enough the responses to political problems can indeed be called pathological. My contention is that the twentieth century is in fact now far enough removed from many of our present-day concerns to enable such an account of ideas and institutions—in particular, one from beyond the Cold War. In what follows I will try to sketch first who the objects (and actors) are in this account, and then present an analytical, highly stylized version of the narrative that I think can plausibly be offered about the European twentieth century. I will focus on the post-1945 period in particular, giving only a very brief background of my understanding of developments from about 1919 to the end of the Second World War. This focus is partly justified by the fact that—for all the controversies about definitions of fascism, totalitarianism, etc.—developments after 1945 have in certain ways proven even more challenging to conceptualize.

### Which political thought?

What is to count as ‘political thought’ in the kind of account I want to suggest? It should neither be the development of ‘high political philosophy’—a conversation among (academic) Greats, apart from any social context—nor simply the history of party and movement politics. As said above, I think we ought to be more concerned with what happens _in between_ more or less academic political thought on the one hand and, on the other, the actual exercise of power through institutions (or, if one prefers: governance). In short: the political thought that mattered politically. Of course, this begs the question of what it means to ‘matter’ (and of course also what is to count as ‘political’…). It is virtually impossible to prove, let alone quantify, that ever elusive thing called ‘influence’ in the history of ideologies—and yet thinking about influence one way or another seems the only way to proceed, unless we simply want to collapse the history of political thought into the history of academic philosophical debate, or want to assume, in Nancierite fashion, that political institutions evolve solely by way of ‘thought-less’ pragmatism or power struggles—instead of being themselves in some sense _solidified political thought_. Only focusing on high philosophy will make for neater histories, but it also most certainly moves us even further away from any hope for gaining a sense of how ideas came to shape political practices, and were in turn shaped by them. As Alasdaire McInytre once put it: ‘there ought not to be two histories, one of political and moral action and one of political and moral theorizing, because there were not two pasts, one populated only by actions, the other only by theories. Every action is the bearer and expression of
more or less theory-laden beliefs and concepts; every piece of theorizing and every expression of belief is a political and moral action'.

Consequently, thinkers who are often missing entirely from canons of academic twentieth-century European political thought, but who have a serious claim to having shaped political institutions (even if some of these institutions ultimately failed) should come to the fore and sometimes take centre stage in such a narrative: Hans Kelsen, the inventor of a centralized constitutional review process, which became widespread in Western Europe after 1945; G. D. H. Cole and Harold Laski, the foremost proponents of pluralism as an answer to the predicaments of twentieth-century statehood in the face of mass democracy; Tomáš Masaryk, the philosopher-president of Czechoslovakia, who insisted that there had to a new conception of democracy as a civilization of compromise in order for the new states of interwar Europe to succeed; Gentile, the philosopher of Italian Fascism; Karl Loewenstein who in the 1930s fashioned the idea of ‘militant democracy’, that is, a democracy willing to use un-democratic means to defend itself against the enemies of democracy—an idea which played an important role in the consolidation of democracies in Western Europe after 1945; or Jacques Maritain, who promoted human rights after 1945, and who had considerable influence on what constituted one of the crucial ideological, but also party-political, innovations of twentieth-century Europe: Christian Democracy.

In short, we ought to be more interested in what one might call ‘in-between figures’: statesmen-philosophers, public lawyers, constitutional advisors, ‘bureaucrats with visions’ (one could think of Alexandre Kojève or Robert Marjolin), philosophers close to political movements, and, very broadly speaking, what Friedrich von Hayek once referred to as ‘second-hand dealers in ideas’. Calling them thus was a sign of contempt: Hayek thought they were often much more important than many original producers of ideas. And in fact, one might say that there was a particular need for such dealers during an era when mass democracy came into its own, because mass democracy, among other things, imposed the need for what could be called mass justification (or mass legitimation)—mostly of institutional structures, but sometimes also of collective political subjects (when the boundaries of such subjects were in dispute—as, of course, they often were). Once genuinely traditional conceptions of legitimacy, such as dynastic descent, had been discredited (as they had been after the First World War at the very latest), justifying political rule had to become different—and much more explicit. This was even the case when legitimacy was supposed to be grounded in personal charisma, or rely on a functioning state bureaucracy capable of delivering ‘output’—that is goods and services citizens desired: after all, neither charisma nor procedures nor ‘output’ really speak for themselves. This was just as true of right-wing regimes which ruled in the name of tradition or presented themselves as being faithful to true understandings of Christianity, or the royal dictatorships which flourished in interwar Europe in particular: tradition was no longer understood and lived by itself—it had to be articulated and defended and actively
promoted. There was simply no way back from the demands for mass political justification.\textsuperscript{12}

The sense that the twentieth century was different, that it was an age of compulsive doctrine-production (and doctrine consumption) is not a projection onto the past. It was a perception acutely shared by contemporaries. The British philosopher Michael Oakeshott, surveying *The Social and Political Doctrines of Contemporary Europe* in the late 1930s, observed:

We live in an age of self-conscious communities. Even the crudest of the regimes of contemporary Europe, the regime which, admittedly, owes least to a systematically thought-out doctrine, the Fascist regime in Italy, appears to value self-righteousness enough to join with the others in claiming a doctrine of its own. Opportunism has suffered the emasculation of being converted into a principle; we have lost not only the candour of Machiavelli but also even the candour of the *Anti-Machiavel*.\textsuperscript{13}

Some elements of the story

I will now try to elaborate on (and, to some degree, exemplify) this approach by focusing on developments after 1945. I want to argue that there is no single political thinker nor even a single body of thought (or, in a value-neutral sense, ideology) which articulates the kind of liberal democracy that emerged in Western Europe after 1945 and that, by and large, was extended to Central and Eastern Europe in the years after 1989.\textsuperscript{14} Moreover, the post-war period did not simply witness the ‘triumphal re-emergence of exactly those institutions’—that is, those of parliamentary democracy—‘that only a few years previously had been widely regarded as obsolete’.\textsuperscript{15} Rather, it was something quite novel, and partly so, because it constituted a profound reaction to the totalitarian experiences of the first half of the twentieth century. In one sense, this might seem obvious; in another it is not: the point I want to make is that post-war democracy can only to a limited extent be understood as an outcome of competition with the socialist East during the Cold War.\textsuperscript{16} For the most part, it was crafted to prevent a return of the past, a past which itself had seen a number of radical institutional innovations to create new modes of collective political action in the circumstances of modernity.\textsuperscript{17} For (very) shorthand, there had been the Communist Party, Lenin’s ‘party of a new type’, which, following Kenneth Jowitt’s combination of two seemingly incompatible Weberian categories, might best be understood as a ‘charismatic impersonal force’.\textsuperscript{18} This paradoxical term captures the fact that party members felt intense devotion and a willingness to sacrifice, in a way that Max Weber thought only individual leaders with quasi-religious attributes could inspire; at the same time, the party was of course an *organization*, subject to day-to-day routines (Weber’s *Verraltäglichtung* of charisma)—but still ideologically drawing on the total commitment of its members and subjecting them to the ‘correct line’.\textsuperscript{19} Most importantly, such a party as collective actor was deemed capable of bringing about radical historical change in the highly contingent circumstances of modernity, and, ultimately, of forming a ‘new people’. This specifically
communist form of people-making under the leadership of the party arguably culminated in Stalin’s 1936 constitution; it was also based on a peculiar understanding of democracy. According to Stalin:

For [the opposition] freedom of groupings and democracy are unbreakably linked. We don’t understand democracy like that. We understand democracy as the raising of the activity and consciousness of the party mass, as the systematic involving of the party mass not only in the discussion of questions but also in the leadership to work.

An alternative to the party and the homogeneously communist people as a political instrument was the Fascist ‘ethical state’ forming a coherent collective, in which individuals were supposed fully to realize themselves and their ethical capacities—though also under the guidance of the party. Giovanni Gentile, the main proponent of the ‘ethical state’, insisted that

the Fascist State is a people’s state, and, as such, the democratic state par excellence. The relationship between State and citizen (not this or that citizen, but all citizens) is accordingly so intimate that the State exists only as, and in so far as, the citizen causes it to exist. Its formation therefore is the formation of a consciousness of it in individuals, in the masses. Hence the need of the Party, and of all the instruments of propaganda and education which Fascism uses to make the thought and will of the Duce the thought and will of the masses. Hence the enormous task which Fascism sets itself in trying to bring the whole mass of people, beginning with the little children, inside the fold of the Party.

Finally, in Nazi Germany the personal charisma of a leader who himself claimed to be a mere ‘instrument’ of Providence as well as a determined political movement-cum-bureaucracy separate from traditional state structures were crucial in the most radical (and completely racialized) attempt at people-making. Here a new mode of acting politically (the Volksgemeinschaft shaping itself and shaping history in the light of racist imperatives) sidelined traditional conceptions of statehood, which were perceived as too constraining and as contaminated with legalism (or liberalism itself, for that matter). This very, very superficial survey of ideas of unconstrained political subjects (the Community Party and the Communist People, the Fascist ‘Ethical State’ and the German Volksgemeinschaft) is only to suggest that post-war democracy was specifically defined not just against racism or state terror or aggressive nationalism—but in opposition to such institutional ideals, and, in particular, ideals of unconstrained collective action as a means of coping with the historical circumstances of modernity. It was also defined against notions of democracy or political participation grounded in ideals of complete unity and a seamless ethical integration of citizens and state; after all, the Soviet Union and Fascist Italy had justified some of their institutional experiments with playing on the register of democratic values, while insisting on their anti-liberalism (or self-conscious ‘post-liberalism’). As Tzvetan Todorov has pointed out, Nazism and Stalinism required a gigantic spectacle of pseudo-democracy (as well as a rhetoric of what Franz Neumann called ‘pseudo-egalitarianism’). They produced a theatries of popular participation, plebiscites and parades, where ‘the people’ appeared to be directly present and capable of expressing their will in an unmediated fashion (what in the Italian
context scholars have referred to as the ‘politics of the piazza’. In this political imaginary, the leader (unlike the emperor or the king, even in the form of Volkskaisertum) was a man of and with the people—and yet he also transcended the people. His will conformed not to that of a self-determining populace (as social democracy or even ‘atomistic liberalism’ might have had it); rather, he implemented essentially immutable historical or racial laws. In short, these were deeply undemocratic responses to a mass-democratic age, but their justifications at least partly deployed democratic vocabularies.

How precisely was West European post-war democracy to be different? Let me now turn to the crucial elements of what might be called the ‘post-war model’; let me also emphasize again that the dominance of what is often described as a thoroughly pragmatic form of politics—somewhat misleadingly summed up as ‘consensus politics’—was not just a matter of a subjective de-radicalization (or simply: ideological exhaustion) in a supposedly post-ideological age, or the liberalization of potentially authoritarian thought systems such as socialism and Catholicism. It also rested on a number of institutional innovations and attendant normative justifications (or sometimes mere normative intimations) of what politics should or should not be about. In particular, a range of normative and practical problems to do with the emergence of complex administrative states in the interwar period, and the challenge of integrating the working class into the political system were tackled at least somewhat more successfully than before.

Of course, there remained deep national differences in Western Europe and it is not at all meaningless to speak of ‘national models’. But if anything, the tendency among much scholarship has been to err on the side of over-emphasizing (or reifying) such distinct models, when in fact a particular kind of liberal democracy eventually succeeds almost everywhere in Europe—it is just that no single theory, or body of work by a single thinker or school sums it up. This kind of liberal democracy was characterized by the following:

First, a long-term weakening of parliaments (which makes all talk of a ‘triumph of parliamentary democracy’ somewhat dubious); after 1945 public lawyers and politicians explicitly wanted to avoid what the German constitutional theorist Hugo Preuß had once termed ‘parliamentary absolutism’ and what in the immediate post-war period was again conjured up as the spectre of ‘parliamentary dictatorship’. In particular, strict limits on delegation of power by legislatures were imposed (and enforced by courts, especially newly established constitutional courts): never again should a parliament simply hand over power to a Hitler or a Pétain and thereby commit democratic suicide.

At the same time, delegation of legislation itself was seen as inevitable in a modern, complex and increasingly fragmented welfare and administrative state. In the interwar period delegation had often been perceived as necessarily undermining democratic accountability, perhaps most famously in Lord Hewart’s 1929 The New Despotism. After the war, the normative challenges of delegation were hardly solved completely, but they were addressed much more systematically through increased jurisdiction over state agencies and expanded executive oversight. Thus, emerged the administrative state as we know it today, which
was to provide ever more citizens with security, basic welfare or even, as the British Labour politician Nye Bevan once put it, 'serenity'. This kind of state did not just redistribute resources; it also heavily regulated all kinds of social and economic activities—hence the expressions 'welfare state' or 'social state' can be somewhat misleading.

Delegation, however, was perceived not just as a normative challenge and a practical problem posed by the ever expanding administrative state—it was also seen as a normative opportunity: delegation of legislative functions called into question liberal ideals of the normative centrality of parliament, but delegation of power more broadly and oversight functions in particular to unelected bodies (whether courts, regulatory agencies or supranational bodies) also became a mechanism to 'lock in' a range of normative commitments—to human rights in particular.

To be sure, the rise of human rights was not a linear or uniform process; in fact, there were at least two distinct 'human rights moments': the late 1940s, when human rights were grounded in natural law and the ideology of personalism (the work of Maritain was particularly important here), and the mid to late 1970s, when human rights began to do largely without any metaphysics, but become a kind of default ideology of right and left (a prime example being the French antitotalitarian Left as it emerged in the mid-1970s). In both instances, however, there was a clear sense that within nation-states rights should not be granted by legislatures, so that they could potentially be taken away again; rather, they were to be enshrined in constitutions and to be protected by courts.

Central in this regard were constitutional courts, different in design and consequences from the US Supreme Court. Hans Kelsen had included such an institution in the Austrian constitution he had helped craft after the First World War (he himself had served on the court until 1930). Austria had been only the third country to have such judicial review of constitutionality (after the US and Australia)—and the first to centralize tests for constitutionality and task a specific, separate court with it.

Even in countries which had traditionally been highly suspicious of judicial review—such as France, with its aversion to gouvernement des juges—the idea of testing for constitutionality was eventually accepted. Constitutional courts appeared to limit or even contradict traditional notions of popular sovereignty—but in a post-war age that was suspicious of the dangers of potentially 'totalitarian democracy' and that still carried with it some nineteenth-century assumptions about mass psychology, having more checks and balances was precisely the point. Moreover, where Kelsen had explicitly associated democracy with relativism, in the post-war world the rights and principles to be protected by courts were precisely not seen as relative, but as having firm moral or metaphysical foundations. They set limits to what collective subjects could do, but they also provided a stabilizing function in the face of the very same contingent and unsettling modernity to which totalitarian collective action had been one response.

Along with entrenched rights came demands for actually denying them to those thought to be engaged with subverting liberal democracy: in Germany in
particular, democracy now became militant democracy (wehrhafte Demokratie)—a democracy capable of defending itself against its enemies by restricting free speech, the rights of assembly, etc. The concept of militant democracy had first been defined by the German exile political scientist Loewenstein in 1938, at a time when one European country after the other had been taken over by authoritarian movements using democratic means to disable democracy.\(^3\) Loewenstein had argued that democracies were incapable of defending themselves against fascist movements if they continued to subscribe to ‘democratic fundamentalism’, ‘legalistic blindness’ and an ‘exaggerated formalism of the rule of law’.\(^4\) Part of the new challenge was that, according to Loewenstein, fascism had no proper intellectual content, relying on a kind of ‘emotionalism’ with which democracies could not compete. Consequently, democracies had to find novel political and legislative answers to anti-democratic forces—such as banning parties and militias as well as restricting the rights of assembly and free speech.\(^5\) As Loewenstein put it, ‘fire should be fought with fire’; and that fire, in his view, could only be lit by a new, ‘disciplined’ or even ‘authoritarian’ democracy.\(^6\)

The idea of militant democracy subsequently became highly influential in the Federal Republic of Germany; it was used, for instance, to justify the banning of the Nazi Socialist Reich Party and of the Communist Party by the Constitutional Court in the 1950s. The Court’s decisions and the rhetoric used by successive West German governments made it clear that democracy was to be as militant about the left as the right; in other words, militancy was directed as much against the Communist threat from the East as against any revivals of brown menaces from the past. Thus, emerged what some scholars have called democratic ‘anti-extremism’ which assumed the symmetry of threats from right and left.\(^7\)

Militant democracy was most pronounced in West Germany—but the imperative of democratic self-protection, if necessary in an aggressive manner, became pervasive across Western Europe. In Italy the Christian Democrats, de Gasperi in particular, advanced the concept of ‘protected democracy’ (una democrazia protetta) that was to restrict civil liberties, but also justify electoral laws benefiting major parties.\(^8\) However, while the Constitution had prohibited the re-establishment of the Fascist Party, the Italian Social Movement (MSI), which was a de facto successor party to fascism, took hold as a minor party with stable support.\(^9\)

European integration, with its extensive creation of new normative powers and constraints, did not stand in opposition to this general process of strengthening democracy by constraining it and by dispersing power; rather, it was an extension of this very process.\(^10\) Delegation to supranational administrative agencies, while retaining oversight through national executives and the judiciary, as well as protection of individual rights by courts—these were the prime characteristics of integration as it actually unfolded in the 1950s and beyond (as opposed to the ideals of a European federal state or the teleological accounts of supranational constitutionalism habitually propounded by public lawyers close to the EU).\(^11\)

Alongside European integration there was the obvious (or perhaps triumphant) persistence of nation-states. Alan Milward’s claim about the ‘European rescue of
the nation-state’ captures one important aspect of this development, but misses a number of crucial normative dimensions: what persisted were nation-states as civilian, post-imperial and highly transnationally integrated entities. Empirically, what we are facing here is not ‘post-national’, if one means by that a transcendence of the nation-state, but in an important way it is post-nationalist, in the sense of a renunciation of aggressive nationalism as a doctrine or as a set of political sentiments.

What else accounts for the remarkable stability (and uniformity) of politics in Western Europe in the first decades after the War? No doubt the emergence of ‘people’s parties’ as broad cross-class alliances played a role. There is a dark side to this: some ideals of people’s parties showed that tacitly lessons had been learnt from the fascist experience (for instance, the Italian Communist leader Togliatti modeled his PCI partially on the PNF)\textsuperscript{49}: in short, Volksparteien might have had something to do with Volksgemeinschaft. They integrated citizens into the polity, they reconciled potentially hostile classes—but they also upheld a notion of strictly limited political participation, which was contrasted with the danger of ‘overstimulated masses’ under totalitarianism.\textsuperscript{50}

Finally, there was the emergence of moderate forms of corporatism, sometimes also with elements borrowed from fascism: for instance, the Italian enti pubblici—state agencies which constituted a kind of duplicate state structure, which had been established during Fascism and was then taken over by new elites post-1945.\textsuperscript{51} Corporatist practices, however, were no longer linked to ideologies of ‘estatism’ or a Ständestaat (such as Othmar Spann’s ‘true state’ theorized during the 1920s). For the most part, they were justified with a productivist ideology which was effectively shared even by nominal opponents of ‘materialism’ (such as the various European Christian Democratic parties).\textsuperscript{52}

A new synthesis

The constellation of institutions and normative justifications analyzed here was then neither inevitable nor reducible to any intellectual blueprint during the twentieth (or, for that matter, the nineteenth) century: it was neither all ‘abstract ideology’ nor all ‘experimentation by practical men’, to refer to Lindsay’s words quoted above. It depended on genuine intellectual innovations by individuals (Kelsen’s invention of the constitutional court; Loewenstein’s conception of ‘militant democracy’), as well as the gradual strengthening of institutions that might as well have failed or become irrelevant (such as the European Court of Human Rights). Finally, and as already hinted at above, one should bear in mind that this ‘model’ has important national variations; it emerged at different speeds (for instance, from the gradual and reluctant acceptance of gouvernement des juges in France to the quick and wholesale importation of the model of the German constitutional court into Hungary).\textsuperscript{53}

What we see at the end of the twentieth century, then, is not simply the re-establishment of a ‘Liberal System’ that has now lost its extremist enemies, as Ernst Nolte has claimed again recently\textsuperscript{54}; in fact, ‘liberalism’ in any nineteenth-century
sense was not revived after 1945 at all (both in terms of ideas and in terms of a class base), and neither was a nineteenth-century ‘British model’ of divided powers.\textsuperscript{55} What we see instead might best be described as a new ‘art of government’,\textsuperscript{56} and more particularly a new balance of democracy and liberalism (or, more precisely, constitutionalism), a claim also recently put forward by Marcel Gauchet in his \textit{L’Avènement de la Démocratie} (where the post-war model appears as a new form of ‘mixed regime’).\textsuperscript{57} Both liberalism and democracy were redefined in the light of the totalitarian experience of mid-twentieth-century Europe; the thinkers and institutional innovators engaged in this project were intensely aware that a ‘simple reassertion of liberal modernism had become radically insufficient’; and while \textit{de facto} they fashioned many institutions and advanced values that could rightly be seen as \textit{functional equivalents} of certain liberal ideas, the inherited political languages of liberalism were for the most part rejected—and often quite explicitly.\textsuperscript{58} Waldemar Gurian—to pick just one example—commenting on ‘ideological chaos’ as the ‘most serious aspect’ of his time, argued in 1946 that ‘liberalism has become obsolete in a period of the masses. Its concept of individualistic freedom appears as a concept meaningful only with the background of a comparatively secure world which accepts the common good as something self-evident’.\textsuperscript{59} Such rejections of liberalism as a form of materialism, individualism (understood simply as egotism), or relativism became commonplace after 1945, and not just among conservative or Catholic thinkers like Gurian. Where totalitarian political theorists had sought mastery over history through fashioning new collective agents and devising new modes of political action—and unconstrained and unconditional politics—the post-war antitotalitarians sought to stabilize the political world by finding new institutional expressions of inherited liberal precepts (such as constraining power), or reviving older moral and religious precepts—all without re-deploying actual liberal languages. In short, then, what emerged was not a restoration of liberal order—rather, it was emphatically a ‘post-post-liberal order’. The term I want to suggest for this new synthesis is \textit{constrained civilan democratic administrative statehood}—a mouthful, admittedly, but perhaps a plausible way to describe a set of institutions and attendant ideologies (or, if one prefers: explicit normative justifications and less explicit normative intuitions) deeply imprinted with antitotalitarianism. If one were to determine a kind of core concept here—not a word, but an idea—it would be something like ‘democracy constrained for the sake of democracy’.

The normative shortcomings of the model described here hardly went unnoticed; in particular, the thinkers and movements associated with ‘1968’ were to contest many of the institutions and underlying values of ‘constrained democracy’ (not least, the widespread use of delegation as a political mechanism). But what ’68 proved, in fact (among many other things), was that many of the basic institutions described here turned out to be compatible with profound social and cultural changes (as well as fundamental transformations in \textit{some} institutions, such as marriage). Furthermore, what is often described as the ‘New Right’ or ‘neoliberal’ attack against ‘consensus politics’ undoubtedly changed the role of the state in the political imagination—but the actual administrative states that had
been fashioned after 1945 survived largely intact; and attempts by thinkers like Hayek to constrain already constrained democracies even further failed largely—though by no means completely.

This has been a very, very rough sketch only. Many gaps need to be filled in; many arguments need to be completed; not least, much empirical work remains to be done. For now, this is a call that we need more research on the in-between-figures I have mentioned and on the political thought that at least partly inspired institutional innovations—especially those of post-war Western European democracy, the model that did indeed triumph at the end of the European twentieth century. Saying this, incidentally, is not a form of triumphalism.

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Notes and References


8. The existing account that comes closest to this is Mark Mazower, Dark Continent: Europe’s Twentieth Century (New York: Vintage, 2000).

9. Thus, the discourses I am interested in cut across the division between ‘philosophical discourse’ and ‘public political discourse’ developed by Andrew Chadwick in his suggestive ‘Studying political ideas: a public political discourse approach’, Political Studies, 48 (2000), pp. 283–301; at the same time, it remains something less than the symbolic discourse or the political in a Lefortian/Rosanvallonian sense (c.f. Rosanvallon’s ‘Towards a philosophical history of the political’, in Dario Castiglione and Iain Hampsher-Monk (Eds), The History of Political Thought in National Context (Cambridge: Cambridge UP, 2001), pp. 189–203. For an interesting example of a ‘history of governance’, see David Cipley, Liberalism in the
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11. I hasten to add that a focus on institutions is not necessarily state-centric: parties and councils (as sites of worker self-management, for instance, and, more broadly as explicitly anti-statist institutions) are undoubtedly also political institutions. Moreover, such a history of institutions does not have to turn into a kind of Siegertwissenschaft, that is, a history of the victors: frustrated institutional proposals, or institutions that clearly failed as institutions, must be given their due, where they illuminate a larger set of political challenges and responses.

12. If this argument is accepted, at least some analysis of the changing structural conditions of mass justification (the media and, more broadly, the public sphere) also becomes an important part of the kind of account suggested here. Thanks to Heinz Bude and Martin Bauer on this point.


14. Closest would be a synthesis of German Ordoliberalismus and Catholic social thought (or 'social capitalism', as it has sometimes been called). I intend to say more on this synthesis on another occasion.


16. Witness Edward Shils already in 1955 observing 'a very widespread feeling that there was no longer any need to justify ourselves vis-à-vis the Communist critique of our society'. Quoted in Rodney Barker, Political Ideas in Modern Britain, 2nd edition (London: Routledge, 1997), pp. 182–183.

17. I am indebted for the following to David D. Roberts, The Totalitarian Experiment in Twentieth-Century Europe: Understanding the Poverty of Great Politics (New York: Routledge, 2006).


19. Arguably, the theorist who articulated the most coherent and most intellectually powerful justification of the party as an impersonal charismatic force was Georg Lukács. A successful party organization, Lukács insisted, could only be based on a correct theory of the revolution; in the nether-world of theory disagreements could be blurred, incorrect political diagnoses remain without consequences—but not so in organizational praxis. The proletariat had to be completely conscious of its mission—which meant following the lead of the party as the 'objectification of the proletariat's will'. It would have to carry other classes (and recalcitrant parts of the proletariat with it). Lukács insisted on discipline and total participation as characteristics of the party, and, above all, the 'conscious subordination of the self to that collective will that is destined to bring real freedom into being... this conscious collective will is the Communist Party'. See Georg Lukács, History and Class Consciousness: Studies in Marx's Dialectics, trans. Rodney Livingstone (Cambridge, MA: MIT Press, 1999), p. 315.

20. In an important book, Karl Schlügel has recently drawn attention to the role of the constitution in the Terror, but also its centrality in understanding the Soviet experience more broadly. See Karl Schlügel, Terror and Trauma: Moskau 1937 (Munich: Hanser, 2008).


26. The term 'consensus polities' of course makes sense against the background of deep and violence-inducing ideological divisions before 1945—but it hides an important number of differences even between centre-left and centre-right after 1945, both at the level of macro-ideals and micro-policies. Thanks to Michael Freeden on this point.


28. At the same time, as Martin Conway has pointed out, 'freely elected national parliaments were the fetish symbols of postwar Western Europe, advertised both to the Communist world and to colonial
populations aspiring to freedom from European tutelage as the indispensable institutions of a democratic political system'. See his highly instructive 'Democracy in Postwar Western Europe', op. cit., Ref. 16, p. 65.


32. Lindseth, op. cit., Ref. 31.


34. Hand in hand with the rise of the administrative state went the juridification of ever more areas of social life. This is where the famous Habermas-Luhmann debate of the mid-1970s has traction; in a sense they both were right: Luhmann about the rise of complexity and the emergence of ever more subsystems, Habermas about the dangers of 'colonizing the lifeworld'. See *Theorie der Gesellschaft oder Sozialtechnologie?* (Frankfurt/Main: Suhrkamp, 1971).

35. Lindseth, op. cit., Ref. 31.

36. I am indebted to discussions with Samuel Moyn on this point.


46. Thanks to Peter Lindseth on this point.


50. The expression is Wilhelm Röpke's. See also Conway, op. cit., Ref. 16.

51. M. Salvati, 'Behind the Cold War: rethinking the left, the state and civil society in Italy (1940–1970s)', *Journal of Modern Italian Studies*, 8 (2003), pp. 556–577.


53. I am indebted to an unpublished paper by Kim Lane Scheppele on this point.


55. Pombeni, op. cit., Ref. 30. Conversely, the twentieth century witnessed attempts to preserve nineteenth-century class structures, while rejecting liberalism as a system of thought or public justification: Horthy's and other inter-war authoritarian and semi-authoritarian regimes are prime examples here.

56. Michel Foucault drew attention to the novelty of the post-war German model (broadly speaking: a synthesis of Ordnoliberalismus and Catholic social thought) in a series of lectures in early 1979—except that this new 'art of government' could not plausibly be characterized as resting on a primacy of the market, as Foucault seemed to think; rather, the political framing of the market—the rule of law in particular—as well as a kind of Protestant-inspired moral pedagogy were primary. In parts of his lectures at the Collège de France...

