

**SS01 SPECIAL SESSION GENERAL POOL**

**280 Party Democracy and Party Law: The Legal Regulation of Political Parties in Modern Democracies**

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The regulation of political parties has so rapidly gained in importance that it has become difficult to research party politics without running into issues of party law. However, topics related to the law have traditionally received scarce attention by comparative political scientists. Theoretically, conceptually and empirically the study of party law is therefore still very much in its infancy. The proposed panel focuses on different types of law affecting political parties, investigating the underlying dimensions of party regulation and asking fundamental questions about its effectiveness and its relevance for the future of party democracy. The panel includes papers with an empirical comparative focus and papers which contribute to the development of the theory of party regulation.

## # 1,071 **Patterns of Party Regulation in Post-War European Constitutions**

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This paper investigates the regulation of political parties in national country constitutions in post-war European democracies. Following an inductive approach based on a content analysis of the constitutional provisions, we develop a theoretical framework for the constitutionalization of political parties. We identify five dimensions of party constitutionalization and assess the differences and similarities between the older West European democracies and the more recently established ones in Southern and Eastern Europe. The timing and the degree of party constitutionalization in the period after the Second World War appears to correspond to waves of democratization and state-formation. We furthermore argue that the nature of party constitutionalization can be associated with underlying conceptions of party democracy.

## # 1,084 **Political Stability and Party Law in New Democracies**

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A number of new democracies have introduced ambitious political party laws which are aimed directly at issues of political stability. These laws typically seek to build more stable and coherent political parties in parliament and/or stronger party organizations in the broader polity. But do they work? This paper will seek to answer this questions by discussing the content and record of such 'political integrity laws' and their impact on political stability in new democracies.

## # 1,212 **Laws Against Party Switching, Defecting, or Floor-Crossing in National Parliaments**

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This paper studies changes in parliamentary members' party affiliations in nations across the world. It examines the extent of party change; how this phenomenon has been studied; why some scholars favor banning parliamentary party switching; why politicians have legislated against party defections; the extent of such legislation; and the consequences of such bans for political parties and party systems. It reveals that anti-defection laws are rare in established democracies but common in developing democracies. There, anti-defection laws are often defended as temporary measures to consolidate a chaotic party system. However, most nations enshrine anti-defection provisions in their constitutions, which are not depositories for temporary legislation.

## # 1,279 **Why should the State care about the Political Parties' Finances?**

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Political parties are essential for a modern democracy, particularly for a parliamentary democracy. Therefore there exists a public responsibility for well-functioning political parties. Political parties cannot be left to the discretion of private actors. The same holds true for the finances of parties, there is a legal duty to regulate the finances of political parties, you even may speak of an obligation for public financing.

Public law regulation on political parties pursues several aims: It will secure a fair competition among the political parties, guarantee equal chances for all parties, and also will make sure that the binding governmental decisions can be influenced by the people – through the political parties. This includes legal devices for a fair internal democratic process. As to the funding of political parties a legal regime has to guarantee that everybody may know the sources of the parties' money. It also has to provide for some restrictions in private party funding.

Finally in order to secure the compliance with the law there is a need of mechanisms of control and adequate sanctions for offences against the law for political parties.