Research Article

Carl Friedrich's Path to "Totalitarianism"

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Carl Friedrich produced a list of characteristics of totalitarianism that for nearly a decade was influential as a "theory of totalitarianism" and a point of reference afterward. It was the product of Friedrich's long and complex intellectual engagement with the theory of the modern state, beginning with his defense of the use of Article 48 in 1930, and his developing thinking as he became an activist in the "defense of democracy" and a war advocate, and later as a participant in the American occupation. Friedrich's political theory, however, reflected sources and problematics in the German tradition that led him in the direction of the discretionary but "rational" bureaucratic state, and against the standard American understanding of law and constitutional order. His thinking reflected his hostility to Max Weber, Hans Kelsen, and other Continental liberals, and a strong belief that the modern state required a bureaucracy free from supervision and operated by a "responsible elite" rather than governed by direct democratic controls or parliamentary supervision. He was criticized by Herbert Finer in a long-running controversy for the anti-democratic character of his views, as well as by Joseph Dorfman, who pointed out his twisting of political language. His commitments to his view of the state blocked him from criticizing the new regimes of National Socialism and Stalinism in the conventional terms of lack of freedom, the rule of law, democratic accountability, and constitutional literalism which defined the American vernacular conception of politics, all of which he had debunked. Instead, he treated the differences with these new "totalitarian" orders as exaggerations of features of normal democratic regimes which together, and together with new technologies, constituted a historically novel political form. He thus clashed with Harold Lasswell, whose concept of a Garrison State was a rival conception that he differed from by arguing that party control of the state apparatus was an essential feature of totalitarian societies.

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Carl Joachim Friedrich's theory of totalitarianism and its chief characteristics had a short life span as a dominant account. It was modified into irrelevance by Friedrich himself ten years after its publication.[1] As Achim Siegel notes, the Communist regimes of the 1960s dropped "terror" as a method, and accordingly, Friedrich dropped it from his definition. Siegel writes that this had the effect of enlarging "the denotation of the term 'totalitarian dictatorship' by reducing its connotation, i.e., the number of defining properties."[2] Nevertheless, it has remained a point of reference for discussion and as a target for criticism. In part, it was a construction of academic politics. It was associated with Harvard's efforts to provide an academic basis for Cold War policy, and in particular with one part of this effort: a large interdisciplinary conference on totalitarianism held in 1953 which was designed to produce consensus.[3] This was followed by *Totalitarian Dictatorship and Autocracy*,[4] whose title is indicative of the contrast Friedrich wished to argue for. Although Hannah Arendt's rival account of totalitarianism[5] retained its influence longer, her account has always been treated as bound up with her own complex and controversial scholarly persona. But Friedrich's account, we shall suggest, was equally bound up with his own unique agenda and background; an agenda and background that has been largely unexamined, and its connections to the account of the totalitarian society he provides have been ignored.

Friedrich was an opponent of National Socialism, and his activism made his public reputation. He became an ardent pro-intervention advocate in the 1930s; he was intensely involved in committees to "defend democracy" against the National Socialist threat, and facilitated the emigration and resettlement of German emigrés on the conservative side of the political spectrum (the Left being taken care of by such organizations as the Rockefeller philanthropies, especially through the New School, and the Institute for Social Research). He was an active participant in the training of the Americans who were to occupy the American Zone after the war, and an advisor in the occupation government itself. It was after these experiences that, through conferences and his book, he worked on developing what he hoped would be a consensus account of what totalitarianism was. On his own testimony, however, the ideas he used in his own work had already been formed in the prewar period.[6]

The intellectual problem Friedrich produced for himself was distinct. Friedrich's central intellectual project, as Jonathan O'Neill has recently argued in an extensive discussion of his work,[7] was the depiction of an alternative account of the normal modern state. Friedrich was a strong advocate of

bureaucracy, discretionary power, limits on direct forms of democracy, and political deference to bureaucratic "experts," and he described these as features of the modern state. He was also a sharp critic of the value-neutral account of legitimacy provided by Max Weber who had abandoned the idea of genuine authority, and an avid defender of emergency rule and extra-legal state action, all of which were connected in his general conception of the state. He presented these views as a part of a defense of democracy, but as a modernized form free from the naïve ideologized self-conception of liberal democracies and free particularly from what we will call here the American vernacular conception, the popular understanding of democracy, freedom, and the constitutional rule of law. But he was faced with the problem that totalitarianism, at least in terms of its own ideological rationales, was difficult to distinguish from Friedrich's own view of the normal modern state and its ideological rationale. This was a problem that began at the start of his career, with his enthusiastic defense of Hindenburg's emergency rule, and continued throughout his many later writings. Making totalitarianism "unique," unlike his image of the modern state, was his solution to the problem his own commitments created for him.

Although his aim was to produce a consensus definition of totalitarianism, Friedrich was a polemicist, and this carried through to this project. His concept of political science, though frequently elaborated in his texts to distinguish it from history, philosophy, and the *New Aspect of Politics* of Charles Merriam[8], was the basis of his claims, but amounted largely to a project of debunking common views, notably the naïve image of the state held by ordinary people.[9] He was also concerned to distinguish his views from, not to say discredit, his rivals, notably Hans Kelsen who contrasted authoritarian and democratic types,[10] and with whom he and Carl Schmitt had a long antagonistic relationship. He also engaged Harold Lasswell, whose concept of the Garrison State[11] had considerable currency at the time and rested on a broader set of examples. His remarks on both of them, explicit in the case of Lasswell[12], veiled in the case of Kelsen[13], are especially revealing.

Friedrich's Importation of German State Theory

Friedrich came to America after World War I with his brother Otto. He came from a powerful Prussian academic and noble family: his father was a professor of Medicine and his mother a von Bülow countess. Otto returned to Germany and became an industrialist and National Socialist; Carl eventually elected to stay in America. He quickly established himself as an academic intermediary between the two countries, creating The German Academic Exchange Service, or DAAD (German: *Deutscher*

Akademischer Austauschdienst) in 1925. He received a Ph.D. from Heidelberg under Alfred Weber, after a short time as a law student, and was appointed as a lecturer in the Harvard Department of Government in 1926. He became part of a circle of young academics, including Talcott Parsons, another Heidelberg Ph.D. from the same academic circle (Parsons' advisor was Edgar Salin, a pupil of Alfred Weber and part of the Stefan Georg Kreis), who were not yet fully established at Harvard but emerged during the war as leaders and often collaborated and influenced one another.[14]

Friedrich came to wide attention in the early 1930s, with a series of articles[15] defending the assumption of power by Hindenburg under Article 48, the state of exception clause of the Weimar constitution, and dismissing the anxieties of Germans and the negative reaction of foreigners to this turn to dictatorial powers as overwrought and based on a misunderstanding of the positive function of the article and its purpose.

> The crisis through which Germany has been passing does not at all imply the establishment of a dictatorship. It means even less the restoration of a monarchy. As has been shown by Carl Schmitt, one of the most acute constitutional theorists, Article 48 is peculiarly ill-adapted to such purposes; for its end is, as has been said before, the maintenance of the Constitution. The reflective observer has to beware of giving too much credence to the excited accounts of journalists in times of crisis in Germany.[16]

After the accession of Hitler, Friedrich acknowledged his error. In the preface to the 1937 edition of his textbook on comparative constitutions, he apologized for this, quoting his own claim that "Germany will remain a constitutional, democratic state, with strong socializing tendencies whose backbone will continue to be its professional civil service." He comments that "the doings of the National Socialists make me look like a fool,"[17] But he adds that

> in the long run I hold firm to the sentence as written. Within the lifetime of this generation, the present barbarities will be abandoned, and finer, more noble conceptions of life will reassert themselves. There are latent reservoirs of faith in a higher morality which were overgrown with the slime of nineteenth century decadence.... I will profess a faith in their potential strength."[18]

The phrase "slime of nineteenth century decadence" as the antithesis of "a faith in a higher morality" is telling. The decadence and loss of faith of which he speaks was the relativism of liberal thinkers like

Max Weber and his contemporary Hans Kelsen, whom Friedrich was to blame, in his writings on the history of the philosophy of law, for the decay of legal philosophy.[19]

Friedrich's language here points to a fundamental divide. Kelsen, commenting on the philosophical tradition which Friedrich invoked with the phrase "higher morality," quotes the slogan "authority, not majority."[20] The democratic ethos, as Kelsen understood it, accepted the existence of irreducible value conflicts, but accommodated them within the framework of majority rule, tolerance, and values of individual freedom guaranteed by law, and rejected the possibility of some sort of metaphysical grounding of political values. As O'Neill usefully shows, Friedrich was concerned with finding an alternative to this individualist, majoritarian view of democracy.[21] For Friedrich, the fundamental concept of politics was community: "[b]eneath all the divided powers there is found the common power of the community. It feeds, so to speak, the fountains of different powers, such as the legislative, the executive, and the judicial which manifest the power of the community."[22] The problem he faced was that elevating community over individual freedom apparently led to the totalitarianism he wished to condemn: a point made by Hayek in such texts as *The Road to Serfdom*.[23] Friedrich's approach to totalitarianism reflected this problem. He brought certain intellectual tools, and certain animosities, to this project. These figure in complex ways in the construction of his theory of "totalitarianism."

A short introduction to what Friedrich did believe, and teach, is necessary here, but it must be telegraphic and without a nuanced appreciation of his many apparent qualifications to his claims and to the various forms of camouflage he routinely adopted in his writings. We can briefly distinguish Friedrich's account of the modern state from what we generally associate with Albert Venn Dicey's and Kelsen's views of the rule of law, which also track what we can describe as the American vernacular view of the constitution. For convenience, we can call this legalistic democracy.[24] The Dicey/Kelsen/Vernacular view of the state emphasized the centrality of elected officials and representatives, who were democratically accountable, independent either in the sense of having independence through tenure or an independent democratic mandate through being elected, whose powers of constraint on others were provided by law and limited by the legal rights of others, and whose aims were determined through electoral control. Friedrich proposed what he took to be a sophisticated and more realistic alternative to these views, which we can call the discretionary state. For Friedrich, the bureaucracy was the center of the state. It was necessarily hierarchical, and although in principle limited by law and legislation, in practice it required significant discretion

limited only by technical considerations and informal control by bureaucratic peers and superiors. Bureaucrats were responsible—an important concept for Friedrich—rather than accountable: they did not face the electorate directly, and the means of controlling them, through parliaments or the courts, were largely weak. Citizens were not capable of understanding what they did, and supervision was not practically possible, so the legalistic conception is not in fact how the state-operated.

Very little has ever been made of Friedrich's "theoretical" arguments, empirically or in terms of their elaboration, but some attention to them is useful for what follows. Commentators made the point that for Friedrich, rule, in practice, simply meant acquiescence to authority, rather than consent.[25] There was a theoretical basis for this. Where his contemporaries, especially those attending to legal issues, wished to make a sharp distinction between forms of power, such as sanctions and public approbation, or psychic sanctions, and between these and coercion, Friedrich saw the relation between consent and constraint as one which held not between these understood as logical opposites but that their relation was a continuum in which both were part of every power relation but in different degrees,[26] and in which "each is a living force generating power."[27] A simple way of understanding this point may be seen in relation to the one big idea that does originate with him: "the rule of anticipated reactions," which provides "a decisive clue as to the nature of influence" or power that is exercised without overt constraint or consent through the adjustment of the influenced persons' actions to the anticipated reactions of the other.[28]

The concept of anticipated reactions is a flexible one: it applies to officeholders, subordinates, and citizens alike, and points to an important realm of political relations outside of the formal law; one intertwined with the formal procedures of consent and constraint. Friedrich's point is that a government, wishing to avoid trouble, will anticipate opposition, and find a way to avoid it. The foreign office does not overtly change policy in response to public opinion, for example, but nevertheless anticipates it and acts accordingly.[29] Parliament's power is largely exercised in this way. And there is a close relation between this kind of power and discretion. As he later defines discretion: "[a] person of discretion, i.e., a person exercising discretion as it is intended to be exercised, is a person who will conduct himself in accordance with the instructions or the anticipated reactions of a superior or ruler and in line with the technical requirements of the function he is exercising."[30] One acquiesces to such power, rather than consents: it operates on the psychological level of expectation rather than on the overt level of command and control to which the legalistic conception is addressed.

To simplify only slightly, and to put this in current terms, what Friedrich describes as the modern state is the bureaucratic order familiar from discussions of the European Union: it is a state with a democratic deficit, which operates on the basis of output legitimacy rather than legitimacy derived from input processes, such as the activity of elected legislators with significant control over the actions of bureaucrats. For Friedrich, this legitimacy was "rational," in the sense that it rested on the recognition of the superior rationality of the bureaucrats using their discretionary power. This was an image sharply different from the idea of democracy governed by the rule of law promoted by his adversaries, such as Hans Kelsen and Friedrich Hayek, in which the discretionary power of bureaucrats was limited as much as possible, so that the actions of the state were outcomes of legally organized processes of representation. For them, discretionary power was the hallmark of the *Obrigkeitsstaat*, which liberalism had replaced by the *Rechtsstaat.* For them, the rule of law was the essence of constitutionalism, and it was the task of legislatures to produce "preferably written as deliberately enacted general norms, whereby individual judicial and administrative acts are determined as extensively as possible, and thereby rendered accountable."[31]

For Friedrich, this image of the state was essentially a fiction: the mechanisms of control it made central were ineffective. His account was obviously intended to normalize the development of the German state: it treats the rise of American bureaucracy under Roosevelt, which was the backdrop for his writings in the 1930s, as a matter of tardily coming into line with the practical demands of modern governance shared by all modern states. The desirable state, for Friedrich, was one in which the work of government, because it was necessarily essentially discretionary, was carried out by a "responsible elite." The model for this was implicitly the Prussian bureaucracy of the *Kaiserreich*, but, in his early and foundational work, he presented the less controversial Swiss bureaucracy as his explicit model.[32]

But Friedrich also recognized that the conflict between democracy and bureaucracy was something that needed to be addressed—which he did, characteristically, by denying it and rejecting the popular belief in a conflict—a common subject in public administration writings of the era. Here again, there was a very personal, and German, background to this argument. Friedrich was a student of Max Weber's brother Alfred. Max had written an influential account of the constitutional issues for post-war Germany, and had been part of the commission that wrote the constitution. He regarded the issue of democratic control of the bureaucracy as the central constitutional problem, and emphasized the need for counterweights with legal power that depended on democratic legitimacy, such as a parliament with investigative powers. Friedrich was writing to dismiss these concerns.

Friedrich was equally dismissive of "rule of law" arguments against bureaucratic discretion. Dicey had made judicial supervision of the bureaucracy a centerpiece of his notion of the rule of law. For there to be the rule of law rather than the rule of men, he argued, it was necessary that bureaucrats be subject to the same kind of legal supervision as everyone else. For Dicey, this was only possible with legal accountability to normal judicial processes—the usual meaning of "the rule of law"—in the same independent courts that everyone else used rather than administrative courts controlled by the bureaucracy. Friedrich, in his study of the Swiss bureaucracy, dismissed Dicey's rejection of administrative courts and insistence on accountability to normal courts as a "minor concern."[33] For Friedrich, the "Strongly authoritarian attitude of the Swiss official,"[34] which resisted even administrative courts, was sufficiently dealt with by the existence of these courts. Not because they served to control the bureaucracy, but because they were just independent enough to provide a legitimating function in the face of citizen complaints, by supporting "the conviction of the citizens that all power of the government is kept within the limits of the law,"[35] and by serving to "eliminate friction and controversies which are otherwise inescapable under popular government," especially in the face of "extremely radical elements of the population."[36]

Rather than popular government serving as a counterweight to a discretionary bureaucracy, the relation he envisioned was the reverse: bureaucracy serving as an authority that could overcome the inescapable controversies of popular government. This was precisely the way he framed what he at the time affirmed as the correct use of Article 48: the failure of the parliamentary process to produce the necessary results justified the President and the Chancellor invoking emergency powers to solve the problem.[37] As Hayek later wrote, "'Emergencies' have always been the pretext on which the safeguards of individual liberty have been eroded—and once they are suspended it is not difficult for anyone who has assumed such emergency powers to see to it that the emergency persists."[38]

"Democracy" and Responsibility

In what sense was this form of state democratic? Udi Greenberg nicely summarizes Friedrich's views in relation to Johannes Althusius, whom Friedrich later elevated to the status of the progenitor of a German "democratic" tradition, in terms of the Christian idea of a covenant.[39] "Covenant democracy" was the democracy of a beneficent relation between the ruler and the group—and for Althusius the group or community is the central figure. As Greenberg puts it,

> Friedrich argued that the training of a responsible and pro-democratic elite could counteract the dangers of the reckless masses and protect the covenant. In particular, it was crucial to train a cadre of unelected state officials who would use their position to balance the pressures faced by elected politicians. Bureaucrats could transcend sectarian pressures. They could defend the integrity of the covenant by protecting the interests of all members of the community, not just those who won elections. In Friedrich's eyes, a "responsible bureaucracy" was necessary for covenant democracy. "Not only must we reject the idea that democracy is opposed to bureaucracy," he wrote, "but we must recognize that the future of democracy depends on its ability to maintain a fully recognized bureaucracy."[40]

This is enough to make clear what the issues are. From the point of view of the developing field of public administration, this claim could be read as a paradigm for bureaucratic professional ethics. Jeremy Plant quotes Friedrich to establish precisely this thought: that Friedrich is explaining what responsibility means.[41] But the implications for political theory are far more radical: "responsibility" in this sense is a replacement for democratic accountability, a replacement required by the present complexity of state functions, and points to an entirely different understanding of the relation of the state to the people, and therefore of "democracy." When Friedrich appeals to "community" as the partner to which the bureaucracy relates through the concept of responsibility, as distinct from "those who won elections," we have not merely extended the previous concept of democracy but replaced it.

Friedrich provides a debunking argument in support of this replacement. The bureaucrat could not follow the will of the people even if one chose to do so. "We realize today, owing to the contributions of modern psychology, that there is no such thing as a specific 'will of the people' with regard to the technicalities of revenue collection or any other 'objective' task or function. All the people want is 'good' execution of the task."[42] The democracy issue is captured in the first sentence of the quotation: if there is no relevant will of the people, their input can be and should be ignored. They will be happy with the output—a job well done—though it is unclear how, even on Friedrich's account, they would be able to recognize that it was.

Parliaments and legislatures are, however, never effective means of controlling bureaucracies. As Herman Finer paraphrases Friedrich, in order to criticize him,

> parliamentary responsibility is largely inoperative and certainly ineffectual. Nor has the political responsibility based upon the election of legislatures and chief executives succeeded in permeating a highly technical, differentiated government service any more than the religious responsibility of well-intentioned kings. [43]

If anyone is to be responsible, for Friedrich, it must be the bureaucracy itself, operating on their own sense of right.

The replacement of accountability with responsibility, however, is where his democratic critics took issue with him. As his antagonist Finer put it, Friedrich "believed and believes in reliance upon responsibility as a sense of responsibility, largely unsanctioned, except by deference or loyalty to professional standards."[44] Finer pointed out that democracy required more, and asked

> Are the servants of the public to decide their own course, or is their course of action to be decided by a body outside themselves? My answer is that the servants of the public are not to decide their own course; they are to be responsible to the elected representatives of the public, and these are to determine the course of action of the public servants to the most minute degree that is technically feasible.[45]

In reviewing Friedrich's wartime book on the Common Man,[46] Dorfman drew out the political implications of Friedrich's arguments for "responsible" rule by bureaucrats.

> The author's own "elite" class is to be found in an all-powerful hierarchal civil service in government and business. Its model is the potent German "ministerial bureaucracy" which students have described as "non-responsible." By describing such a civil service for the whole country as "functional," he is enabled to say that he has really no elite or ruling class, that there is no coercive state, but only "a commonwealth of mutual servants," with "a rigid system of subordination."[47]

Friedrich's language here, as quoted by Dorfman, is deceptive, and deceptive in a way reminiscent of the totalitarians themselves. The "servants" serve a mythical community of the "servants'" own invention. They are governed informally and thus non-transparently in their own actions using discretionary powers. The role of the people is to acquiesce in being ruled, and this is what Friedrich presents as "democratic." Dorfman comments that for Friedrich

> ... there is in effect little need for much of the popular elective machinery or other familiar methods of responsibility to the public and certainly not for their extension. All this can be better performed by polls, propaganda, and other "informational" procedures which avoid the danger of what the author called elsewhere the despotism of a "popular majority" but keeps the "administration" well informed as to the sentiment and feeling of the mass. In short, Friedrich offers a "democratic theory" in which the basic idea of consent of the governed is replaced by an idea of a bond between a civil service which does its job of governing with limited checks by voting, representatives, and other representative processes, with a high degree of discretionary power, and is limited largely by its sense of the reactions its actions would produce.[48]

The reactions, Friedrich thought, would be minimal: people preferred to have their lives ordered, contrary to the liberal valorization of "freedom." Friedrich thus rejected the focus on freedom that was central to the American vernacular, Kelsen, Hayek, and the larger liberal tradition generally: "[a]ctually I think it is much more nearly true to say that people want a minimum of freedom, rather than a maximum. Most people are very glad to leave a lot of things to other people." While the liberal tradition believed people wanted freedom maximized, "experience in the last hundred years has shown this to be quite in error."[49]

Friedrich not only rejected the vernacular view of the constitution, but equated it to the veneration of the state:

> Likewise, the contemporary mind has made the "state" into a golden calf of misplaced concreteness. The next step is to make it into an absolute. Indeed, the concrete symbol in front of which the intellectuals indulge their hapless desire to fall on their bellies before some mysterious something, may even take the more extreme form of a "constitution." Thus a constitution drafted by men who had no illusion about "the State" can become a step on the road toward the "deification of the state." This has certainly happened in the United States in late years.[50]

Similarly, what he embraced as the "constitution" was not the written and sacralized document itself, but the institutions of the state as they had evolved, or rather as he interpreted and envisaged them. This was the core of his earlier "defense of democracy" as well; it was not a defense of democracy as

either popularly conceived or a defense of the constitution itself, but a defense of a body of governmental practices redefined by him as "the constitution."

Friedrich, by his own account, wrote these dismissive comments on the deification of the constitution at the time he was constructing the view of totalitarianism that eventually was formulated in the 1950s as the standard account. The problems constructing this account were a result of the debunking he had engaged in. He evidently realized this when the war began and the popular interpretation was that it was a war for democracy, understood as government by the common person. In 1942 he quickly published a book in which he overtly renounced his past elitism, and proclaimed himself a devotee of the common man.[51] But as Dorfman pointed out in his review, this was a deception: what he embraced was not the actual common person, whom he continued to regard as emotional and irrational, but their common sense and instinct of workmanship, which he then attributed to the bureaucracy.[52]

Friedrich's Problem Resolved?

The conference of the American Academy of Arts and Sciences held in Boston on March 6-8, 1953, brought together an exceptionally diverse group of prominent scholars. The committee that organized it was itself remarkable. It included not only Friedrich as its chair, but such important future and current figures as Harold Lasswell, Alexander Gerschenkron, Karl Deutsch, and Erwin Canham (editor of the *Christian Science Monitor*), Merle Fainsod (a Soviet expert who had helped establish the Russian Studies Center at Harvard). The conference itself included many in the Harvard orbit, such as George Kennan, David Reisman, Parsons' followers Raymond Bauer and Alex Inkeles, and others, such as Paul Kecskemeti, Karl Mannheim's brother-in-law and editor (and a Rand connection), as well as the future Nobel Laureate Wassily Leontief (who warned that the Soviet economy was rapidly growing and would surpass the West), and others who reappear in the literature on the Soviet Union, among them Hannah Arendt and several eastern Europeans with specialized knowledge of the Soviet satellites.

This provided an occasion for Friedrich to outline and defend his basic argument, as well as to attack the views of others. His original argument involved five features that purported to identify totalitarian society as a historically unique political form: an ideology, a single mass party involving less than 10% of the population and consisting of devoted ideologues, a monopoly of control of the military by the party, a near monopoly of control of the means of mass communication, and a terroristic secret police which targeted enemies of the state as well as arbitrarily selected groups, whose targeting was based on scientific psychology.[53] The basic argument, presented in more detail in 1956, was presented as a

descriptive account he called the totalitarian "syndrome." The term syndrome was chosen to signify the relation between the list of six properties (adding an economic element) as one of "interrelated traits." They were now "an ideology, a single party typically led by one man, a terroristic police, a communications monopoly, a weapons monopoly, and a centrally directed economy."[54] Friedrich's initial presentation of this list was immediately followed by a comment that "The suggestion that to this cluster of basic traits should be added that of the secret police gaining ascendency over the army, seems unacceptable."[55] This suggestion was Lasswell's, and was affirmed by Arendt.[56]

The arguments about this list centered on the idea of historical uniqueness, which Friedrich derived from Heinrich Rickert and Max Weber but stated more simply: the systems are different in detail but basically the same.[57] The question Friedrich asked was what basic features differentiated totalitarianism from other regimes. Most of these are traits shared with other regimes, or are characteristic of modern states in general. He admitted that these traits are found elsewhere: that Caesar had a terroristic secret police, that the Church had an ideology,[58] and that the monopoly of weapons is a *de facto* consequence of the development of military technology, making "the right to bear arms" meaningless in practice.[59] Ideology and party are merely exaggerations of features of mass democracy. "In place of the more or less sane platforms of regular political parties critical of the existing state of affairs in a limited way, totalitarian ideologies are perversions of such programs," which "substitute faith for reason, magic exhortation for scientific knowledge."[60] But they stress that the differences are not large—"there are enough of these elements in democratic parties."[61]

Anne M. Kornhauser identifies the conceptual hole Friedrich was trying to dig himself out of: "Carl Friedrich even suggested that the totalitarian state was but an extreme version of the discretionary policy state emerging throughout western democracies: 'Totalitarianism may be considered an exaggerated expression of this general tendency toward the emphasis on policy [rather than legislation]. For in totalitarianism the leaders claim for themselves the right to decide legal matters without regard to legal forms'."[62] Elsewhere Friedrich claimed that the features were "exaggerations, but nevertheless logical exaggerations, of the technological state in which we find ourselves,"[63] or even, as he says in the Friedrich and Brzezinski volume, "a logical extension of certain traits of our modern industrial society (sometimes called 'capitalism')."[64] Thus the totalitarian regime is not, in these respects, radically unlike other modern states, but is different from the historical cases of autocracy, which lack any of these modern elements for technological reasons. The exaggerations—

the large differences—are what matters. The core of the argument rests on "the uniqueness of factors 3, 4, 5,"[65] i.e., 3) the idea of terroristic police, 4) a near monopoly of control of the means of mass communication, and 5) on monopoly of control of the military by the party.

There is no role in this list for input legitimacy, consent, rights, freedom, democracy in the legalistic sense, constitutionalism in the literal sense, the lack of civil rights or the idea that authority is derived from consent, or that the conditions of consent include such things as freedom of speech, transparency of governmental decision-making, adherence to the rule of law, and so forth. These principles are not available to Friedrich as differentiators, nor would he have endorsed any of them. Each involves a principle that he has already debunked. "Freedom," the obvious candidate for a radical differentiator, is a non-starter: "Freedom does not have the same potential, resting as it did on individual effort, which it did a hundred and fifty years ago."[66]

These considerations, central to the naïve liberal view of the state, are largely decorative for Friedrich: they are ineffective as constraints on the details that require discretionary power. He does attribute some importance to them as part of his "functional" view of the state: they serve as constraints on the bureaucracy, which feels its way through the political world like a Golem, according to the law of anticipated reactions. But the implications of bureaucratic and organizational gigantism were also important. The exigencies of modern organization and technology require bureaucratic rule and therefore hierarchy and centralization; therefore, the anticipated reactions of primary concern to the bureaucrat are internal to the bureaucracies themselves, serving to create a powerful internal culture to match its size. The differences come down to two key elements. The first is the fact of party, rather than bureaucratic control. The second is the use of terror as a method.

Friedrich makes a revealing, though not surprising, comment in an exchange over Lasswell's paper,[67] which projected future scenarios for international politics. Friedrich comments derisively on the concept of the Garrison state: "You have seen how I feel about using the word 'state' in connection with totalitarianism, and I am forced to add that the totalitarian system is not a 'garrison' either."[68] Lasswell's list of cases, it should be noted, included prewar Japan and Communist China, neither of which Friedrich regarded as unambiguous examples of the relevant phenomenon. For Lasswell, the distinction between party rule and an authoritarian bureaucracy was irrelevant: what was relevant was the control of the means of violence. But his account of the development of the garrison state went beyond this, to note the ways in which topics such as management and morale were affected by the shift to a security state.[69] And this led Lasswell to a characteristically liberal concern: that the

emerging security state in the US had the characteristics of a totalitarian one, in which civil liberties were in danger. For Friedrich, however, the issue of the role of the party was basic. Parties did not exercise "true authority"; for Friedrich, the bureaucracy did. Totalitarianism as a society governed by a party and terroristic means of "social control" was not a society with an authoritarian state, but a society in which the state and its true authority had been displaced.

> Totalitarianism is precisely the opposite of authoritarianism, for it involves the elimination of all stable authority. But totalitarian societies attempt to shatter all traditional types of authority and to replace them with a new kind of social control. In a very real sense, in a totalitarian society true authority is altogether destroyed.[70]

The term "true authority" is a giveaway. For Friedrich, a party-dominated state is not a legitimate state, or indeed a state at all.

In the totalitarian system, "true authority" is replaced by the party line, the social control exercised by the party over its members through the law of anticipated reactions, and over society by a combination of ordinary bureaucratic means, legal coercion, anticipated reactions, and importantly, terror. Although Friedrich does not say it, terror is the ultimate application of the law of anticipated reactions: unconsciously and fearfully anticipating reactions was the way in which the ruling ideology was internalized by the ruled. The reason Friedrich does not say this is related to his notion of true authority, which implied the same kind of acceptance of authority. Friedrich was vehement in his rejection of the term authoritarian, and the implication of such notions as "the authoritarian personality...that 'authority' is bad."[71] He adds that "it is important to realize that every society must be 'authoritarian' in some degree, that every society must contain 'authoritarian' personalities, every society must exact obedience to authority."[72] His opponents, such as Kelsen, made the point that the democracy-authoritarian distinction had a connection, though not a mechanical one, to human types: democracy fit with tolerance, skepticism, a scientific outlook, and resistance to authority; authoritarianism was the reverse.[73]

Friedrich's response to Lasswell, in which he insisted that a totalitarian society is not even a "state," and not a "garrison" either, serves an interesting purpose. It relieves him from dealing with the obvious objection to the lists: that in each case, the feature of totalitarianism is an exaggeration of the one political doctrine he argued for relentlessly—the need for discretionary power. The real differentiator is the character of the ruling elite: the totalitarian one is bound to an ideology, which is

irrational but not much more so than ordinary democratic parties. The modern bureaucratic state, in contrast, at least as Friedrich presents it, is governed by and through a responsible elite, which is rational.

The title given to the final presentation of the list of traits, *Totalitarian Dictatorship and Autocracy*,[74] reveals what Friedrich understood to be his rival: the liberal response to totalitarianism, which saw it as a form of autocracy. Friedrich's nemesis, Hans Kelsen, had given an account of the differences between the autocratic and the democratic which was meant to apply to the cases Friedrich was concerned with. As we have seen, it focused on the issue of discretion, which was maximized in autocracy, but limited in democracy. Hayek made similar arguments. "The individual has little reason to fear any general laws which the majority may pass, but he has much reason to fear the rulers it may put over him to implement its direction."[75] And these ideas were part of the American vernacular that Friedrich was devoted to debunking. To defeat the argument that these regimes were merely technologically modern forms of autocracy, or garrison states, Friedrich had to find other differentiators.

Friedrich was thus self-limited by his political faith in the administrative state, by his own debunking arguments against the shibboleths of liberal democracy, and of the American vernacular. Constitutional faithfulness was no better than the veneration of the state. Law needed to be flexible and discretionary. The liberal distinction between totalitarian regimes and liberal democracy tended to focus on the notion of autocracy, with its essential feature of discretionary power; discretionary power was precisely what Friedrich had claimed to be the main necessary feature of governance in the modern state, and what required a "responsible" rather than an accountable elite. The visible feature of totalitarian regimes was the secret police: but the "terror" that the secret police produced, which Friedrich called the vacuum created by the lack of trust they produced, was terroristic precisely because they represented an extreme of discretionary power, and the opposite of any strict and literal attachment to the rule of law. He embraced collectivism in the form of the "all," for which the bureaucratic elite was to be responsible. Elections, which Carl Schmitt had called the tyranny of the 50% + 1, for Friedrich, did not produce representatives for "all."

Friedrich's struggle to reduce totalitarianism to a set of interrelated traits inadvertently confirms what his liberal antagonists, such as Hayek, believed all along: that the discretionary state run by bureaucrats is merely totalitarianism writ small. For them, the ever-present danger was that the bureaucratic state would be released from its limits and realize its hidden totalitarian potential. Thus

they saw the most innocuous demands for administrative freedom from electoral and legal supervision as the thin edge of the authoritarian wedge. Friedrich's view of the modern state was the opposite of this: for him, the properties of totalitarian societies were exaggerations of features of our own discretionary state and our own democratic politics, with its ideological parties. The difference between them came down to Friedrich's faith in the ultimate rationality of bureaucrats and the true authority they embodied, and their contrasting faith in the public, consensual, rationality of liberal democracy and its citizens.

Friedrich presented his list of attributes as purely descriptive, and thus, by implication, apolitical and neutral, which implies that rival interpretations were not: that they were ideologically motivated. His fierce response to Lasswell, and his similar review of *Hayek's Road to Serfdom*, suggests that more was at stake for him than simply describing. There were many possible descriptions of the differences, and other possible ways of delimiting the category, and other states that resembled National Socialist Germany and Stalin's Soviet Union in important respects, a point that became clear in the conference discussions, and different ideas about what was "basic" to these regimes. For Lasswell, it was militarization leading to collectivism. For him "The historical prototype [of the Garrison State] in modern times was the Prussia of the Hohenzollerns, particularly in the eighteenth century.[76] For Friedrich, this was the prototypical *modern* state, with a modern bureaucracy and elite. He interpreted England in terms of it as a model, citing its tardy development of a centralized bureaucracy as the sign of its coming of age.

Not surprisingly, in his review of Hayek, he rejected the idea that the German-Austrian path to modernity was radically unlike the Anglo-American one, and therefore rejected Hayek's point that "the idealists who promoted socialism in Italy, Germany, and Austria were the pathfinders of Fascism and National Socialism."[77] Hayek's account identified the most visible feature of totalitarian ideology: its anti-liberalism and collectivist anti-individualism. Friedrich chose a list of attributes that carefully avoided this obvious, "liberal," way of distinguishing the regimes. And the choice served a specific purpose in relation to his own commitments: it avoided the topic of the inherent authoritarianism of the discretionary bureaucratic state, and the incipient totalitarianism of the security state.

These same avoidances, which originally arose from Friedrich's idiosyncratic defense of the modern bureaucratic state against liberal shibboleths, were useful for its reception, especially among writers for whom silence about the issue of ideology was liberating. Leszek Nowak makes a comment that reveals the attraction: "if our model is correct, it is not the contents of the communist ideology but the

human interests of those in power, and the social mechanisms functioning among them, which are responsible for the history of socialism."[78] In his "idealizing" model, the history of socialism was a matter of what he calls "civil loops": increasing revolutionary regulation, followed by the rebirth of civil society and its bonds, followed by increasing regulation by the ruling group, then rebirth again. These were the "hidden social mechanisms"[79] driving the system. Taking "the contents of the communist ideology" out of the discussion of totalitarianism, provided Friedrich's readers, as it did for Friedrich himself, an escape from the elephant in the room: the hostility to liberalism and individualism and the embrace of collectivism that characterized the two totalitarian states.

Footnotes

[1] Carl J. Friedrich and Zbigniew Brzezinski, *Totalitarian Dictatorship and Autocracy* (New York: Frederick A. Praeger, 1961 [1956]), 9-10.

[2] Achim Siegel, Carl Joachim Friedrich's Concept of Totalitarian Dictatorship: A Reinterpretation, in *The Totalitarian Paradigm after the End of Communism: Towards a Theoretical Reassessment*, ed. Achim Siegel (Amsterdam: Rodopi, 1998), 273-302.

[3] Carl J. Friedrich, The Unique Character of Totalitarian Society in *Totalitarianism: Proceedings of a Conference Held at the American Academy of Arts and Sciences, March 1953* (Cambridge, Mass.: Harvard University Press, 1964 [1954]), 47-59.

[4] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*.

[5] Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, 1950).

[6] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*, viii

[7] Jonathan O'Neill, "Carl J. Friedrich's Legacy: Understanding Constitutionalism as a Political System," *The European Legacy* 14 no.3 (2009): 283-300.

[8] Charles Merriam, *The New Aspect of Politics*. Chicago: University of Chicago Press, 1925.

[9] Frederick L. Schuman, "Review of *Constitutional Government and Democracy: Theory and Practice in Europe and America* by Carl Friedrich," *The University of Chicago Law Review* 9 (1942) no.4: 757-758.

[10] Hans Kelsen, "State-Form and World-Outlook" in *Hans Kelsen: Essays in Legal and Moral Philosophy*, ed. Ota Weinberger, trans. Peter Heath (Dordrecht/Boston: D. Reidel Publishing Company, 1973 [1933]), 93-113

[11] Harold Lasswell, "The Garrison State," *American Journal of Sociology* 46 (1941) no.4: 455-468.

[12] Carl J. Friedrich, Discussion in *Totalitarianism* (Cambridge, Mass.: Harvard University Press, 1964 [1954]), 375-376.

[13] Friedrich, The Unique Character of Totalitarian Society, 1964 [1954]), 55.

[14] William Buxton and Stephen Turner, From Education to Expertise: Sociology as a "Profession," in *Sociology and Its Publics*, eds. Terence C. Halliday and Morris Janowitz (Chicago: University of Chicago Press, 1992), 373-407.

[15] Carl J. Friedrich, "Dictatorship in Germany?," *Foreign Affairs* 30 October, 9 (1930) no.1: 118-132; "National Socialism in Germany," *Political Quarterly* 2 (1932) no.4, 520-530; "The Development of the Executive Power in Germany," *The American Political Science Review* 27 (1933) no. 2: 185-203.

[16] Friedrich, "Dictatorship in Germany?," 130.

[17] Carl J. Friedrich, *Constitutional Government and Politics* (New York: Harper and Brothers, 1937), xvi.

[18] Friedrich, *Constitutional Government and Politics*, xvi.

[19] Carl J. Friedrich, *The Philosophy of Law in Historical Perspective*, 2nd ed. (Chicago: The University of Chicago Press, 1963 [1955]).

[20] Kelsen, "State-Form and World-Outlook," 1973[1933], 111.

[21] O'Neill, "Carl J. Friedrich's Legacy: Understanding Constitutionalism as a Political System."

[22] Carl J. Friedrich, *Limited Government: A Comparison* (Englewood Cliffs, NJ: Prentice-Hall, 1974), 124.

[23] F.A. Hayek, *The Road to Serfdom* (Chicago: The University of Chicago Press, 1944).

[24] Hayek provides an intellectual genealogy of this view and its variants in *The Constitution of Liberty* (Chicago: The University of Chicago Press, 1978 [1960]).

[25] Joseph Dorfman, "Review of *The New Belief in the Common Man* by Carl Joachim Friedrich." *The American Economic Review* 32 (1942) no.4: 863-867, 864.

[26] Friedrich, *Constitutional Government and Politics*, 14-15.

[27] Friedrich, *Constitutional Government and Politics*, 15.

[28] Although the phrase is rarely cited, an important exception is the classic "Two Faces of Power" (Bachrach and Baratz 1962). It should be apparent, though Friedrich never discusses it, that terror itself operates through this "law." The point of state terror is to produce conformity through fear, and the means of doing so is to grant discretionary power to the authorities to use in sufficiently unpredictable ways that the subject of terror limits their own conduct in response to the threat of the

use of this power, a threat that, because of the discretionary character of the power, has effects on the subjects that compel them to restrict their behavior in ways that go beyond explicit rules or orders.

[29] Friedrich, *Constitutional Government and Politics*, 17.

[30] Carl J. Friedrich, The Dilemma of Administrative Responsibility, in *Nomos III: Responsibility*, ed. Carl Friedrich (New York: Liberal Arts Press, 1960), 189-202, 198.

[31] Hans Kelsen State-Form and World-Outlook in *Hans Kelsen: Essays in Legal and Moral Philosophy*, ed. Ota Weinberger, trans. Peter Heath, 93-113. (Dordrecht/Boston: D. Reidel Publishing Company, 1973 [1933]), 93-113, 103.

[32] Carl J. Friedrich and Taylor Cole, *Responsible Bureaucracy: A Study of the Swiss Civil Service* (Cambridge: Harvard University Press, 1932).[33] Friedrich and Cole, *Responsible Bureaucracy*, 5.

[34] Friedrich and Cole, *Responsible Bureaucracy*, 34.

[35] Friedrich and Cole, *Responsible Bureaucracy*, 34.

[36] Friedrich and Cole, *Responsible Bureaucracy*, 16.

[37] Friedrich, "Dictatorship in Germany?"

[38] F. A. Hayek, 1979 *Law, Legislation and Liberty: The Political Order of a Free People* (Chicago: University of Chicago Press, 1979), 124.

[39] Friedrich, *Trends of Federalism in Theory and Practice* (New York: Frederick A. Praeger, Publishers, 1968), 13.

[40] Udi *Greenberg, The Weimar Century: German Émigrés and the Ideological Foundations of the Cold War* (Princeton: Princeton University Press, 2014), 36-7.

[41] Jeremy F. Plant, "Carl J. Friedrich on Responsibility and Authority," *Public Administration Review* 71 (2011) no. 3: 471-482.

[42] Carl J. Friedrich, Responsible Government Service under the American Constitution, in *Problems of the American Public Service: Five Monographs on Specific Aspects of Personnel Administration* (New York: McGraw Hill Book Company, Inc., 1935), 1-74, 38.

[43] Herman Finer, 1941. "Administrative Responsibility in Democratic Government," *Public Administration Review* 1 (1941) no.4: 335-350, 344-5.

[44] Finer, "Administrative Responsibility in Democratic Government," 335.

[45] Finer, "Administrative Responsibility in Democratic Government," 336.

[46] Friedrich, *The New Belief in the Common Man* (Boston: Little Brown, 1942).

[47] Joseph Dorfman "Review of *The New Belief in the Common Man* by Carl Joachim Friedrich." *The American Economic Review* 32 (1942) no.4: 863-867, 865; quoting Friedrich, *The New Belief in the Common Man* 193, 278.

[48] Dorfman "Review of *The New Belief in the Common Man*," 865.

[49] Carl Friedrich, *An Introduction to Political Theory: Twelve Lectures at Harvard* (New York: Harper Row, 1967), 13.

[50] Carl J. Friedrich, "The Deification of the State," *Review of Politics* 1 (1939): 18–30, 20.

[51] Friedrich, *The New Belief in the Common Man*.

[52] Dorfman "Review of *The New Belief in the Common Man.*"

[53] Friedrich, The Unique Character of Totalitarian Society in *Totalitarianism*), 53.

[54] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*, 9.

[55] Friedrich, The Unique Character of Totalitarian Society in *Totalitarianism*, 53.

[56] Hannah Arendt, Discussion, in *Totalitarianism: Proceedings of a Conference Held at the American Academy of Arts and Sciences, March 1953*, ed. Carl Friedrich (Cambridge, Mass.: Harvard University Press, (1964 [1954], 74-79), 76.

[57] Achim Seigel has provided an extensive reconstruction of Friedrich's argument, without analyzing Friedrich's very explicit reference to Heinrich Rickert, though he does cite Max Weber. The main methodological clue Friedrich takes from them is that one can conceptualize the traits common to Communism and National Socialism in such a way that they form their own distinct category—Rickert's historical individual—but also that, following Weber, the category is to be understood as an ideal-type, i.e., an abstraction, which Weber characteristically thought of as intentionally one-sided or selective, and constructed for the purpose of conceptual clarity. Friedrich's use of the concept is odd, however, in that he later claims it is purely descriptive, though his comments on the problem of identifying "basic" similarities clearly imply abstraction and ignoring differences between the regimes and treating them as non-basic. Seigel provides a different approach, turning this account into a "theory," appealing to Leszek Nowak's account of idealization (Siegel, Carl Joachim Friedrich's Concept of Totalitarian Dictatorship, in *The Totalitarian Paradigm after the End of Communism*, 281). The reconstruction treats the relations between the elements as constituting an equilibrating structural-functional system. There is some basis for this in the text itself: in various comments described in "system" and "functional" terms, and as related organically (Siegel, Carl Joachim Friedrich's Concept of Totalitarian Dictatorship, 283; Friedrich and Brzezinski, *Totalitarian*

Dictatorship and Autocracy, 9, 315n9). Although Siegel notes that Friedrich cites Ludwig von Bertalanffy, there is a closer source, which is cited more frequently: *The Social System*, Glencoe, IL: The Free Press, 1951, by Friedrich's close associate Talcott Parsons.

[58] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*, 9.

[59] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*, 12.

[60] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*, 13.

[61] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*, 13.

[62] Anne M. Kornhauser, *Debating the American State Liberal Anxieties and the New Leviathan, 1930-1970* (Philadelphia, PA: University of Pennsylvania Press, 2015), 15.

[63] Friedrich, The Unique Character of Totalitarian Society in *Totalitarianism*, 56.

[64] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*, 3.

[65] Friedrich, The Unique Character of Totalitarian Society in *Totalitarianism*, 56.

[66] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*, 12.

[67] Harold Lasswell, "The Garrison State"; Carl Friedrich, Discussion in *Totalitarianism: Proceedings of a Conference Held at the American Academy of Arts and Sciences, March 1953* (Cambridge, Mass.: Harvard University Press, 1964[1954]), 375-376.

[68] Friedrich, Discussion in *Totalitarianism* (1964[1954]), 375.

[69] Lasswell called his concept a developmental construct, or what Weber would have called a genetic ideal-type. He started with the expanded role of specialists in violence, and the step-by-step extension throughout the state of their organizational methods and concerns, including a concern with morale and a reliance on the method of propaganda and collectivist ideas of duty, the centralization of power, bureaucratization, state control over social life and organizations, and other familiar features of "totalitarianism" ("The Garrison State").

[70] Carl Friedrich, Discussion in *Totalitarianism: Proceedings of a Conference Held at the American Academy of Arts and Sciences, March 1953* (Cambridge, Mass.: Harvard University Press, 1964[1954], 273-277), 274.

[71] Friedrich, Discussion in *Totalitarianism*, 274.

[72] Friedrich, Discussion in *Totalitarianism*, 274.

[73] Kelsen, State Form and World-Outlook, 1973[1933], 111.

[74] Friedrich and Brzezinski, *Totalitarian Dictatorship and Autocracy*.

[75] Hayek, *The Constitution of Liberty*, 1970[1968], 116.

[76] Harold Laswell, "Does the Garrison State Threaten Civil Rights?" *The Annals of the American Academy of Political and Social Science* 275 (1951) May: 111-116, 113.

[77] Carl Friedrich, "Review of *The Road to Freedom* by Carl Hayek, *The American Political Science Review* 39 (1945) no.3: 575-579, 575.

[78] Leszek Nówak, "The Totalitarian Approach and the History of Socialism," in *From A One-Party State To Democracy: Transition in Eastern Europe*, ed. Janina Frentzel-Zagorska (Amsterdam: Rodophi, 1993), 45-65, 59.

[79] Nówak, "The Totalitarian Approach," 59.

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