

Creating a Cross-National Database of Party Laws

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Prepared for Delivery at the 2006 Annual Meeting
of the Midwest Political Science Association,
Palmer House Hotel; Chicago, Illinois

Panel 32-9 THE BEHAVIOR AND GOVERNANCE OF PARTY ORGANIZATIONS
Saturday, April 22 - 10:30 am - 12:15 pm

Abstract

I describe a computer database of 1,101 party laws enacted in 169 nations. The database was created to assess “how nations govern political parties.” Each entry in the database is tagged by the law’s *origin* (constitutions, national legislation, court rulings, and so on) and its *target*: political parties, political groups, elections, campaigns, candidates, voters, or government. I used the database in “Adopting Party Law.”* The study is available as a PDF file at NDI’s web site: <http://www.ndi.org/globalp/polparties/programspp/db.asp>, the database itself is also available online. The database was created in FileMaker Pro, a computer program that runs on both Windows and Macintosh computers.

* Kenneth Janda, “Adopting Party Law,” in *Political Parties and Democracy in Theoretical and Practical Perspectives* (Washington, DC: National Democratic Institute for International Affairs, 2005).

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Existing Studies of Party Law

There has been little comparative research on state-based party law. An Internet search for “party law” or “parties law” over 430,000 entries in the Worldwide Political Science Abstracts database returned only 26 citations; four of which were to web sites. Of the 26 citations, 18 were somewhat relevant, but nearly all were on party laws in specific countries (Jordan, Germany, India, Spain, Italy, etc.). Eight of the 26 were in a foreign language (5 in German). Comparative analysis of party law is not often studied.

Analytical Studies

In 1994, Leslie Seidle, a Canadian scholar, wrote a brief paper on party law for the National Democratic Institute. Seidle relied heavily on the 1974 Canadian Elections Act and drew comparisons with German, French, Australian, and American law.¹ He examined the rationale for public regulation of parties and its objectives, most notably the regulation of party finance.

In 2004, USAID commissioned a paper by Richard Katz on “Democracy and the Legal Regulation of Political Parties.” Katz’s paper, although similarly brief, was less comparative and more analytical, distinguishing between “party statutes” and “party laws.”² Katz defined party statutes as “sets of rules generated by each party for its own internal governance,” and he reserved the term “party laws” for the body of state rules concerning what parties must and must not do—what is legal and illegal in party politics. Katz cited three objectives of state-based party law:

1. *To determine what constitutes a political party.* This determination often spawns additional party laws: who qualifies for ballot access, who benefits from public resources (such as subsidies or broadcast media), who participates in the government and how, and so on.
2. *To regulate the form of activity in which parties may engage.* This umbrella heading covers the raising and spending of funds, campaign activities, and issue stands in party platforms or manifestos, and more.

¹ F. Leslie Seidle, “Regulation of Political Parties: Rationale and Modalities,” paper prepared for the National Democratic Institute for International Affairs, dated July 25, 1994. Pp. 1-16.

² Richard S. Katz, “Democracy and the Legal Regulation of Political Parties,” Paper prepared for the USAID conference on “Changes in Political Parties: United States Agency for International Development, Washington, D.C., October 1, 2004, p. 2

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3. *To insure appropriate forms of party organization and behavior.* Of his three objectives, Katz held this to be the most controversial, because it intruded into internal issues of party leadership and social relationships. Laws could require parties to elect officers by party members, but a party might prefer to choose them through a party congress. Laws might also demand gender or ethnic equality, or laws might require maintaining party organizations in various national regions. One can conjure many other policy goals that nations seek to implement through party law.³

Wolfgang Müller, treated party law at length in a 1993 article concerning the role of institutions in party change. Müller said that state laws governing political parties constitute

the most direct form of state intervention in party politics. In principle, party laws can require political parties to fulfill specific conditions that relate to content' (e.g., intra-party democracy, acceptance of the democratic order) and/or to 'form' (e.g., party statute, minimal level of activity).⁴

Almost ten years later, Müller returned to the topic of party law in discussing the “institutional framework” within which parties operate. He contrasted passing individual statutes regulating parties and their activities with enacting a comprehensive Party Law to govern parties, which he says occurred in Germany:

Germany is arguably *the* Western European country in which party law has the greatest relevance. Article 21 of the Basic Law and the Party Law of 1967 embody the principle of *wehrhafte Demokratie* (militant democracy).⁵

A decade ago, Dan Avnon reviewed such enactments of national legislation to govern political parties, which he called “Parties Laws.” Avnon identified nine countries that enacted Parties Laws between World War II and 1994:

Venezuela in 1965; Germany in 1967 (based on Section 21 of the 1949 Constitution and in the context of the need to regulate party finance); Finland in 1969 (as part of extensive constitutional reform passed that year); Austria in 1975 (in the context of establishing order in finance of party activities); Spain in 1978 (a direct extension of Section 6 of the Constitution adopted that year), Turkey in 1980 (following previous 1965 legislation), Argentina in 1982, Poland in 1990 (part of the process of democratization), and Israel in

³ *Ibid.*, pp. 2-3.

⁴ Wolfgang C. Müller, “The Relevance of the State for Party System Change,” *Journal of Theoretical Politics*, 5, (October 1993), pp. 419-454.

⁵ Wolfgang Müller, “Parties and the Institutional Framework,” in Kurt Richard Luther and Ferdinand Müller-Rommel (eds.), *Political Parties in the New Europe: Political and Analytical Challenges*. (New York: Oxford University Press, 2002), p. 262.

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1992 (as part of a constitutional reform).⁶

Avnon reported on seven of the nine Parties Laws (excluding those in Turkey and Argentina). He found that most of those Parties Laws addressed their (1) legal status, (2) definition, (3) registration requirements, (4) internal organization, (5) party finance, and (6) legal sanctions for non-compliance.

All authors quoted above also said that party law could emanate from national constitutions. Nevertheless, very few studies analyze constitutions as sources of party law. The British constitutional scholar, Eric Barendt, is one exception. After noting the key role that parties play in parliamentary democracies, Barendt says:

One might, therefore, expect constitutions to lay down some framework rules for political parties, at least to prevent them adopting totalitarian policies and to safeguard the rights of individual members. But constitutions rarely say much about parties, while some have totally ignored their existence. . The United States Constitution has never taken any notice of them, an attitude which is shared by the uncodified arrangements in the United Kingdom.⁷

While few constitutions might contain provisions concerning political parties, Barendt says that courts make *constitutional law* through rulings on political parties under other constitutional provisions. That is certainly true in the United States, and even in Britain, which has fundamental law if not a single constitutional text.⁸ Accordingly, Barendt compared the constitutional framework governing political parties in the United Kingdom with that in Germany, France, and the United States.

By expanding the constitutional framework governing political parties to include constitutional law, Barendt accommodated a large literature on legal rulings on parties in the United States. This is reflected in *The Law of Democracy*, a massive (1,100+ page) volume in the University Casebook Series for American law schools.⁹ Written by three law professors, it contains a 100-page chapter on “The Role of Political Parties” and another on “Money and Politics.” This is the definitive work for scholars and practitioners interested in the legal framework of party politics in the United States. Unfortunately, it says very little about party

⁶ Dan Avnon, “Parties Laws in Democratic Systems of Government,” *The Journal of Legislative Studies*, 1, (Summer 1995), p. 287.

⁷ Eric Barendt, *An Introduction to Constitutional Law* (Oxford: Oxford University Press, 1998), p. 149.

⁸ *Ibid.*, pp. 26-29.

⁹ Samuel Issacharoff, Pamela S. Karlan, and Richard H. Pildes, *The Law of Democracy: Legal Structure of the Political Process*, 2nd Ed. Rev. (New York: Foundation Press, 2002).

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law elsewhere.

Empirical Research on Party Law across Nations

None of the studies cited above were very comprehensive in reporting on party law across nations. Katz, Müller, Avnon, and Barendt all illustrated their analyses with references to specific laws that affected parties in various countries, but they did not report on the extent or severity of party law across nations. Indeed, some writers seriously underestimated the incidence of party laws worldwide.

Barendt, for example, was wrong in saying that national constitutions “rarely say much about political parties.” Many often say *a great deal* about political parties. Six years prior to Barendt’s study, Jorge Laguardia published an essay on the constitutional framework for parties in Central America. Laguardia said, “Recognition of political parties first began with the Guatemalan Constitution of 1945. . . . From then on all countries in the region recognized political parties in their constitutions.”¹⁰ Barendt may have been constrained in his vision simply by the paucity of literature on constitutional sources of party law. He also may have considered only advanced democracies, ignoring practices elsewhere in the world. Actually, scores of countries mention political parties in the constitutions—as shown below.

Similarly, Avnon’s decade-old study of nations with Parties Law, which identified only nine instances, underestimated the number of nations with such statutes. Given the time he wrote, Avnon missed only a couple of instances, but many nations have since passed such laws. Today at least 27 nations have what Avnon called Parties Laws, more commonly known as “Party Law.”

Empirical research on party laws is contained in a different body of literature on comparative politics. Individual chapters in the massive handbook by Katz and Mair on party organizations reported party laws for twelve countries.¹¹ However, these laws were not then compared across nations within that volume. Other scholars have compared party laws across nations on selected topics. For example, Plasser and Plasser cataloged and analyzed the

¹⁰ Jorge Mario García Laguardia, “Constitutional Framework for Political Parties in Central America: From Exclusion to Participation,” in Louis W. Goodman, William M. LeoGrande, and Johanna Mendelson Forman, *Political Parties and Democracy in Central America* (Boulder, CO: Westview Press, 1992), p. 82.

¹¹ Richard S. Katz and Peter Mair (eds.). *Party Organizations: A Data Handbook in Western Democracies, 1960-90* (London, SAGE Publications, 1992),

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regulatory framework of election campaigns in some 70 countries.¹² Pinto-Dushinsky compiled and analyzed government regulations for party finance and extent of government subsidies in 104 countries.¹³ Pinto-Dushinsky's compilation was later used in USAID's expanded report on money in politics in 118 nations.¹⁴

The most recent and most comprehensive cross-national study of political finance was sponsored by IDEA—the International Institute for Democracy and Electoral Assistance. As stated in the Preface, this ambitious study

aims to increase knowledge about the law and practice of political finance around the world and in so doing encourage reflection on options for regulatory reform. It provides a general description and analysis of the central features of party funding in six regions: Africa, Asia, Latin America, Western Europe, Central and Eastern Europe, and that group of countries in various continents which have what might be called an Anglo-Saxon approach. It also examines two key issues: the enforcement of political finance regulations, and the role of funding in promoting gender equality. Finally, it provides a comprehensive matrix of regulatory provisions by country.¹⁵

With justification, IDEA describes its database on political finance laws and regulations in 111 countries as the largest collection of such information assembled to date.

Even more recently, Transparency International, an international non-governmental organization devoted to combating corruption, issued its 2004 report on worldwide corruption from July 2002 to June 2003. Transparency International embraces party finance in its report, but it has broader concerns:

This year's *Global Corruption Report* focuses on corruption in the political process, and on the insidious impact of corrupt politics on public life in societies across the globe. It addresses the following areas in the context of political corruption:

- the regulation of political finance
- the disclosure of money flows in politics and the enforcement of political finance laws
- elections – specifically vote buying
- the private sector – with a focus on the arms and oil sectors, and

¹² Fritz Plasser with Gunda Plasser, "Regulatory Frameworks of Campaigns", *Global Political Campaigning: A Worldwide Analysis of Campaign Professionals and Their Practices* (Westport, CT, Praeger, 2002), pp. 137-179.

¹³ Michael Pinto-Duschinsky, "Financing Politics: A Global View," *Journal of Democracy*, 13, (October 2002), pp.69-86

¹⁴ Office of Democracy and Governance, *Money in Politics Handbook: A Guide to Increasing Transparency in Emerging Democracies*, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development: Washington, D.C., Document PN-ACR-223, November, 2003.

¹⁵ Reginald Austin and Maja Tjernström (eds.), *Funding of Political Parties and Election Campaigns* (Stockholm, Sweden: International Institute for Democracy and Electoral Assistance 2003. The book is available in portable document format (PDF) on the internet at < http://www.idea.int/publications/funding_parties/index.cfm > .

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- tackling the abuse of office – including reducing conflicts of interest, limiting recourse to immunity, pursuing extradition and repatriating stolen wealth.¹⁶

At this point, it is helpful to define terms for organizing the scholarly literature on party law. Let us call the objective of the legislation—e.g., the definition of party, party activities, or party organization—the legislative *target*. Accordingly, Plasser and Plasser inventoried party law that had campaign practices as the regulatory target. In contrast, the compilations of party laws conducted by Pinto-Dushinsky, USAID, and IDEA all targeted party finance. Party finance was also the prime target of Transparency International, but it also inventoried laws dealing with corrupt practices in politics. In fact, more cross-national inventories of party law have focused on party finance than on any other topic.

Let us use the term *origin* for the source of the regulations—whether they were promulgated in the constitution, in court law, in a legislative statute, in an executive order, or in an administrative rule. When Katz, Müller, and Avnon speak of party law they primarily are speaking of legislative statutes, which is the major source of party legislation in western European nations—with Germany the classic example.¹⁷ Other nations (like the United States) have nothing resembling a national party law. It is time to turn to my database of 1,101 party laws, which tags the *origin* and *target* of every entry.

Nations Enact a Lot of Party Laws

My database of party laws is comprehensive, in the sense that it covers 169 polities (most of which qualify as nations) from across the world. Table 1 reports the distribution of party laws by world regions.

Table 1: Distribution of Party Laws by Region of the World

<u>Region of the World</u>	<u>Number of Laws</u>	<u>Percent</u>
West European/Anglo-American	247	22.4
Latin America/Caribbean	188	17.1
Asia, Far East	154	14.0
Middle East	74	6.7
Africa	221	20.1
Central Europe/Ex Soviet	196	17.8

¹⁶ Transparency International, *Global Corruption Report 2004* (Berlin, Germany, 2004), p 12. The report is available as a PDF file on the internet at < <http://www.globalcorruptionreport.org/index.shtml>>.

¹⁷ *The Law on Political Parties* (Bonn: INTER NATIONES, 1994), p. 5.

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Oceania		<u>21</u>	<u>1.9</u>
	Total	1101	100.0

Table 2 provides an abbreviated list of all 169 polities. The listing was built from the first eight character of their names.

Table 2: Truncated alphabetical Listing of 169 Polities in the Party Law Database

Afghanis	Costa Ri	Israel	Nepal	Sudan
Albania	Croatia	Italy	Netherla	Suriname
Algeria	Cyprus	Ivory Co	New Zeal	Swazilan
Andorra	Czech Re	Jamaica	Nicaragu	Sweden
Angola	Denmark	Japan	Niger	Switzerl
Antigua/	Djibouti	Jordan	Nigeria	Syria
Argentin	Dominica	Kazakhst	Norway	Taiwan
Armenia	Ecuador	Kenya	Oman	Tajikist
Australi	Egypt	Kiribati	Pakistan	Tanzania
Austria	El Salva	Korea, N	Panama	Thailand
Azerbaij	Estonia	Korea, S	Papua Ne	Togo
Bahamas	Ethiopia	Kyrgyz	Paraguay	Tonga
Banglade	Fiji Isl	Laos	Peru	Trinidad
Barbados	Finland	Latvia	Philippi	Tunisia
Belarus	France	Lebanon	Poland	Turkey
Belgium	Gabon	Lesotho	Portugal	Turkmeni
Belize	Gambia	Liberia	Qatar	Tuvalu
Benin	Georgia	Liechten	Romania	UAR
Bolivia	Germany	Lithuani	Russia	UK
Bosnia/H	Ghana	Luxembou	Rwanda	US
Botswana	Greece	Macedoni	S. Afric	Uganda
Brazil	Grenada	Madagasc	Samoa	Ukraine
Bulgaria	Guatemas	Malawi	Senegal	Uruguay
Burkina	Guinea	Malaysia	Seychell	Uzbekist
Burma	Guinea-B	Maldives	Sierra L	Vanuatu
Burundi	Guyana	Mali	Singapor	Venezuel
CAR	Haiti	Malta	Slovakia	Vietnam
Cambodia	Honduras	Mauritan	Slovenia	Yemen
Cameroon	Hungary	Mauritiu	Somalia	Zambia
Canada	Iceland	Mexico	Somalila	Zimbabwe
Chad	India	Moldova	Spain	
Chile	Indonesi	Mongolia	Sri Lank	
China	Iran	Morocco	St.Kitts	
Colombia	Iraq	Mozambiq	St.Lucia	
Congo	Ireland	Namibia	St.Vince	

Although the database is fairly comprehensive, in the sense that it includes laws from all over the world, it is far from exhaustive. Hundreds, perhaps thousands, more laws remain to be

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included. Moreover, the database is not representative—in the statistical sense of being a probabilistic sample. Laws came from whatever was handy—mainly books and sources on the Internet. So my observations below are illustrative rather than definitive.

The database covers national constitutions as an origin of party law more thoroughly than any other source. This owes to the existence of a searchable Internet source of the world's constitutions translated into English.¹⁸ Consequently, I am more confident in reporting on what national constitutions say about political parties than on what is specified in national party laws passed specifically to regulate party politics. The distribution of the origin of laws by region is given in Table 3.

Table 3: Distribution of Party Laws Origins by Region of the World

Origin of party laws	West		Asia,		Cen.		Afr.	Sov.	Oceania	Total
	Eur.	Lat.	Far	Mid.	East	East				
	Ang-	Amer.	Carib.	East	East	Afr.	Sov.	Oceania	Total	
Constitution	55	133	68	30	176	106	11	579		
Constitutional law	6		1					7		
Court law	7		1					8		
Legislative statute	78	14	45	15	7	39		198		
None	15					2		17		
Parliamentary rule	4							4		
Referendum	1							1		
Electoral Law	21					11		32		
Party Law	20	11	28	26	12	20		117		
Unspecified	28	30	11	3	26	18	10	126		
Other	12							12		
Totals		247	188	154	74	221	196	21	1101	

The origins of party laws vary greatly by regions. As Table 3 shows, national constitutions are more likely as a source of party laws in Latin America, Africa, and Central/Eastern Europe than in Western Europe and Anglo-America. This pattern can be explained in part by new constitutions written in the “third wave” of democratization. However, a number of constitutions in Latin America predated that wave, so the explanation has limits. In any event, placing party law in constitutions tends to enshrine the legal framework, making it very hard to change.

¹⁸ Go to <<http://www.oceanalaw.com/>>, but there is a hefty fee to subscribe to the online service. The parent printed source is Albert P. Blaustein and Gisbert H. Flanz (eds.), *Constitutions of the Countries of the World* (Dobbs Ferry, N.Y., Oceana Publications, 1971).

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The number of laws per country varies by region. One can compare the origins of laws by regions without knowing the number of countries in each, but knowing the number of countries (given in Table 4) permits calculating the incidence of party laws by country.

Table 4: Regions, Laws, and Numbers of countries

	West Eur.	Lat. Amer.	Asia, Far East	Mid. East	Afr.	Cen. Eur. Sov.	Oceania
Number of laws	247	188	154	74	221	196	21
Number of countries	26	32	21	16	46	26	9
Mean per country	9.5	5.9	7.3	4.6	4.8	7.5	2.3

Table 4 shows that the Western European region accounts for more laws per country in the database than any other region. This observation does not necessarily hold in reality, however, because the database is not a probability sample of party laws.

Party laws differ greatly in length and detail. Trying to count party laws is like trying to count spaghetti. It's easier to measure the pile than count the strands. Consider, for example, the text below from the Jordanian Party Law of 1992, which counts as only one entry in the database under the heading, *Political Parties / Definitions*:

Article 3

A Party is every political organisation which is formed by a group of Jordanians in accordance with the Constitution and the provisions of the Law, for the purpose of participating in political life and achieving specific goals concerning political, economic and social affairs, which works through legitimate and peaceful means.

Article 5

The number of the founding members of any Party shall not be less than fifty persons who meet the following conditions:

- A. to have completed 25 years of age.
- B. to have been a Jordanian for at least ten years.
- C. not to have been finally convicted by a court of proper jurisdiction of a crime (except political crimes) unless he has been rehabilitated.
- D. to enjoy full civil and legal competence.
- E. to reside in the Kingdom permanently.
- F. not to claim the nationality of another country or foreign protection.
- G. not to be a member in any other Party, or any other non- Jordanian political partisan organisation.
- H. not to be a member of the Jordanian Armed Forces, Security Instrumentalities or the Civil Defence.
- I. not to be a judge.

Article 12

If, for any reason whatsoever, the number of the founding members becomes less than fifty before the announcement of the establishment of the Party in accordance with the provisions of this Law, the Establishment Application shall be considered as cancelled.

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Compare the Jordanian law above with the entry below from the Cambodian Party Law of 1997, which is also in the database under *Political Parties / Definition*:

Article 2:

A “political party” is a group of persons who have the same ideas and willingness and who voluntarily join together through a contract, to form a permanent and autonomous organization in order to participate in the national political life in accordance with liberal democratic and pluralism regime through free and fair elections as determined by the Constitution of the Kingdom of Cambodia and relevant laws in vigor.

Although these two strands of party law differ substantially in length, they count as one entry in the database.

This section tried to make these points: (1) Nations enact a lot of party laws. (2) These laws have different origins. (3) Inferring from this database to the population of nations carries risks, for the database does not contain a probabilistic sample of party laws. And (4) Entries in the database vary greatly in length, and in importance. In fact, thirteen entries simply state, “No mention of political parties.” This occurs in the national constitutions of these thirteen nations:

Grenada	Ireland	Jamaica	Malaysia	Oman	Qatar
Saudi Arabia	Tonga	United Arab Emirates	United States	Venezuela	
Japan	Tunisia				

This set of countries represents a mixed bag of established democracies, transitional democracies, and authoritarian regimes. If party laws are signposts for party development, the signposts are hard to read.

Conducting an Inventory of Party Law

In conducting my inventory of party law, I was surprised at several turns. One of my greatest surprises was to learn the extent to which nations regulated political parties in their constitutions. Western scholars divide in looking to constitutions as an origin of party law. Pinto-Dushinsky’s study of party finance, for example, mentions “constitutional” only once in the text. On the other hand, the IDEA survey makes frequent references to constitutional provisions. Incorporating party law into constitutions may be a consequence of the latest wave of democratization in developing states. Thomas Carothers writes:

The democracy wave of the 1980s and 1990s has included a good deal of rewriting old constitutions in transitional countries and writing new ones for new states.

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Getting certain provisions included in the document—and other provisions taken out—becomes a natural focus of attention.¹⁹

Not many scholars appear to have systematically analyzed constitutions—the highest laws of lands—for the origin of party law. A second Internet search for (“political party” or “political parties”) and (“constitution” or “constitutions”) in the Worldwide Political Science Abstracts database turned up only 163 hits. Once again, most citations dealt only with parties and constitutions of single countries, and only four made regional comparisons of constitutions in Asia (2) or Eastern Europe (2). A search of thousands of entries in *Dissertation Abstracts* produced not a single cross-national comparison.

It might seem a daunting task to catalog references to political parties in national constitutions, given that constitutions are written in so many different languages. But virtually all of the world’s constitutions have been translated into English since 1971.²⁰ Today, *Constitutions of Countries of the World Online* can be searched over the Internet.²¹ All the most recent constitutions were electronically searched for references to “political” or “party” or “parties.”²² This search returned well over one hundred constitutions, with the keywords highlighted for quick location. Relevant portions of the constitutions were then selected and pasted into a word processing program for storage prior to entering them into a searchable database built about the widely used commercial program, FileMaker Pro 7.²³ Searching the 1,101 separate legal rules into the FileMaker database found 579 that originated in constitutions.

A sample entry is illustrated in Figure 1. Each of the boxes in the figure holds “pull-down” menus with a range of options that can be selected to match the information. Table 5 at the end of the paper lists the full set of options hidden in each of the topical boxes below.

¹⁹ Thomas Carothers, *Aiding Democracy Abroad: the Learning Curve* (Carnegie Endowment for International Peace, 1999), pp. 160-161.

²⁰ Albert P. Blaustein and Gisbert H. Flanz (eds.), *Constitutions of the Countries of the World* (Dobbs Ferry, N.Y., Oceana Publications, 1971).

²¹ Go to <<http://www.oceanalaw.com/>>, but there is a hefty fee to subscribe.

²² Searching national constitutions only for “political party” or “political parties” proved inadequate, for some constitutions simply used “party” as shorthand for “political party.” Unfortunately, virtually all constitutions also used “party” in the more legal sense of “affected party” which meant that most hits in the search of over 100 constitutions were irrelevant.

²³ This program runs on both Windows and Macintosh computers and can also be run from a server over the Internet. Unlike the Microsoft database, ACCESS, FileMaker Pro is user friendly, and one can create “buttons” to press to automate much of the searching. In addition, “run-time” versions of the database can be created for stand-alone usage by practitioners in the field who wish to review legal practices concern political parties

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Janda's Party Laws		legal instruments affecting political parties and party politics across nations		NORTHWESTERN UNIVERSITY		
Nation	Guyana	Origin of National Rule	Constitution			
Subnational unit		Subnational Origin				
Political parties	Political groups	Elections	Campaigns	Candidates	Voters	Government
Legal status						
Rule						
10. Political parties. The right to form political parties and their freedom of action are guaranteed. Political parties must respect the principles of national sovereignty and of democracy.						
147. Protection of freedom of assembly and association. (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to political parties or to form or belong to trade unions or other associations for the protection of his interests.						
Source						
Constitution of the Co-operative Republic of Guyana Act, 1980 (as Amended to 1995)						

Figure 1: One of the 1,101 Entries in the Database of Party Laws

Concluding Comments

This paper concentrated on the methodology of creating a database of party laws and neglected the substance of party laws, namely, “how nations govern political parties.” The substance of governing political parties is discussed in my monograph, “Adopting Party Law,” which devised five alternative models that nations appear to employ in regulating political parties:

The paper contends that nations tend to follow policies that *proscribe*, *permit*, *promote*, *protect*, or *prescribe* parties and party activities. These policy models are conceptualized as pure forms; nations may not follow any one of them exactly in making party law. Nations tend to follow these models, but specific laws may fit different regulatory policies, reflecting the complexity of the law-making process. In general, nations that *proscribe* parties by law forbid them from operating entirely; nations that *permit* parties allow them to operate freely; nations that *promote* parties actively support them; nations that *protect* parties favor

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certain ones over others; and nations that *prescribe* for parties seek to mold them to fit an ideal.²⁴

Applying those models to the body of party law in my database, I arrived at these “Analytical Conclusions”:

1. In most advanced democracies, political parties were created and grew strong without being mentioned in national constitutions.
2. Even today, many advanced democracies lack any overarching legislative statute regulating parties in the form of a Party Law.
3. Most advanced democracies that do have a Party Law enacted it after their parties had matured and with the parties’ participation.
4. In contrast, governments in many developing nations regulate parties in constitutions written prior to the formation or development of parties.
5. In addition, governments in some developing nations have enacted detailed statutes that prescribe how fledgling parties should organize and operate.
6. Whether incorporated in constitutions or in statutes, detailed party law prescribing how parties should operate may have a chilling effect on the formation and functioning of parties in emerging democracies.
7. Moreover, governments in some developing nations have enacted statutes that protect existing parties or bolster the parties’ leadership.
8. By enacting “too much” party law under the “prescription” or “protection” models, governments can deter the creation of political parties or control the development of parties that are created.
9. By enacting “too little” party law under the “permissive” model, nations can suffer having a surfeit of minor parties in a chaotic government.
10. However, having “too little” party law tends to be a temporary condition soon corrected by legislation backed by the government and larger parties.
11. The “permissive” model of party law may encourage the formation and development of political parties in developing countries better than the “prescription” model

²⁴ Kenneth Janda, “Adopting Party Law,” p. 8.

**Table 5:
Options
Menus
Underlying
the Boxes in
the Party Law
FileMaker
Pro Database**

Parties	Groups
Definition	Definition
Legal status	Legal status
Membership	Social basis
Organization	Organization
Selecting candidates	Activities
Activities	Raising funds
Public subsidies	Spending funds
Party finance	
Prohibited members	
History	