

## Memory, political culture and institutional change: a comparative perspective

The scope of my project is ambitious, probably excessively so. I would like to identify those elements of memory that impinge upon the political culture both of the elites and of the citizens and exercise an impact on (the construction of) the institutions. Memories of past political occurrences which according to the interpretation by specific and significant social groups (and/or influential elites) are defined extremely important and dramatic significantly contribute to the shaping of political culture, opening and/or foreclosing alternative paths to change. My initial hypothesis is those interpretations are especially significant when they refer to dramatic events whose recurrence must be prevented. In a way, they may be structured as warning memories or negative memories. My intervening hypothesis is that, when there are several carriers of different memories who try to affect institutional change, it is more likely that the winners will be those who promise change, perhaps, a limited amount of change, with respect to the past. My concluding hypothesis is that, nevertheless, even defeated memories will maintain a presence in the political culture at large or of some specific groups, provided they are enshrined in a political organization.

Perhaps, more than just a suggestive footnote, let me add that much or most of what I plan to write about could also be rephrased as narrative. Indeed, narrative may have an advantage over memory because it refers to objectified memories, as they appear in documents, textbooks, speeches, etc., whereas memory refers essentially to what is in the heads of specific individuals and social groups. I am afraid I will be unable to keep the two concepts clearly separate and I will bounce back and forth on both of them. Hopefully, my bouncing will be stimulating and useful.

*The concepts.* At the outset, I think it is appropriate to focus on some, at least preliminary, definitions. The most preliminary and tentative of all definitions concerns “memory”. Fundamentally, I am interested in what the political actors remember of past political events, what they consider relevant for their political behavior, and, above all, what they think useful, appropriate, indispensable to “enshrine” in the institutions/Constitution of their political systems. This is not to imply that there are no other avenues through which memories can make to count, for instance, organizing memorials, celebrating dates, writing school textbooks, shaping curricula. And, indeed, a comparative study of these elements promises to be highly rewarding and ... extremely complex and time-consuming. In a sentence, in my study, what I call memory refers almost exclusively to political events, phenomena, actors, to what, according to the carriers of the memories, must not be forgotten in order to avoid repeating the *political* past. However, the focus will be not on what is remembered, but more precisely on those who remember, that is, the social and political carriers of the memories (in Max Weber’s words the *Trägerschichten*).

Political culture remains an elusive as well as a controversial expression. Mostly, it has been used to refer to attitudes, orientations, feelings and evaluations of political “objects”: the self and its role in the political system; the knowledge of the workings of the political system; the relationship between the self and the political system. Though these three components may be subject to change, especially under the impact of dramatic events, most authors would stress that changes in political culture are rare, slow, limited, often of a generational nature.

Long forgotten by US political scientists during the so-called behavioral revolution, the study of institutional change made its re-appearance in the early Sixties only to blossom and, seemingly, to thrive in the past two decades or so. There is now an overall agreement that institutions are patterns of behavior: rules, procedures, arrangements that consist of and produce orderly interactions. In a way, a Constitution contains a variety of institutional arrangements aimed at constructing and maintaining political order. Institutions are created, transformed, overturned, replaced. On the whole, however, they exhibit a fair amount of stability. Their functioning and their transformation are affected by the political memories and the political culture. In turn, they affect both.

*The problem.* Most studies of “political development” in its heyday from the late fifties to the early seventies contained references to institution-building. However, in post-colonial countries there could not be very much of a memory to be put to work in order to create new institutions. Hence, the models, if any, for the processes of both nation-building and state-building had to come from European and American experiences. Since we are at Columbia, let me underline that a famous political sociologist, Seymour M. Lipset, who received his doctorate in 1949, wrote an excellent analysis of the USA as *The First New Nation: the USA in historical and comparative perspective*, New York, Basic Books, 1963. The apparently obvious conclusion was that there is not much to be imitated from the exceptional US experience. The question still looms large regarding what and how can be “exported” and/or imported and which, if any, components of the US models have some cross-country relevance and validity.

In any case, my focus will not be on export/import of models and on possible imitations, but on learning through memory and on applying those memories to shaping institutional change. Thereafter, perhaps, on the basis of what will seem possible to learn from some specific cases, a more general view, a quasi theory may emerge. For reasons of expertise, but also because they have a lot to say concerning the impact of memory on political culture and institutional change, I have chosen three European cases: France, Germany, and Italy. Of course, the three countries had gone through a more or less intense authoritarian/totalitarian phase. Moreover, to overcome and go beyond their past they all had to formulate a new Constitution. What I will be analyzing is how the process of Constitution-making has been affected by the memories of the major political actors concerning previous important and, by all means, dramatic events and which consequences those memories have had on the choice of the institutional solutions.

No Constitution is ever simply the product of some, no matter how original and sound, technical and specialized knowledge. Especially when there is no fallback position, that is when

it is imperative to draft a Constitution, the wisest of the Constitution-makers will try to find and will rely on what I am going to call a *founding myth*. In some cases, however, that kind of myth will simply not be available. Hence the Constitution will dangerously float between a past absolutely to be rejected and a future imperatively to be constructed. Of course, then, much will depend on how the constitution-makers (want to) remember of that past and on the impact of that past on the goals that have to be defined. Leaving aside all these somewhat abstract, though necessary, statements, my paper will go through three different stages. I will first offer an extremely synthetic overview of the past of the three political systems I have chosen and I will suggest which were the pitfalls and the traps to be avoided in the eyes and declarations of the Constitution makers. Second, I will see which institutional solutions were proposed and approved to avoid the reappearance and the repetition of all past mistakes. Third, in the conclusion, I will evaluate whether the institutional solutions that have been implemented have in practice also been successful. At least in a preliminary way, the measure of success will be represented by the lack of reappearance of the problems having characterized the previous (mal)functioning of the institutions.

*France.* My exploration starts with the case of France. There are two good reasons to begin with France. The first one is simply chronological. Approved in October 1946, the Constitution of the Fourth French Republic precedes the Italian Constitution that was approved in December 1947 and the German Grundgesetz (officially and deliberately not a Constitution) approved in May 1949. Moreover, France generously provides the scholars with a second post-war Constitution to be analyzed, that of the Fifth Republic approved by referendum in September 1958 and enacted few days afterwards in October.

Somewhat paradoxically, the Constitution of the Fourth French Republic avoided any reflection, consideration, evaluation of what had gone wrong with pre-1940 French politics, responsible for making room for a swift defeat inflicted by Nazi tanks and for the puppet collaborationist regime of Vichy led by Marshal Pétain. Contrary to the preferences and the suggestions of Gen. de Gaulle, the Fourth Republic appeared to be nothing more and nothing better than a limited cosmetic revision of the Third Republic. Strenuously opposed by de Gaulle, the first draft was rejected by French voters in May 1946. The second slightly revised draft, that remained unpalatable to de Gaulle, was approved in October 1946, as the General drily remarked “à la minorité des faveurs” because the number of those who voted “no” plus of those who did not go to the polls was higher than the number of those who were favorable and voted “yes”. In a more extended comment, he noted that the Constitution had been approved by 9 million voters, rejected by 8 millions and ignored by 8 millions. Understandably, the Fourth Republic never enjoyed a high level of legitimacy, and de Gaulle never stopped his attempt to delegitimize its Constitution. Finally and, probably, inevitably, the Fourth Republic collapsed. It was not just because of the crisis of decolonization and the war lost in Indochina. The decisive detonator was provided by the request of independence by the Algerians. But the causes of the collapse ran deeper in the very fabric of the Constitution and the political system of the Fourth Republic. The *régime des partis* had discredited itself even more sinking into a dismal sequence

of short-lived, litigious, unproductive governments, vindicating de Gaulle's continuous scathing criticisms.

Here one may find the paradox of two distinctive memories. On the one hand, there were the traditional politicians of the Third and Fourth Republics all too willing to revive the only political game whose rules were well-known to them. They proved unable to reflect on what had gone wrong during the Third Republic and had continued to go wrong throughout the Fourth Republic. Those traditional politicians refused to entertain the idea that the political and military weakness of France had been largely due to her institutional arrangements. It may be interesting to remark that among them was to be found François Mitterrand, later to become President of the Fifth Republic for two terms (1981-1988 and 1988-1995) who made his first steps of successful career during Vichy and the Fourth Republic, later becoming one of the most sanguine opponent of those very institutions that would serve his ambition very profitably. On the other hand, there was a lonely, austere, intransigent General and a handful of loyal collaborators, all distrustful of politics.

De Gaulle's preferences were quite different from those politicians' and not the manipulated product of afterthoughts. They were clearly spelled out in his pre-Second World War statements, pamphlets and books, and in his memoirs. On the one hand, he was fully steeped in the French historical tradition of great political leaders, of heroes. On the other hand, he thought he had clearly understood the roots of the problems and he was confident that the blame had to be put on the nature of the Republic's institutions offering too much political space to the parties and their petty voracious leaders. In the transition from the Fourth to the Fifth Republic, there was another important memory that counted in a highly significant way, more than one would have expected. It was the popular memory that attributed to Gen. de Gaulle the role of savior of France. Indeed, though he had fled the country when it was conquered by the Nazis, his relentless efforts to organize a domestic network of active opposition not only against the occupants, but also against the regime of Vichy, meant that the dignity of France was saved and it almost became enshrined in his persona.

Two general memories played a significant role in shaping de Gaulle's constitutional vision. The first was, as I have briefly anticipated, the role played by great personalities in French history: foremost, Jeanne d'Arc and Napoleon. The second memory was represented by the negative role played by political parties, party leaders enmeshed in their incessant, selfish bickering. The institutional solutions followed suit. De Gaulle wanted to create a new relationship between French voters and their representatives and office-holders. Here I will not enter into the specific details of the French double ballot run off electoral system. Applied in single-member constituencies this electoral system offers the opportunity, both to the voters and the candidates, to put a premium on personal qualities, that is, to personalize both electoral competition and political representation. Personalities are, of course, the best antidote against the headless and irresponsible *régime des partis*. Politics is also about creating some psychological identification between the citizens and their political leaders and representatives.

De Gaulle was perfectly placed to offer this kind of psychological identification. However, he wanted to do more.

The popular election of the President of the Republic was meant to free the voters from too tight an affiliation with their parties (in France always comparatively weak). The Constitution of the Fifth Republic also offered the opportunity or, better, was so designed as to accommodate de Gaulle's personal charisma. The exceptional personal and political qualities of a man who had twice saved France were purposefully "institutionalized", as Max Weber would put it, in the institutions of the Fifth Republic. Though not especially committed to it, de Gaulle did not oppose a second form of institutionalization of his charisma that, this time, could take place in a party never explicitly called "Gaullist". No doubt could exist on the origins of that party, variously named through time, on its nature, and, as long as de Gaulle remained in politics, on who was the leader. That the Gaullist party was a successful case of institutionalization of the General's charisma is proved by several facts. It has easily survived the death of its founder. It has accommodated different leaders and sustained several Presidents. As of today, the Union (a typical Gaullist word) pour un Mouvement Populaire (UMP) continues to be by far the dominant party of the French party system.

*Italy.* In 1945 the Italian situation was quite different from the French one, but not such as to make any comparison impossible. However, the impact of Fascism on the Italian political culture had of course been much greater than that of Vichy. Moreover, in a way it had obliged the Italians to face squarely their authoritarian past while the French tried to sweep all the traces of Vichy under the carpet of a temporary experience imposed on them by the Nazis. Inevitably, all those who were elected to the Constituent Assembly had had a personal experience of life under Fascism, even though several of them had spent some or much of their time abroad, in self-imposed exile. Some of the members of the Constituent Assembly had also served in political roles before the advent of Fascism, that is, in the limited (in terms of voting rights) democracy and liberal State run by Giovanni Giolitti (1900-1914). Nevertheless, it quickly became clear to all of them that they were going to live through an entirely new situation and to play a totally different ballgame in which mass parties were going to become the dominant actors, soon all too dominant. Two memories competed for attention as well as in terms of influence on the drafting of the Italian Constitution. In a way, the Constitution contains a blending, a merger of both memories. On the one hand, the Constituents interpreted Fascism not so much as a social movement, but as a regime that had been constructed by one powerful man: Benito Mussolini. On the other hand, many of them appeared to have overestimated the impact of anti-fascism and the Resistance on the political culture of the Italians. Several political and institutional "translations" and transformations followed.

If Fascism had fundamentally been the creation of one man, then it was imperative to organize the new political and institutional system in such a way that no facilitating condition would ever again make its reappearance. Widely entertained in the Constituent Assembly, this position was congruent with the feelings of those who believed that Giolittian liberal democracy had been fundamentally sound, but betrayed by the King who was responsible for appointing

Mussolini head of the government. Once, having gotten rid of the Monarchy, Italy could re-instate a traditional parliamentary democracy. The political discourse could easily and smoothly reconnect with the pre-Fascist democratic experience. The best indication that this reconnection was recommended especially by the stratum of Liberal politicians is found in the beginning line of the first editorial column published in “il Corriere della Sera” by one of its most prestigious collaborators, Luigi Einaudi, later Governor of the Bank of Italy and first President of the Italian Republic. Its incipit “Heri dicebamus” (“Yesterday, we were saying...”) tells it all. In fact, if one is looking for an example of a powerful alternative narrative or counter-narrative, Luigi Einaudi’s appears almost perfect. Here one is offered the interpretation of Fascism as a temporary interruption of a slowly developing, but unstoppable, democratic experience, as propounded by the famous liberal philosopher Benedetto Croce for whom Fascism had just been a parenthesis without consequences and, just like the eight hundred years of occupation of Egypt by the Hyksos, had left no traces whatsoever. There is also the implicit suggestion that it was not only possible, but advisable to turn the clock back. There is, finally, the confidence that the old times can be revived because, after all, they were not too bad.

There was an implicit convergence of this view with the memory of the leaders and parliamentarians of the mass parties who desired to eliminate the institutional arrangements that had made possible the concentration of political power in the hands of Benito Mussolini. Later, this overall attitude was defined as “the complex of the tyrant”. The institutional consequence was highly significant. The expression “capo del governo” was banned from the political language. The two words “Prime Minister” were knowingly and explicitly rejected. The head of the government was deliberately called “President of the Council of Ministers” to signal and stress that he was not a *primus super pares*, but only a *primus inter pares*, not a first *above* equals, but a first *among* equals. Of course, it was not just a matter of words. The actual powers allocated to the President of the Council of Ministers were so limited that, at the end of their day, even the Constituents realized that something had to be done. But the wise recommendation drafted and voted by a large majority meant to “find institutional mechanisms to stabilize Italian governments” remained without consequences. In a parliamentary democracy, all governments are bound to be at the mercy of their parliaments. In the Italian case all parliaments were (and, on the whole, still are) dominated by political parties. Hence, Italian governments have been at the mercy of Italian parties and, very often, of party factions. Nevertheless, just for the record, all things considered, between 1946 and 1958, there were fewer governments and fewer heads of government in Italy than in France.

It is difficult to say whether in drastically limiting the power(s) of the President of the Council of Ministers one could also refer to a deep-seated component of the Italian political culture. The saying is often quoted that Italy is a country of “poets and navigators, saints and artists”. It also includes heroes, but it remains unclear if these heroes are, indeed, political leaders. Most certainly, Giuseppe Garibaldi is the paramount national Italian hero. But the Risorgimento was led and accomplished by an Italian political class, the Destra Storica, guided by Camillo Benso Count of Cavour, most certainly not interested in, as one would say today, personalizing his

politics and becoming a “hero”. Even the Resistance movement shun away from personalization. Indeed, there is no official leader/hero of the Resistance. Several men, all of them prominent, none of them more important than the others, led the Comitato di Liberazione Nazionale dell’Alta Italia (CLNAI). Therefore, for better or worse, there was no charisma to be institutionalized into the Italian Constitution.

The attempt was made to institutionalize the collective memory of antifascism and the Resistance. More precisely, for more than twenty years or so following its approval, most politicians, though especially those on the left, would begin all speeches and celebrations referring to the Constitution and the Italian Republic as born from and grounded on antifascism and the Resistance. In a way, the antifascist character of the Italian Constitution was located, perhaps, relegated in the Disposizioni transitorie e finali, where it is clearly stated that “the re-organization of the disbanded Fascist party is forbidden in whatever form”. Perhaps, antifascism and the Resistance movement always were a founding myth for the minority of Italian citizens. In truth, especially throughout the thirties Fascism enjoyed a fair amount of (passive) consensus and active antifascism was largely practiced through a limited number of individual actions with no political consequences. The large majority of Italians, more or less consciously, accommodated themselves in a wide gray area. In the post-war period, it was easy for these Italians to deny any personal allegiance to Fascism and therefore not to reckon with the authoritarian nature of the regime. Of course, as a consequence, this also meant that there was no collective shared memory of the past. The re-invention of an anti-fascist past could not at all work. Like the Risorgimento, though slightly less, the Resistance had been a phenomenon involving only some areas of Italy: a four-day event in Naples; for some time, the city of Rome; then, Tuscany and all the regions North of the Appennines. At the end of the war, the quality of combatant partisans was recognized to about 230 thousand men and women. Finally, though it can be said that most of the time the partisans had indeed received support from the population, this by no means produced massive consensus for their ideas and their projects. Even more so because the partisans and their parties entertained quite different ideas concerning the meaning of the Resistance and the future of Italy.

In Italy there have always been serious complaints and widespread preoccupations concerning the existence of a very weak, almost evanescent sense of belonging to a national State. The oft-quoted sentence attributed to Massimo D’Azeglio, one of the leading personalities of the Destra Storica, “fatta l’Italia bisogna fare gli italiani” were clearly inspired by the above-mentioned preoccupation. No wonder then that, among other goals, such as providing for a democratic framework in which sovereignty belongs to the people, but there is a precise allocation of powers to the different institutions, in which the citizens enjoy inalienable rights, but they must also fulfill unavoidable duties, the Italian Constitution was meant to embody the most important political memories, as selected by the Constitution-makers, and to make them a shared cultural patrimony.

The founding myth of the Resistance was absolutely necessary to minimize the level of conflict among the parties, especially between the governments led by the Christian Democrats and the

opposition of the Socialists and the Communists during the first phase of the Cold War. But the myth also performed the task of hiding the reality of the different motivations of the combatant partisans when fighting against the Nazis and the Fascist puppet regime of Salò. In a book, perhaps not enough famous, Claudio Pavone has argued that the Resistance comprised three overlapping, but distinct, wars. Working with a wealth of different types of documents, including recollections and memories of many who fought those wars, the left-wing historian has come to the persuasive identification of the simultaneous presence of a war of national liberation, a class war and a civil war. Defeating the Germans and pushing them out of the Italian territory was the main goal of those who were fighting a war of national liberation. But the Nazis were the allies of Fascism and the sponsors and indispensable supporters of the Fascist Republic of Salò. Therefore, the partisans were obliged to fight also a civil war against their fellow citizens who had remained within the Fascists ranks or joined them. All partisans were fighting for the recovery of the dignity of their motherland, but some aspired to a totally new political system and to new society. They wanted something resembling the then much extolled and little known Soviet Union. Those partisans felt they were also fighting a class war against the Italian bourgeoisie, the entrepreneurs and the landowners who had been responsible for the advent of Fascism and had thrived under its brutal rule. For them, the Resistance was the first step toward a socialist revolution and a truly new Italy.

The war of national liberation was won, but many Italians believed that the contribution of the Resistance had been limited and that the success was due to the presence and the activities of the Allied Forces. The civil war was won by the partisans, but obviously in too many areas there never was a single unified memory. Once more a large gray area made its appearance between those who were praising the Resistance and those who nourished resentment and hate, who felt their feelings were neglected and despised, who believed that history had been manipulated. Five decades later, a famous allegedly left-wing journalist, Giampaolo Pansa, has exploited those memories and feelings and taken advantage of the revisionist "spirit of the time" to write a number of highly publicized, best-selling books of no historical value. The class war was definitely not won. It did not even come close to success. The Communists (I do not want to be more precise than this) thought that it was and/or it had to be postponed. This gave birth to the belief that the Resistance had been betrayed. Then and later, in the sixties, the Communists were accused of that betrayal. Some groups making part of the red terrorist galaxy did indeed claim that the time had come for a New Resistance.

Since I am dealing with the relationship between memory, political culture and institutional change, I must underline that the legend of the Resistance betrayed was also entertained by components of the Resistance movement other than the Communists. Indeed, the most important statement to this effect was written by one of the most influential Constitution-makers belonging to the Partito d'Azione. Piero Calamandrei, professor of Constitutional Law at the University of Florence, wrote that the Italian Constitution was "a promised revolution in exchange for a failed revolution". If the promise also consisted in a sort of reconciliation of divided memories, it is now clear that it is a failed promise. Judging from the thirty-year long and



sterile debate on constitutional reforms, not only do collective memories in Italy appear sharply divided, but any type of convergence seems absolutely unlikely. Indeed, the recurrent debate on the reform of the Constitution has not provided any meaningful solution. It has only exacerbated the differences conspicuously exploited by unscrupulous oblivious politicians.

*Germany.* Of all countries, it was in Germany that the memory of the past could not be more traumatic and more devastating. It was also accompanied by a deep, though not fully shared, feeling of (historical and, perhaps, collective) guilt. The simple loss of entire German enclaves in Eastern Europe and the partition of her territory meant that there were millions of refugees as much humbled as enraged. At first, the country was militarily occupied and her overall destiny was uncertain. The occupation by the Allied Military Forces and by the Soviet Union continued while the Constitution was being drafted and finally approved in 1949. By that time Germany had been partitioned. The leaders of West Germany, that is of the Federal Republic of Germany, decided to leave the door open to reunification. Therefore, the text they approved was not given the title and the status of Constitution, but of Fundamental Norm: *Grundgesetz*. Such remained until 1990 when an accelerated, critics would say hasty, reunification took place and the *Grundgesetz* became with few necessary adjustments the Constitution of Germany. Still, it did not change its name to *Verfassung*.

Much had gone wrong in the Weimar Republic, both from the political and from the institutional point of view. There also exists a massive amount of literature exploring the social causes of the collapse of Weimar and relating it to some aspects of the so-called "German character". Even though the international environment put a lot of pressures on Weimar Germany, there was nothing inevitable in the collapse of the democratic Republic. In any case what counts for my analysis are the memories entertained by the post-war political actors and the role they played in the drafting of the *Grundgesetz*. As a matter of fact, in Germany the situation was much more complicated than in France and in Italy. Even though defeated, devastated, and occupied, Germany remained more important from the point of view of the dynamics of international affairs than the two other countries. In addition, those interested and involved in reorganizing the political system were not just German domestic politicians. There were two other sets of actors: the Allied Forces, though, enmeshed in their own problems, the French quickly renounced any attempt to exercise influence, and their advisors and consultants plus German politicians and political scientists who had gone and lived in exile.

All the constitutional solutions that were searched and explored had to be capable of addressing the overall problem that was central to the preoccupations of all scholars and politicians: what had gone wrong in Weimar? This question can be re-stated with specific reference to the Weimar Constitution. Hence, which, if any, institutions and mechanisms of the first democratic German Constitution should be considered responsible, in the evaluations of a variety of political and technical actors, for creating the conditions leading to the collapse?

When discussing the Weimar Constitution two elements are often underestimated or even neglected. The first element is that it was drafted by some of the most important, widely respected and acclaimed professors of constitutional law of the time. Technically, it was also considered almost a juridical, legal-formal jewel. The second element is that the Weimar Constitution has in some ways been resurrected or resuscitated, more or less knowingly and deliberately, by those who have drafted the Constitution of the French Fifth Republic. Indeed, the Weimar Constitution represents the prototype of semi-presidential regimes. In itself, the Weimar Constitution was not simply a rational and appropriate response to technical imperatives. It was also the product of a cultural environment in which important and influential analyses had been carried out as to the allocation and exercise of leadership and political power, for instance, by Max Weber and Roberto Michels. In itself, this would be another splendid topic for (comparative) research.

The two most controversial components of the Weimar Constitution considered responsible for facilitating its collapse are: first, the direct popular election of the President of the Republic endowed with significant executive powers and, second, the proportional electoral system. Obviously, both were grounded in persuasive argumentations. The demise of the Emperor required that his successor enjoyed a comparable legitimacy, especially after a lost war, and the direct popular election involving all the citizens could in practice provide that type of legitimacy. There was no doubt at the time that Germany was a highly diversified society in terms of political preferences. Hence a proportional electoral system seemed the most appropriate to provide for the representation of all relevant political preferences. This was the solution considered by far preferable by one of the most famous and influential professors of comparative law, Hans Kelsen. Moreover, it was already well known that PR makes it very difficult for the winners to obtain the absolute majority of seats and for the losers to be reduced to a negligible minority. In a way, not only is PR considered apparently more capable of providing satisfactory political representation, it is also a “defensive” electoral formula.

We have seen that in Italy the “complex of the tyrant” played a perhaps exaggerated role in curtailing the figure and the powers of the President of the Council of Ministers. In Germany there was no doubt from the beginning that any and all popular elections of the executive could not make part of the new Grundgesetz. The price to be paid was going to be a very slow process of political identification by the Germans with their new political system. On balance, it was considered an acceptable price. However, though highly facilitated by the visibility given to him by his success in the presidential elections, Hitler’s ascent to power was not simply to be attributed to his personal popularity. Indeed, most Constitution-makers pointed to the instability of German governments and to the weakness of the Chancellors vis-à-vis Parliament (to be more precise, the Reichstag) as the conditions that had worn out the solidity and the legitimacy of the institutions and opened the way to Hitler.

This specific political memory, that is, the double vulnerability of the Chancellor, produced perhaps one of the most important institutional innovations ever devised in parliamentary democracies to protect and to buttress the head of the government: the constructive vote of no

confidence. Disorganized, litigious, ideologically distant and incompatible oppositions may join to defeat a government and oust its leader. However, they may not be able to give birth to a different and better government supported by a more cohesive parliamentary majority. The constructive vote of no confidence has proved to be an excellent mechanism from several points of view. First of all, an aspect that is often underestimated, it has worked as a deterrent. All those who may want to weaken, to defeat and to replace a government and its Chancellor are possibly/probably deterred from doing so by the need to rely on a new pre-confectioned majority. This is why there have been only two instances in which the constructive vote of no confidence was put to use: in 1972 and in 1982. In the first case, the Christian Democrats activated it against the incumbent Socialdemocratic Chancellor Willy Brandt, but they failed to muster enough votes to replace him. It is of some interest to recall that the losing Christian Democratic candidate Rainer Barzel immediately thereafter disappeared from the political scene. In the second case, the procedure worked perfectly according to the rules. The Christian Democrats and the Liberals tabled a motion of no confidence against the incumbent Socialdemocratic Chancellor Helmut Schmidt and ousted him. Within the mandatory forty-eight hours (I venture to hypothesize that such a short period of time was chosen in order to make impossible ex-post facto protracted dealings) they voted the confidence to the incoming Chancellor Helmut Kohl opening the way to the second longest (the longest remains that of the Swedish Socialdemocratic Prime minister Tage Erlander, 1946-1969) consecutive tenure for a head of government in the history of contemporary democracies: sixteen years (up to 1998) and victory in four national elections.

Second, it has most certainly provided for a spectacular political stability of German governmental coalitions, governments and, of course, Chancellors. On the whole there have been four types of governmental coalitions in Germany: CDU-FDP (1949-1966; 1982-1998; 2009-2013); SPD-FDP (1969-1982); SPD-Greens (1998-2005); CDU-SPD (1966-1969; 2005-2009). Though there have been several, rarely large, reshuffles, most German governments have completed their entire parliamentary term without significant changes in the most important ministries. What is probably hard to believe is that in the 1949-2009 period there have been fewer German Chancellors than British Prime Ministers (not to speak of course of French and Italian heads of government), to be precise eight vs twelve.

Finally, the vote of constructive no-confidence has allowed a very smooth transition in the only case, in 1982, when it has worked through its full procedure. This is not a small achievement both for Germany and in comparative perspective.

Most scholars converged in criticizing the proportional electoral system utilized in the Weimar Republic. Many have considered it responsible for the fragmentation of the party system and, as a consequence, for the subsequent difficulty in the formation of the governments (and a cause of their instability). The most uncompromising and bellicose critic, not just of the type of proportional representation utilized in the Weimar Republic, but of all proportional electoral laws was Ferdinand Hermens. While in exile in the United States, he published two books explicitly devoted to a dismantlement of any virtue proportional systems might have or claim.

He was adamantly in favor of the first past the post system applied, of course, in single-member constituencies. For reasons having to do with their own political experience, understandably both the English and the American advisors to the process of institution-making were inclined to support the idea that a plurality system would better serve the purpose of creating a viable democratic regime. However, not all German scholars were sharing Hermens' diagnosis on the electoral reasons leading to the collapse of Weimar nor his prognosis, that is, the enactment of a plurality system. Paramount and decisive were the different views and preferences formulated and expressed by the large majority of German politicians, not only those who had lived in Nazi Germany and survived.

For many good reasons, that I have already briefly sketched above, they reached an overarching agreement on the need for a proportional electoral law. Following twelve years of National-Socialism, in a devastated, impoverished and occupied country, German politicians believed that it was indispensable to obtain as faithful a representation of political preferences as possible. Nevertheless, on the one hand, the memory of party fragmentation loomed large on very many of them. Hence, they decided to introduce a five per cent clause for the parties to obtain parliamentary representation. On the other, the idea that voters and candidates ought to enter into a closer relationship than that usually provided by PR seemed appealing. Accepting several indications and suggestions deriving from the Anglo-American experiences, the Germans came to devise an intelligent structure of the ballot on which the voters could choose on the left side their preferred candidate and on the right side their preferred party (and could also proceed to split their vote). This way, personalized proportional representation came into being, not fully rejecting the electoral formula of the past, but creatively redefining it.

When the five per cent clause was introduced it had already become clear that neither the Nazi Party nor the Communist Party would muster enough votes to overcome it and to obtain parliamentary representation. All the defects of proportional representation in terms of party fragmentation and coalition instability should not hide that, in the end, the problem of the Weimar party system was the dynamics of the competition that was deployed because of the combined existence of two anti-system parties: the Nazis and the Communists. The essence of this competition that doomed Weimar was captured and given theoretical dignity by Giovanni Sartori's model of polarized pluralism. Both opposition parties wanted, in fact, to destroy the system so they could temporarily and strategically join forces against the parties that were supporting the government, fatally weakening them, emptying the center of the party system and producing the collapse of the regime itself.

Perhaps, the outlawing of the two extreme parties might have not been necessary. But the memories of Nazi and Stalinist Communist past behavior in addition to some harsh reality, after all, East German was on her way to become a sort of show case for Soviet Communism, advised German politicians to get rid of all possibilities for their reappearance. Both the Nazi and the Communist parties were declared unconstitutional in a short period of time by the German Constitutional Court. Several attempts were made by right-wing political organizers to regroup former Nazi sympathizers and *nostalgics*. They all failed also because of the exclusion clause. As

to the Communists, they have had an even harder time. With the disappearance of East Germany, literally swallowed by West Germany, the Communist Party of East Germany (SED, Sozialistische Einheitspartei Deutschlands) found no difficulty in changing its name PDS (Partei des Demokratischen Sozialismus) partially renewing its leadership. Finally, it has entered into a coalition with left-wing Socialdemocrats presenting joint candidates under the label Die Linke (The Left).

Looking back to their constitutional history, German Constitution-makers had nothing to recover and to polish. It immediately became clear that there was no memory either that could be put to use as a founding myth of what seemed in any case for several years a precarious Republic with a provisional Constitution. When asked in the late fifties in the context of an important cross-national survey research what made them proud of being Germans, the item that received the highest percentage, around 50, of favorable responses was the German *soziale Marktwirtschaft* (social market economy). It is possible to state that the German economic miracle, something to be proud of for all Germans, also admirably served the purpose of making the legitimacy of the Constitution grow considerably. Technically, one ought to speak of political legitimacy acquired through economic performance. The Grundgesetz and the political system hereby designed could be evaluated in a favorable light because they accommodated and, on the whole, in slightly more than a decade, they gave a significant contribution to the appearance of an economic giant: an impressive success story.

Several important transformations followed in the political culture of the Germans, all supporting the new political system and providing a different conception of the role of Germany on the international scene, and even more in the European Union. In order to prevent any sliding back into a past characterized by the feelings of racial and cultural superiority, in 1979 a famous political theorist and political scientist, close to the Christian Democrats, Dolf Sternberger coined an expression *Verfassungspatriotismus* (constitutional patriotism) destined to become famous. However, the fame arrived only after the philosopher and sociologist Jürgen Habermas started preaching the importance of shared values to be found in the German Constitution (perhaps, in all “good” constitutions), as the most appropriate foundation for living together.

### *Preliminary conclusions*

In the shaping and drafting of their respective constitutions, France, Italy, and Germany have gone through three quite different processes. The influence of the political memories of the Constitution-makers and, subordinately, of their political culture was affected by significant historical factors as well as conscious decisions, but also by objective conditions/circumstances. The Constitution-makers of the Fourth French Republic simply acted as if there was nothing to be learned from the memory of events, defeat, German occupation, a puppet regime, from the 1940/1944 period and the weakness of their own Third Republic. They wanted to revive their

*politique comme d'habitude* (politics as usual). It was only after the painful learning process of the sinking of the Fourth Republic that they were obliged to be rescued by Gen. de Gaulle and to bow to his views on how to construct a viable Republic capable of pursuing and maintaining the grandeur that is the hallmark of France. Here, the key element has been the fortunate existence of de Gaulle's charismatic power and its institutionalization in the Fifth Republic.

In Italy, memories of Fascism played an all important role. In fact, antifascism and the Resistance were propounded as the founding myth of the democratic and Republican Constitution. Several positive as well as negative consequences followed. On the positive side, the Constitution has successfully worked to constrain and assimilate into the democratic framework two anti-system parties, the neo-Fascists and the Communists. One could say that, in a way, the Communists tied their hands by overstressing their participation in and contribution to the drafting of the antifascist Constitution, while the neo-Fascists adamantly opposed it. Once, after decades of uncritical (and perhaps hypocritical) extolling of the Constitution, all parties and political cultures were "assimilated" and integrated, however, it became clear not only that the founding myth was rejected because considered partisan and not truly national, but instead of relying on shared memories, a threatening challenge was launched. Not only are Italian political memories divided. They clash both on the nature and the interpretation of the Constitution and on the highly controversial need to reform it.

No charismatic power after the dramatic experience with Hitler was desired. No founding myth could exist in a defeated and occupied Germany. Not even a full-blown Constitution was bound to appear. There was space only for a low-key, though technically highly innovative, Fundamental Norm, the Grundgesetz. This has proved the blueprint for success. Only one question arises: has the Grundgesetz been strengthened by German reunification or conflicts and tensions, some of them nourished by different political memories, descending from a huge historical achievement may still harbor some unexpected challenges? Has Constitutional patriotism been revived in order to face and defeat those post-unification challenges? What if patriotism will have the upper hand on the constitutional norms?

There are plenty of questions for my research in the making. The two most important ones refer, first, to the constitution-makers themselves: who were they, how had they been selected, which kind of memories they entertained and made public; second, to the specific connection between political memories and institutional solutions, more precisely to the way the various solutions were offered, argued, and discussed and which ones carried the day and why.