LAW AND SOCIAL REVOLUTION: MILLENARIANISM AND THE LEGAL SYSTEM

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In the 1920s and early 1930s the Marxist legal theorist, Eugene Pashukanis, advanced the thesis that the achievement of communism would produce not only the dissolution of the state but of the legal system as well.[1] Briefly, he argued that law was a direct result of economic exchange, that economic exchange was an integral part of bourgeois society, that all law was hence bourgeois law, and, finally, that the demise of bourgeois society would carry law with it. The fascination Pashukanis exerts is a direct product of the purity of his conclusion. The Revolution does not bring about a revision of the legal system, nor (except for a transitional period) does it even substitute one legal system for another. To the extent that the Revolution succeeds, it obliterates law *qua* law altogether.

Pashukanis vanished during the Great Purge. By that time his theory had given way to a more orthodox approach as the Soviet regime grappled with everyday problems of administration. However, Pashukanis' somber fate and his rapidly declining influence should not distract us from his significant shift in emphasis. He suggests that revolution is a profoundly anti-legal phenomenon. Now of course that assertion is tinged by his own strong value position and it is reached by paths within Marxist doctrine. These limitations notwithstanding, the assertion remains worth exploring. It constitutes both an intellectual curiosity and a radical challenge to conventional modes of jurisprudential thought. Law has commonly been regarded as a tool of governments, no less part of the armory of revolutionary regimes than of their predecessors. Indeed, revolutionaries seem in particular need of legal techniques, for they face a complex of problems that is the special province of insurgents. Revolutionary regimes lack prior sources of legitimacy (Apter, 1963), they may desire to punish prior occu-

pants of high position (Kirchheimer, 1961: 304-319), and, of course, they wish to make comprehensive changes in political, economic, and social arrangements. Legal artifice seems an effective avenue of approach to these problems, and revolutions have historically generated a large share of legal decrees, jurisprudential commentaries, and dramatic legal proceedings.

In order to bring the law-revolution problem into focus, my primary object of attention will be "millenarian" or "messianic" revolutions. I leave the matter of definition to a later point, except to note, first, that millenarian revolutions are characterized by the extravagant nature of their purposes and, second, that the discussion will necessarily touch on collective political violence of a less comprehensive sort.

Any consideration of the relationship between law and revolution is complicated by the fact that the legal system is both an instrument of change and the object of changes that occur in the society around it. The peculiarities of American experience with courts has led to a recent spurt of scholarly interest in the potential of law to produce substantial social change. For the same reason, there has been less incentive to approach the effect of social change on the legal system. Since there may be some merit in starting with small conjectures and working toward large ones, let me begin by considering briefly the likelihood that law can itself function as a revolutionary instrument. That done, we shall pass to the broader topic of the impact revolutionary change has upon rule systems and legal institutions.

I.

Yehezkel Dror (1959) argues that as the focus of legal change shifts from instrumental and emotionally neutral kinds of behavior to expressive and evaluative areas, the efficacy of law as a device for change is reduced. The effectiveness of legal change varies inversely with the strength of emotional investment in the behavior to be altered. As the emotional commitment rises, the likelihood that contrary behavior can be achieved through legislation, court order, or the like diminishes. While it is helpful to have the matter put in precise terms, the phenomenon itself has long been recognized in far less elegant form as "you can't legislate morality." That one person's law is another person's morality only complicates the issue further. The fact is that, in a way not previously recognized, legal compliance now appears *fundamentally* problem-

atic. The uncertain level of obedience to legal rules has been ascribed to a wide variety of causes that range from the activism of the Warren Court to the secularization of Western society. A detailed examination of the issue, however conceived, lies beyond the bounds of this paper. There are, however, a number of strands that can be discerned, some of which will reappear later in the context of revolution: the continuing critique of Austinian positivism, the manifest failure of legal intervention in the realm of personal morals, and the depth and character of legal and political socialization.

Since the early 1950s the United States Supreme Court has aggressively entered a number of policy areas in which its prior pronouncements were conservative, ambiguous or non-existent: segregation, malapportionment, obscenity, prayer in public schools, and the administration of criminal justice. The emotional "weight" attached to these issue-areas varies. Some, however, have intuitively recognizable emotional components that others do not possess to the same degree. Thus most people would take a stronger and more emotional position on segregation than on malapportionment. Even here, however, the matter is far from clear-cut. Felix Frankfurter, usually an acute observer of the legal system, foresaw dire political and social consequences when the Supreme Court entered the "political thicket" of malapportionment. Yet however much legislative apportionment has taxed the courts' abilities to make clear distinctions or exercise administrative oversight, the initiatives have not met with either massive resistance or highly emotional reactions. Desegregation, as might have been expected, has encountered substantial resistance, although in varying degrees of stubbornness and ingenuity. Compliance has only sometimes been "automatic," has frequently required the commitment of substantial governmental resources, and has obviously been retarded by the strongly emotional response of many persons involved. Malapportionment, however much it may have benefited rural interests, was never the subject of the same kinds of intense, emotionally charged loyalties.

The systematic study of the compliance problem is recent and manifests two different elements. The first and older variety attacks the classic jurisprudential question, "Why do people obey the law?" The traditional speculative literature has only recently begun to give way to empirical inquiry.[2] The second approach to compliance, while it lacks a traditional speculative ancestry, is now, at least among political scientists,

the more common. It, of course, concerns the impact of court decisions and doctrines on society, a matter of some consequence given the traditional public expectations and formal powers of American courts. To the extent that any consequences of a general kind can be drawn from the court compliance studies, they are twofold: First, when court action is conceived to endanger a way of life, jeopardize a sense of personal identity, or enter an area of life *perceived* to be wholly in the realm of individual choice, it will be very strongly resisted. Second, tendencies toward non-compliance are offset both by the aura of legitimacy that surounds the courts and by widespread indifference. All other things being equal, a Supreme Court decision will be readily accepted if, among other things, it conforms to existing sets of beliefs, does not conflict with "pervasive counterideologies," and "purports to regulate behavior of a role incumbent whose role is defined primarily by law rather than by custom or tradition. . . ." In counterpoint to these themes, the less the public knows about what the Court has specifically ruled, the more likely it is to bathe the institution in a vague aura of approbation (Grossman, 1970).[3] The Supreme Court impact studies suffer from severe methodological difficulties, but to the extent that they yield any single finding it is that Court efficacy declines as the area of potential impact broadens (Levine, 1970).

Thus in stable polities there is a complex interplay of emotional commitments which on the whole produces compliance that is neither so extensive and rapid as to be called automatic nor as reluctant and grudging as to lead to repeated constitutional crises. This interplay of forces takes another — and for our purposes more interesting — form in revolutionary situations. Gregory Massell's (1968) description of social change in Soviet Central Asia shows a compliance problem qualitatively different from even the Prohibition period in the United States. Beginning in about 1925 the Soviet government undertook a bold and ambitious program of social change through legal mechanisms. The general objective was the modernization of traditional Islamic societies in Central Asia. The specific lever was an attempt to systematically change the status of women. To this end the full force of legal institutions was mobilized. But by the end of the 1920s failure had become apparent even to Moscow, and the campaign was consequently abandoned. Moslem society had proven remarkably resilient.

What conclusions can be drawn? "If we consider that the Soviet campaign took place under almost 'ideal' conditions . . . then there are grave questions about the utility of law as an autonomous strategic instrument of rapid, administered social change under less favorable circumstances (Massell, 1968: 227)." Dror's hypothesis has been validated in a far less ambiguous setting than American society usually provides. In its fundamental attack on the patriarchal Muslim family, Soviet legal policy moved systematically into the expressive-evaluative sphere. It did so lacking, in the eyes of Muslims, any countervailing legitimacy. This island of traditional society, which the Revolution had not yet affected, turned out to be beyond the reach of planned change — at least when law was the main instrument. The ends sought were neither incremental nor limited to a well-defined portion of social life. The decision to concentrate on the status of women was made in the realization that a successful change in female status would necessarily lead to disruption of the entire Islamic authority structure.[4] The Central Asian case presents in microcosm facets of the revolutionary situation which make law both an unwilling and ineffective participant: low legitimacy and extravagant aims. The latter point will be taken up in detail below. As far as legitimacy is concerned, we must beware the temptation to reify it and see it as either steady or falling, as if it were held like a gas under pressure. Feelings of legitimacy can surely be generated as well as dissipated.

What matters is that intervention in the expressive-evaluative sphere does not increase legitimacy but does threaten it, for those whose behavior is to be altered. The beneficiaries of successful legal intervention will of course feel quite differently. Thus court-ordered desegregation increased the federal courts' legitimacy for blacks even as it decreased legitimacy for some whites. A reverse example occurred when the World Court handed down its decision in the *Southwest Africa Case,* raising the esteem in which white South Africans held the Court but severely, perhaps irreparably, damaging whatever esteem it had in the eyes of Africans and Asians. The ebb and flow of attitudes of legitimacy produce interesting consequences in the enforcement process. As legitimacy declines, with legally engineered social change, the groups adversely affected increase their resistance. Beneficiaries of the changes in question can be expected to rally 'round the institution advancing their interests and hence introduce support for stronger en-

forcement measures. Interestingly, as legal policies become more and more far-reaching, the problem of implementation becomes simpler to analyze. As long as the change sought is partial, the calculus of attitudinal support levels remains complex and subtle, as one would expect in a pluralistic society. Radical and comprehensive social change through legal forms produces a shift from cross-cutting cleavages to polarization, from groups with mixed feelings about the legal system to groups strongly and uniformly aligned for or against legal institutions. In the enforcement process, there is a counterpart to the tension between consensus and dissensus. Enforcement resources possess some upper limit of effectiveness, beyond which additional coercion is either unavailable or ineffective. Given the relatively small share of total productivity that can be harnessed by even the most repressive regime, this upper limit is apt actually to be set rather low. That is, police power presumes a generally acquiescent population.[5] The legitimacy of law and legal institutions is hence taken for granted in stable polities. The consensus frequently extends to criminals themselves, who rarely challenge the jurisdiction of courts and police and whose acts are directed towards individual interest rather than social change.[6] Pashukanis, by the way, recognized the consensual element in criminal behavior when he argued that criminal punishments were actually prices attached by society to deviant acts. The criminal, in the act of committing a crime, entered an exchange relationship in which he bartered the proscribed act for the risk of punishment.

II.

The term "revolution" has had an unusual history. Until the seventeenth century, its principal usage was astronomical. By metaphorical extension, it came to be associated with violent and abrupt political changes (Arendt, 1965: 35). Once established as part of the political vocabulary, it has once more come to signify, metaphorically, something very much broader; hence "revolutions of rising expectations," "Cultural Revolution," and the like. In this welter of diverse usages it is important to indicate as precisely as possible what I mean by revolution and, more specifically, to underscore its intermittently millenarian character. The distinction between "revolution" and "rebellion" is apposite here. Rebellion, though it involves collective violence, leaves the constitutional framework unaltered. New incumbents occupy old office (Gluck-

man, 1968: 169). Indeed, the rebel frequently sees himself as acting in defense of the established order, whether defending the institution of kingship against a usurper or parliamentary prerogative against executive power. The interplay of rebellious violence and an acceptance of basic social and political structures is nowhere more evident than in African tribal "rituals of rebellion," to which Max Gluckman has directed our attention (1968: 155-201; see also Gluckman, 1963: 110-136). These rule-governed attacks on the ruler are always hedged about by mutually accepted limitations, may occur at set times, and often serve to bind the society together by channeling separatist tendencies toward a common center.

Rebellions of all kinds share similarly limited aims;[7] they leave the social and political frameworks very much as they found them. This paradox of violent change amid institutional continuity ties together African tribal rebellions, medieval peasant revolts, and military coups. The seizure of power, unaccompanied by a coherent political or social program, necessarily leaves most relationships and the rules regulating them intact. Then, too, there is a whole category of rebellious or quasi-rebellious outbursts which are not even focused on the seizure of power, but are merely the expression of discontent, the desire to alleviate very specific economic and social conditions, or some free-floating sense of hostility. Slave revolts, seizures of unoccupied land, destruction of labor-saving machinery, commodity riots, and intercommunal brawling fall into this category (Rude, 1964; Janowitz, 1969). This has given rise to the notion that there exist forms of collective violence which are genuinely "pre-political."[8] Nonetheless, it appears that genuinely apolitical collective violence is rare, dependent more upon the implied definition of "political" than upon the intrinsic characteristics of the violence. In fact, collective violence deemed significant enough to leave historical traces almost always possesses some vision of changed social circumstances. The legal impact depends upon the structural changes sought and those achieved.

Rebellion preserves much pre-existing structure, and in its own way preserves traditional concepts of incremental change. In noting that most Bugandan rebellions were palace conspiracies, Max Gluckman remarks that "Rebellions were therefore in effect a speeding up of succession" (Gluckman, 1965: 184). Since rebellions leave alone more than they change, the bulk of the legal system continues on its conventionally incre-

mental course. There does in fact seem to be some kind of natural affinity between the operations of a legal system and incremental change. Perhaps it is, as David Apter (1963) suggests, that law as we normally conceive it is essential to a society which wishes to preserve more than it wishes to change, and in which, consequently, governmental limitation is valued.

In fact, the intuitively "obvious" relationship among political stability, incremental change, and legal functioning derives from the necessities of rule-governed behavior. Gidon Gottlieb (1968) asserts that it is the primary function of rules to guide actions and decisions. This "decision-guidance" capability can only be exercised under certain circumstances. Put in the opposite way, there are conditions inimical to the decision-guidance function. Law can effectively guide actions only when there exists a modicum of environmental stability, when the social actors "stand still," as it were. More accurately, of course, standing still consists in acting as others expect them to act (Barkun, 1968: 154-155). There is a second dimension, however, within the interstices of legal rule systems themselves. Lon Fuller (1969: 38-39) has drawn it forcefully to our attention in his phrase "the morality of law." The creation and maintenance of "a system of legal rules may miscarry in at least eight ways . . .":

(1) Totally ad hoc decision making;
(2) Failure to make rules known to the party affected;
(3) Abuse of retroactive legislation;
(4) Failure to make rules understandable;
(5) Enactment of contradictory rules;
(6) Rules that require conduct beyond the powers of the affected party;
(7) Introducing such frequent rule changes that rules can no longer direct actions; and
(8) Lack of correspondence of rules and their administration.

For Fuller, law and its morality collide through the ineptitude or evil intent of decision makers. Thus, laws may not be known to the persons affected by them through the bungling of functionaries who forget to have them published or through the deception of a despot who keeps them secret, as Hitler did in the latter days of Nazi supremacy. Quite apart from neglect, incompetence, or deception, these and related flaws of legal functioning can spring from other causes. I spoke before

of the "clustering together" of stability, incremental change, and legal functioning. The disturbance of this relationship by revolutionary conditions provides one source for the temporary collapse of law. Second, there is inherent in revolutionary situations a crisis of legitimacy which brings about some of the very same disturbances of which Fuller has taken note.

A system of legal rules and institutions is expected to enhance social stability. However, the reciprocal character of the relationship means that legal rules cannot stabilize interactions if interactions do not already possess some modicum of predictability. Lest this sound entirely circular, it comes down simply to this: Rules and institutions conventionally called "legal" have their own prerequisites. They cannot be expected to perform as some kind of societal gyroscope if there is not already a relatively high level of consensus and a manageable rate of social change. The latter point means that the rate of social change may not be faster than the rate of legal adaptation and administration.

Revolution intentionally destabilizes a social system, building upon pre-revolutionary sources of instability. In so doing, the polity enters a period characterized both by lack of consensus and by an unmanageable rate of social change. The legal fruit lies in the eight elements of legal failure, produced in part by the generation of social instability and in part by the desire to harness legal forms to the performance of tasks for which they are inherently poorly suited. The consequence is capricious law, surely a contradiction in terms.

III.

All legal systems rest upon the internalization of a set of positive attitudes toward them. Just as all members of a polity are presumed to have gone through a process of political socialization, so too they have been the subjects of a complementary process of legal socialization.[9] In general terms, there is an inverse relationship between the success and scope of legal socialization, on the one hand, and, on the other, reliance upon physical coercion. The evidence indicates that by the end of adolescence the individual has internalized positive attitudes toward the law. When there is widespread opposition to the legal system, high non-compliance, and dependence upon the rule of force, the explanation might seem to be that those in opposition have escaped the net of legal socialization. In fact, this

appears to be highly simplified. In all likelihood those who are deviants in the eyes of the regime have actually been socialized, but to a different (presumably illegitimate) set of norms.[10]

Legitimacy and consequent political stability flow from non-rational and very deep-seated commitments. Sidney Verba infers from American attitudes towards the President that political stability depends upon the generation of religious sentiments around secular political objects; thus the legitimacy of specific government acts turns on commitments of a curiously ultimate character (Lipsitz, 1968).[11] In the context of primitive law, Hoebel (1961: 13) comes close to saying the same thing when he remarks of a society's "jural postulates" that

> Inasmuch as the members of a society ordinarily accept their basic propositions as self-evident truths and work upon them as if they were truths . . . they may best be called postulates. The particular formulations of specific customs and patterns for behavior that go into a given culture are more or less explicitly shaped by the precepts given in the basic postulates of that specific culture.

Now as the prior discussion implies, the distinguishing characteristic of rebellion lies in its acceptance of this foundation, whether we think of it as an attitudinal sub-stratum, foundation of legitimacy, or in similar metaphorical terms. Rebellion necessarily violates many specific rules but does not, at least in the self-perceptions of rebels, attack basic sources of the rules' legitimacy. The quintessential rebellion *is* ritual, where adversaries fulfill highly structured roles, all the while in agreement concerning the preservation of basic social structures and, paradoxically, on the legitimacy of rebellion itself. The uprising may then be played out as a mixed-motive game (Schelling, 1963: 89).[12] In point of fact, events generally categorized as rebellions only approximate this benign characterization. Unlike some tribal rebellions which seem to occur at intervals corresponding to roughly a generation (Gluckman, 1965: 173-174), most "rebellions" occur with sufficient infrequency so that little opportunity arises to construct mutual rules.

Movement along the rebellion-revolution continuum necessarily constitutes movement away from accepted bases of legitimacy and away from rule-governed behavior; in short, away from law. Revolution seeks at the very least to produce structural alterations in the political system, as for example by altering the character of political offices in addition to remov-

ing their incumbents. But of course the categories of "rebellion" and "revolution" are not properly regarded as dichotomous at all. An indefinite number of hybrids separate the two extremes, each incorporating value dissensus and consensus in varying proportions. It goes without saying that all revolutions leave some facets of the old regime and society untouched, while virtually all rebellions have some effects, however unintended, upon structure.[13]

As one moves along the continuum in the direction of an extreme form of revolution, the commitment to structural change necessarily broadens. The movement is in the direction of "millenarian revolutions." Millenarian movements may be most succinctly defined as social movements which anticipate immediate, collective, total, this-worldly salvation (Cohn, 1962). To the extent that they rely for the ultimate consummation wholly upon external, supernatural forces, they lie beyond our present concern. They do, however, frequently manifest a pronounced activism, either through a desire to help the inevitable along or as a result of escalating disagreements with the regime in power. At any rate, it is part of the ideological baggage of such movements to regard the present society, whatever it happens to be, as irremediably evil and to desire to displace it with a new and totally just social order. A large number of movements approximate this holistic approach to social change, among them the Ghost Dance Taborites among the Sioux in the 1890s (Mooney, 1965), the Hussites and other sectarians in late medieval and Reformation Europe (Cohn, 1961), and the Taiping Rebellion against the Manchus (Boardman, 1962). Many other millenarian movements, foremost among them the Cargo Cults of Melanesia,[14] have more often reacted to their opponents' force than they have been active proponents of revolution.

The classical revolutions of Western history since the seventeenth century are not customarily considered in millenarian terms, yet each has had conspicuous factions, spokesmen, or ideological elements pointing toward an apocalyptic culmination of historical development. The revolution comes both to remove present injustices and to establish a new order in which injustice can never recur. The American Revolution incorporated and passed on beliefs in America's special mission of secular salvation and its opposition to the perceived corruption of European society (Tuveson, 1968). Sectarian activity in the English Civil War was more striking still; the Diggers,

Levellers, and Fifth Monarchy Men tapped a long and rich apocalyptic tradition (Lasky, 1969; Cohn, 1961: 321-378). If messianic expectations were subordinated to more conventional objectives in these revolts, they figured more directly in the French and Russian Revolutions, both of which dealt in a much more central way with the drive for political Utopia (see J. Talmon, 1960a, 1960b). Naziism, finally, contained within its ideological hodgepodge numerous millenarian elements, grouped about the concept of the "thousand-year Reich" (Viereck, 1961: 287-294; Cohn, 1961: xiii-xv, 307-319).

Millenarian revolutions, with their commitment to the construction of Utopia, logically entail the total destruction of existing society and its supercession by a totally new and different one. Now in point of fact the break is nowhere so clear cut. Indeed in many cases the drive for political and social redemption is linked to the restoration of a legendary golden age, "paradise lost." While *total* change is an ideal which is inherently unrealizable, the very statement of it is an act of primary political and legal significance. First, millenarianism mandates change in precisely those expressive and evaluative activities where "normal law" appears least competent to act, *e.g.*, status, sexual morality, and religion. Second, revolutions are preceded by, and themselves produce, substantial instability. As I have already indicated, in the very strictest sense no revolution can really be millenarian; all face insuperable obstacles in the resilience of institutions, the habit-following propensities of persons, and the limits of technology. But in a slightly less strict sense, certain revolutions (many obscure by usual historical canons) can be classified as millenarian. Concerning the rest: those that normally come to mind when the word "revolution" is mentioned contain millenarian elements and, more importantly, *may well have been millenarian* at certain points in their life histories.

Insofar as a revolutionary movement is millenarian in any of the senses discussed, it poses special difficulties for the continuation or establishment of a system of legal rules. In the early stages of millenarian revolutionary upheavals, members of dissident movements often attempt radically and consciously to withdraw themselves from the evil society they perceive about them. This withdrawal may take the form of actual physical movement to a remote area or through a process of "inner emigration."[15] When revolutionary movements arise out of long-standing separatist grievances, the act of physical

separation may have been accomplished long before. (There is an interesting and insufficiently studied relationship between extremist politics and physical separateness. See Lipset, 1963: 104-105; Russell, 1965: 246; Gurr, 1970: 265-266.) The purpose of separation is as a means of rejecting evil, resisting temptation, and bolstering commitment. It is far easier to maintain an unconventional set of beliefs isolated among like-minded fellows than in an environment where reinforcement is rare and contrary views common. In a sense, this early cadre of "true believers" becomes the new society in microcosm. The much-neglected subject of adult socialization enters whenever there is an incentive for the comprehensive alteration of attitudes learned in childhood. Experience only with stable polities suggests that attitudes implanted early are a necessary and durable element contributing to political and social harmony. On the other hand, where old harmonies have broken down or are under attack, the emphasis shifts to mechanisms which can effectively produce adult attitudinal change. Modernizing nations commonly produce an elaborate apparatus of youth movements, schools, and military forces for precisely this purpose.

> There is evidence to indicate that these institutions for adult socialization are most effective in achieving this aim when they manage to exclude counteracting social stimuli through isolation of the trainees, to maintain consistent goals within the institution, to manipulate rewards and punishments in the service of official goals, and to use both formal instruction and opportunities for imitation and practice of new roles. In other words, a complete social environment in which the individual becomes temporarily involved may be necessary to effect drastic alterations in his motives, habits, and values after childhood (Levine, 1963: 301-302).

Now separateness creates substantial problems for the existing legal system. Where separation takes the form of an internal psychological process of dissociation, there is a corresponding process of legal de-socialization. In addition, where the separation is physical, groups can build up elaborate systems of counter-rules. And in both cases, there may be recourse to ritualistic violation of traditional norms. Let us now examine these three types of consequences. In the first, prior attitudes of support break down. The relative infrequency of revolutions may well be a result of the difficulty with which these beliefs are eradicated.

> Normative inhibitions against the outbreak of revolution seem to be very strong . . . usually, simultaneously with the growth of social tensions which involve the government, respect for the law sharply declines. In general, law is obeyed

> because of inner acceptance and the fear of sanctions, but in
> pre-revolutionary situations, the first of these motives shrinks,
> and almost disappears. Even the second is not so strong as it
> commonly is (Timasheff, 1965: 151-152).

Much the same thinking lies behind Julius Stone's description
of revolution as "a comparatively sudden and large-scale dis-
ruption of men's submission tendencies" (Stone, 1966: 636).
"Inner acceptance" is, of course, the result of a lengthy learn-
ing experience, in which legal rules and institutions, and
patterns of deference to them, come to be regarded as right
and rewarding. The artful manipulation of legal symbols can,
then, both maintain and marginally extend the scope of these
supportive beliefs. Indoctrination, symbol-manipulation, and
the provision of material rewards instill and maintain sup-
portive legal attitudes, yet they do so only within limits (Merel-
man, 1966; Edelman, 1964: 103-104). Those for whom neither
symbolic nor material rewards suffice become alienated both
from the political and legal systems. While large numbers of
alienated individuals lapse or remain in a state of political
apathy, members of revolutionary movements couple their with-
drawal of support from one set of symbols with bestowal of
support on another. In other words, they are systematically
resocialized to a different normative structure.

Revolutionary organization implies the increasing ability
of individuals to withdraw themselves physically, at least for
limited periods of time, from societies which they no longer
regard as legitimate. The withdrawal can take the form of
migration to a remote hinterland, as guerrilla bands have tradi-
tionally done, or it can go the way of underground organiza-
tions whose participants meet with one another on only a
limited and sporadic basis. In either case, physical separation
gives to alienation and commitment an additional realm of
possibility, for once physical separation is attained it is possible
to act upon changed attitudes. A facade of compliance need
no longer be maintained when one is surrounded by others
who in like manner reject the values they once accepted.
"The intensity of any socializing experience is probably related
to the degree of separation, for separated settings are able to
reduce potentially conflicting influences" (Wheeler, 1966: 80).
Indeed, the single legally de-socialized individual who lives in
a society he does not accept runs the constant risk of "back-
sliding," of becoming legally conformist. The society may,
after all, be perfectly willing to tolerate behavioral compliance
without inquiring into motivation or values (Brim, 1966). If

the individual obeys laws which he psychologically rejects, the dissonant situation may in the long run prove intolerable. Second, actions that conform to beliefs — which in this case means illegal acts — will eventually activate the machinery of the criminal law.

Revolutionary commitment is consequently fragile no matter how strongly enunciated; indeed, in a sense its very stridency betrays it. Like religious conversion, political conversion produces psychological costs and requires constant subsequent evidence of compensatory rewards. This may be more clearly seen through evidence on the mantenance of commitment in utopian colonies. Utopian experiments have, of course, maintained a tradition both of separation and relative political passivity. Nonetheless, the categories of "revolution" and "Utopia" historically overlap (Mannheim, n.d.; Lasky, 1970); millenarian revolutions attempt the achievement of Utopia on an immediate and society-wide basis. Utopian experiments correspond to millenarian revolutionary movements in their initial periods of withdrawal from society. Colonies such as New Harmony and Oneida differed principally in their unwillingness to aggressively impose their ideal forms on others. But the problems of altered socialization and continued commitment were the same that face extreme revolutionary movements. Those nineteenth century American Utopias which survived longest were precisely those whose structural arrangements most effectively severed the former loyalties of their members (Kanter, 1968). Physical separation and strict control over incoming communications were closely linked to the maintenance of long-term high levels of commitments. The less renunciation of ties the community demanded, the less likely it was to survive. The proposition is far less simplistic than it at first appears. Normally, the existence of a social group does not depend upon its exercise of exclusive claims. Societies do differ in the degree to which group memberships overlap, largely as a function of societal complexity. The diminished overlap that characterizes, let us say, societies with segmentary lineage systems is not due to the necessity of upholding precarious levels of commitment. But social movements with a claim to a world view that is different from and superior to the prevailing one must insulate their members against the competing claim. Millenarian revolutionary movements possess this claim in a manner functionally identical to religious movements; indeed, they constitute, in David

Apter's phrase, "political religions." In periods or regions where functional specificity has not yet produced a division between the "political" and the "religious," the history of revolutionary messianism and religious enthusiasm very largely coincide (Y. Talmon, 1962). Late medieval Europe and, until very recently, much of the non-Western world failed to make what we now regard as a natural separation.

The separateness of revolutionary movements for the purpose of maintaining commitments, together with their belief that they constitute the new society in miniature, combine to produce a kind of counter-legal system; that is, a set of very strict rules in the mirror image of the larger, official legal system outside. Utopian communities often required group confession, self-criticism, and the memorization of elaborate sets of rules (Kanter, 1968). The Melanesian Cargo Cults, in an attempt to capture the magic of European productivity, imitated Western judicial institutions and rigidly enforced an independent rule system.[16] It is a commonplace of writings on revolution that the most zealous participants place the greatest emphasis on asceticism, doctrinal and behavioral orthodoxy, discipline, and personal renunciation (Brinton, 1952: 1963). The conspicuousness of purges, sexual prudishness, and public self-criticism, together with the subsequent Thermidorean hedonism, attest to this. The world of extreme revolutionaries "is sharply divided into the pure and the impure, into the absolutely good and the absolutely evil" (Lifton, 1963: 423). This widely observed Manichaeism, present in, among others, the French, Russian, and Chinese Revolutions, is a central element in millenarian belief systems. Chiliasts reject the present order of things as tainted beyond hope of cleansing; it must be utterly eradicated and replaced by a new and incorruptible society.

Commitment must be maintained, past allegiances severed, the world clearly divided into good and evil realms — together these motifs produce correspondingly radical legal consequences: first, the construction of a new rule system in miniature; second, rejection of the incremental change associated with rule systems; third, the search for a basis of legitimacy that does not share in the corruption of the existing system. The rule systems that operate within revolutionary movements do not observe conventional distinctions between public and private, religious and secular, political and non-political, belief and behavior. Depending on how one wishes to view it, every-

thing is political or nothing (Kanter, 1968; Y. Talmon, 1962). Hence "minor" crimes — petty thievery, for example — are elevated to the status of capital offenses (Apter, 1963). And, of course, doctrinal deviations become matters of central judicial concern. Just as the radical division of existence into opposed spheres allows of no fine gradations, so it is expected that the rule system will be correspondingly unambiguous. This notwithstanding the *inherent* ambiguity of all rule systems. Thus French revolutionary legal codification assumed that as political freedom increased, judicial discretion should decrease. In cases of doubt, judges were in 1790 instructed to refer the matter to the legislature (Stone, 1964: 213). The extreme factionalism of revolutionary movements implies the unwillingness or inability to tolerate ambiguity or compromise disputed points.[17]

The nexus of rules and commitment produces one final source of complication: the occasional tendency towards antinomianism. Antinomianism, as it is manifested in millenarian movements, is the ritualistic violation of previously accepted norms. It may be selective, in which case the norms in question are precisely those in the expressive-evaluative area, breach of which had been subject to the most deep-seated inhibitions. Alternatively, there sometimes exists a much more radical antinomianism, a rejection of *law as such*. Pashukanis, by linking law in the generic sense with bourgeois society, placed himself in this camp. Rituals of rebellion often incorporate the first variety through their attacks on the person of esteemed political leaders (Gluckman, 1963: 110-136); the license associated with such holidays as Halloween and Mardi Gras represent similar, if less politically consequential, examples of systematic rule violation (Wallace, 1966: 135-138). But of course precisely because these acts are partial, and separated by long periods of compliance, they do not constitute genuine antinomianism. The antinomianism that concerns us here is linked to the process of legal de-socialization. Gluckman suggests that the Mau Mau revolt was made possible precisely because its members had participated in oath-taking ceremonies which involved the systematic violation of taboos. Thus united by shame and guilt, they were radically separated from traditional Kikuyu society (Gluckman, 1963: 145). Peter Worsley (1968: 249-250) makes much the same point concerning Cargo Cult members. The Cult

> ... welds the devotees together in a new fraternity of people who have deliberately flouted the most sacred rules of the old society. They are bound together by their sense of guilt and by the feeling of having cut themselves off irrevocably from the old life. . . . This most radical rejection of the past generates the most powerful emotional energy. . . . The ritual breaking of taboos is thus a most powerful mechanism of political integration.

The theme of the intentional commission of crimes for the purpose of separation from normal life recurs in the Nazis:

> ... the function of the elite formations is the very opposite of that of the front organizations: while the latter lend the movement an air of respectability and inspire confidence, the former, by extending complicity, make every party member aware that he has left the normal world which outlaws murder and that he will be held accountable for all crimes committed by the elite (Arendt, 1964: 372).

The more comprehensive form of antinomianism, which rejects law *qua* law, is correspondingly rarer, if only because as a practical matter its full attainment is impossible. Even an attempt in the direction of a lawless society appears a practical possibility only in the case of very small groups; for here it is possible to dispense with legal *institutions*, although not with rules themselves.[18] However, the drive for the elimination of law as such keeps reappearing, even where, as in Pashukanis' Russia, it is foredoomed. What accounts, then, for the persistence of the idea? It is consistent with the millenarian ideal of immediate perfectability. Many people perceive "law" through the basic pattern of criminal law, even though substantial parts of all legal systems are non-criminal in operation. Insofar as law becomes identified with processes made necessary by human weakness, it follows that when that weakness is eradicated, law will no longer be necessary. The ambivalent Soviet attitude toward law has its roots in this identification of law with imperfection. So long as one's conception of law is governed by the belief that only deviance makes it necessary, it is in principle subject to abolition the moment that a way can be found to counteract past human weaknesses. Millenarians, since they are committed to a belief in the abrupt eradication of evil, are peculiarly likely to regard law as dispensable. Late Medieval heretical sects provide rich sources of antinomian doctrine and, occasionally, of practice as well. Joachim of Fiore (1145-1202) conceived an eschatological system based upon three successive ages of history: the Age of the Law, the Age of the Gospel, and the culminating Age of the Spirit.

> The Age of the Spirit was to be the sabbath or resting-time of mankind. In it there would be no wealth or even property, for everyone would live in voluntary poverty; there would be no work, for human beings would possess only spiritual bodies and would need no food; there would be no institutional authority of any kind (Cohn, 1961: 100).

This became the source from which much subsequent Western antinomianism flowed, although of course it became increasingly remote from the original exegetical roots. Fundamentally anti-legal protest movements, drawing upon "the common stock of European social mythology," seem never to have entirely died out, as ninteenth- and twentieth-century dissidence in Southern Europe demonstrates (Cohn, 1961: 101; Hobsbawn, 1969).[19]

The total rejection of law as an instrument of social control and regulation occurs only when the individual perceives there to be a radical and unbridgeable gulf between the assumptions built into rules and their implementation, and the assumptions deemed essential for the preservation of individual and group identity. There must be a sense of "ultimate things" at stake. A theocracy or a society in which politics and religion are forever blending into each other presents such conflicts in recognizably religious idiom. Modern societies, in which politics may be the functional equivalent of religion, manifest the same tension in the rhetoric of political discourse. Thus considerations of "divine will" and "personal salvation" give way to "political necessity" and "individual freedom."

V.

As social movements approach the ideal type of total millenarian commitment, they demand more and more of their members. Adherents must cut themselves off completely from prior allegiances and attach themselves to a very different and comprehensive set of loyalties. The political prophet or putative messiah comes less as the bearer of a specific doctrine than as the catalyst of his followers' political conversions (Worsley, 1968: xiv-xv). Again, the more sweeping the changes in process, the more a political movement comes to resemble a religion. The new states of Africa and Asia, in the throes of modernization, are predictably rich in charismatically based political religions (Apter, 1963).

Unfortunately, so far as the legal system is concerned, charismatic authority is incompatible with law. In Max Weber's formulation, traditional authority, based upon immemorial

usage, was roughly comparable to customary law; rational-legal authority draws upon conventionally understood concepts of a legal system. Only charismatic authority, based upon the leader's possession of extraordinary gifts, lies outside legal categories. Genuine charisma is not rule-governed. The uncommon, sacred, or heroic character with which followers endow a leader allows decisions to be made on a completely personal basis, outside the constraints of any received or legislated set of rules. In conflict situations, the charismatic leader comes closest to legal functioning through his concrete, individualized disposition of cases. Neither traditional nor reasoned, these decisions draw upon revelatory, oracular, or intuitive conceptions of the right result (Weber, 1968: iii, 1115). Weber attached the term *"khadi*-justice" to this type of adjudication (Weber, 1968: iii, 1115).[20] The outcome, hence, hinges upon the leader's personal desires and abilities. (In its disdain for rules, *khadi*-justice is strikingly similar to the reliance upon divine *themistes* which Henry Maine [1963: 3-5] assumed characterized the dispensation of justice in man's pre-legal past.)

Millenarian revolutions almost always focus upon a super-natural or extraordinarily gifted leader, at some times the messiah whose very presence seals the doom of the existing order, at others merely the uniquely perceptive spokesmen for higher forces (Y. Talmon, 1966). In either case, the leader possesses a form of authority peculiarly his own, neither shared nor subordinated. The crisis of legitimacy, caused when individuals withdraw from the commitments to which they were once socialized, can now be dealt with; for there is in charisma an alternative basis for commitment, a focus around which individuals may be, as it were, "resocialized." It is important to recognize, therefore, the dual role of the charismatic leader *vis-à-vis* socialization: He is the catalyst of "political conversions" which draw persons away from past allegiances and at the same time offers an alternative source of legitimacy for those who have been withdrawn from conventional commitments.[21]

The ambiguous relationship between charisma and law is nowhere more evident than in Nazi jurisprudence. Extensive bureaucratization and Hitler's position of ultimate, unquestionable authority suggests an uneasy coexistence between rational-legal and charismatic authority. In fact the contradiction was disposed of, however unsatisfactorily, by the formulation "The will of the Fuehrer is the supreme law" (quoted in Arendt,

1964: 365). That maxim epitomizes the personalism of charismatic authority.[22] The opposition of personal arbitrariness and bureaucratic organization is by no means peculiar to Nazi Germany. Millenarian revolutions frequently combine a rigid organizational rule system with charismatic authority. As has already been suggested, the millenarian's division of the world into good and evil realms and the politicization of every facet of life combine to produce highly complex, rigidly enforced sets of rules. Judicial discretion — even mere interpretation — is forbidden; the rules are perfect and unchangeable. On the other hand, the charismatic leader is always in a position to revoke, restructure, or add to the rules as the mood strikes him. Under Jan Bockelson the Münster Anabaptists in 1534 managed for a time to combine his charisma with a minute legal code that made all artisans public employees, broke the back of the guilds, made avarice a capital crime, and strictly regulated sexual behavior (Cohn, 1961: 283-295).

Once rules are open to the interpretations of legal functionaries, they are also open to question. Their status as the linchpins of a total and uncompromising world-view becomes problematical. Millenarian visions, after all, presume a kind of total truth which envelops every segment of life. An admission that behavioral rules contain ambiguities or lacunae is tantamount to an admission that the prophetic leader possesses only a partial truth. Further, because the vision of the new Utopia can be grasped only by the extraordinarily gifted — by the charismatic — interpretive powers in the hands of judges implies a violation of this monopoly of perception. Finally, behavioral rules constitute a kind of set of commitment exercises for the rank and file. Detailed requirements of everyday life create a supportive social environment and aid the individual in withdrawing himself from his past and committing himself totally to a new life. The vulnerable, precarious position of the political convert means that ambiguity constitutes a source of great anxiety for him (Hoffer, 1958: 75-79).

VI.

I take it as axiomatic that charismatic authority flourishes when large numbers of people perceive the social system as inadequate to their needs. Times of perceived stress and deprivation constitute a necessary if not a sufficient condition. Hence traditional and rational-legal bases of authority give way to charisma in times of depression, war, epidemic, modernization,

and culture-conflict.[23] Millenarian revolutions, as political instability in general, similarly occur in periods characterized by abnormally severe deprivations, dislocations, and changes (Cohn, 1961: 30; Cohn, 1962; Hobsbawm, 1969: 24, 75, 79; Gurr, 1970).[24] These circumstances, with which both charismatic authority and millenarian revolution are associated, constitute "disasters," in the special sense in which social scientists have used the term:

> . . . a severe, relatively sudden, and frequently unexpected disruption of normal structural arrangements within a social system, or subsystem, resulting from a force "natural" or "social," "internal" to a system or "external" to it, over which the system has no firm "control" (Sjoberg, 1962: 357).

"Normal" forms of authority are seen to have failed, although of course this says nothing about their "objective" levels of performance.

There is a significant legal dimension to disaster situations. Law, for the complying majority, constitutes a set of internalized concepts fitted into rules. This map or model of society allows people to orient themselves to others, as well as to make fairly accurate predictions of their behavior. Such legal functions as the de-escalation and resolution of conflict, the control of deviation, and the implementation of policy all grow out of and depend upon the primary function of the attainment of social predictability.[25] A society that experiences rapid social change and increasing conflict — the kind of society we associate with such phenomena as revolution, mass movements, and charismatic authority — is a society in which *law no longer provides an adequate means for the attainment of predictable expectations in social interaction.*[26] There are limits to how fast law can adapt to changed circumstances. Stress-producing change, so rapid that law cannot adapt or which occurs in areas that law cannot effectively restructure, produces a crisis in social predictability. The environment simply becomes unmanageable and, increasingly, incomprehensible. In this connection, we ought not lose sight of the fact that law is in a very real sense a kind of explanation of why people behave as they do. In a period of pronounced change and upheaval, legal categories and rules tell people about a world which no longer exists, imparting less and less information about situations in which they presently find themselves.

When law is thus undermined by events, the most immediate solution lies in an alternative base of authority. The imputed gifts of the charismatic leader are of course vulner-

able to death, to the stubborn character of reality, and to inevitable routinization. However, in the short term situation where law — any law at all — appears inoperative, such considerations are bound to seem irrelevant. Even the quixotic nature of personalized authority seems somehow fitting. Rapid social change and revolutionary movements are neither wholly the products of uncontrolled circumstance nor solely the outcome of deliberate planning. Nor, to carry the process one step further, are they independent of each other. The inner integrity of the legal system, as it has been adumbrated in Fuller's legal morality, cannot withstand the increasing levels of demands and the shifting environment. The sins of excessive specificity, incommunicativeness, retroactivity, incomprehensibility, contradictoriness, unfulfillable demands, capricious change, and irrelevant administration — these result both by design and by circumstances. Law, like politics, has its "pathologies," in the sense of departures from and exaggerations of the generally known and expected. Within limits of acceptable stress, mechanisms of adaptation protect against the distorting effects of the unknown and unanticipated. Legislation, interpretation, and discretion serve these purposes. Revolution and its antecedent conditions form precisely that situation which produces stress beyond the capacities of adaptive mechanisms and in consequence the legal system assumes the shape of its pathologies.

The final paradox of revolutionary messianism lies in its inability both to tolerate law and to exist without it. The systematic breakdown of former patterns of socialization, the reliance on charismatic authority, and the frequent commitment to antinomian ideas all bespeak a desire for a world without norms. At the same time, resocialization demands an elaborate alternative rule system, charismatic authority cannot be indefinitely sustained, and large-scale administration demands continuity. Millenarian revolutions, in their periods of greatest activism, consequently maintain the form of rules while infusing them with precisely the kinds of contents and functions that violate their "morality." They thus come to resemble the legal systems of Lewis Carroll and Franz Kafka, which is to say that the terms "law" and "rule" can be attached to them in only the loosest way.

The metamorphosis from millenarian legal paradox to something resembling a stable set of rules lies beyond the scope of this paper. Yet a few tentative comments may be in order.

Millenarian activism produces a brief period of high activity, high commitment, and low predictability. This inevitably gives way to lowered levels of energy expenditure and commitment, together with increased environmental and social predictability. The reasons for the shift lie in the norm-generating propensities of human beings, the instability of charismatic authority, the unrealizability of millenarian goals, and the sheer fatigue that the activist period induces (Y. Talmon, 1966; Worsley, 1968: 236). This coming to terms with the world is merely one form taken by the so-called "Thermidorean" phase in the life-cyle of revolutions (Brinton, 1952: 215-250).[27]

The metamorphosis is, however, neither complete nor entirely permanent. For the "abnormal" aspects of revolutionary fervor are not unattractive. Like all disasters, political disasters are apt to generate their own variety of euphoria. This "disaster Utopia" — a phenomenon familiar to veterans of the 1965 Northeast power blackout — includes high morale, the breakdown of social divisions, a sense of greatly enhanced community, the sharing of goods and services, and much individual generosity and good-will (Wilson, 1962; Wolfenstein, 1957: 189-198; Dynes, 1970). Indeed, it is not out of place to suggest that to members of a millenarian movement the very extremity of the revolutionary situation and the community feeling it generates seem to prefigure and announce the final, millennial consummation. As a result, the diminished excitement of a later time, while it may represent a welcome respite, becomes tinged with feelings of regret and nostalgia. Let me suggest that this may not be simply the longings of the old for their youth, to which it is usually attributed, but rather the desire to recapture a very special and transient kind of experience.

The influence the disaster Utopia casts over later periods of a revolution may account for some of the curious eruptions of instability that interrupt the retreat into normalcy. It may well be that great revolutionary upheavals must be expected to produce "after-shocks," subsequent outbursts of instability which in part seek to recapture the lost euphoria of activism. If this is so, then the development of legal systems following revolutions — particularly revolutions of a millenarian sort — is precarious indeed; for it must deal not only with the diminished legitimacy that follows revolution but also the possibility of recurrent subsequent outbursts of collective violence. Surely the most prominent such event of the contem-

porary period has been the Chinese Cultural Revolution. It does indeed seem to be an "induced catastrophe," as Robert Lifton (1968: 32) has characterized it. To the extent that revolutionary regimes induce political disasters for the purpose of prolonging the revolutionary ethos, the gradual re-emergence of the legal system may be far more problematic than heretofore supposed. While in a true sense revolution cannot be made permanent, the psychological needs of revolutionaries might well produce post-revolutionary induced disasters for the purpose of simulating the original event. This must inevitably involve the suspension of significant rules of behavior and the creations of islands of randomness amidst general constraint.

FOOTNOTES

[1] Pashukanis' theory is summarized in Lon Fuller (1949) and Powell (1967-1968).

[2] For a summary as well as an example of empirical answers to the question see Schwartz and Orleans (1967). The points of contact between jurisprudence and the sociology of law are explored in Gibbs (1968).

[3] For other summaries of impact studies see Levine and Becker (1970) and Becker (1969).

[4] I have not attempted to summarize Massell's detailed description of the manner in which official policy was sabotaged at the local level by unsympathetic functionaries. This important phenomenon, by no means unknown in American society, opens the whole question of discretion and its exercise. More specifically, perhaps we ought to ask whether some legal institutions are not particularly vulnerable to this kind of "reversal" from below. As the federal courts have moved through lengthy implementation of desegregation and reapportionment decisions, their inability to gather, process, and rapidly act upon information has become increasingly evident.

[5] For an illuminating discussion of the relationship, cast in an economic metaphor, see Deutsch (1966: 122-124).

[6] The apparent exception—banditry—lies precisely in the shadow area where "crime" and "rebellion" merge.

[7] Naturally, the distinction between "rebellion" and "revolution" is better made with the benefit of hindsight; the strong suspicion lingers that many "rebellions" are merely revolutions which failed.

[8] *E.g.*, the concept of "primitive" collective violence adopted by Tilly (1969).

[9] Legal socialization, once a totally neglected subject, now commands increasing interest. See Adelson and Beall (1970), Koeppen (1970), and Tapp and Levine (1970).

[10] For an example of contrasting socialization patterns, see Laurence (1970).

[11] The debate continues in correspondence, 62 American Political Science Review 576.

[12] The game-character of rebellion pervades much campus unrest; chaos is greatest at the first outbreak of disturbance, when neither side yet has the experience or opportunity to develop tacit rules.

[13] For an illuminating discussion of this ambiguity, cast in terms of the "reformist" versus the "revolutionary," see Hobsbawm (1969: 10-12).

[14] The vast Cargo Cult literature is summarized in Jarvie (1969).

[15] Brim (1966) points out that the separation of dissidents is itself a sign that a society's own mechanisms for the resocialization of deviants have failed.

[16] I am indebted to Glynn Cochrane for this insight.

[17] Yonina Talmon (1962) suggests that millenarian movements constitute self-selected groups of the "rebellious, non-conformist and contentious,"

hence are unusually prone to fission. She also advances the hypothesis that as movements become less activist, they become more faction-prone as rebellion is turned inward. It might also be suggested that the absence of a strong external foe removes a principle integrative force.

18 For a demonstration of the link between size and legal institutions, see Schwartz (1954).

19 Hobsbawm's analysis of anarcho-millenarian groups in Spain and Italy suggests that anti-legalism may be due to the fact that the content and administration of law represented the forceful intrusion of modern industrial society into traditional agrarian enclaves. Hence the situation was very much the same as the Soviet intervention in Moslem Central Asia: the clash between an alien set of laws and institutions, backed by force, and a customary system based on a broad consensus.

20 "... used by Weber as a term of art to describe the administration of justice which is oriented not at fixed rules of a formally rational law but at the ethical, religious, political, or otherwise expediential postulates of a substantively rational law" (Rheinstein, 1967: 213).

21 On political conversion, see Sargant (1957: Ch. 7). Brim (1966) suggests that complete adult resocialization may depend upon the creation of the same kind of high power-high affectivity setting in which childhood learning takes place. The charismatic figure seems particularly likely to accomplish this.

22 Arendt (1964: 361-362) argues that Hitler was not a charismatic leader. An effective argument in the other direction appears in Nyomarkay (1967). Nyomarkay argues that the amorphous character of Nazi political and social ideas produced numerous opposed factions, each of which sought to overcome its opponents by enlisting Hitler's support. "Hitler was the primary source of group cohesion, the focus of loyalty, and the personification of the utopian idea—he was, in short, a charismatic leader.... Nazi factions did not organize against Hitler, but instead strove to the last minute of their existence to gain his support" (Nyomarkay, 1967: 4-5).

23 "All *extra*ordinary needs ... have been satisfied in an entirely heterogeneous manner: on a *charismatic* basis.... It means the following: that the 'natural' leaders in moments of distress—whether psychic, physical, economic, ethical, religious, or political—were neither appointed officeholders nor 'professionals' in the present-day sense ... but rather the bearers of specific gifts of body and mind that were considered 'supernatural' (in the sense that not everybody could have access to them)" (Weber, 1968: iii, 1111-1112 [emphases in original]).

24 It is equally the case that revolutions themselves generate great instability, although for present purposes it is the circumstances of their origin that is significant.

25 The conception of law-as-model is dealt with in Barkun (1968: 87-93).

26 Anthony F.C. Wallace, coming at the problem from a very different direction, comes to a similar conclusion when he associates radical societal instability with "Mazeway failures"; that is, with the inability of received cultural categories to account for and relieve new sources of personal stress. Only by a massive act of cultural innovation and resynthesis (through what Wallace refers to as "revitalization movements") can a society experiencing mazeway failure survive (Wallace, 1956).

27 For a suggestion that political activism and passivity are related to patterns of individual psychosocial maturation see Moller (1968).

CASES

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