



CHICAGO JOURNALS



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Source: *The Journal of Politics*, Vol. 14, No. 1 (Feb., 1952), pp. 19-40

Published by: [The University of Chicago Press](#) on behalf of the [Southern Political Science Association](#)

Stable URL: <http://www.jstor.org/stable/2126387>

Accessed: 04/01/2015 10:00

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THE PROBLEM OF SUCCESSORSHIP IN DICTATORIAL RÉGIMES; A STUDY IN COMPARATIVE LAW AND INSTITUTIONS

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I. INTRODUCTION

If one were to attempt an over-all characterization of all present-day societies, whether with liberal-democratic or authoritarian-totalitarian governments and institutions, it might be to the effect that ours is an age of large-scale organization and an ensuing mass society, drab and dreary, where the individuals as well as traditional groups tend to be mere cogs in the machine. This holds for the sphere of the state and government also, where we are increasingly inclined to consider even those who occupy leading positions as interchangeable and replaceable technicians. Modern dictatorship, among many other things, reflects a revolt of the individual against such situations and attitudes. In times of crisis the necessity for authority and leadership, whether of the traditional or charismatic kind, is felt again, and this feeling is liable to be exploited by the ambitious who would not be satisfied with working within a machine. Thus they create one in order to establish their own, personalized, and oftentimes irrational rule. Subsequently, to be sure, under totalitarian dictatorship, there is even more of organization, machine, and crushing of individual or group autonomy than before. But its beginnings are by way of reaction against such result.

While the often colorful story of the rise of dictators and their movements has been given a good deal of attention within and without their régimes, much less interest has been shown in the problem of their continuation after a demise of the "leader." It is true that in most cases the problem of succession did not arise because dictatorial rule was terminated through the premature, and more or less abrupt and violent, end of the régime as such. But even prior to such event, little public attention is given to the problem within dictatorships. The *mystique* of the leader considers him as unique, and raising the problem of his demise, even that of his natural death, would put his uniqueness to doubt and pull his régime down to the level of

any ordinary type of government. In totalitarian dictatorships the problem is hardly ever discussed. As far as one knows there is no public mention inside the Soviet Union of the question of what will happen after Stalin's death. There was no such discussion in Nazi Germany until Hitler's somewhat casual remark, at the outbreak of the war, as to what should happen "if anything should happen to me in the struggle."

But the absence of comment is not in proportion to the genuine importance of the issue. It is important not only for the actual future of the régime at and after the leader's demise. It also colors, in anticipation, so to speak, the entire situation during the dictator's life and rule. To the dictator it poses a problem and constitutes a danger. To his aides it is a temptation. To the bystander, within and without, it is a fascination. Traditionally the problem has been considered as insoluble through rational legal means. That it could not provide for ordered continuance was considered as one of the main drawbacks of dictatorship as a form of government.¹ No dictatorship, so one believed, would continue beyond the death of the "tyrant," unless he managed to turn his rule into hereditary monarchy. Against this, however, it has been suggested recently that modern, totalitarian dictatorship, with its lieutenants and the help of the organized machinery of its party, has found the means to overcome the old dilemma. Where the totalitarian movement is effectively organized its existence provides for the mass interest in, as well as the leadership reservoir for, succession into the office of the defunct leader. Continuation of dictatorial régimes in Russia after Lenin's death, in Turkey after the death of Kemal, in Austria after the assassination of Dollfuss, in Poland after the death of Pilsudski, are referred to as evidence of an improved technique and a changed situation.²

On the following pages we shall undertake a comparative survey of how modern dictatorships have tried to solve the problem of succession. One would expect that these régimes try to solve a problem

¹Diana Spearman, *Modern Dictatorship* (London: J. Jonathan Cape, Ltd., 1939), pp. 222-23.

²Cf. Spearman, *op. cit.*, pp. 223-24; Sigmund Neumann: *Permanent Revolution* (New York: Harper and Brothers, 1942), pp. viii, 73, 93 ff. Karl Loewenstein: *Hitler's Germany* (New York: The Macmillan Company, 1940), p. 32. See also Hans Kohn, "Napoleon and the Age of Nationalism," *Journal of Modern History*, XXII, No. 1 (March, 1950), 26, fn. 9.

of such vital importance for their continuance through careful precautions and elaborate legal and institutional devices; only this way, it would appear, can smooth transition from the "leader's" to a successor's rule be assured. Actually, as will be seen, adequate treatment of the problem is rare, and the different systems handle it in most varied and haphazard fashion.

The following is not an exhaustive analysis of all the respective régimes' approach to the problem. What appeared as the most characteristic ones were selected as illustrations, with an emphasis on the totalitarian type of dictatorship, distinguished from the traditional type by its possession of a doctrine and a movement. Moreover, among totalitarian types only those possessing external independence are dealt with here. The problem in satellite régimes is a different one exactly because they are satellites, i.e., dependent on a controlling country (which solves vital problems, such as successorship into the highest leadership positions, for them). We shall therefore omit not only fascist dependent régimes, such as Laval's at Vichy or that of Ante Pavelich in Croatia, but also present Soviet orbit régimes. In addition to their subservience to the real dictatorship abroad there are two more grounds for not dealing with them here; namely, (a) the paucity of information on their successorship problems, and (b) the near-identity of the legal-constitutional arrangements in almost all of these countries with those in the Soviet Union.

II. TYPES OF LEGAL REGULATION

In order to evaluate the different ways in which succession has been regulated in dictatorships we must know (a) What is the constitutional framework (if any), in which the régime operates; and (b) What are the particular provisions determining the legal status of the dictator? On that basis we may then inquire (c) into the different modes of regulating succession proper. What follows is an arrangement of types of regulations in these three respects.

Types of constitutional frameworks. Four major types may be distinguished (it is, of course, understood that the constitutions under which the régimes operate are, generally, mere formal-legal structures no longer indicating the actual location of power or actual procedures of rulership). In one type, a constitutional framework deriving from pre-dictatorial periods is maintained, although its essential provisions

concerning the distribution of powers are now in abeyance. Thus, Italian Fascism constituted dictatorship alongside a monarchical framework of government. The same holds true for Primo de Rivera's dictatorship in Spain. Other régimes set out within a framework of a republican-democratic constitution and thus are examples of dictatorships alongside a republican framework of government; thus Austria (brief "liberal-democratic" holdover period), Poland (for almost the entire duration of the Pilsudski régime), Portugal (in the early stage of the Salazar dictatorship), and Brazil (for about half the duration of the Vargas régime). In all these cases, however, this constitution was later replaced by a more authoritarian type of constitution.

In a second type, the dictatorship establishes a new constitution, usually authoritarian, occasionally with democratic trimmings. For instance, Austria, with her "May" constitution of 1934, a dictatorship alongside authoritarian constitution; Portugal, with its constitution of 1933, and Brazil, with the constitution of 1937, both dictatorships alongside an authoritarian constitution with some pseudo-democratic elements; and Poland, with the constitution of 1935, a dictatorship hardly even "alongside" but rather entirely "outside" a presidential-authoritarian constitution.

Third, dictatorships operating under constitutions with the ultra-democratic features of the type of the Jacobin constitution of 1793 furnish a type. All power, ostensibly, is concentrated in elected assemblies, committees issuing from them, and officers responsible to them. To this category belong Kemalism in Turkey (constitution of 1924) and, above all, Bolshevism. Here we have dictatorship alongside democratic constitutions.

In the fourth type, the dictatorship abolishes or invalidates the earlier constitutional framework without creating any new one; this is dictatorship without a constitution even in a formal sense. To this group belong Nazi Germany and Franco Spain.

Legal status of the dictator. The distinctions that follow are concerned with the official position which the dictator holds in government and the formal-legal provisions under which such office is acquired, continued, and, theoretically at least, terminated. This, of course, is usually not identical with the *political* basis of his rule, his position as leader of a "movement," clique, or totalitarian party.

The official position which the dictator holds may be elective and

for a limited period, thus making re-election necessary. This institutionally least developed type of dictatorship is exemplified by Turkey, where the dictator, in his formal capacity as President of the Republic, under the constitution of 1924 is elected by the Grand National Assembly from among its members for the duration of each legislature, i. e., four years. Kemal and his successor thus were "re-elected to dictatorship" every four years (of course, by a hand-picked and controlled body). Under the Vargas constitution of Brazil, similar to the usual type of Latin American *caudillo* constitution, the President was to be elected by popular vote for a term of six years, with re-election possible.³

In other situations the dictator depends for appointment or continuance in office on some periodically elected body or other official. Thus, except for the initial period of his rule, Salazar in Portugal has held the position of prime minister, to which he is appointed, and from which he may be "freely" dismissed by the President of the Republic, who, in turn, is popularly elected for a period of seven years. The plebiscitarian confirmation of the régime thus takes here the indirect form of periodic presidential re-elections. Under the May constitution of Austria, Schuschnigg, likewise, was appointed to Federal Chancellorship by the Federal President who could freely dismiss him; moreover, from May, 1936 on, the Chancellor was by right the "leader" of the "movement" supporting the régime, the Fatherland Front. In Poland, Pilsudski and his successor likewise owed their positions to presidential appointment. The Stalin dictatorship should probably be put into the same category; Stalin's official positions in the Party (as Secretary-General and chairman of the Politbureau) issue from the Central Committee, while appointments to (and, we may assume, dismissals from) such government posts as premiership and ministries are made by the Supreme Soviet or its presidium. The positions held by the dictator would therefore seem to be at the disposal of the appointing bodies and thus up for at least tacit renewal after each renewal of such bodies (the plebisci-

³What is said about Turkey should now, perhaps, be cast in the past tense. With the recent peaceful change of administration we have here the — probably unique — case of a dictatorship's "voluntary" self-transformation into what comes near to a democracy or, at least, a more-than-one-party system. In Brazil, on the other hand, we witness the re-emergence, through peaceful democratic procedures, of the former dictator who now promises to rule constitutionally.

tarian expression of this fact is here in Stalin's customary "running" for election as a deputy in the Supreme Soviet at general elections to this body).

A formally more stable type of position is held by dictators who owe appointment and continuance in office to a person who, in turn, is *not* under a requirement of re-election, i. e., to a monarch. Into this category belong Italian Fascism and the dictatorship of Primo de Rivera in Spain.

In the two cases of dictatorship without any constitutional framework there is, of course, no dependence on any person or body for continuance in any official position which the dictator elects to hold: Hitler after Hindenburg's death, and Franco. Here, the organizing statutes of the respective totalitarian parties as well as the various "organic acts" of the régime, by conveying, or referring to, leadership powers, simply presuppose the existence of the particular person as leader.

Modes of regulating succession. Taking into account these types of governmental frameworks, four major types of legal approach to the problem of successorship may be distinguished. In one, the formal-constitutional framework determines procedures. Similar to the way in which the dictator himself is confirmed in his official position, some chamber is to elect the successor, some president or monarch is to appoint him. Whether politically it is the reverse or not, succession into leadership of the totalitarian party (if any) then follows rather than precedes such official action. Thus, upon Kemal Atatürk's death, on November 11, 1938, the Assembly the very next day elected Ismet Inonu his successor as president; whereupon, on December 26, 1938, the Congress of the People's Party elected him "national leader." In Austria this precedence of the "official" act was even more clearly revealed when Schuschnigg's appointment to the chancellorship was at first not accompanied by any assumption of leadership on his part in the Fatherland Front; there was a kind of dualist arrangement under which Schuschnigg succeeded Dollfuss as chancellor, while Prince Starhemberg succeeded him as leader of the movement; this dualism lasted until 1936, when Schuschnigg assumed leadership functions in addition to his official position. In Poland, upon Pilsudski's death, the president merely had to confirm the new strong man, Smigly-Rydz, in the position of inspector-general of the armed forces to which he had been appointed by one of Pil-

sudski's last acts. In these cases dictatorial power was thus smoothly transferred through existing constitutional procedures. In Portugal, according to the constitution now in force, a successor to Salazar would have to be "freely" appointed by the President. We cannot tell from existing provisions whether, in case of Stalin's death, under the formal rules of the constitution of 1936 and the 1939 statute of the Communist Party, successor power (if at all in the form of a one-man dictatorship) will be attained through election or appointment of a new premier first, or through appointment first of a new secretary of the party or chairman of its Politbureau, or in any other formal way.

In some situations, in addition to such constitutional provisions, the dictator, or somebody under his control, has the right to "nominate" a candidate for successorship. While this, formally, is supposed to be mere advice to the decision-making authority, it is in reality meant to shift the weight of determination to an agent representing the will of the present dictator and his movement. Thus in Italy the law of December 9, 1928 conferred upon the Grand Council the right, upon suggestion by the Duce himself, to draw up a list of persons of successorial timber to be presented to the Crown in case of a vacancy in the office of chief of government (Article 13). Mussolini, in his memoirs,⁴ maintains that he once presented such a list to the king, without, however, mentioning any names allegedly included. Not unrelated is the case where an incumbent dictator has the right to nominate a candidate for successorship to his office by election, in case he chooses not to run for re-election himself; e. g., under the Brazilian constitution of 1937.

Another situation exists when the dictator, without being bound by any constitutional provisions, lays down rules concerning successorship. In particular, an institutional framework for selection of candidates and transmission of power is established. Such detailed regulation *de novo* exists so far in one case only, namely, that of Franco Spain, and here, it is true, with the underlying intention of transforming the dictatorship eventually into a monarchy. At first the situation in Spain was similar to that in Nazi Germany. In 1947, however, Franco decided to regulate succession through a detailed law, which was submitted to popular referendum for solemn sanc-

⁴Max Ascoli, ed., *The Fall of Mussolini — His Own Story* (New York: Farrar, Straus, 1948), p. 167.

tion; the "plebiscite" took place on July 6, 1947, and, upon receiving the usual totalitarian majority, the succession law was promulgated on July 26. It provides the following: The Head of State (Franco) may at any time submit to the Cortes the name of a person who should succeed him either as king or as regent; before doing so, he has to hear the views of the Council of the Realm, a body newly established by the succession law and composed of notables from administration, military, clergy, syndicates, and so on. Franco may at any time revoke a nomination. To be qualified for kingship or regency, one must "take an oath to the fundamental laws of the nation" and "swear loyalty to the principles inspiring the national movement," in short, be a patriotic "falangist" king. Franco may "suggest" to the Cortes exclusion from succession "of those Royal persons who lack the necessary ability to rule or who, because of their notorious disregard of the fundamental principles of the State, or because of their previous actions, deserve to lose their rights of succession as established in the present law."

In case a vacancy in the headship of state occurs after such designation, a Regency Council, composed of the Speaker of the Cortes, the highest military officer, and the highest prelate of Spain, will temporarily assume supreme authority; it will convene a joint session of Cortes and Council of the Realm to proclaim the designated successor king or regent. Should a vacancy occur without previous designation of a successor, the Regency Council has to summon a joint meeting of cabinet and Council of the Realm which, by two-third's majority, will nominate to the Cortes a person of royal descent as king; in the absence of a royal person with the required qualifications, or in case the Cortes reject the nominee, they will nominate a regent possibly to rule for a stated period only. The Cortes, with a majority of the total membership present, will then elect by two-third's majority. Once a king is elected, regular order of succession, as determined by the succession law, will prevail. The law provides that headship of state may become vacant not only in case of the Caudillo's death but also in case of disability, the latter to be certified by two-thirds of the cabinet and two-thirds of the Council of the Realm to the Cortes for action.

In a final type of situation, without being bound by any fixed procedures, the dictator is free to determine successorship, i. e., he may designate or appoint (not merely nominate) the person to be his

successor, may freely revoke such designation, or may not care to make any decision at all. Such freedom was enjoyed by Hitler, as well as by Franco until 1947. Unlimited discretion was deemed by the ideologists of the régimes as best suited to the general nature of a totalitarian régime.⁵ This right was expressly reserved to Franco by the Statute of the Falange, which provided (in Articles 40 and 48) that the Caudillo might secretly designate his successor, who, upon his death, would be proclaimed successor by the Falange's National Council, a regulation belonging to the more pronounced "falangist" period of the régime and now invalid.

Hitler, prior to the outbreak of the war, had not availed himself of his right to designate a successor. Whatever little was said in that period about the problem by theorists and others was based on a statement in a speech to the Nazi Party Congress of 1935, where the Fuehrer had vaguely indicated that the Party would in all future provide the Reich with its leadership.⁶ This statement led some to conclude that somehow the Party would determine successorship to Reich leadership;⁷ but whether this meant that the deputy Party leader at the time of Hitler's death would automatically be his successor, in Party as well as Reich,⁸ may well be doubted. As a matter of fact, Hess, then deputy Party leader, was not first in the order of succession when Hitler, somewhat casually, laid down such an order for the first time. In his speech before the Nazi Reichstag on September 1, 1939, he declared: "Should anything happen to me in this struggle, my first successor shall be Party comrade Goering; should something happen to Party comrade Goering, his successor shall be Party comrade Hess. . . . Should anything happen to Party comrade Hess, for that event I shall now by law establish the Senate, which shall then choose from its midst the most worthy—that is, the

⁵It was admitted that, because of the "personalidad unica e irrepitable" of the leader, succession posed a grave problem to such régimes, and that the best "regulative principle," therefore, was to reserve to the present leader the inherent right to designate his successor. Cf. I. M. Lojendio, *Regimen Politico del Estado Español* (Barcelona, 1942), pp. 138 ff.

⁶"The Party gives the Reich its Führer. Whoever is proclaimed the new leader is thereby party leader ("Herr der Partei"), chief ("Oberhaupt") of the Reich, and supreme commander of the armed forces," *Die Reden Hitlers am Parteitag der Freiheit* (Munich, 1935), p. 85.

⁷Cf. Ernst R. Huber: *Verfassung* (Hamburg, 1937), p. 113.

⁸Karl Loewenstein, *op. cit.*, p. 32, seems to interpret Nazi doctrine of that period in this manner.

bravest successor." Actually, the "Senate" was never established, and none of the persons mentioned as first and second in line acceded to whatever precarious and short-lived successorship remained after Hitler's death. It seems that Hess, after his flight to England, was formally deprived of his rights by a secret decree of June, 1941, thus leaving Goering sole successor.⁹ Goering, in turn, was "deposed" by Hitler shortly before his death. So was Himmler, who, despite the lack of official designation, now appeared to be "the heir," and Hitler, in his last act, his "political testament," appointed to successorship a "dark horse," Admiral Doenitz. Thus final regulation of successorship had to await the very last day preceding the dictator's death; by that time the problem had largely been solved by history.

III. THE POLITICAL PROBLEM

The demise of the dictator confronts the régime with its supreme test. How can dictatorial power be transferred to a successor? How can the power and authority which rested upon the charisma of a "unique and irrepeatable personality" be inherited, or even made to appear inheritable? How can the personal *mystique* which distinguished the leader in the eyes of his followers be transformed, through succession, into an institution? This poses one kind of problem of legitimacy, or legitimizing, of power. Another kind is created by the fact that the power vacuum caused by the demise of the dictator may revive latent trends toward replacing the dictatorial régime, which never ceased to partake of the character of an "emergency régime," with an old or new legitimacy. The régime may count for its continuance on a continuing *élan* of the movement and on the vested interests, of both spiritual and material nature, which have been created by the régime and which depend on its perpetuation. But the revolutionary (or counter-revolutionary) dynamics that had led the movement and its leader to victory over preceding, "legitimate" régimes and allowed it to establish martial law in permanence, will by now have exhausted itself to some extent. The original aims of the movement may now seem to have been achieved, or they may have been

*Apparently this decree was discussed among high Nazi functionaries, including Goering himself, in the weeks prior to the end of the régime; see H. R. Trever-Roper, *The Last Days of Hitler* (New York: The Macmillan Company, 1947), pp. 91 ff., 129.

discredited, or their non-achievement may have discredited the régime. In either case continuation of the emergency situation will appear unwarranted, either because it is no longer necessary or because it seems that something better should replace it. There will be an urge, a mass trend, toward "normalcy," and at this point ideas and groups representing old or new legitimacies may come to the fore. Thus, pre-dictatorial authoritarian or democratic institutions may now appear again as the legitimate forms of a polity temporarily submerged under the dictatorship. Or, if the rule of the dictator was long and remembrance of things past has become dim, a new, non-dictatorial form of government may appear as the very fulfilment of the autocracy, which seems to have exhausted its *raison d'être* with the completion of the autocrat's lifework. In difficulties or distress dictators themselves are inclined to legitimize their régimes (Franco, banking on Catholic-monarchical authority, tries to infuse new strength into his régime); or they may at least try to liquidate their régime in a not too discreditable fashion (Hitler appoints a man from outside the inner circle for the one remaining task of negotiating the surrender). Beyond all this, however, the death of the dictator in any event will release the well-known "Uff" of the masses (including the régime's own adherents), the collective sigh of relief that greets the disappearance of the strong who have kept the many under the spell of their personality. Man and his mind are antinomical. "Separation anxiety" befalls him when disappearance of authority creates a void, for he wants to be cared for, but simultaneously his desire for freedom and self-expression now appears satisfiable. Almost anything, at such moment, is politically possible.

What, then, can the dictator do to prepare for the moment when the problem of how to fill the vacuum caused by his demise will pose the existential question of his régime? The traditional way out in history, in modern times attempted by Cromwell and Napoleon, has been to transform the "illegitimate" dictatorship into the new legitimacy of a monarchy through the usurper's founding of his own dynasty. Somehow this seems incongruent with modern totalitarian dictatorship. The plebeian origins of these régimes, their plebiscitarian-democratic façade, render them hardly reconcilable with monarchy, and its traditionalist and aristocratic connotations. And the idea that the "uniqueness" of the leader's personality can be inherited

by blood seems queerer even than that of transferring it to some other outstanding leader.

There remain three possibilities: The dictator may groom a successor during his lifetime; he may avoid selecting and designating anybody for successorship; or he may rely on some institutional framework for the transfer of authority. All three are fraught with difficulties. In the first case, he may create a "crown-prince problem": To select a man with the boldness and the ambitions which dictatorial leadership seems to require may make him a center of independent power during the dictator's régime. This danger of his authority being challenged during his lifetime may be avoided in the second event, but non-designation, or even a much delayed designation, implies another threat, that of strife and chaos at the crucial moment. Relying on institutions may mean conferring authority and prestige on them which may well be exploited by anti-dictatorial groups at the demise of the dictator, or even prior to it.

Under these circumstances the different types of legal approach to the succession problem, which have been outlined above, assume a new interest. Their impact on success, failure, chances of succession will now be analyzed.

IV. THE IMPACT OF LEGAL REGULATIONS ON SOLUTIONS

How does the presence of a formal-constitutional framework for transfer of power affect the chances of successorship? In the three instances — Turkey, Austria, Poland — where dictatorial power was successfully transmitted at the death of the first dictator such framework existed, and the transfer was carried out in conformity with its rules through institutions provided by it. This proves at least negatively that the existence of formalized procedures according to which a president or an assembly appoints the successor does not necessarily hamper success of the transmission and thus endanger the continuance of the régime. Does it prove, positively, that the procedures and regulations in question facilitate such inheritance of power? In the cases which serve as precedents it may be doubted whether their observation was more than a formality. While official action according to prescribed procedures may have added to the appearance of legality in the successor's assumption of power the essential element, common to all three cases, seems rather to have been the predecessor's clearly

stated wish that the respective person should succeed him. In the case of Kemal his expressed wish was coupled with the popularity Inonu had gained as an early brother-in-arms of the dictator and his prestige as prime minister and second-in-command in the régime. Thus backed by the expressed will of the former leader and by his own prestige, Inonu could bridge the chasm with the declaration that he was the executor of Atatürk's last will and that his policy would be one of continuing Kemalism.¹⁰ In the Austrian case the rôle which the expression of the dictator's will played seems more obvious still, since Schuschnigg had his competitor in Starhemberg, vice-chancellor under Dollfuss and strong man in the one effective mass-organization backing the Austro-fascist régime, the Heimwehr.¹¹ In the Polish case the expression of the will of the dictator even took the form of a deathbed appointment to the very post which had been the dictator's vantage-point of power.¹²

Constitutional procedures and institutions thus seem to be harmless or even helpful in the transfer of dictatorial power. But one must be wary of generalizing. Mussolini's case, although not one of failure to transmit power but failure to keep it during his lifetime, serves to indicate that under certain conditions existence of even a mere residuary framework of constitutional government may contribute to the dictator's downfall. If the shadowy prestige of the monarchy, under the crisis conditions of summer, 1943, was sufficient to deprive the dictator of power and position, similar success might well have rewarded an attempt undertaken if a crisis situation had existed at, or had been provoked by, the dictator's death.¹³ The fact that in Primo

¹⁰Cf. Albert Carr, *Juggernaut — The Path of Dictatorship* (New York: Viking Press, 1939), p. 423; Emil Lengyel, *Turkey* (New York: Random House, 1941), p. 443.

¹¹That such designation by Dollfuss existed is apparent from Schuschnigg's statements to that effect, coupled with the embarrassed silence of Starhemberg on this point; cf. Kurt Schuschnigg, *My Austria*, (New York: Alfred A. Knopf, 1938, p. 240) and Ernst Ruediger Prince Starhemberg, *Between Hitler and Mussolini* (New York: Harper and Brothers, 1942).

¹²Guy S. Ford (ed.): *Dictatorship in the Modern World* (Minneapolis: University of Minnesota Press, 1939), p. 355.

¹³Mussolini's own explanation in his "memoirs" (*op. cit.*, pp. 157 ff) strikes one as rather a little too naive. In a surprising chapter he alleges that Fascist rule, since 1922, had in reality been a system of "dualism," where power was divided between Mussolini and the King, with, e.g., Chamber, police, air force being Fascist, while Senate, army, carabinieri were royalist institutions and forces. What about the much vaunted, and real, totalitarian character of the

de Rivera's case it was also the monarchy which, backed by army circles, eventually freed the country of dictatorship seems to warrant the conclusion that monarchical institutions should be exempted from the rule according to which existence of an institutional framework does not endanger dictatorial succession.

If such is the impact of institutionalized procedures, how, on the other hand, does the dictator's "legal" discretion in designating the successor influence the chances of succession? In the absence of formal procedures we here have the ideal type, so to speak, of the succession problem: The dictator *has* to act, in the form of free designation, if he wants to avoid the chaotic consequences of inaction for the future of the régime. Can we draw any conclusions concerning the impact of such power to designate, or, we may add here, of a right to nominate? In Hitler's case, despite all prior vacillations and uncertainties, his last minute designation proved effective, since power *was* inherited by the designated successor, even though for a brief period and as receivership in bankruptcy rather than as full-fledged dictatorial power. "Success" in this case may well have been owing to the complete absence of institutional devices. The effect which the existence of such institutions may have can be gathered from a comparison between the overthrow of Mussolini's rule and the similar but abortive attempt to overthrow Hitler in July, 1944. Mussolini's case, in addition, serves to show that creating nominating rights may work to the disadvantage of dictatorship; the prestige bestowed upon the Fascist Grand Council, the body authorized to submit such nomination to the crown (even if only upon the dictator's proposal), in all likelihood encouraged that body to undertake the action of July 25, 1943, which, in turn, may have encouraged the king to act.¹⁴

In the case of Franco it is clear that, despite his freedom to desig-

régime? Yet Mussolini may have been right when he blamed for his fall "the generous and romantic error it (Fascism) made in October 1922, when, instead of making a clean, totalitarian sweep of old institutions, it tried a compromise solution. . . ." (p. 175). The impulse, at that time, may have been calculating rather than chivalrous but the belated insight holds before the judgment of history.

¹⁴In this instance, too, Mussolini may well have regretted having institutionalized part of his totalitarian power — an error never committed by Hitler —, since even that peculiarly Fascist body eventually functioned as an anti-dictatorial weapon. Text of the Grand Council resolution where a majority of 19:7 voted to ask the king to assume supreme executive power (i. e., to dismiss Mussolini); in Ascoli, ed., *op. cit.*, pp. 66 ff.

nate, the complicated framework of institutions and procedures now established for the succession may, under adverse circumstances, become even more dangerous to the dictator and his régime, since the succession law even goes so far as to provide for the case of the dictator's "disability," a provision which obviously could be used to get rid of Franco prior to his voluntary or natural demise. It is possible, of course, that the regulations have been devised with a view to liquidating the régime in favor of a genuine, not mere figurehead, monarchy.¹⁵

If both the existence of institutional devices and the constitutional freedom to designate or nominate a successor (whether or not, in the latter case, coupled with institutional devices) fail fully to account for success or failure of succession, we may now ask whether the key for success is in the presence of the characteristics of modern totalitarianism. Those who consider its institutions — its "movement" and its party machine, its ideology, and so on — as the prime cause for success in transmission of dictatorial power refer to four "precedents": the continuance of Bolshevik dictatorship after Lenin's death; the succession of Inonu to Kemal Atatürk; that of Schuschnigg to Dollfuss; and that of Smigly-Rydz to Pilsudski.

But the case of Bolshevism after Lenin's death cannot be regarded as a "precedent" at all. There is a difference between the question of why an authoritarian régime as such endures, and how personalized dictatorial rule is transferred from one ruler to another. Continuance of Bolshevik rule after Lenin's death may be called a "success" in the sense that the régime as such survived the demise of a foremost leader. But it was not a case of successful transmission of personalized dictatorial power for three reasons. First of all, while there was no open civil war, the régime did not survive without violent political struggle over successorship. Secondly, the person who eventually assumed dictatorial power was not one whom Lenin had wanted even

¹⁵Another case which may illustrate how the power to "nominate" a successor, coupled with institutional devices, may backfire, is that of the succession into Vargas' dictatorship in 1945, when the dictator, under the threat of upheaval, tried to save the régime by designating Dutra as his candidate for successorship. Dutra was elected with the help of the Varga machine but failed Vargas' expectations when he transformed the régime into a — relatively liberal — democratic government (Cf. Ray J. Josephs, *Latin America; Continent in Crisis* (New York: Random House, 1948), pp. 422 ff.). On the constitutional framework of the Vargas dictatorship see Karl Loewenstein, *Brazil under Vargas* (New York: The Macmillan Company, 1942).

to continue in the position he had at Lenin's death.¹⁶ Finally, and this is decisive, dictatorship as exercised under Lenin was not yet of the personal type of totalitarian rule as it developed subsequently and as it is discussed here. Rather it was group dictatorship, conceived at that time neither by Lenin nor his colleagues, neither by the Bolshevik Party nor by the masses, "proletarian" or others, as the rule by one man as dictator. Successorship in the sense of transfer of "charismatic" leadership power was not here the problem, which probably was the main reason why group dictatorship continued despite the struggle over the inheritance of the authority of the foremost man in the group. Significantly, Lenin himself failed to designate anybody as his "successor." Might he, by clearly and publicly making such choice, have helped to prevent the subsequent struggle? This may be doubted. The "personalization" of politics and rulership, of which such action would have been expressive, would have run counter to Lenin's and his party's ideology at that time. Absence of this personalization explains the unhampered continuation of the régime.

On the other hand, there *was* the problem of what would become of Lenin's personal authority and power. And since there *were* tendencies toward personalization of power in the régime, this became a crucial problem. Lenin himself, apparently, was aware of it, although he contented himself with negative admonitions of the body of "comrades," expressive either of his belief in "intra-party democracy" or, rather, of a feeling of helplessness, as the vagueness of his warnings ("to find some way to remove Stalin") may indicate. Although Stalin himself, in the years after Lenin's death, ostentatiously maintained that "not a single one of Lenin's disciples was worthy of Lenin's mantle," and that only as a team could they aspire to leadership,¹⁷ his actual power at that time was already sufficiently stabilized within the machine to invalidate Lenin's last will concerning his removal and to begin the fight for personal power. Rather than proving success, this shows the weakness of group dictatorship in solving the problem of successorship.¹⁸

¹⁶From Lenin's so-called testament: "Therefore I propose to the comrades to find a way to remove Stalin from that position [i. e., of Secretary of the Party's Executive Committee] and to appoint to it another man. . . ."

¹⁷Cf. Isaac Deutscher, *Stalin* (New York: Oxford University Press, 1949), p. 298.

¹⁸It is characteristic of Stalin that he, right after Lenin's death, tried to transform, retroactively so to speak, the character of Lenin's authority by his

The Austrian "precedent" likewise is far from convincing. First of all, "Austro-Fascism" was never a full-fledged totalitarianism on the pattern of Nazism or present-day Bolshevism. The political "machine" on which it was based, the "Fatherland Front," was a somewhat synthetic affair, an agglomeration of diverging and competing groups, the most important of which were the *Heimwehren*. Its ideology and, partly, its political backing were Catholic. Power, after Dollfuss' death, was transmitted in the form of a dualism, under which Starhemberg, leader of whatever "movement" and "totalitarian" machine there was, while continuing as its leader, did *not* inherit supreme governmental power, which went to Schuschnigg. If the existence of that machine were to explain the smooth transmission of power, it is difficult to understand why dictatorial power did not go to the head of that machine. Instead, after the period of dualism, power was concentrated in Schuschnigg.¹⁹

The case of Pilsudski in Poland supplies no basis for the theory that modern totalitarianism accounts for smooth inheritance of dictatorial power. There was, in the case of that dictatorship, neither movement nor ideology of a totalitarian character. It was the old-fashioned type of a dictatorship based on and backed by the armed forces with a loose political organization that bore little resemblance to a totalitarian party or machine.

On the face of it, Turkey would seem to present the best illustration for the thesis here discussed. There can be no doubt that the well-oiled Kemalist machine (the so-called Republican People's Party), with its complete control of the respective governmental institutions, such as the National Assembly, had a hand in the transmission of power. How decisive its rôle was may still be doubtful considering that Turkey is not among the régimes whose totalitarian character is most pronounced. The Party itself had been created by Kemal *after* his rise to power and had remained an instrument for his personalized exercise of power rather than a "mass movement"; there is not much

"oath to Lenin" (Deutscher, *op. cit.*, p. 270). This made Lenin appear as the infallible "leader," while the oath itself implied Stalin's pretensions to succession into such personalized leadership position.

¹⁹The crucial moment came in May, 1936, when Starhemberg, after his dismissal by Schuschnigg, was tempted to "turn out Schuschnigg" through a *coup d'état* of the *Heimwehr* formations; he did not feel strong enough to do so (Starhemberg, *op. cit.*, p. 236). See also Charles A. Gulick: *Austria from Habsburg to Hitler* (Berkeley: University of California Press, 1948), pp. 1709 ff.

of a totalitarian ideology either. Thus, at best, one of the four alleged "precedents" can be accepted as proof of a decisive rôle of totalitarianism in succession. Whether that constitutes sufficient evidence may well be doubted.

We have still to consider whether there is anything in the general character of the régimes, their economic and social structures, their ideologies, or even in the specific personality of the dictators, which may account for success or failure of succession. There are distinctly different groups in these respects. Thus, in origin, the dictatorship may be counter-revolutionary, owe its success to the backing of economically or politically ruling groups, as army circles or big business, and, in its policies, may aim at the preservation of the socio-economic *status quo*; or it may have issued from a revolutionary movement and operate in a radically transformed society, as *Kemalism* and, above all, *Stalinism*. Ideologically, the régime may owe its "spiritual" existence to religious doctrine; here, we have all those dictatorships whose "moral" foundations are in some adaptation of Catholic social theory, such as corporativism and so on: Austria, Portugal, Spain, and Brazil under Vargas; or the régime may have its own, original, and usually "pagan" philosophy, whether of the mystical-heroic type (Nazism, Fascism) or of the "scientistic"-atheist Marxian version. As to its development, the dictatorship may have started out as one without personal *mystique*, where the unpersonal *mystique* of a movement was later transformed into the personal type (Soviet Union), or it may have been initially established in order to cope with a specific emergency only, subsequently to transform the *ad hoc* assumption of power into permanent dictatorship (Salazar). As to personality traits, the dictator may be of the usual extrovert, ambitious, blustering "forceful" type, or at least the type who, while more "withdrawn," enjoys the feeling of possessing power, but he may also be that rare bird among "leaders," the shy, introvert, personally unambitious man, like Schuschnigg, or like Salazar, who was rather unwillingly drawn into the limelight to solve a financial emergency.

For the chances of succession these distinctions seem to mean little. If we take the three "success" cases, there is not much which Turkey, Poland, and Austria have in common by way of socio-economic bases and structures. In one case we have a dictatorship whose main aim has been to transform a backward Eastern society into a

modern one through "Westernization" and planning; in another case there was complete absence of any such "revolutionary" origin or policies and a feudal-agrarian structure of the country was left intact; while in the third instance a largely ineffectual "corporative" system was superimposed on a capitalist system of the traditional Central-European kind. It would thus be difficult to ascribe success of inheritance of power to any among these widely varying elements. Ideologically likewise, while Austria belonged to the group that adopted a Catholic ideology of state and society, and while Pilsudski did nothing to break the traditional influence of the Church in Poland, Kemalism, with its opposition to Islam as a spiritual and political force, cannot be put into one category with religious and, moreover, Christian, ideologies. As to differences in development of régimes and personality of the leaders, dictatorships originally without personal *mystique* as well as those initially established for a limited period have shown a tendency to develop into the personalized type and to perpetuate themselves, with one leader, even if of the "unambitious" type, becoming the "eternal" and "irreplaceable" leader.²⁰ Thus they will eventually all be faced with the succession problem, upon whose solution, however, the difference in origin, development, and personalities seems to bear little.

* * *

Is there any more definitive answer to the question: what determines the inheritance of dictatorial power? Perhaps we may sum up the results of the foregoing discussion as follows.

"Success" cases were those in which a clearly expressed wish of the dictator existed. Clear and unambiguous designation of a successor seems to have been the decisive factor in successful transfer of power. Negatively, this is indicated by the absence of such designation in the case of Lenin and what followed his death. Positively, such designation was present in the cases of Kemal-Inonu, Dollfuss-Schuschnigg, and Pilsudski — Smigly-Rydz, and to the extent there *was* such inheritance, in that of Hitler-Doenitz. The story of the

²⁰Thus Salazar is now the "indispensable" leader of the *Estado Novo*, faced with the problem of how to guarantee continuity to a régime whose leader is considered irreplaceable; cf. "Dictator's Dilemma in Portugal," *The Economist* CLVI, No. 5507 (March 12, 1949), 468.

appointment of Schuschnigg and that of the assumption of authority by Doenitz, in particular, indicate the importance of this factor. In the latter case there was really nothing else which accounts for success. Doenitz was a dark horse; nobody had ever thought of him as a potential new Fuehrer, but when Hitler eventually made up his mind such was even at that moment the impact of his prestige and the weight of his authority that his decision was obeyed after his death unquestioningly by all those who still held residues of power and thus might have tried to proclaim their own successorship; the attitude of Himmler in those weeks is especially revealing.²¹ It is proof of the almost magic power of the charisma which manages to survive the death of its bearer, to be, so to speak, transsubstantiated through his will into a new body.

Compared with the rôle that designation plays, that of institutional devices is ambiguous. To allow some body or institution to participate in the selection procedure through nomination may prove dangerous (the case of the Fascist Grand Council), while formal-legal transfer of power may be innocuous or even helpful. But even here distinctions are in order, for experience shows that, while leaving such power to "democratic" institutions (such as "elected" assemblies or presidents) may prove innocuous (Turkey, Austria, and re-election cases, such as Portugal), leaving such power to a monarch has proved dangerous (the cases of Mussolini and Primo de Rivera). "Democratic" devices are more amenable to totalitarian exploitation than authoritarian remnants. After destroying all non-controlled forces in society totalitarianism is able to use "plebiscitarian" devices for the control of the atomized masses, but any remnants of "non-co-ordinated" groups and institutions, such as a nobility, a dynasty, or an army, may emerge as danger factors (Nazism and July, 1944; possibly Franco and Monarchism).

Thus we may conclude: the decisive factor in the transmission of dictatorial power is the clearly expressed designation of the successor on the part of the dictator. This, coupled with his *mystique*, may suffice to make his authority effective beyond his demise, regardless of totalitarian machines or formal-institutional arrangements; the latter may be helpful, or they may prove harmful, depending on circumstances.

²¹For a summary of whatever details have become known see Trever-Roper, *op. cit.*, pp. 208, 221 ff., 224-28.

This still leaves unanswered the fundamental problem: what determines dictatorial designation? In other words, if mere expression of will is the controlling factor, what prevents the dictator from making his decision, and making it in time? Here we enter the realm of the *arcana* of autocratic rule. One factor which enters here is fear, the all-pervasive fear of any autocracy, and particularly of dictatorship lacking "legitimacy," of competing power or authority, a competition that may well arise from the designated heir and his retinue. But there is also the *hubris* which unchecked power creates, the feeling of uniqueness that, while it makes the dictator desire to see his régime perpetuated beyond his life, may make him jealous of any successor in anticipation already. In addition there are more rational difficulties of selection. To some extent the successor-designate must be acceptable, not only to the leader, but also to various groups, factions, trends within the party as well as to the persons identified with these wings; he must also be acceptable to important groups more or less closely allied with the party (such as the military, church leaders, representatives of business groups, and the like), and, at least in a general way, to the people at large. Thus, while Goering was Hitler's obvious choice as late as 1939, toward the end of the war he had to be dropped because he had become the symbol for the failure of the *Luftwaffe*. Goebbels, despite his high standing in the régime, had never been a potential candidate for the highest post, and Himmler, like others, in the dictator's frenzied suspicion, had become a "traitor." Thus designation was delayed to the very end, and Hitler readily admitted failure in the matter of succession.²² The case of Mussolini is similar, with first the delays ("changes of the guard") and then the demotions.²³ Such developments may result in the gradual elimination of any and all outstanding sub-leaders and the creation of that void in which only mediocrities and total conformists survive, and which, today, is so characteristic of Soviet leadership. As to this, the most crucial succession case in the world today, it would seem that any reliance on Stalin's part upon the functioning of institutional de-

²²Trever-Roper, *op. cit.*, p. 91 ff.

²³On the demotion of the heir-apparent and son-in-law, Ciano, cf. Pietro Badoglio, *Italy in the Second World War* (New York: Oxford University Press, 1948), p. 39. In the two most important cases extant (Stalin and Franco) there is apparent delay, possibly coupled with secret designations and demotions. The "social cost" of delay is in the inevitable competition and strife among the sub-leaders and their retinue.

vices alone would be out of the question, since they could never prevent or solve a serious conflict over succession in the top ranks. Neither could he rely on the "automatic" functioning of the "machine" in such an event. Even secret designation, something likely to exist by now, may not be enough, because it may be contested after his death. To prevent any such happenings a public and solemn bestowal of successorship rights would appear to be in order. Nothing less would seem to do, as Stalin must know from the story of his own rise to power. It would be almost fantastic to assume, and yet it may come true, that Stalin, through inaction, delay, or the secrecy of designation, will leave the problem at his death where it was at Lenin's death when a clever schemer called Stalin was able to frustrate Lenin's will.