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Power, Corruption and Rectitude. By Arnold Rogow and Harold D. Laswell.

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BOOK REVIEW

POWER, CORRUPTION AND RECTITUDE. By Arnold Rogow and Harold D. Lasswell; Englewood Cliffs, N.J.: Prentice-Hall, 1963. Pp. 138. \$6.00.

This is a highly challenging book by two well known political scientists. Their challenge is to a proposition which, they say, has been too long accepted as stating a self-evident truth: namely, the proposition which asserts, in the formulation of Lord Acton, that "power tends to corrupt, and absolute power corrupts absolutely." The writing of this book would have needed no further justification, of course, than to demand proof beyond what is held to be self-evident before acknowledging the validity of any such proposition; indeed, the "science" component in political science suggests not only a justification but an obligation for this kind of undertaking. Accordingly, those political scientists who associate themselves with what has been recently a strong movement to strengthen the scientific component of their discipline have been insisting that the putative truths of conventional wisdom, hallowed as they may have become through reaffirmation by many generations of sage statesmen, philosophers and scholars, be made to prove themselves viable in the harsh environment of scientific inquiry as well. It is not startling, then, to find Professors Rogow and Lasswell, who both are decidedly of the behavioral-scientific persuasion within their discipline, bluntly impugning the adequacy of the intellectual technique by which Acton's proposition was derived, even as they challenge its validity. But concerned as they are with truth, no less are the authors concerned with consequences. The first thrust of their challenge is directed, indeed, not to the intrinsic truth or falsity of the Acton principle, but to an attempt to demonstrate that, valid or invalid, its "dogmatic acceptance" has had deplorable consequences for democratic politics. And later, in expounding their own intellectual technique, which they term a "contextual method," they stress particularly that it has usefulness not only as an analytic tool by which to test the validity of the Acton principle, but also as an approach through which, for the purpose of improving the condition of democratic politics, it should be possible to develop a "strategy of action designed to reconcile power and rectitude. . . ."

I

We in the United States, Professors Lasswell and Rogow contend, by our unquestioning acceptance of the Acton dogma as truth, and particularly by our uncritical adherence to certain institutional arrangements which are highly responsive to its warning, have seriously hindered government from being responsive, as well, to our needs. Because, they argue, we have had fastened upon us a conviction that safety from the abuses of power can only be found in the separation-of-powers, check-and-balance scheme of constitutionalism that the founders (who feared power almost as much as they feared anarchy) devised,

we have failed, perhaps, to appreciate that the power, the effective use of which we are thus depriving ourselves, is, after all, our own. "In an age of democracy," they would remind us, "a fear of government is, in essence, a fear of the majority based on a fear of the self. In the modern day of self-government the real meaning of 'power tends to corrupt . . .' is not that 'the rulers may be corrupt,' but 'I am corrupt,' and the reality of separation of powers is 'I must be divided against myself.'"

It is of course true that the familiar stigmata of American constitutionalism—the vertical distribution of powers in the federal system, their separation horizontally, the intricate system of checks and balances, both vertical and horizontal—are all reflective of the framers' conviction that among those who govern "ambition must be made to counteract ambition." But their mistrust of men in power was only an extension of their dour estimate of the nature of man generally. They were not, most of them, among those "children of light" of the eighteenth century who believed in the perfectibility of the human race. Carl Becker has the Philosophes looking enviously across the water to what they supposed was "the unspoiled innocence of an Arcadian civilization that flourished in Pennsylvania." But if there was innocence abroad in the vicinity, it did not suffuse the Philadelphia Convention Hall. The men there were not Arcadians. They were, as Richard Hofstadter describes them, "men of affairs, merchants, lawyers, planter-businessmen, speculators. They had seen human nature on display in the market-place, the courtroom, the legislative chamber, and in every secret path and alleyway where wealth and power are counted." Add to this composite experience the influence of an intellectual heritage in which Calvinistic religion and Hobbesian secular philosophy, at the farthest opposite reaches of the intellectual universe in some respects, were agreed at least on the egotistical, heedless and downright anti-social character of man left to himself. Taking such influences into account it is not startling that in the Convention and in the discourse surrounding ratification, terms of reference employed in relation to human nature were "depravity," "avarice," "love of money," "love of power," "predominant thirst for power," "rapaciousness," "vindictiveness," "folly and wickedness." Even Benjamin Franklin, identified by Becker as being, with Jefferson, a true American child of the Enlightenment, and certainly a friend to men everywhere, observed to the Convention that "there are two passions which have a powerful influence in the affairs of men. These are ambition and avarice; the love of power and the love of money."

Why this amount of attention to the views of the founders on human nature generally? Because the power of men generally was a matter very much in the forefront of their concern. The will of the people was, after all, the base from which they had to build, and they were committed to the principle that the broad directing power, at least, must be kept in the people's hands. But how should this power be channelized; at what points brought directly to bear? And how should the rights of the lesser numbers be protected from the

overwhelming will of the greater? Given their perceptions about the character of men generally (however strongly these may have been affected by experience, by intellectual inheritance, and, *à la* Beardian history, by their own motives, conscious or unconscious, of self-interest—*cf.* Madison's own theory of the nature of attitude formation, in *Federalist No. 10*), the tendency of their response to these questions seems, with the benefit of hindsight, to have been an obvious one. As with persons holding office, so with the people in their constituent capacity, forestall propensities to the abusive or excessive exercise of power by devising a system on the principle that for them too, "ambition must be made to counteract ambition." This involved, as noted above, a vertical distribution of powers in the Federal system, as well as a horizontal separation on the plane of national government, and it also involved a complicated set of relationships between various parts of government and their constituencies, operating in general to minimize the number of points at which direct constituency power could be brought to bear (*e.g.*, the original electoral college scheme, and the appointment of United States Senators by state legislators) and especially to forestall large homogeneous constituencies from bringing power directly to bear at any one point. This was the framers' way of achieving a "balanced constitution" in the ancient sense, the internal separation of powers being only part of the larger design—albeit an important one, and a highly strategic one because it had appeal on other grounds as well. Professors Lasswell and Rogow explain this:

The formula of separation of powers appealed to the different interests of the time for different reasons. Those who conceived of government as a necessary enemy of majority liberty thought the formula would sufficiently constrain government to permit freedom. The principle of separation was especially acceptable to those who were more concerned with the problem of tyranny *through* government as a result of a future increase in the suffrage leading to majority rule. From this point of view a divided government was better able to cope with the 'tyranny of the majority' than a unified government system.

Now this is about the clearest statement we have from the authors recognizing that the frequent frustrations of majority will that they impute to the operation of the separation-of-powers, check-and-balance system has not been simply a result of unforeseen difficulties in its operation, but rather a tribute to the durability of the founders' deliberate contrivance. The question of the framers' intention is of some importance to the development of the Lasswell-Rogow argument from this point on, because the primary bad consequence that they attribute to the separation of powers scheme in operation, as a product of the founders' acting upon the Acton premise, is precisely that it hinders democratic, majority rule. This, they assert, results from, among other things, the manner in which power separation (at both national and state levels) has weakened the political parties—a thesis that has also been argued recently by James M. Burns, in his *Deadlock of Democracy*. On the administrative

side of government, the traditions of power separation and the thinking that underlies it has led, as government has expanded, they observe, to a haphazard multiplication of agencies, sometimes so set up, like the independent regulatory commissions, as to diffuse responsibility as well as powers, and make any concerted leadership or control in terms of either accountability or coordination with larger policy objectives extremely difficult. Whether in fact we could sweep away such hinderances to majority rule as are placed there by the separation of powers, and other power-braking devices within our system, without subjecting ourselves, in the field of civil liberties for example, to the dangers of majority tyranny, is an issue which the authors do not squarely confront, much less satisfactorily resolve. "Paradoxically," as they see it, the non-elected judicial branch in recent years has done more for the establishment of basic minority rights, political and civil, than has the popularly elected legislative branch, and in a footnote, they do observe that the present role of the Supreme Court in behalf of civil rights and against McCarthyite legislation "is a reminder that the Court's power to check majorities have [sic] served the forces of progress as well as those of reaction." Curiously, they then remark that "the view of the Court as undemocratic, which is still current in some quarters, reflects Jeffersonian views and the manifest opposition of the Court to the regulatory movement of the late nineteenth and early twentieth centuries." Well, surely by their own test, cited earlier, the question whether the Court is functioning as a proper agent of democracy is not to be resolved in terms of *what* majority-backed legislation is happens to sustain and *what* it happens to strike down, or interpret away into innocuity. Only by making a much clearer differentiation than they appear willing to do elsewhere between "democracy" and "majority rule" could such a resolution based upon the content of the Court's decisions be consistently obtained by them.

II

A second part of the book is devoted to examining through a "contextual approach" the validity of the Acton principle. This involves "considering the behavior of the power-possessing individuals and institutions the principle describes." Do individuals who seek power tend to be corrupted by the quest; what kinds of individuals do seek it, for what purposes, and how do they, respectively, behave with it after they have got some to exercise? What sorts of persons reject power for its own sake, or subject themselves to its loss rather than compromise a principle? *Does* absolute power corrupt absolutely? For the answers the authors employ first a biographical test. The last item, regarding absolute power, is approached first. Being an unqualified statement predictive of an absolute result, the test for it is rather an obvious one. Is there any absolute-power holder in history for whom there is evidence that he was not corrupted absolutely? Yes. Marcus Aurelius is one. As a matter of fact, he was an outstanding rectitude figure and it is notable that he voluntarily shared the

power of his throne with others, indeed even insisted on such an arrangement. An indication, possibly, that Marcus was himself an Actonian, worried that left alone he would fall prey to the temptations of absolute power?

Other biographical tests at the "tendency" level result in further defeats for Acton. Using here the materials of American political history and biography, the authors are led to conclude that the putative corruptive tendency of power linked to the insatiability of the appetite for it, and the use of it to gain more of it, even if not for other selfish advantage, simply is not born out by analysis. "Indeed," they say, "it is tempting to argue that in American political history power has tended more to ennoble than to corrupt those who have sought and held it." Three figures on the national stage whose careers they regard as tending to disprove Acton are Chester Arthur, Martin Van Buren and Aaron Burr. The first they cite as an example of purification, if not quite ennoblement, through coming into power; the second as an example of a man who did for a long period assiduously pursue power, but kept his quest free from unscrupulousness, ruthlessness or corruption, and who, gaining the Presidency, did not then sacrifice to opportunism *all* adherence to principle. The point of Burr's case is obscure. The authors apparently selected it because Burr is one of the few American figures of prominence of whom it has been at least alleged that his thirst for power led him to desperate means; their finding is that he did not resort to such extreme measures to gratify his ambition as he might have, and that even his role in the so-called Burr conspiracy does not justify an Actonian interpretation.

More ambitious is the Rogow-Lasswell attempt to construct a typology of political personalities on the basis of biographical material on some thirty state and local political bosses. From their analysis of such materials the authors find they can be divided essentially into two political types—the game politician and the gain politician. They aver, of course, that those are composites, but they specify, perhaps, a few too *many* details for optimum verisimilitude. Isn't it a bit too pat that the game politician, from early-American upper-class stock, should have been as a boy tall, frail, frequently ill, and subject to rigorous discipline from a stern, unbending father—a figure to the life from Riesman's inner-directed household. His mother, though she loved him, did not interfere in the painful sessions between father and lad, fearing to increase her husband's wrath. In later life she became quite religious, and she also suffered a good deal from psychosomatic illness. The game politician was not, in short, a happy boy from a happy home; his political compensation was the ego reward derived from having a central role in the game. The strategy was more important than the issue, the victory more important than the substance of the outcome. The gain politician, grown from a strong broth of a boy whose physical prowess was needed in the rough neighborhood in which he was raised as the favorite son of a fortunately strong and capable mother (for she was early widowed), is similarly, alas, as presented, more of cardboard figure than an ideal-type.

Another method that the authors use in their contextual approach is the institutional test. What conditions of institutional life foster rectitude; in what situation are the tendencies toward corruption most likely to be evident? Their systematization here is valuable, and they do real damage to the Acton thesis in showing that actually, in the American experience, high-prestige and highly power-charged institutions like the Presidency and the Supreme Court have evidenced great immunity from corruption (though, as they note, in the White House, near the center, venality has been something of a problem), whereas "institutions declining in power and prestige are more likely to attract corrupt men interested in promoting their personal fortunes" by exploiting what power-potential their office still possesses. The institution of Congress, though, is an especially troublesome one to deal with in these terms, perhaps because the periods of vigor and decline in its institutional life are not so readily specified. Its prestige and power have been, for some time at least, rated really only vis-à-vis the President, but that relationship is not necessarily always of two on a see-saw. On the whole, though, as the authors point out, there has been a slackness in both houses toward corrupt behavior within the family. This hurts Congress' moral position, of course, in those of its surveillance functions which involve setting standards, and making determinations based upon them, concerning the maintenance of rectitude elsewhere in the government.

III

Having reached, through their contextual critique of Acton, the conclusion that power itself is neutral, that the quest for it or the exercise of it do not lead either necessarily to corruption or to ennoblement, Professors Lasswell and Rogow do not yet rest. Instead, they take up a challenge "to devise procedures by which the specific combinations responsible for fluctuations of power and rectitude can be identified;" and further, to identify "policy moves, conducted by appropriate strategies," which would, if attempted, influence a pattern of development in which performance according to rectitude standards would be maximized and corruption minimized. This is a larger order, and the authors fully recognize it. But with considerable courage they attempt to work out, nevertheless, the outlines of a general model. They are concerned, for example, with the relationship between corruption and social change as one factor-combination. The significant question, they suggest is: "Under what conditions does change foster corruption or rectitude?" Is it when change produces confusion about norms, when old value perspectives continue to be applied to new situations? If so, the problem is to forestall confusion by clarifying the norms in the context of the new situation. Again, confusion about norms may exist across class, ethnic and social lines, where the absence of universality of outlook is accompanied by behavior in one group according to its norms that evokes a sense of outrage among persons differently situated.

Take gambling, prohibition, or some of the types of behavior surveyed in the Kinsey report.

Some of the authors' predictions of trend are disquieting. They forecast that, as a means of combatting corrupt behavior in the society, law enforcement authorities will progressively extend the use of new techniques for penetrating privacy. Traditional regard for privacy, they point out, has already been much abridged; however, they do offer the comfort that while its protection is a losing cause, it will not be "completely" abandoned. But the computer revolution, they suggest, opens new vistas of surveillance, both within the business community in monitoring its own affairs, and by government over business and the community in general. The computers can also be used by social scientists, of course, to gather the data on which to base the strategies for determining what type of surveillance may be needed, and at what points it may usefully be undertaken.

"But," their timorous lay-reader will ask, "who will scrutinize the social scientists?"

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