MANCHESTER 1824
Manchester University Press

Introduction to Otto Kirchheimer, 'Elite – Consent – Control in the Western Political System'

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Abstract

Kirchheimer's manuscript 'Elite – Consent – Control in the Western Political System' is printed in this volume of 'Redescriptions' in its original form as an unedited draft paper which was read at the Columbia Seminar on October 26, 1964.The paper consists of 17 typewritten pages and no additional handwritten annotations by the author. In the paper, Kirchheimer presents an ambitious programmatic diagnosis of the general political situation on modern western democracies with special emphasis on internal stabilizing and destabilizing tendencies. The manuscript belongs to a phase in Kirchheimer's work, in which his interest had shifted towards more general considerations about the one-dimensional character of affluent western industrial and consumer societies and in which he moved closer to the critical sense of the Frankfurt School again. The paper is structured in four main parts. It begins with an introduction in which Kirchheimer very briefly defines the crucial social, socio-economic and cultural elements of the "Western industrial society" and raises the question whether and to what extent these elements produce "related ways of handling political problems". In the next three sections, Kirchheimer discusses this question under the triple heading 'elite', 'consensus', and 'control'.

Otto Kirchheimer (1905-1965) has become mostly prominent as one of the few Political Scientists of the Frankfurt School (among Franz L. Neumann and Arcadius Gurland) and his collaboration with Max Horkheimer, Herbert Marcuse and Theodor W. Adorno in the period of their exile with the Institute of Social Research in New York.[1] Kirchheimer's academic work, however, includes many other strands of legal and political thought. Among them are such diverse subjects as Carl Schmitt's constitutional theory, Marxist social theory, French legal theory, and American Political Science. Kirchheimer was able to combine these elements and to transform them into ingenious insights concerning/about political phenomena. Therefore historians of modern political science acknowledge Kirchheimer as the author of truly original contributions

Redescriptions, Vol. 17, No. 2 (Autumn 2014), © Redescriptions Association
http://dx.doi.org/10.7227/R.17.2.2

in the fields of the theory of democracy, the analysis of political parties, and the use of legal procedures for political ends.[2]

A Biographical Sketch

Otto Kirchheimer was born into a Jewish family in Heilbronn, Germany, in 1905.[3] With Carl Schmitt as his supervisor, he took his doctorate with a dissertation on the Socialist and Bolshevik Theory of the State (Kirchheimer 1928). It is still a question hotly debated among historians how strong Kirchheimer was influenced by Schmitt. His dissertation, however, was more than an academic text on Marxism and Leninism. It was also a political statement on the Social Democratic Party (SPD), which was in government in Germany. According to Kirchheimer, who was an activist of the non-communist political left, the strategy of the social democracy has failed due to the political pressure of so-called "apolitical functional elites" and by the weakness of the democratic Weimar state. In his most controversial (and famous) contribution to the politics of the Weimar republic – "Weimar – und was dann?" ("Weimar – and what then?" (Kirchheimer 1930)) – Kirchheimer diagnosed a deadly crisis of the Weimar parliamentary system and suggested a more militant politics of socialist transformation.

After Hitler was able to form a coalition with conservative parties in Germany on January 31, 1933, the new government immediately started to terrorize democratic and other oppositional political forces. As a left-socialist activist with a Jewish family background, Kirchheimer was among the first who fled from Germany in order to avoid an arrest. Via London he eventually arrived in Paris, where he found employment and financial support in the French branch of Max Horkheimer's Institute of Social Research. In 1937, the collaboration with the exiled Frankfurt institute offered him the possibility to move from Paris to New York, where the Institute of Social Research had found a new academic anchor place at Columbia University. Like Neumann's and Gurland's, Kirchheimer's work during his years at the institute was mostly focussed on Germany under National Socialism. He was foremost interested in changes of criminal law and the forms of punishment in Nazi-Germany (see Scheuerman 1996, 172-194). In 1942 Kirchheimer left the Institute and for the next thirteen years he adopted a position as a Research Analyst at the Research and Analysis Branch of the U. S. Office of Strategic Services (OSS), later renamed in Office of Intelligence Research of Department of State. In collaboration with Neumann, Gurland and John H. Herz, he wrote several papers, guidelines, and handbook-articles on Nazi-Germany.[4] After the war he was concerned with strategies to prosecute German war criminals in War Crimes Trials, with the politics of the American military government in Germany and finally, after 1949, with the development of the political systems in Europe, especially in the two new German states (see Schale, 153-227).

Kirchheimer was frustrated with this work because he felt that it did not have much impact on the American politics in Europe. Thus in 1954 he took the opportunity to take an academic leave for a position at the Graduate Faculty of the New School for Social Research in New York. The continuity between his subjects and writings during the years in the American administration and his academic research is obvious: in both areas his work focussed on constitutional and legal theory, on comparative government, and on political parties. In 1960, Kirchheimer left the New School and became full professor for Political Science at Columbia University. In addition, he visited German universities (Freiburg in particular) on a regular basis. In contrast to his wife who never wanted to touch the ground of post-Nazi Germany anymore, he even considered returning.[5] Otto Kirchheimer died by a heart attack on his way to catch a plane at Washington airport on November 22nd 1965.

The Manuscript

Kirchheimer's manuscript 'Elite – Consent – Control in the Western Political System' is printed in this volume of 'Redescriptions' in its original form as an unedited draft paper which was read at the Columbia Seminar on October 26, 1964.[6] The paper consists of 17 typewritten pages and no additional handwritten annotations by the author. In the paper, Kirchheimer presents an ambitious programmatic diagnosis of the general political situation on modern western democracies with special emphasis on internal stabilizing and destabilizing tendencies. The manuscript belongs to a phase in Kirchheimer's work, in which his interest had shifted towards more general considerations about the one-dimensional character of affluent western industrial and consumer societies and in which he moved closer to the critical sense of the Frankfurt School again.[7]

The paper is structured in four main parts. Is begins with an introduction in which Kirchheimer very briefly defines the crucial social, socio-economic and cultural elements of the "Western industrial society" (p. 149) and raises the question whether and to what extent these elements produce "related ways of handling political problems" (p. 150). In the next three sections, Kirchheimer discusses this question under the triple heading 'elite', 'consensus', and 'control'.

On the level of *political elites*, Kirchheimer identifies the same dominant trends in all western democracies. The political elites show a great disproportionality between the numerical strength of the working class and its personal representation. Western societies show only few tendencies toward the formation of fundamental political counter-elites and elections lead only to partial replacements in the elite personnel. The so-called personalization of power should be rightly understood as a "concentration of political sales on the cre-

ation of pseudo-individualized leader images" (p. 152), resting on the "creation of stereotype images through endless repetition" (p. 152). Kirchheimer distinguishes in this context between two main ways to produce political stability: a "plutocratic-populist style of the US political elite" (p. 152) and a more "bureaucratic-traditionalist style" (p. 152) of European political elites.

With respect to variants of *consensus* formation, Kirchheimer refers to his famous analysis of 'catch-all-parties' which he identifies as the dominant party type in power. In addition, he explicitly refers to Theodor W. Adorno, Herbert Marcuse, and Jürgen Habermas (in his early book from 1962 on the structural transformation of the public sphere) for his claim that the deideologization on the political level is "balanced by a far-reaching ideologization on the general cultural level" (p. 153). Developed industrial societies have undergone a process which has led to a "far-reaching degree of internalization of ideology: there exists no qualitative difference between ideology and lived reality" (p. 153). In no other published work did Kirchheimer state his agreement with Theodor W. Adorno's hermetic criticism of political alienation and powerlessness in modern late capitalism so openly. At the same time, however, Kirchheimer did identify new possibilities for a break with the consensus structure of late-capitalism. But he did not count on intellectuals or young people from the middle-classes, who had started to form a radical student movement. Instead he relied on empirical research in the field of industrial sociology. According to him, these findings would indicate that with the greater competence of workers in the economic process there may be the chance that they may also take "a more active political role or, at least, lessen the worker's cynicism" (p. 154).

In this context, Kirchheimer also discusses the role of violence as a source for anti-consensus politics. According to him, violence in affluent societies is no longer a political instrument to kill, terrorize and demoralize political enemies as in the interwar times. Rather it is seen as a symbol for unmet needs, and may come to an end, after all desires and wishes are satisfied. However, for Kirchheimer such a peaceful vision of a politically pacified consumer society is only a temporary illusion. In particular, he is skeptical about the expectation to solve all political problems by the silent power of the rule of law: "It may well be", he wrote his last written article, "that the historian of the twentieth century will be less impressed by diverse propagandistic claims of various regimes as to the reign of law under their dominion than with the close cohabitation between wide stretches of certainty for mass man's daily living conditions with unheard-of areas of oppression, lawlessness, and rewards for maximum aggressiveness." (Kirchheimer 1967, 452).

In the last section of the paper Kirchheimer presents under the heading *control* a table which includes various forms of control and consent mechanism and their interrelation to the electorate, the parliament, interest organizations and media of mass communication. Kirchheimer discusses this table as briefly as se-

lective. Nevertheless, he concludes with a pointed statement: Whereas at least the media may have some limited potential of control in the fields of diplomatic and military affairs, the "people's and parliament's control […] remains largely in the ritual field" (p. 157).

Kirchheimer's Late Work

Kirchheimer's late articles and papers are characterized by a sense of critical distance and even grim coldness against industrial societies and modern western democracies. Based on the observation that western post-war societies have become able to appease former deep social conflicts via welfare benefits, Kirchheimer diagnosed increase of political apathy in modern western democracies. His criticism on the politics of the affluent society was elaborated in several studies on political parties, paliamentarism and the role of the opposition in western democracies. In particular his analysis of a fundamental transformation of the role of political parties served for him as crucial indicator for a new political constellation. Today, Kirchheimer has become *the* classic author in the field of political-party-research who identified the emergence of "catch-all parties" as a new and dominant type of political party in modern western democracies (see Krouwel 2003). According to him, this new party type is characterized by a dominating role of the party elites and by a decrease of programmatic orientation in party politics. The catch-all-party does not receive emphatic support by its citizens but a more silent sufferance. Following Kirchheimer, this typological change allows the social and political elites to provide political legitimacy primarily by satisfying consumption needs through the means of welfare state intervention. The further political consequences of this development are a strengthening of the administrative and economic elites on the one hand, a vanishing opposition and increasing political apathy on the other.

However, Kirchheimer was not disappointed from declining political participation, since he did not expect too much from it anyway. But he did fear the mental consequences of a wholesale commercial formation of political opinions because it decreases the chance to make democratic governance and its institutions transparent and comprehensible to the citizens. Kirchheimer envisages a "private man" who has lost the basic understanding for complexities to govern a modern society. At this point the problem of political stability may return through the back door, since Kirchheimer expected "a mutual loss of control: the political subject's over the political organizations and the political organization's over the political subjects." (157).

Kirchheimer's view on western consensus remains uncomfortable: Unlike Herbert Marcuse, C. Wright Mills or the enthusiastic radical Student Movement of 1968 he did neither refer to "objective" class relations nor to "real"

needs. He did not illuminate a utopian best but simply wanted to avert the worst. Like most other members of the early Frankfurt School for instance Theodor W. Adorno, Max Horkheimer, or Leo Löwenthal, he did not trust in the public sphere having a powerful curing effect on the power elites. Instead – as in the third part of the manuscript enclosed – he was worried about the lasting stability of consent respectively of its conditions or costs. In his view, the general agreement on the political system may only remain stable as far as the "masses of private men" will be successfully administered by welfare-state arrangements.

Kirchheimer's place in Post-War Political Science

Otto Kirchheimer delivered both an analysis and a critique of what later has been called the 'Golden Post-War Years of Western Democracies'. For him, the defects of the political system of modern democracies, especially the uncontrolled action of administration and intelligence will not provoke any public protest. Even acts of brutal violence – as long as the offender does not exceed certain limits – is perceived not as a challenge of the political system but as an indicator for a certain welfare undersupply by the regime. For Kirchheimer, this included even the Civil Rights Movement and in this case he was certainly wrong because the social movements of the 1960s did become politicized and radicalized for a certain time. On the other hand, most other protest movements fit into Kirchheimer's sceptical expectations because they got integrated into the social and political system.

Reading Kirchheimer's latest writings, it is difficult to decide, whether his view on modern society as a machinery of total integration is an expression of hopelessness or a more rhetoric device to sharpen the contrast to a theory of democracy, which does not identify welfare consent with political participation. Kirchheimer did never develop such an ambitious theory; all considerations, which hint into such a direction remained fragments. But in writing continuously about the defects of mass society and modern democracy he could never be such a cynic, as it might appear at first sight. Again and again he insisted that the affluent society can never fulfil man's "purpose in life." (Kirchheimer 1966b, 24).

As successful as Kirchheimer was as a political scientist – he found himself in an exceptional and to some extent even marginalized position within the discipline of Political Science. There are three reasons for that: Firstly, he wrote with a specific political and scientific voice, mixing a sarcastic style with a blood-chilling tone. His writings were neither methodically skilled in a behavioristic sense nor philosophically ambitious like the famous political theorist

of his time, Leo Strauss or Hannah Arendt. In general, he was not interested in a systematic presentation with clear definitions; he described himself to be a producer of short political analyses. A second reason for Kirchheimer's "discipline lack" was the large scope of his reasoning beyond the limits of a specified Political or Social Science. He discussed in the same breath the results of party or electoral research and theories of the political system as well as economic, industrial-social, legal or philosophical topics. In opposition to a strongly differentiated political science he cultivated the dialogue across its boundaries and between its sub-disciplines. Thirdly, Kirchheimer's political thinking differed from the dominant pluralistic or equilibrium theories of his time and also stood crosswise to the rising criticism of this form of consensus liberalism in the 1960s.

Today, the project of a democratic welfare state in an affluent society has lost much of its hopes and promises. And the catch-all parties have lost their power to integrate all political issues and are under attack by cartel-parties, populist parties and no parties. In addition, tremendous social inequalities have grown in the richest capitalist societies and the welfare state has lost political support. And finally, important social and political cleavages of the Post-War era in western democracies have been replaced by new cultural and religious conflicts. Obviously, Kirchheimer's concept of "mass society" is too general and too unspecific, to understand the functional differentiation of modern societies. Nevertheless, some other challenges Kirchheimer was pointing at are even more familiar for us today and discussed under the heading of 'Post-Democracy': The further commercialization of the media for political communication, the professionalization and personalization of politics, and the trend towards populist politicians who want us to believe in simple solutions of the "terribles simplificateurs".

Endnotes

1 For Kirchheimer's role at the Institute for Social Research see Jay (1973, 148-170) and Wiggershaus (1994, 223-236).

2 For an overview of Kirchheimer's work and its tremendous international resonance see: Schale (2006).

3 For Kirchheimer's Biography See: Herz/Hula (1969), Herz (1989) and Kirchheimer-Grossman (2010, 55-65).

4 For Kirchheimer's work at the OSS and Department of State see: Katz (1987), Müller (2010, 386-396) and Laudani (2013).

5 Interview Frank Schale with Anne Kirchheimer on October 6, 2002.

6 Source: Wayne Wilcox, Secretary of the Columbia Seminar, Memorandum to its members of October 22, 1964. In: Box 2, Series 4: Writings, 1937-1964, Folder 80 in the Otto Kirchheimer Papers of German and Jewish Intellectual Émigré

Collection at University of Albany, State University of New York.

7 For interpretations of the late work of Kirchheimer in the context of the Critical Theory of the Frankfurt School see Söllner (1982) und Buchstein (2011).

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