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Book Review

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*Reviewed by Theodore Samore**

POLITICAL POWER AND THE GOVERNMENTAL PROCESS, by Karl Loewenstein. Published by the University of Chicago Press, Chicago, 442 pp.; 1957.

Professor Loewenstein has taught constitutional, comparative and international law. He now holds the William Nelson Cromwell Chair of Jurisprudence and Political Science at Amherst College. In the author's own words this book, ". . . constitutes the prolegomena to a more ambitious and fully documented treatise on comparative political institutions that the author has been engaged in for some time. Whether or not the present undertaking has successfully woven the complexities and varieties of the process of political power into the fabric of a unifying conceptual frame, others will judge" (p. viii). This reviewer modestly accepts Professor Loewenstein's freely offered invitation to judge.

In their attempt to gain status as true "scientists," probably the hardest hurdle to clear for the social scientists is the matter of concepts or "constructs." Sociological and psychological writings are notorious for their solemn terms and empty definitions. Political science, on the other hand, possibly because it is the oldest of the social sciences, has managed to keep itself pretty well under control. It takes a bold man to coin new words, new definitions, or new constructs in this field. Loewenstein, fully cognizant of the dignity of his discipline and strongly aware of the great men before him—Aristotle, Machiavelli, Hobbs, de Tocqueville, Montesquieu, *et al.*—keeps his conceptual framework within reasonable bounds. There are no neologisms, no labored definitions, no revolutionary ideas. He does clarify many old terms and sensibly stretches his conceptual scheme to fit the facts, that is, the realities of the political process as he sees them. In short, this study in political orismology bears ripe fruit.

Bertrand Russell once wrote that, ". . . the fundamental concept in social science is Power, in the same sense in which Energy is the fundamental concept in physics."¹ Loewenstein assigns power to politics. "Politics is nothing else but the strug-

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¹ Russell, *Power: A New Social Analysis* 12 (1938).

gle for power” (p. 3). Indeed, “. . . the emphasis on power as the key for a better understanding of the state . . . has superseded the scientific interest in the concept of sovereignty that, for so many centuries, had been the foundation of political theory . . . Perhaps it is fair to say that sovereignty is nothing else, and nothing less, than the legal rationalization of power as the irrational element in politics.” (p. 4.) Now political power is

. . . a relationship operating reciprocally between those who hold and exercise power, here called the ‘power holders’ and those to whom it is directed, spoken of here as the ‘power addressees.’ (p. 6)

Hence, how power is gained, exercised and controlled is the subject matter of politics. Loewenstein goes on to apply this trinity to the only two possible governmental structures past and present. These are autocracy and constitutional democracy.

Throughout his analysis, Loewenstein always keeps his eye on the actual behavioral patterns of the various political systems. A striking example of this is his discussion of the classification of constitutions. The most common schemes are those which classify constitutions as written and unwritten or federal and unitary. The author argues persuasively for a more accurate categorization. He points out (p. 124) that historically, constitutionalism is,

. . . nothing but the quest of political man for the limitation of the absolute power exercised by the power holders and the effort to substantiate for the blind acceptance of factual social control the moral or ethical legitimation of authority.

Recently, however, there has been a progressive erosion of the original concept of the written constitution. More and more the written constitution is consciously used to disguise autocratic political systems. This is especially common in communist countries and in far too many Latin American “republics.” Therefore,

With the radically changed role of the written constitution . . . it is suggested that a new approach to classification of constitutions is necessary. This is based on the ‘ontological’ analysis which takes into account the reality of the power process. (p. 147)

Professor Loewenstein’s classification:

1. The normative constitution. It is not enough that a constitution be valid in the legal sense; to be real and effective it must be faithfully observed by all concerned. That is to say, its norms govern the political process, or the power process adjusts itself

to the norms. Loewenstein uses a homely simile: “. . . the constitution is like a suit that fits, and that is actually worn.” (p. 148.)

2. The nominal constitution. Here,

. . . the primary objective . . . is educational, with the goal, in the near or distant future, of becoming fully normative and actually governing the dynamics of the power process instead of being governed by it. To continue the simile: the suit, for the time being hangs in the closet, to be worn when the national body politic has grown into it. (p. 149)

Some countries that exemplify this type of constitution are Ghana, Ethiopia and Libya.

3. The semantic constitution. The constitution is duly promulgated and activated but its reality is purely verbal. The suit is not an honest suit at all; it is merely a cloak to conceal the mailed fist. Unhappily, there is no dearth of nations with this kind of constitution.

Naturally, whether a constitution is to be characterized as normative, nominal or semantic cannot be decided from its text alone, especially since constitutions are usually silent on some of the most important aspects of the power process, such as political parties, plural groups and the controls of the media of mass-communication.

Loewenstein's treatment of the control of political power is both lucid and incisive. Although it contains nothing particularly new, it is the most valuable part of the book since the most compelling problem (after peace) in our time is the control of political power. He distinguishes between horizontal and vertical controls. The former pertains to the level of governmental machinery itself. That is, within the executive-legislative-judicial functions and powers such items as the presidential veto, judicial review and senatorial ratification of treaties. The vote of non-confidence in parliamentary governmental systems is another example.

Vertical controls pertain to the level on which the governmental machinery confronts the society. These controls are directed from the power addressees to the power holders; or, more exactly, are shields which protect the power addressees from any encroachment by the power holders. Prime examples are individual rights and liberties. Of course, both vertical and horizontal controls are non-existent in autocracies.

Loewenstein is a forceful and austere writer. So austere, in

fact, that no translations are provided for any of the French, German and Latin quotations.

Perhaps this is as good a time as any to complain about the footnotes which are all placed in the back of the book. Too bad. Presumably, this increasing habit is an attempt by publishers to render "scholarly" books less forbidding to the layman. It is highly inconvenient to the curious reader who must continually flip the pages back and forth.