Dr. HANS KELSEN

Professor at the Institute for Higher International Studies, Geneva

PARTY DICTATORSHIP*

1. Bolshevism and fascism. A democracy—or at least parliamentary democracy—is by its very nature a multi-party state. All of acts of will of such a state are created in free competition between group interests, which are coordinated through political parties. Hence democracy is only possible if a compromise between conflicting group interests can be reached. Otherwise, democracy threatens to turn into its opposite, namely autocracy.

Recent years have seen the emergence of a particular form of autocracy. While in the eighteenth-century autocracy took the form of absolute monarchy, the new form stems from the socialist revolution that succeeded in Russia as a result of the World War. The idea of the dictatorship of the proletariat, derived from the Marxist doctrine of class struggle, is the intellectual source of a new form of the state.

Political reality is such that the dictatorship of the proletariat inevitably turns into a party dictatorship. The party thus overrides the interests of the proletariat and turns not only against the established parties but also against all other proletarian organizations. This is the political form of 'Bolshevism', a term which derives from the name of the party imposing dictatorship. Nowadays, however, it does not only denote the type of government in a certain state, but has become a term of broader significance. The same goes for the term 'dictatorship', which despite having been created by the bourgeois Fascist party in its struggle against the proletarian parties in Italy, was actually based on the Bolshevik model. Hence, today 'fascism' does not merely denote the political form of a particular state; it refers more broadly to a type of bourgeois party dictatorship which is contrasted with its proletarian counterpart.

^{*} The above paper was delivered at the International Institute of Public Law in Paris and was kindly sent to *Ruch Prawniczy, Ekonomiczny i Socjologiczny* directly by the author. Translated [into Polish] by Kazimierz Matuszewski, M.A., senior assistant at the Seminar of Public Law, University of Poznan.

2. The abandonment of democracy. If one considers the new political form from the point of view of its development from democracy. the form that immediately preceded it, then one must conclude that modern autocracy arises precisely from within democracy. particular, parliamentary democracy, from whence the bourgeois party dictatorship emerged, undoubtedly has certain deficiencies which facilitate anti-democratic tendencies. The parliamentary system is more suited to the legislative function of the state than it is to its administrative function. But as private capitalism, supported by free competition, develops into a more or less consistent system of state capitalism, the state—hitherto merely constructed in accordance with the ideal of a legislative and judicial state—is transformed into an administrative state which has great influence over economic life. Hence the creation of a permanent government becomes a pressing necessity which the parliamentary-democratic system can only manage with great difficulty, especially if more than two parties fight over the creation of state acts of will and none of them enjoys a decisive and stable majority. Though this circumstance does not directly lead to the rise of a fascist party dictatorship, it is undoubtedly one of the conditions that can accelerate this eventuality. The fact that the bourgeoisie allows the collapse of democracy can mainly be attributed to the fact that it no longer considers its ruling position to be supported by the principle of political equality, combined with the principle of the rule of the majority, in view of the increasing popularity of socialist ideas among the masses. On the other hand, the proletariat appeals to democratic ideology during the class struggle, but once this class seizes power, democracy is no longer recognized as useful for holding onto it.

3. Party and state. A democratic multi-party state becomes a party dictatorship if a single party seizes power and exercises it monopolistically, that is, to the exclusion of all other parties.

The latter are destroyed, while the creation of new ones is hindered by all possible means. Positions in state offices of decisive importance are filled with members of the ruling party, which exists on the basis of legal exclusivity. The party organization is solely responsible for the creation of state acts of will. It follows that in a one-party state the relationship of the political party to the state is quite different from that in a multi-party state, and especially from that in a democracy. The separation between state and party organization, which is so characteristic of and essential to democracy, has to disappear when state power takes the form of a party dictatorship. Party organs are no longer merely private entities in relation to the state, but instead form new types of public functionaries alongside the existing state officials. As the party organization becomes an essential component of the state, the state and the party gradually merge. An external sign of this fusion is the fact that the party insignia becomes a state symbol (fasces, swastika). The link between the party and the state—that is, between the party organization and the state apparatus taken over from the previous period—can take various forms: it can be expressed in the coordination and personal union of the leading positions of the party and the state, whereby the leader of the party is at the same time the head of government, as in Italy and Germany; or in the actual subordination of the state apparatus to the party apparatus, whereby the leader of the party, who sometimes only has the position of general secretary, does not fulfil any official state function, as in Russia. Of course, within the framework of the party dictatorships outlined here there are numerous intermediate forms.

The position of the party wielding power may be formally grounded in the legal system—especially in the constitution, so that the constitution grants the supreme party organ legislative and administrative powers—in such a way that the acts of the party are to be regarded as state acts, and that party associations are assigned the character of public-law corporations. However, this is not inevitable. The influence of the party on state legislative and administrative bodies may only be de facto; it does not have to be regulated by law at all. Then the decisive phase of the creation of state acts of will occurs in the pre-legal phase. Something similar can also be observed in a multiparty state, since also here the deliberations and resolutions of party organizations play a specific role. They are, however, of little significance, since the final and not entirely predictable decision is made in a dialectical parliamentary procedure, where actors with different positions interact. Competition of this kind is entirely absent in a party dictatorship, even when the dictatorship allows parliament to exist. For it has been set up in advance so that parliament is exclusively composed of members of the ruling party, or so that they form an overwhelming majority.

4. Dictatorship and constitution. The problem of the form of government plays a rather minor role, since the political centre of gravity lies in the organization of the ruling party. Here, monarchist or republican forms become purely external, and completely empty in material terms. Either form provides the party dictatorship with the same capacity for development within its framework. As a matter of fact, of the three-party dictatorships in existence today, two of them— Russia and Germany—are sham republics, while the other—Italy—has the form of a monarchy.

Therefore, it is of little significance whether a party dictatorship is established by revolutionary means, whereby the existing constitution is abolished and replaced by another that expresses the true nature of government more or less explicitly; or whether a party dictatorship is established by legal means, whereby the monarch or republican head of state appoints the leader or leaders of the party that strives for dictatorial government and the party receives, by whatever means, legal authorization for its dictatorial steps. In the second case, the existing constitution is preserved with more or less significant changes, thus maintaining the continuity of law-making. However, from a material point of view a party dictatorship that has come to power by revolutionary or legal means always entails a complete break with the preceding democratic system, or the system of constitutional monarchy related to it.

This is primarily expressed in the total abolition of personal and political freedom. All institutions characteristic of a democratic state based on the rule of law, which protect the individual from the arbitrary actions of state organs, or even parties, are either removed or lose their effectiveness. Furthermore, in this political system there is no place for real participation of the governed in the drafting of laws, at least of general norms. Insofar as there is a collegiate legislative body besides the party leadership, linked to the state government, then either the members of such a parliament are directly appointed by the party leadership or elections are so devoid of freedom that they amount to appointments. Herein lies the decisive feature of the autocratic form of government.

5. Dictatorship ideologies. In terms of the ideologies which justify autocracy, the existing party dictatorships differ considerably. Bolshevism essentially maintains a democratic ideology, which is to a certain extent reflected in the organization of the administration, at least in principle. It describes itself as a 'true' democracy because the aim of the class dictatorship which Bolshevism claims to represent is the abolition of class conflict and hence the establishment of complete freedom. The democratic idea of freedom persists here if only due to the ultimate political goal: the realization of socialism. For socialism is the ideal of the masses, having a become a real political force only in the struggle for democracy and in its system, which was primarily acquired with the help of universal and equal suffrage.

The situation is different with the second form of party dictatorship—fascism. In the struggle against socialism, or rather against the masses fighting for the realization of socialism, fascism must turn against democracy, since this political form threatens the rule of the bourgeoisie and gives the socialist masses too much power to act. The fight against socialism is waged by fascism guided by the idea of the nation. Herein lies the important difference between the two kinds of modern autocracy: one is a socialist-proletarian party dictatorship, the other nationalist-bourgeois. It follows that, while rejecting the specifically socialist position of the class struggle, fascism does not present itself as the rule of a particular class, like Bolshevism; on the contrary, fascism regards itself as the representative of the whole nation, which it claims to unite. A key reason for the success of fascism is precisely this message of unity, the demand for class conflict to be overcome, ignored or denied (even though it exists and is encountered). Fascism proclaims an idea which unites all the members of the state, enhancing and elevating to the highest degree the selfregard of the individual in comparison to the members of other states.

In the Bolshevik ideology, it is not national pride but rather the consciousness of fighting for a progressive and just formation of society that appeals to the individual's love of himself and allows him to make the great sacrifices demanded of him by the dictatorship. It must be said, however, that a national ideology is able to win over the masses far more easily than a socialist one. For one is a member of a nation and participates in its absolute value simply by being born, without making any personal effort. The consciousness of being a socialist, on the other hand, always requires a certain intellectual effort and moral decision, which the individual more or less adopts in opposition to the existing social order and its rulers.

6. The elite theory and the ideology of leadership. Therefore, the fascist state replaces the rejected democratic ideology with an aristocratic-autocratic ideology—developed more or less consciously and consistently. Bolshevism justifies its temporary party dictatorship by virtue of the fact that the party represents the vanguard of the industrial proletariat, which, according to this ideology, has a greater value than the agricultural proletariat; while the proletariat as a whole represents a higher political value than that of the bourgeoisie. Fascism operates in a similar way, with the analogous idea of the elite that is only called to leadership; or with the idea of leadership based on faith in the charismatic nature of individuality, endowed with it in a supernatural and mysterious way, and called to leadership. In German fascism, this faith takes on an explicitly messianic character, whereby the party dictatorship is presented as the coming of new times. as the 'Third Reich', which strongly resembles the state of the future foretold by the prophets.

The autocratic character of the state order is expressed, at least in the administrative field, in the tendency for state organs to be appointed by the leader or his subordinates. The democratic principle finds its opposition in the autocratic principle, and the demand for discipline and absolute obedience is brought to the fore. Even the organization of the civil administration comes to have an essentially military character.

7. Militarization and anti-pacifism. The militarization of the party precedes the militarization of the state. This is even one of the essential premises for the bourgeois dictatorship's seizure of power. One of the hallmarks of fascism is that it relies on the party's paramilitary organization—formed by organizing party supporters along military lines, fitting them out with uniforms and arming them which strives for and finally comes to power. The creation of a formal relationship between the party's paramilitary wing and the regular army inherited from the previous regime is the specific task of this kind of party dictatorship. The two armies, united as far as possible, become the backbone of the fascist state, which consciously adopts the character of a military state; a fact that is particularly evident in the paramilitary education of the youth.

In its essentially anti-pacifist attitude, Bolshevism is aligned with fascism. Externally-politically both have imperialist tendencies: the former in its aim to spread the rule of socialism by means of world revolution, the latter by rational expansion and the desire to gain supremacy. The fascist tendency is ideologically justified by the fact that the elite principle also applies to external-political relations. It also turns out to be a variant of the ancient Jewish idea of the Chosen People. This principle ultimately leads to the deification of race, which is based on the widespread belief among primitive peoples in the mysterious power of blood. This belief was systematically developed by German fascism into the dogma of the so-called 'blood myth'.

Just as fascism asserts that other nations are inferior, Bolshevism claims that the social order of these nations is inferior, in order to reject in principle any international organization whose purpose is to prevent war, whose activity is to maintain the status quo, or which is based on the more or less democratic principle of the equality of all states irrespective of their size and cultural significance. Bolshevism and fascism are equally opposed to the League of Nations because in fact both—one openly, the other secretly—are opponents of democracy. Russia's entry into the League of Nations signifies only a temporary, internationally induced change in its fundamental attitude, brought about by a special situation. Germany's withdrawal, on the other hand, is the logical consequence of the fascist ideology and does not differ significantly from the position of Italy, which, although it is true that it has not as yet left the League, is threatening to undermine it through a well-known contravention of the covenant. In any case, it must be stressed that Bolshevism excludes from the outset the idea of an international organization, unless such would be an organization of An countries. international socialist organization of fascist dictatorships would be a contradiction in terms, due to their imperialist tendencies.

8. The destruction of freedom of the spirit. Despite the abandonment of democracy, which is especially tangible in the ideological field, fascism is forced to make certain concessions to the principle of the collective creation of will, which can never be entirely eradicated. In dictatorships leaders also feel the need to claim the

consent, even if only tacit, of the broad masses, who are considered incapable of active participation in the running of the state. This consent, or at least the semblance of it, is obtained partly in the form of plebiscites, brought back from old times, and partly in the new forms of marches and mass celebrations. Therefore, it should come as no surprise that fascism sometimes also describes itself as a 'real', genuine democracy, in spite of its essentially anti-democratic stance.

The gulf between this ideology and reality is most evident in the fact that party dictatorship—and on this point there is no difference between the two representative types—destroys not only political freedom but above all, and with particular vigor, the freedom of spirit so characteristic of democracy. Above all, dictatorships crack down on the freedom of the press, for they understand the great importance of public opinion for the stability of government. For this reason it ruthlessly destroys every statement that is hostile or merelv unfavourable to the ruling group. Bolshevism provided an example of propaganda that deployed all the means at the disposal of the state organs to systematically instil political ideas and take possession of the masses. It placed at the service of the government the conscious creation of ideology, not only through the press, but also through public demonstrations, radio, cinema, theatre, and similar resources. Fascism completely followed Bolshevism in this direction. It is obvious that such a system must have an impact on education and teaching. In particular, scientific freedom can no longer be respected. Even science—insofar as it is suitable for this purpose at all, and this includes above all the social sciences—is unconditionally placed in the service of the government's aims and objectives. In fact, this entails the suppression of science and its replacement by an ideology of force, which does not deserve the name of science.

9. Dictatorship and religion. The same cannot be said of religion, which retains its freedom under party dictatorship—perhaps precisely due to its essentially ideological character, and in contrast to science, which is intrinsically anti-ideological. Bolshevism is content to enforce the separation of religion from the state and confine the former to the private sphere. It does not prevent religious activity, but at the same time it does not neglect to point out that Christianity functions as an ideology upholding the bourgeois social order. Hence Bolshevism guarantees atheism the same freedom of action as religion. Fascism also guarantees religious freedom, obviously supporting the Christian religion, which it consciously puts at the service of its regime. Unlike Bolshevism, fascism can do this because it is determined, at least in principle, to maintain the existing social order. Fascism seeks to come to an understanding with the Catholic Church, as an international power. It also seeks to conclude concordats even where the Catholic

population of the fascist state, in contrast to the Protestant majority,

Nevertheless, fascism, insofar as it incorporates the principle of race into its ideology, as German National Socialism does, and insofar as it expresses anti-Semitic tendencies, must inevitably come into conflict with Christianity, which originated from Judaism. For if the Jewish people are categorized as a race of morally inferior worth, and if it is at the same time believed that all spiritual creation is determined primarily by blood, then one cannot permanently recognize a religion whose God is the tribal God of the Hebrews, whose originator is the Son of a Jewish woman, whose first followers were exclusively Jews, and whose Scriptures were written by and for Jews. Anti-Semitic fascism, therefore, if it remains consistent, represents a far greater danger to Christianity than atheistic Bolshevism could ever do. This applies especially to Protestantism, whose church, in stark contrast to the internationally organized Catholic church, is historically most deeply connected with the state and has always viewed its task as supporting the state with religious ideology.

10. Spiritual unification. The attitude of party dictatorship towards the democratic idea of equality is not quite as negative as its attitude towards the idea of freedom. It is true that the party does not recognize the principle of political equality—political in the sense of the equality of all citizens—which is inseparable from freedom. Bolshevism excludes entire groups of citizens from all political rights. In contrast, fascism, in accordance with its elitist leadership ideology, establishes a highly differentiated, hierarchical membership and a system of multiple graded dignities. Where fascism links the idea of the nation with the principle of race, or even bases the former on the latter, it leads to discrimination against certain groups of the population, to their exclusion from public office and from certain professions, and even to their moral and economic destruction. At the same time, fascism tries to inculcate intellectual equality in the population, along the lines of spiritual unification. Hence there is also complete agreement on this point between the two types of party dictatorship. Only the ideological apparatus differs. In one there is the idea, derived from socialism, of the collective nature of man, while in the other there is the idea of a total state, derived from nationalism, which justifies the intellectual uniformization of all citizens. In both cases there is a tendency for an authoritative state organization to subjugate the individual as completely as possible, which must of necessity lead to the standardization and normalization of cultural life.

11. Psychological conditions, a) Democracy and autocracy. In the political-spiritual sphere, therefore, both forms of party dictatorship

represents only a minority.

are equally opposed to the idea of democracy. It is customary to identify democracy with freedom, and to a certain extent this is correct. For the idea of freedom cannot, of itself, establish any social order, the essence

9*

idea of freedom cannot, of itself, establish any social order, the essence of which is a binding system which only as a normative system constitutes social bonds and a society. The deepest content of the democratic principle is that the political subject wants the freedom to which he aspires not only for himself, but also for others; that one person also wants freedom for the other, because one considers the other to be essentially an equal. Therefore, the idea of freedom must be connected with the idea of political equality, which limits freedom so that the idea of a democratic form of society can come into being. On the other hand, the fundamental premise underpinning autocracy is radical inequality between the rulers and the ruled, entailing the complete abolition of the freedom of the ruled in favour of the rulers.

(b) Characterological democratic and autocratic types. If we consider the psychological elements—and especially the characterological prerequisites—of the two political forms, which are so fundamentally different, then the democratic type can undoubtedly be described as one in which the feeling of equality tempers the desire for freedom. It is the type of individual whose experiences are not so fundamentally different from those of all others, from those of the other person, that such a person would be unable to empathize with the demands of the other person, whose essence is to be recognized as that of an equal. This is a type of personality whose basic experience is 'tat vam asi'[†]. A person who, insofar as he opposes himself to another, is told by an inner voice: but you are the other person. This type of personality recognizes itself in the other person; in his experiences this person comes to be viewed as someone equal and a friend, not as someone alien to his being, an enemy. This type of self does not experience himself as unique, and therefore incomparable and unrepeatable. It is a sympathetic, peaceloving, non-aggressive type of person whose primordial aggressive feelings are directed not so much to the outside as to the inside, where they are expressed as a tendency to self-criticism and a disposition to a heightened sense of guilt and awareness of responsibility. It is not as paradoxical as it may at first seem that the type with a relatively reduced sense of self-regard, due to his controlling and limiting himself, is well-suited to the political form characterized by the restriction of power. The attitude of the subject to the question of power, the fundamental problem of politics, depends on the tension of the will to rule in that subject. In a certain self-confessed political form, the individual tends to identify himself with power, even as a subject subordinated to it.

 $^{^\}dagger$ A Sanskrit sentence expressing the philosophical principle of a certain legal doctrine—Editor's note.

The stronger the will to rule, the less freedom is valued. The idea of autocracy is the complete negation of the value of freedom, the maximization of power. Here the state order is created by a single individual, to whom all others—who do not participate in the creation of acts of collective will—are subordinated; an individual who opposes all others as completely different, because he is unique, as a ruler and leader. This state form corresponds characterologically to a type with a overflowing self-regard. heightened. even The inability or unwillingness to recognize another person as an equal, with their own original experience, does not allow this type of person to consider equality as an ideal, nor, with their lively aggressive feelings and intense aspirations for power, to assign a political value to freedom or peace. One of the characteristic ways of increasing self-regard is for the subject to identify with his super-self, with his ideal personality, which for him is represented by a dictator with unlimited power. Viewing the matter in psychological terms, it is not at all contradictory, in fact it is completely consistent, if this type yearns for the strictest discipline. even blind obedience, and actually finds his happiness in obeying as much as in commanding. Identification with authority is the secret of obedience. This obedience, the psychological basis of autocracy, produces an external situation which is in direct contrast to the psychological one from which obedience grows. This external situation is the complete annihilation of the subjugated in the face of authority. which is equally distant from all of those ruled because it stands high above them.

12. Economic basis, a) Concessions to capitalism and socialism. Both types of party dictatorship appeal to the yearning for spiritual equality. in the sense of the spiritual unification of subordinates. However, they have different attitudes to the material, economic equality of citizens, at least for the time being. This stems directly from the contrast between the socialist economic order, which Bolshevism attempts to realize, and the capitalist one, which fascism aims to maintain. To this end, fascism tries to establish a corporate system, gathering together workers and businessmen of the same profession under unified trade unions. In social reality, the corporate principle, opposing the class struggle with its ideology, is aimed at making it impossible to organize labour against capital, and by this means alone supports owners against non-owners. In any case, it is necessary to state the following: just as the proletarian dictatorship is bound, for technical and political reasons, to deviate significantly from its ideal of a socialistauthoritarian planned economy, the bourgeois dictatorship is forced by the existing capitalist system, which is based on the private ownership of the means of production and free competition, to maintain some reforms that are essential for the continued existence of this system. Numerous and very serious efforts are being made in this direction.

One should also acknowledge the energy which fascism channels into in the social-political field for the effective mitigation of class oppositions. Since fascism combats socialism, it must make great efforts to deprive its opponent of its most valuable argument. Finally, bourgeois fascism cannot permanently delude itself that its dictatorial principle is inseparable from the basis of capitalism, or, in other words, from the economic freedom against which socialism fights. Thus it also ideologically distances itself from capitalism. Indeed, it even appropriates the name from its passionately hated enemy and describes itself as socialism, just as Bolshevism sometimes dresses itself up with the name of democracy.

b) Party dictatorship as a political form of decaying capitalism. This voluntary or coercive adaptation to the real objectives of the enemy could have a deeper impact than is suspected today. The bourgeois party dictatorship, due to its inherent idea of the total state, which is consciously opposed to liberalism, will be pushed even further towards state capitalism, which, even if it is not the cause, nevertheless greatly facilitated the emergence of the political form of fascism. In its developed form, state capitalism is not significantly different from state socialism. Therefore, it does not seem impossible that fascism, as the political form adopted by the bourgeoisie in the class struggle, will ultimately turn out to be the only path by which the economic anarchy of capitalism will be replaced by a planned collective economy—the core idea of the socialist project. There is therefore much to suggest that the proletariat does not necessarily have to be the representative of this movement, as Marxist theory assumes, and that this function can also be fulfilled by the bourgeoisie—even if unconsciously—as soon as this class appreciates the impossibility of maintaining the existing economic system. Then, perhaps, the bourgeoisie will prove more suitable for carrying out such a task than the proletariat, which, for readily understandable reasons, does not have at its disposal the huge, skilled forces necessary for the transition from one organization of production to another. It may also be the case that in the irreversible process which finally leads to the abolition of the bourgeoisie as a class, fascism is the only political means of securing its supremacy and key positions in the planned economy. However paradoxical it may at first seem, fascist nationalism will perhaps better ensure the final realization of socialism than the original socialist ideology itself, because of its incomparably stronger integration.

If one enquires about the relationship between economic organization and the state system, it seems to follow from the developments of the last two centuries that democracy can only be sustained in a period of developed capitalism, through sufficiently satisfying the economic needs of the have-nots. This corresponds to the capitalist system in its heyday. Both the period of early capitalism during the struggle with feudalism and at the time of its technical beginnings, and the period of decaying capitalism—marked by severe shocks to social equilibrium, are distinguished by autocratic state forms. Whereas absolute monarchy suited the former, it would appear

that party dictatorship is fitting for the latter.

 12^*