Dictatorship Before and After Totalitarianism

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LET us reopen that remarkable book, *The Origins of Totalitarianism.* After all the commentaries and Arendt's subsequent works, can we still read it with a fresh eye? As we try, can we get away from the concerns of a dead Sovietology and a very much alive Holocaust cottage industry? Can we, as she always tried, refocus on the present and its politics?

The angle of vision I selected is that of modern dictatorship. I do not know if we are destined to relive totalitarian nightmares. I do know that the challenge and problem of dictatorship will stay with us as long as we organize modern societies through sovereign or quasi-sovereign states, as long as we legitimate political rule through democracy and legality (Arato, 2000). For this reason alone, dictatorship is an Arendtian topic. Hannah Arendt herself repeatedly visited it, sporadically and uncritically in *The Origins* and, in the case of revolutionary dictatorship, in *On Revolution,* more critically and systematically though still inconclusively. Given the fame of *The Origins,* however, and the political importance of its leading concept, dictatorship—the far more universal genus—was buried in Arendtian studies in (the more exceptional species) totalitarianism.[1] The burial had political as well as intellectual costs, but it could not claim the *imprimatur* of the author of *On Revolution.*[2]

Or even of the Arendt of *The Origins.* That is not to say that her work should satisfy us on the problem of dictatorship. Totally frustrate us would be more to the point. On the one side Arendt is surprisingly aware of the variety of autocratic forms of rule.[3] She

SOCIAL RESEARCH, Vol. 69, No. 2 (Summer 2002)

juxtaposes totalitarianism not only to traditional autocracies (tyranny, despotism, absolutism) but to modern military and one-party dictatorship as well. In terms of time and space, if not historical importance, even in the modern world totalitarianism is far less pervasive in her presentation than a variety of *other* dictatorial forms. In *The Origins* at least the concept of totalitarianism is said to strictly apply only to Germany between 1938 and 1945, and the Soviet Union between 1929 and 1941, and again between 1945 and 1953.[4] Thus, whomever Juan Linz was trying to correct in his famous "Totalitarian and Authoritarian Regimes" (1975)—when he introduced a vast, systematic typology of modern autocratic forms of rule—it could not have been Hannah Arendt, who actually postulated a post-totalitarian dictatorship in the Soviet Union and Soviet-type societies about 30 years before Linz and Alfred Stepan got around to this particular step (Linz and Stepan, 1996).

What is frustrating and even infuriating about Arendt's treatment is not the often criticized analytical framework, but rather the evaluation of nontotalitarian dictatorship. While the absolute normative difference of *totalitarianism* from all other regime types is repeatedly insisted on, other *dictatorships* are integrated rather smoothly into (or treated as an unproblematic addition to) the traditional typology of forms of government. According to Arendt, "total domination is the only form of government with which coexistence is not possible" (1973: xvii-xviii). This statement is not equivalent of course to the celebrated or maligned Kirkpatrick thesis, since Arendt has in mind radically expansionist regimes that existed for brief periods, and not, for example, the post-Stalin, communist one-party dictatorships. Nevertheless, inherent in the claim is a clear tendency toward what could be called the "normalization" of nontotalitarian dictatorships. Unfortunately, in one important case this tendency turns into outright apologetics and even admiration. Consider her treatment of Lenin's regime in *The Origins*. This regime is identified as a *revo-*

lutionary dictatorship whose intentions and trajectory are actually opposed to totalitarianism. Whereas *totalitarian* rulers carry out (Stalin) or build upon (Hitler) the atomization and massification of society, Lenin, the *authoritarian*, attempted to create differentiation and structure—that is, classes and nations—in a hitherto shapeless society. According to Arendt, Lenin "seemed convinced that in such stratification lay the salvation of the revolution." Thus in this depiction, Lenin, through the land reform that immediately followed the seizure of power, began to create an independent peasantry; in the battle over trade unions he supported the strengthening of the working class; during the New Economic Policy (NEP) he tolerated the rise of a new middle class; and he organized and created several nationalities whom he tried to defend against Russification. Even the one-party dictatorship only "added one more class to the already developing social stratification of the country, *i.e.* the bureaucracy" (1973: 18-319). But these actions either did not mean what Arendt thinks (the trade union policy), were reversed by Lenin himself (the consequences of the land reform during War Communism), were understood as necessary and temporary concessions to be reversed later (the NEP and especially private trade), or were seen by Lenin as hated side effects of inevitable statist policies (the rise of a bureaucracy). Moreover, with the exception of the nationalities policy, all these "strata-creating" policies were against Lenin's theory and his repeatedly stated strategic intentions to use the dictatorship to eliminate all traces of classes and class society. Without getting into the details, Arendt assures us that the relevant actions were those of the great practical statesman (that is, a "Great Dictator"?) and not the Marxist ideologue (Canovan, 1992).[5]

Moreover, tragically for the revolution, it was, according to Arendt, Lenin's *greatest defeat at the time of the outbreak of the civil war,* when he was in fact the undisputed leader, that led to the passing of "the supreme power that he originally planned to concentrate in the Soviets definitively. . .into the hands of the party bureau-

cracy" (Canovan, 1992). Even in Arendt's own (untenable) history,[6] this would imply that apparently it was the Marxist theorist of the councils of the 1917 *State and Revolution* who was overruled by his (or if that of others, whose then?) particular brand of statesmanship.[7]

Finally, while it seems true that there were options for nontotalitarian development at the moment of Lenin's death, these are better identified with Bukharin's strategy of the indefinite continuation of the NEP than Lenin's own never abandoned idea of a "temporary retreat" (see Cohen, 1975: 132-138, which is completely reliable on Bukharin, but less convincing on Lenin's relationship to the NEP). But since we cannot know for certain how he would have thought and acted in the late 1920s, the real question is whether Arendt correctly assesses the role of Lenin's political organization and that of dictatorship on the road that was actually chosen with overwhelming party (although certainly not "mass"!) support. What is certain is that when describing (364-367) the totalitarian party in terms of features like the fundamental division between militant professional elite members and outside circles of mass sympathizers and the centralized monopolization of appointments, she is describing, as she admits (in a footnote, 365), Lenin's own 1902 invention that he soon put into effect and never abandoned, one for which he was denounced immediately by not only the Menshevik leaders, but also Leon Trotsky and Rosa Luxemburg. Unfortunately, the statement that "Lenin did not question the validity of inner-party democracy, though he was inclined to restrict democracy to the working class itself," immediately qualifies even this admission. Both parts of the entirely illogical statement are true at best for the Marxist work *State and Revolution* and certainly not for the politics of the statesman who disbanded the elected constituent assembly, helped subvert the electoral principle for the soviets, and who, after his near defeat on the issue of peace with Germany at least, fought with all means at his disposal against pluralism within the

Bolshevik party.[8] In summary, the "conspiratorial party within the party" to which Arendt ascribes the victory of Stalin (379-380), was in fact the party that Lenin invented and institutionalized after 1917 as the all-powerful agent of dictatorship.

There is admittedly no other detailed case in Arendt's work made on behalf of any dictatorship other then Lenin's. But the train of thought is nevertheless not entirely unique. I have in mind the rather clean bill of health issued to Carl Schmitt, the apologist for and one of the key architects of the presidential dictatorship that opened the door to Hitler. Arendt wrote:

> In all fairness to those among the elite. . .who at one time or another have let themselves be seduced by totalitarian movements, and who sometimes because of their intellectual abilities, are even accused of having inspired totalitarianism, it must be stated that what these desperate men of the twentieth century did or did not do *had no influence on totalitarianism whatsoever* (1973: 339). . . . Most interesting is the case of Carl Schmitt, whose very ingenious theories about the end of democracy and legal government still make arresting reading. . . (fn., 339).

I assume that those in the know think that this passage is really about Heidegger, and of course they would be probably right on the level that most mattered to Arendt personally. What should matter to us, however, is what Arendt actually says about Schmitt, who unlike Heidegger *was* an important participant in the process that led to Hitler's rise to power. He was a major legal adviser of Chancellor Brüning, under whom the model of presidential dictatorship, based on a highly original combination of three provisions of the Weimar constitution, was developed.[9] He was a major adviser to Chancellor Papen during the Prussia coup, and afterwards, when the Papen group pushed Hindenburg to offer the chancellorship and the powers of a presidential dicta-

torship to Hitler. More important, the "very ingenious" theories of Schmitt to which Arendt refers include *Die Hüter der Verfassung* [1930] and *Legalität und Legitimität* [1932] that do not merely *describe* the end of democracy and legal government but *justify* dictatorship in the name of a *supposedly* higher form of democracy and deeper meaning of legality. For the conservative opponents of Weimar these arguments were as important as Lenin's and Trotsky's justification to Bolsheviks of "the dictatorship of the proletariat" as a more substantive and more responsive form of democracy than any in previous history.

I assume Arendt knew the relevant works when she wrote the lines just quoted, and that she knew that Schmitt served presidential governments with dictatorial powers on the eve of Hitler's rise to power. Remarkably, however, the role of these governments and the arguments justifying them in that outcome disappear in Arendt's picture. According to her, "Hitler's rise to power was legal in terms of majority rule" (1973: 306). Leaving aside a much too easy acceptance of the thesis of "legal revolution" on the say so of a Hans Frank(!), the idea of a democratic transition in terms of majority rule is simply preposterous.[10] The Nazis did not have a parliamentary majority when Hitler was offered the chancellorship, nor did they ever have it on their own even when they fully controlled elections and purged the Reichstag. At that later time Hitler's government attained a parliamentary majority only with the help of other right-wing parties. But in the actual process of taking power, their government was only a presidential one appointed by a head of state who had defeated Hitler himself for that office with the help of millions of anti-Nazi, mainly Social Democratic "stop-Hitler" votes. Hitler could do what he did within the appearance or illusion of full legality only on the bases of dictatorial powers already established by the Hindenburg presidency.

In Arendt's analysis this role of dictatorship in the coming of totalitarianism, supported by a host of right-wing intellectuals hos-

tile to the Weimar Republic, is occluded. Aside from biographical reasons, two theoretical motivations are, I suspect, at work. For Arendt the "masses" are in general the sociological foundation for totalitarianism, and in the German case at least she hopes to affirm their causal role (hence of "majority rule") in its rise. But she is equally interested in affirming the radical difference between dictatorship and totalitarianism, which leads her to posit either a total historical discontinuity or rupture or to forget about the existence of presidential dictatorship (and, since 1930, a more or less authoritarian regime. See Mommsen, 1996, chapters 11-13).

Two issues should be separated here. One is that of the origins of totalitarianism and the role of dictatorship in its emergence. Since it is not really deniable that in the two relevant cases dictatorships chronologically preceded full-blown totalitarianism, the question is whether we can speak of a *historical* relationship between the two regime types in the sense of necessary (even if not sufficient) cause and effect, or whether the turn to totalitarianism has to be carried out *against* a previous regime type labeled dictatorship. Another question, the one that interested Arendt much more, is the *essential* continuity or discontinuity between totalitarianism and dictatorship (or authoritarianism) as general regime types. Both questions are important for our evaluation of dictatorship, and Arendt is wrong to underemphasize the first to reinforce her particular position on the second. However, her position on neither question was an entirely consistent one. I will examine each issue in turn.

The Question of the Genesis of Totalitarianism

Hannah Arendt's title, *The Origins of Totalitarianism,* refers to imperialism, anti-Semitism, and mass society as the general historical conditions for the possibility of the phenomenon, not to its

empirical genesis in the two relevant countries in the 1930s, where totalitarianism emerged autonomously. Concerning this second sense of the concept of origins, we get only a few remarks. It turns out that the preferred explanation—the central role of a totalitarian mass movement—can be applied only in Germany, where there was a Nazi mass movement, and where this movement helped both to produce the crisis that led to the end of the republic and to propel its leader to chancellor in a presidential government. In the Soviet Union, however, "Stalin had to create an artificially atomized [mass] society which had been prepared for the Nazis by historical circumstances" (318, 311). Thus, the only common genetic factor that seems to be rather reluctantly admitted is that "[T]hese forms of domination. . .have developed with a certain continuity, from [one-]party dictatorships" (419). The admission is coupled with the usual reminder of the basic difference in spite of this "certain continuity" and of the complete newness of the "essentially totalitarian features." Equally striking are the dates given for the step to "full" totalitarianism. In the Soviet case 1930 is uncontroversial enough, although 1929 may be slightly more customary for Stalin's turn. The year 1938 in the German case is meant to illustrate a parallel development. And indeed, pre-1930 (or pre-1929) Soviet Union and pre-1938 Germany were one-party dictatorships, with Stalin and Hitler the dominant party leaders for about five years. But the parallel seems to collapse in Arendt's full picture, because in the Soviet Union a dramatic turn occurred in 1929 and 1930, one that reversed the trend she considered most characteristic for the Leninist dictatorship, the authoritarian strata-building pattern of the NEP. In Germany, however, the entire period of 1933 to 1938 can be characterized only by her concepts as one of rapidly expanding totalitarian politics. If Arendt sought real historical discontinuity with an authoritarian dictatorship in Germany, this could have been found only in the presidential dictatorship that Hitler did not abandon in the legal sense until 1934 (through the enabling act;

the illegal fusion of the presidency and chancellorship [Bracher, 1970: 242-443]; and the purge of the party.) But, as we have seen, she is entirely silent about the presidential dictatorships.

Nevertheless, by focusing on the dates of 1930 and 1938, Arendt inadvertently and suspiciously gives us two diametrically opposed roles for authoritarian dictatorship: an enabling one and another as a framework to be reversed and overcome. This helps us raise the question whether the two roles of dictatorship can be so different after all. There is no doubt about the enabling role the Hitler dictatorship had in the formation of the totalitarian regime. Thus, regarding the Soviet Union we should ask the following questions: Was it a dictatorship that was to be reversed and overcome in this case, or was it the authoritarian structures, strata, and institutional patterns created (deliberately or not) by that dictatorship? Was not the dictatorship itself the vantage point from which this second revolution had to be carried out, this "revolution from above" that could not rely on the masses that were yet to be created? As the somewhat different analyses of Cornelius Castoriadis (1997) and Claude Lefort show, Arendt's answer—that the conspiratorial party led by Stalin carried out a revolution against the party of Lenin—cannot be right.[11] If the conspiratorial party existed at all it was the heart of Lenin's party itself that was *totalitarian* both in its original conception and organization, and in its post-1918 development. But rather than a conspiratorial elite, it was the official political apparatus led by Stalin's secretariat that gained control of this party even before Lenin's death in 1923 and eliminated all possible internal opposition in preparation for the revolution from above (Daniels, 1960 is still the best work; see also Schapiro, 1970).

There is thus even greater parallelism between the Soviet and German cases than Arendt would have us believe. Using 1917 (the taking of power), 1920 (the end of the civil war), and 1933 as the starting dates, both begin as dictatorships probably with alternative futures. The NEP, as in Arendt's analysis, and H. Schacht's

reconstruction of the German economy both indicate that totalitarianism was not the only possibility within one-party regimes. Totalitarian developments within the two ruling parties and within the political systems prefigure the totalitarian outcome that is introduced more abruptly in Russia, and more gradually in Germany. In both cases an unbroken and continuous dictatorship represents the vantage point from which totalitarian developments are introduced. Arendt's "certain continuity" is thus best interpreted to mean dictatorship itself. But what is dictatorship?

Dictatorship and Totalitarianism

There is little question that Castoriadis and Lefort win the argument against Arendt on the question of Lenin. For these two scholars, he is the true founder of a totalitarian project in Russia, whatever his contradictions. But there is a cost: a tendency to de-emphasize on their part the significant differences, perhaps exaggerated by Arendt, between the one-party dictatorships before Stalin's full dominance and *especially* after his death, *and* the full blown totalitarian regime. This leads both to an overuse of the concept of totalitarianism in the French discussions in the 1970s and after, and more relevant for my purpose, loss of systematic interest in the problem of nontotalitarian dictatorship as well as dictatorship in general.

Thus we can profitably return to Arendt's attempt to examine and analyze the differences among autocratic types of regime. But when we do so we should notice that she gives us two distinct answers to the question she never actually asks: *What is dictatorship?*

Answer one: Dictatorship is another name for a variety of modern *authoritarian* regimes that are essentially different than totalitarianism.

Answer two: Dictatorship is the common genus of a variety of modern authoritarian and totalitarian regimes, that is, *dictatorships.*

Semantically, Arendt moves back and forth between two types of definition. To the extent she considers totalitarianism a regime sui generis in opposition to all other regimes, the contrast with authoritarianism or various types of dictatorship is absolute or "essential" (461). But at times she uses the term *totalitarian dictatorship* or "the dictatorship of National Socialism after 1938, and the dictatorship of Bolshevism since 1930," which are here contrasted with "*other kinds* of dictatorial, despotic or tyrannical rule" (419, emphasis added). Here the *semantic* implication is that dictatorship is a genus of which totalitarian dictatorship is one type, along with others like military and one-party dictatorships.

Much in the text speaks for the first answer. When Arendt discusses authoritarian regimes in *The Origins,* she mainly has dictatorships in mind. There would not be much point in stressing the difference of totalitarianism as an extraordinary regime with the authoritarian *Rechtsstaat* of German history for example. We can see this in the following example:

> Every hierarchy, no matter how authoritarian in its direction, and every chain of command, no matter how arbitrary or *dictatorial* the content of orders, tends to stabilize and would have restricted the total power of the leader. . .the never resting , "dynamic will of the Fuehrer"—and not his orders, a phrase that might imply fixed and circumscribed authority—becomes the "supreme law" (364-365, emphasis added).

This text tells us much about the contrast Arendt has in mind. Authoritarianism need not refer to dictatorships, and authority even less so. But there are also authoritarian regimes that are dictatorships, necessarily implying hierarchy, stability, and at least some limitation of absolute power. While such a regime is not a

Rechtsstaat or a rule of law state, it still has, according to Arendt, the genuine legal principle of "law as command."[12] As long as no new command supersedes the old one, the latter accordingly binds or at least obligates all—even the leader presumably. For this reason, she argues, in all authoritarian regimes—including dictatorships—intermediary levels are established, "each of which would receive its due share of authority and obedience" (405). Totalitarianism on the contrary implies fluidity, absence of a clear chain of command, and a genuinely *nihilistic* principle of "law": "the will of the Fuehrer is the supreme law" (365). Arendt interprets this will as a never-resting dynamic principle whose goal is the prevention of the stabilization of any law, any institution, any way of life (365, 391). Repeatedly, Arendt stresses the use of constitutions as mere façade or public relations under totalitarianism (393-5). The totalitarian leader is not bound by hierarchy or legality of any kind, even those he himself would establish (404-405). No authority is shared with any intermediary level that would be able to rely on the previous legal pronouncement of the leader. It is in this sense that Arendt comes close to the view of Franz Neumann—that totalitarianism has no genuine state—since by state she too means some kind of stable, legal or quasi-legal hierarchy of office (1973: 392, 402; see 407).[13] While the state administration originally in place may still be used (392), the tendency is to reduce it to merely *ostensible* power behind which lies the *real* power of the totalitarian movement. Such a dual structure produces a kind of "shapelessness" and shifting between centers of power and command (400-402) that can no longer be described as a state. All these distinctions support the idea of an essential contrast, and the absence of a common genus between authoritarian dictatorships and totalitarianism.

Moreover, authoritarian dictatorship, unlike totalitarianism, is itself a broad category that includes a variety of regime types. Certainly, traditional autocracies whose rulers are limited by tradition and religion are authoritarian, but to these the category of dicta-

torship does not apply. But military dictatorships are also authoritarian in that they fully rely on the integrity of the state administration, whose top positions they may replace. What is more significant here is that Lenin's Bolshevik regime and Mussolini's fascist one, along with other one-party dictatorships, are also authoritarian in Arendt's picture and by the very terms she established. Thus, Lenin's *revolutionary one-party* dictatorship (318, 379) is explicitly depicted as having established structures and institutional hierarchies, in particular a bureaucratic one. More important, one-party dictatorships are, according to Arendt, characteristically statist and, by implication, hierarchical.

> The goal of one-party systems is not only to seize the government administration, but by filling all offices with party members, to achieve a complete amalgamation of state and party, so that after the seizure of power the party becomes a kind of propaganda organization for the government. The system is "total" only in the negative sense, namely, in that the ruling party will tolerate no other parties, no opposition, and no freedom of political opinion. Once a party dictatorship has come to power, it leaves the original power relationship between state and party intact, the government and the army exercise the same power as before. . . (419).

Let us leave aside that this description works better for fascist Italy (explicitly: 308, 325) and other non-revolutionary dictatorships (see 308-309 list) than for Lenin's Russia or post-Stalinist communist one-party states (explicitly: xxvii). Arendt's point is that authoritarian one-party dictatorships seek and achieve the power of an elite that uses more or less traditional state structures to enforce their rule and to maintain their distance from the rest of the population (325). When such a regime is consolidated, the safety of the elite against the regime's own repressive and even terroristic tendencies depends on the maintenance of a stable hierarchy and the establishment of at least a customary pattern of

legal protection. In this respect at least the post-Stalinist communist regimes (and not regarding the specific role of the party within the system!) can be compared to the interwar one-party form in Europe that Arendt was familiar with.

Arendt considered totalitarianism fundamentally different for several reasons. First, totalitarian regimes have an *anti-institutional* character, whereas authoritarian regimes rely on institutions and institutionalization. This has two aspects. Totalitarian regimes are movements (today we would say they are mobilized), while one-party regimes reduce or eliminate social mobilization after the taking of power. Moreover, as was noted, totalitarianism involves legal nihilism, while authoritarian regimes establish and enforce repressive law. Second, totalitarian regimes disorganize the state, completely politicize all its institutions like the military (the latter is subordinated to the police), eliminate or loosen all stable hierarchies, and avoid crystallizing a single, unambiguous institutional center of power, whether it is the party or even the police (366-405). These regimes do have a center, but it is a personal one. Sovereignty inheres not in an organization but in a single leader, and this *sovereignty* is said to be *absolute,* meaning an *absolute monopoly of power and authority* (365).[14]

Third, one-party dictatorships regimes are less than total in several senses. Their totality is said to be negative in the sense of excluding other powers, but apparently not in that of totalizing their own power that can be shared among different institutions. Using "external" violence they drastically limit freedom while totalitarian regimes aim at the resocialization of individuals and therefore abolish freedom altogether (405). Fourth, under totalitarian regimes even the dominant elite remains socially and physically insecure. This is so—fifth and most importantly for Arendt—because the way the regime defines its enemy changes in the move from one-party dictatorship to totalitarianism (424-426). One-party dictatorships define their enemies in terms of those who politically "expressly oppose them" (377). "Those who

are not against us are with us" was Janos Kadar's supposed principle. Those who are not with us are against us is the totalitarian alternative. "Dictatorial terror [is] distinguished from totalitarian terror insofar as it threatens authentic opponents but not harmless citizens" (322). The category of "harmless citizens" must however include potentially everyone under totalitarianism. In the end, even being fully identified with the regime and the highest possible service to it are no protections against subjective redefinitions of the "objective" meaning of "enemy" and "crime," which appear arbitrary but have the role of maintaining the unstructured and shapeless character of the regime that could be threatened by the development of forms of authority, even if based on loyalty and service.

Note that in the last citation dictatorship and totalitarianism are explicitly treated as two entirely distinct categories. But the argument is less than fully persuasive precisely at this point, and this brings us to the second answer concerning the relationship of totalitarianism and dictatorship. Terror is said to have increased in both Soviet Russia and Nazi Germany in inverse relation to the existence of a political opposition (393) but it is said to have been "grim enough to suffocate all political life, open or clandestine even before Lenin's death" (322). Moreover, the elements of continuity that were later demonstrated by Solzhenitsyn are visible in Arendt's text as well.[15] She rightly notes that the hunt for objective enemies really takes off when the extermination of real enemies is completed (422). But she clearly admits a point inconsistent with her analysis when she states that "the totalitarian secret police begins its career after the pacification of the country" (422). That would have been 1920 or so—four years, that is, before Lenin's death! Elsewhere she is aware of the full organizational and procedural continuity between the Cheka and its successors (GPU, OGPU, NKDV, and KGB), and even assigns, perhaps mistakenly, a major role to the GPU in Stalin's triumph over his party rivals immediately after Lenin's death (379).

Rightly, she considers the Cheka and GPU as quasi-totalitarian organizations; but she does not admit that they were creations of the one-party dictatorship or, in her view, a merely authoritarian regime. If she is right to stress the importance of inventing ever new enemies for the survival of this eventually "superfluous" organization, the line between finding and inventing was hardly as sharp as she supposes. The concepts, if not yet the exact words, of "objective enemy" (424) and "possible crime" (426) that she considers central for totalitarianism were first used with deadly results already during Lenin's lifetime by prosecutors such as Krylenko. (Solzhenitsyn fully documents this in *Gulag Archipelago* I [308-309 ff.; 327; 331-332; 340]). At least in the all-important domain of repression and terror a complete, generic differentiation between authoritarian one-party dictatorship and totalitarianism cannot be sustained.[16]

Arendt's language in fact often reveals generic continuity within differences of type, and this usage tends to relativize (however inconsistently) the authoritarian-totalitarian distinction. She repeatedly speaks of "totalitarian" or Nazi or Bolshevik *dictatorships* in the totalitarian period, and of Hitler and Stalin as *dictators* (397; 407; 411; 419). The usage goes beyond the key admission that totalitarianism is everywhere preceded by dictatorship, and even the causal role of dictatorship that she should have admitted, but never did admit. Totalitarianism in this version would be a species of dictatorship. But what then would be the genus dictatorship? We do not find out in *The Origins of Totalitarianism* probably because the more dominant thesis of the essential and fundamental uniqueness of totalitarianism did not require or even permit an answer.

Revolutionary Dictatorship and Its Institutionalization

As in the case of other issues, the Arendt of *On Revolution* starts her analysis of dictatorship where the author of *The Origins* runs

out of plausible answers. Ultimately an essayist, she does not attempt to join one problematic with the other. I will now do so in her stead, risking some rather surprising results. The problem of dictatorship comes up in a double context: revolutionary dictatorships as they were exercised by Robespierre, Napoleon, and Lenin; and the Roman meaning of dictatorship that was decisive for at least the eighteenth-century revival of the concept, and was used to legitimate revolutionary dictatorships.[17] The crossing of the two contexts yields three concepts of dictatorship: the traditional Roman idea of the temporary, extraordinary, all-powerful defender of Republican institutions in the midst of war and rebellion, (*dictatura seditionis sedandae et rei gerundae causa*) (*208*); dictatorship for the purpose of constituting or reconstituting the public realm (*dictator rei publicae constituendae*) (207); and revolutionary one-party dictatorships that are also identified as *despotic* dictatorships (158-159). All three forms involve extraordinary public authority suspending existing law and the established separation of powers.

Given the interest in revolution, other dictatorships that may also be related to the Roman archetypes are absent in Arendt's analysis. This absence is partially compensated by the fact that, whether consciously or inadvertently, Arendt's typology involves without an explicit reference three criticisms of Carl Schmitt's famous conception in *Die Diktatur.* First, and least important, Arendt shows that the Romans (or at least Cicero) already had a concept of sovereign dictatorship as the exercise of constituent powers. Second, she differentiates revolutionary from sovereign dictatorship, adding a third important subtype to Schmitt's analysis. As her argument throughout the work shows, revolutionary dictatorship has the function of self-perpetuation rather than the establishment of republican institutions. She thus rejoins the Roman and Renaissance humanist conception of dictatorship according to which the violation of temporality turns dictatorship (in itself a positive institution) into tyranny (Nolte, 1972: 900-906). She nevertheless mostly avoids (130 ff.; 153 to the contrary)

adopting the now archaic category of tyranny and retains the term dictatorship for modern revolutionary autocracies. Third, she demonstrates that in the case of Robespierre the Roman concept of (commissarial) dictatorship and in that of Napoleon the idea of the *pouvoir constituant* linked to the glory of (sovereign) dictatorship could both be used to legitimize regimes (that is, revolutionary or despotic dictatorships) that undermine the link between revolution and public freedom (121; 163).[18]

Thus in Arendt's view there is a link between commissarial and sovereign dictatorships and revolutionary dictatorships, one that involves the legitimating role of legal concepts for inconsistent institutional realities. Her analysis, however, goes further than illustrating this important connection. The emergence of revolutionary dictatorship, a major theme of her discussion of the failure of the French and Russian Revolutions, cannot be reduced to attempts to follow legitimate models, or even to use them for mere justification. Of her complex argument I would like to select only one strand: the link of permanent revolution and dictatorship. According to Arendt, revolutionary dictatorships are not only distinguished from the traditional form by their drive to permanence; they "are designed to drive on and intensify the revolutionary movement." But they are unable to carry out this work of dynamization and intensification without making dictatorship itself permanent. Since revolution is understood as the political process of the foundation of freedom, revolutionary dictatorships make the process itself permanent, thereby vitiating the only authentic goal of revolution: the establishment of a republican constitution based on free institutions. The opposite is established: despotic dictatorship (159), as in Russia and China (144).

There are two classes of reasons why this happens in Arendt's analysis: revolutionaries do not want to end the revolution and create constitutional government, and/or they cannot do so. She rightly does not consider the selfish, power-seeking desire of dictators to remain dictators as ultimately the essential issue. Even if

this factor were relevant, the generally violent actions concerned would have to be legitimated to a large number of people who will not themselves exercise dictatorship. There are, however, justifications available, all having to do with known or assumed deficiencies of liberal, constitutional government: the inability of such government to solve the social question, its substitution of public participation by private rights, and its lack of solution for institutionalizing the freedom that was its source (133-135). Arendt of course does not buy into these justifications, since for her public freedom could be institutionalized, and even a constitutional oligarchy is better than permanent revolution and despotic dictatorship. But she does wish to show that revolutionary dictatorship makes an attempt at legitimate self-justification.

Moreover, irrespective of the desire of revolutionaries not to end the revolutionary process and experience by establishing a stable constitution, they may not be able to do so. If they destroy all inherited institutions (something that could be avoided only in America), the legitimate authority of the new constitution can only be based on *the will* of the multitude of individuals who are stylized as the *constituent power.* As the sole source of the legitimacy of the constitution to be produced, this ever-changing *or* entirely fictional will was, in the reigning theory from Sieyès to Schmitt, to be "outside and above" all constitutional government and law. In Arendt's analysis the conception produces either the ongoing legitimation crisis of constitutions *or* the substitution of a concrete dictatorial will for the fictional popular one (163). It is his latter process (and not a mere tradition of absolutism) that culminates in the chain of substitutions involved in the inherited concept of sovereignty: the nation steps into the seat (or shoes) of the absolute prince, the party into the seat (or shoes) of the nation. . . (156, 161).[19] The last step indicates a strong link between the concept of revolutionary dictatorship and unitary sovereignty. As soon as an institution or a person recovers the sovereignty of the absolutist prince, but now without traditional restraints, we can

speak of revolutionary dictatorship. Thus we would be right to infer from the analysis that revolutionary dictatorship that both emerges in *permanent* revolution and is required to make a revolution *permanent* is somehow linked to a project of what Arendt, in *The Origins,* called *absolute* sovereignty.

The connection to *The Origins* is in fact obvious. In that work Arendt takes over Trotsky's slogan of "permanent revolution" (and deliberately not the actual conception)[20] to point to what she takes to be the very heart of the totalitarian phenomenon. One of the greatest dangers to totalitarian *movements,* according to Arendt, is becoming "ossified by taking over the state machine and frozen into an absolute [i.e., authoritarian] government." Eventually, permanent revolution is the answer (even as the advocates of the next stage of revolution, Trotsky and Röhm, are eliminated). In the Soviet Union "revolutions, in the form of general purges, became a permanent institution of the Stalin regime" (389-390). More generally, this means that the struggle against "normalization," against even their own world developing legal and institutional stability, is the distinguishing character of totalitarianism that differentiates it, as already shown, from all authoritarian forms of rule. It is on this point that *On Revolution* takes a new step perhaps unnoticed by Arendt herself: with the failure of constitution-making, revolutionary dictatorship anticipates this rebellion against institutionalization. There is no doubt in the context of the later work about a point already hinted at by *Origins* (390): that Lenin was a dictator attracted by the idea of permanent revolution. In what was probably an implicit but hidden polemic with Carl Schmitt, moreover, it also becomes clear that the latter's notion of constituent power, represented by Sieyès, leads not to a constitution but to revolutionary dictatorship understood as "revolution in permanence" (*OR,* 162-163).

Although *On Revolution,* remarkably enough, almost completely omits a discussion of the totalitarian phenomenon, taken together with *The Origins* this work establishes the genetic and

substantive connection of at least the revolutionary type of dictatorship and totalitarianism. Because *On Revolution* (248, 266, 268-271) continued and even deepened the line of analysis from *The Origins* (253-257) that linked (in my view disastrously) one-party dictatorship with multiparty democracy, this important connection between dictatorship and totalitarianism has been lost for most readers. By saying that "one-party dictatorship is only the last stage in the development of the nation-state in general and the multiparty system in particular" (266), Arendt is not merely denouncing multiparty democracy, but she is once again back to the normalization of one-party dictatorships.[21] Nevertheless, she has now stumbled upon a type of one-party dictatorship—revolutionary dictatorship—that has the same relationship to permanent revolution as does totalitarianism. Does this mean that in spite of the efforts of *The Origins* to maintain the contrary, the legal principle of revolutionary dictatorship and totalitarianism are the same?

As we have seen, Arendt explicitly addressed this question with respect to nontotalitarian or authoritarian dictatorships, and gave a negative answer. What is behind this, the distinction between entirely fluid and hierarchical orders, is convincing enough. But the distinction between the totalitarian supreme law as the leader's will, and the supposedly nontotalitarian or authoritarian principle of supremacy based on the leader's commands or orders, does not really work. Will that leads to action must be articulated in terms of commands or orders; orders or commands in a system without institutionalized or traditional limits on the executive power can be based in the normative sense only on the leader's will—whoever may advise him as to the factual limits or consequences of a given action. In terms of an interesting distinction insisted on by Franz Neumann (1957), in both cases the balance between Will and Ratio ("Sovereignty and Law") in all genuine law shifts to the side of a discretionary will. As Neumann shows, it is possible to define sovereignty in terms of pure will, and

law as the product of such a will. But in the classical definition of the sovereign as the source of law that is unlimited by the law, there was also another implication involving the retention of a balance between "will and reason" that implies that dictatorship as such is on the other side of an important divide. According to this definition, the sovereign as *legibus solutus,* while not limited even by his own law, nevertheless can speak only in the language of law that here means such concerns as generality and non-retroactivity (Neumann, 1957: 26).[22] He is, in other words, not limited by law to the extent that he can at any time replace any existing law that would bind him by a new one. But he is limited to the extent that the replacement must satisfy formal semantic requirements; it too must be law. In this definition, which corresponds to the legal theory of absolutism (though never the reality of absolutist regimes that always had many more limits), law is indeed the command of the sovereign. But not all commands of the sovereign become thereby *law.* This is the distinction missed by Arendt, possibly because of a mistaken assimilation of nontotalitarian dictatorships to absolutist regimes that is occasionally present in her work. "Law" as the leader's command under all modern dictatorships typically takes the form of concrete measures. (Neumann [1957: 59-61] uses the phrase "law is nothing but the command of the leader" without hesitation to describe the National Socialist system of law.) There is no distinction here (aside from different rituals that may involve the speed of decision making) between Lenin and Stalin, Mussolini and Hitler. Not only totalitarianism but all modern dictatorships are prerogative or discretionary states (*Massnahmenstaaten*) that have raised martial law and legal emergency to their constitutional principle (Fraenkel, 1941: 3-5). They are regimes where the principle of sovereignty is cleansed of its association with law, regimes whose constitutional principle is legal nihilism.

The distinction Arendt seeks is not to be lost, however. As Ernst Fraenkel has brilliantly shown in the case of the National Social-

ist regime, the prerogative state is typically a dual state. This means that for the organization of ordinary life and, in Germany, for the sake of a capitalist economy, the political realm where discretion reigns supreme is distinguished from a normative realm that continues de facto to be regulated by legal rules and procedures. The state as a whole is a prerogative one in that pure discretion can intervene into any sphere of life without limit. "The jurisdiction over jurisdiction rests with the Prerogative state." This means that "legally the Prerogative state has unlimited jurisdiction. Actually, however, its jurisdiction is limited" (Fraenkel, 1941: 57-58). Legally speaking, the limits of the prerogative state are self-imposed. But what is really involved is survival of the regime in the face of its own destructive legal principle. In the German case the normative state has been a matter of survival of the elements (rules, procedures, institutions) from the Weimar republic. Interpreters who extended this conception to the Soviet case had to deal with partial restorations of legality or Socialist legality during the NEP and the post-Stalinist period (see Sharlet, 1977, and Arato, 1993). In my view the coexistence of prerogative and normative state Fraenkel discovered is unavoidable under any long-term dictatorship because only so can the anti-institutional principle of the primacy of the prerogative (in other words martial law or emergency government) be institutionalized. If modern dictatorships are to be distinguished from the Roman model, and even Schmitt's ideal-typical sovereign dictatorships, then it is through the drive to self-preservation, which cannot occur without institutionalization.[23] That is a difficult matter since both emergency government (commissarial dictatorship) and sovereign dictatorship gain their legitimacy by referring to a time of nondictatorship, to be restored or established. The dual state transforms a relationship between two time periods of exception and normality to a spatial relationship of two co-existing states. The arrangement allows the rulers to preserve a legally intact pre-

rogative (i.e., dictatorship) and the ruled to have nevertheless de facto normalcy, at least some or even most of the time.

Not only the long-term survival of dictatorship but also the variety of dictatorships in the modern world can be analyzed and explained through the specific relationship of the prerogative and normative states in many different settings. I cannot explore that general hypothesis here. What I would like to point to instead is Arendt's success in identifying totalitarianism in terms that can be better explained in the framework provided here. The legal principle she insisted on, the primacy of the will of the leader or the executive, is common to totalitarian and nontotalitarian dictatorships. But the extreme struggle against institutionalization is not. She identified this struggle variously as one against the state, against social stratification, and so on. The built-in difficulty with these claims, however, is that the state and its organs always played a key role in this struggle, and the totalitarian movement and elite were involved in its social stratification even if no individuals with state power or elite positions could be assured of their own safety. The issue is better put in terms of the struggle against the normative state, against surviving or restored legal institutionalization—the element, in other words, that could provide security and stability for the new position of elites and officials. While totalitarianism too tends to produce and even reproduce dualism, this form of dictatorship, uniquely, involves a determined struggle to destroy the normative state. This self-contradiction explains why totalitarianism in the strict sense is a short-lived phenomenon in the case of any given regime, a point that Arendt's historical analysis documented, even though she was not fully conscious of the reasons.[24]

Their short-lived nature is, to be sure, of small benefit given the enormous number of victims of totalitarian regimes. It is probably possible to link the magnitude of the historical horror to the struggle against dualism, against the normative state, against normalization. Nontotalitarian dictatorships on the contrary accept

their dualization and normalization. Should this mean that in a different sense we too "normalize" nontotalitarian dictatorships, as did Arendt, by drawing the most important dividing line between totalitarianism and all other regime forms? I don't think so. The common legal principle of all modern dictatorships, the primacy of the prerogative state, should warn us against the move. This principle is no mere formality. The jurisdiction over the jurisdiction of the prerogative state implies that in principle at least no one—no right, no institution, no practice—is safe from political discretion and arbitrary intervention. Moreover, there must be always some arbitrary interventions to maintain the primacy of the prerogative as a living practice. Even after long period of dualization and institutionalization (as in Franco's Spain, for example), new forms of arbitrary action coupled with extreme violence tend to reappear under dictatorships.[25] Finally, as Arendt realized, but only for totalitarianism, institutionalization is ambiguous from the point of view of any dictatorship. On the one side institutionalization can be the preservation of the principle of dictatorship, the primacy of the prerogative state. Yet with time the regular and routine procedures of the normative state tend to acquire a new stability and legitimacy. The space where the prerogative can remain dominant may narrow, even if new crises, internal and external, can open it again. Those who occupy the positions of command may therefore reject institutionalization as a form of preservation and, more important, are in the position to opt for a "permanent" process of revolutionary anti-institutional politics. Undoubtedly, they will do so only if there is strong ideological motivation for the drive for self-preservation that has to be linked to hostility to existing forms of normalcy (defined by legality, procedural democracy or bureaucracy; see Arato, 2000). This antagonism need not take the form of totalitarian movements that Arendt focuses on. While she documents the animosity of these movements to institutionalization, she reluctantly concedes a similar logic in the case of revolutionary dictatorships.

Because of the ambiguity of institutional and anti-institutional practices under nontotalitarian dictatorships, she does not realize that dictatorship as a legal principle has itself an elective affinity with the struggle against institutionalization. What she should have been more clear about in any case, given her own chronologies, was that the power position of a dictatorship is an essential condition for the establishment and the preservation of a totalitarian regime.

Totalitarianism is dictatorship. Dictatorship is not necessarily totalitarian, but dictatorship is a necessary condition of totalitarianism. For some the defense of the rule of law and democratic procedures is a sufficient reason to oppose all dictatorships. The legal and historical link between dictatorship and totalitarianism shows the grave error of others for whom the defense of the state, of law and order, or the desire for a better democracy may be reasons for promoting or accepting specific types of dictatorship. Even under conditions of political and legal emergency, we should carefully guard the line that separates us from all forms of dictatorship.

Notes

[1]Compare the indexes of Canovan (1992) and Villa (1995) on the entries "dictatorship' and "Lenin" with Arendt's own in both *The Origins* and *On Revolution.* In the latter work, amazingly enough, Arendt has only two references to "totalitarianism." Was this *merely* a function of the historical topic of *On Revolution*?

[2]Most seriously, the intellectual burial of the topic of dictatorship, that began well before the current revival of Arendt, has helped to give rise to the Kirkpatrickian heresy, of which Henry Kissinger was an early devotee (and whose disciples, Eliott Abrams, Otto Reich, et al., are back in power) and from which President Jimmy Carter diverted us (for a while) onto a path that abhors all dictatorships. Accordingly, the democratic transitions to which our human rights policies made an important contribution were "from authoritarian rule" (i.e., dictatorships). No serious interpreter, however, thinks that these transitions are irreversible. It is the possibility of reversion—the establishment of dictatorship in soci-

eties supposedly free of this problem—that is in the back of my mind as I return to Arendt's *Origins,* along with its achievements and failures.

[3]For authors such as Hans Kelsen, Hermann Heller, and Norberto Bobbio, autocracy is the "genus" of which variously democracy (rule from below vs. above) and rule of law regimes (rule bound vs. rule-less) are considered the opposite.

[4]I am using the fifth edition (1973), and, inexcusably perhaps, generally treating the various editions as one.

[5]See chap. 3. Canovan does not seem to notice that there is a problem with Arendt's Lenin interpretation, or with the rather astonishing idea that there are apparently totalitarian elements in Marx, but not Lenin.

[6]Oskar Anweiler (later an important source for Arendt) convincingly shows the relationship to the soviets was highly manipulative months before the Bolshevik insurrection of October. Even the slogan "all power to the soviets" was cancelled and reissued *only* when the Bolsheviks attained secure majority in the soviets. In Trotsky's self-serving history (here supported by most secondary sources, e.g., Anweiler, I. H. Carr. R. V. Daniels, Shapiro), Lenin wished to bypass the soviets in the insurrection while he, Trotsky, successfully used them for a legal-instrumental purpose. The loss of political power by the soviets was admittedly gradual after the insurrection. But there is no evidence that Lenin tried to defend them in any way, and in fact he (mistakenly) considered them to be the source of bureaucratization against his party.

[7]Arendt thought that the Marx of the *Civil Wars in France* that Lenin relied on in *State and Revolution* was also an aberration (*OR,* 257). There was an equally good case, or an even better one, that *State and Revolution* was highly exceptional for Lenin, a point that Arendt admits far more reluctantly than her point about Marx. If Lenin's main line of thought tied him to dictatorship, it was, according to Arendt, because he was a Marxist (257-258).

[8]Arendt's desire (1973: 390, fn. 3) to explain some of this away even overcomes her general suspicion of apologetics by Isaac Deutscher. Following the latter she claims that "the party purges during the early years. . .have nothing in common with their later totalitarian perversion into an instrument of permanent instability. The first purges were conducted by local control commissions before an open forum to which party and non-party members had free access. They were planned as a democratic control organ against bureaucratic corruption in the party and 'were to serve as a substitute for real elections.'"

[9]These were art. 48 on emergency government; art. 25 on the dissolution of the Reichstag by the president; and art. 53 on the powers of the president to appoint or dismiss the chancellor without parliamentary approval. The best summaries are in Mommsen (1996: 56-57, chap. 11, and 454 on Schmitt's relationship to Papen, one of the architects of the disaster); and Bracher (1970: 170, 193-194).

[10]Against for example Fraenkel's careful, but unfortunately inconclusive, analysis (1941: 4-5, 10). Even Bracher's critique of the thesis of "legal revolution" is inconclusive, although he certainly proves (against Arendt) that Hitler the type of power gained was a result of an "authoritarian loophole in the Weimar constitution"— not through his position as head of a parliamentary coalition. The thesis of legal revolution thus hinges on the meaning of the word "legal" (1970: 192-196).

[11]Lefort (1986) certainly traces the origins of Soviet totalitarianism to Lenin, but argued, at least originally in 1956, that for Lenin and Trotsky totalitarian measures were meant to be, unlike in Stalin's case, merely temporary. I sense that later he tended to give Lenin less the benefit of a doubt, but he continued to resist the complete identification of Leninism and Stalinism. Castoriadis also became gradually more and more critical of Lenin. In his case the final position certainly was that "the true creator of totalitarianism is Lenin. . . . [I]t was Lenin himself who created the institution without which totalitarianism is inconceivable. . .the totalitarian party" (1997: 65; the text is from the late 80s).

[12]Arendt, along with most modern legal theorists, rejected the general definition of law in Hobbes and Austin as the command of the sovereign. But she evidently thought this definition adequate for law under dictatorships.

[13]However, she disagrees with Neumann that Nazism was rule by a gang or clique.

[14]See Arato (2000: 935-936), where I also use the concept of absolute sovereignty and distinguish between dictatorships that unite only the legal and political meanings from those that seek to embody all of them (legal and political, constituent and constituted, external and internal). While I claim that this unification is never fully successful, there is a case to be made for the Arendtian idea of full totalitarianism as absolute sovereignty that would be, according to my categories, relevant only for totalitarian empires.

[15]Chap. 8 ("The Law as a Child") and chap. 9 ("The Law Becomes a Man") of the *Gulag Archipelago* show that the line between political opponents and "objective enemies," real ("past") or imaginary (merely "pos-

sible future") crime, was certainly not adhered to in the 1920s. Solzhenitsyn recognizes, however, the dramatic change in trial procedures ("the conflictless trial") after Stalin's revolution from above (305, 364-365, 374) that was noted by Kirchheimer (1961: 97-98).

[16]No doubt similar examples could be found for Germany before 1938 when it became, in Arendt's view, fully totalitarian. The Jews whose persecution and incarceration began well before were in any case not political enemies. If we say they were turned into such enemies, then the point would apply to every category of victims under totalitarianism as well.

[17]And not yet to denounce; but see Nolte (1972: 908-909) for the exception in the case of Robespierre. Note that to Marxists the term dictatorship—at least in the "dictatorship of the proletariat"—remained positive and temporary.

[18]Of course, the point concerning the legitimating role of Roman and early modern concepts could have been made in relation to many nonrevolutionary dictatorships as well. Arendt does not discover the possible links between *commissarial* and *sovereign* dictatorships, even when, as I will show, she stumbles upon the legal principle common to them.

[19]The analysis here draws on a line made famous by Sieyès and Constant as well as Tocqueville. Most recently, the same conception is at the heart of Lefort's conception of democracy as without a center—where the locus of power is an empty space (1988: 17-20).

[20]She incorrectly, but revealingly, notes that Lenin too was impressed by the slogan though not the theoretical content of "permanent revolution." In reality Lenin would have to admitted that he was wrong in 1905 in his debate with Trotsky to use the term in any positive sense. But there is a better case to be made for his adopting the theory in 1917.

[21]Elsewhere she continues to say "that the distinction between the one party dictatorship and the multiparty system" is "much less decisive than the distinction that separates them both from two party systems" (268).

[22]See also Poggi (1978: 72-73). Poggi's conception is instrumentalist and yet he also gives the idea of law a definite semantic content ("increasingly general and abstract terms").

[23]On the problem of institutionalization under one dictatorship, see the excellent Manuel Antonio Garreton, *Chilean Political Process* (Boston: Routledge, 1989).

[24]Three events can happen following a totalitarian episode. First, as in the case of the Soviet Union, the regime can be de-totalized with the stabilization of the dual state. Second, there can be cycles of ultimately

unsuccessful totalitarian efforts to abolish the dual state, which was the case in China, until the death of Mao. (Since then China is also treading a new version of the path of long-term dualization). Third, a totalitarian effort can lead to collapse, as in Germany in 1945, or, due to very different causes, in Hungary in 1956, where external forces instituted a post-totalitarian, dualistic alternative.

[25]Many of us were surprised to find out, thanks to Judge Baltasar Garzon and the British law lords, that there were still disappearances and torture in Chile in the late 1980s.

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