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Harold Dwight Lasswell 1902-1978

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It is not possible at this time, if ever it will be, adequately to commemorate Harold Lasswell. The intellectual heritage he has left us is too great and too various, and his dedicated, pioneering, omniscient, and compassionate presence is still too recently and too intensely among us.

Lasswell, a prime mover in the "behavioral revolution" in political science at the University of Chicago, was an occasional guest lecturer, under the auspices of Thurman Arnold, Edward Sapir, and John Dollard, at the Yale Law School in the early 1930s when American legal realism was first breaking upon the scene. He accepted an appointment as Visiting Sterling Lecturer, and joined with me in teaching a graduate seminar upon "Property in a Crisis Society" in the late 1930s when many scholars were beginning to seek a more constructive jurisprudence than either American legal realism or the positivism that it had debunked. He became a full-time member of the faculty shortly after World War II at a time when the horrors of that war had made clear to all the need for both a better law and a better theory about law, and remained on the faculty, under various titles of distinction, until his retirement in 1970. During those years, he developed his ideas about jurisprudence, international law, and criminal law, teaching with colleagues such courses as "Law, Science, and Policy," "The Public Order of the World Community," "Criminal Law and Public Order," "Communication and Law," and "Case Presentation and Negotiation."

The importance of Lasswell's many contributions to multidisciplinary inquiry about man in society has been long and widely recognized. For him there were no barriers between the different disciplines or sciences. He worked effectively, commonly in collaboration with highly regarded specialists, in most of the relevant disciplines and assisted in

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the creation of some of the more important newer disciplines. He was president of two learned societies, the American Political Science Association and the American Society of International Law, and was honored by many others. One reviewer described him as a "one-man university" whose "competence in, and contributions to, anthropology, communications, economics, law, philosophy, psychology, psychiatry, and sociology are enough to make him a political scientist in the model of classical Greece."¹ The same reviewer added: "The innovations and scope of his research, the fertility of mind and fluency of style, the freedom from pomposity and cant, the throw-away generosity with ideas and insights, make him unique among contemporary scholars."²

Lasswell's deepest personal commitment was to the creation of a comprehensive theory for inquiry about the individual human being in social process. His goal was to develop a theory which could be made sufficiently precise to facilitate performance of all the different intellectual tasks necessary to the rational clarification and implementation of individual and community policy. To this goal all his particular innovations, including his work in relation to communications research, the psychiatry of decisionmaking and the psychopathology of politics, developmental constructs and futuristics, content analysis, the specification of a theory of values, the collection of trend data and the social planetarium, systems theory, functional as contrasted with conventional analysis, free association as an instrument of thought, and configurative thinking, were but ancillary. His self-imposed demand was for the most comprehensive map possible; he would tolerate no rug under which the indolent could sweep alleged "externalities." The culmination of all his particular emphases and innovations came, thus, in his conception, and in measure creation, of what he dubbed, and is now widely known, as "the policy sciences." The degree to which he succeeded in fulfilling his commitment is perhaps best indicated by the terms of an award made to him in 1960 by the American Council of Learned Societies:

Harold Dwight Lasswell, master of all the social sciences and pioneer in each; rambunctiously devoted to breaking down the man-made barriers between the social studies, and so acquainting each with the rest; filler-in of the interdisciplinary spaces between political science, psychology, philosophy, and sociology; prophetic in foreseeing the Garrison State and courageously intelligent in trying to curb its powers; sojourner in Vienna and selective transmitter of the Freudian vision to his American colleagues; disci-

1. Book Review, 44 *PSYCHIATRIC Q.* 167, 167 (1970).

2. *Id.*

plined in wide-ranging inquiry; working against resistance to create a modern quadrivium of the social sciences that will make them truly liberal arts.³

Lasswell's contributions to law, and especially to theory and procedures for inquiry about law, are scarcely less monumental, though as yet less well recognized. He was not a member of the bar, but in a functional sense he was a great lawyer, even in giving advice about particular cases. For him law was, in a tradition extending back into antiquity, a process of authoritative decision by which the members of a community clarify and implement their common interests. As such a process, law was but a component part of the broader process of effective power that Lasswell had long studied as a political scientist. Hence, it was only natural that he should seek to bring the broad conceptions of an emerging policy science to bear upon the creation of a jurisprudence, or theory of inquiry about law, that would be sufficiently comprehensive, and sufficiently detailed, economically to locate authoritative decision in the larger social processes by which it was affected and which it in turn affected.

It was in his insistence upon a deliberate focus on the formation and implementation of policy that Lasswell made perhaps his most important contribution to theory for inquiry about law. Sociological jurists had concentrated upon the factors affecting, and the consequences of, authoritative decision without offering any systematic or precise way of talking about either causes or consequences. The American legal realists had demonstrated that technical legal rules and concepts are not the only factors affecting decision and had intensely demanded certain heterogeneous and uncoordinated reformist goals, with little indication of how authoritative decision might best be changed to achieve such goals. Lasswell insisted that authoritative decision—as always a response to events in social process, as always affected by other events in social process, and as in turn always having consequences for the future distribution of values in social process—inevitably embodied a choice among alternative community policies. Rationality requires, therefore, that both scholars and decisionmakers be as explicit as possible about the fundamental values to which they are committed and make the clarification and implementation of these values a deliberate and central focus of attention. Thus, our first collaboration, published in this *Journal*, was an effort to add a constructive dimension to legal realism. In it, he wrote: “if legal educa-

3. Am. Council of Learned Societies Citation (Jan. 20, 1960), *reprinted in* H. LASSWELL, *POWER AND PERSONALITY* (Compass Books ed. 1962) (back cover).

tion in the contemporary world is adequately to serve the needs of a free and productive commonwealth, it must be conscious, efficient, and systematic *training for policy-making*."⁴

The values Lasswell postulated for determining the content of preferred policies were of course those today commonly characterized as the basic values of human dignity, or of a free society. To give empirical meaning to the common value categories of ethical philosophers and other normative specialists, he added the institutional analysis of cultural anthropologists and came up with an itemization of basic values and constituent practices that could be made both comprehensive and detailed in any necessary degree. At the core of the fundamental preferences to which he was committed and which he recommended to others, however, was respect for the autonomy and freedom of choice of the individual human being. Once when we were designing a frontispiece for a book on the law of outer space, he insisted that we draw a map with the individual human being as the center of the universe and with ever expanding concentric circles of celestial bodies and galaxies extending out from him (or her). More recently he insisted that respect for the dignity of man, by which he meant reciprocal tolerance and honoring of freedom of choice about participation in the shaping and sharing of all values, be made the central theme of a book on human rights. This book is now being published posthumously.⁵

Another important contribution made by Lasswell to theory for inquiry about law was his emphasis upon configuration or contextuality. Though man was at the center of the universe, he was a member of interpenetrating, concentric communities of interdetermination, expanding out from the locality to the farthest reaches of an earth-space community. Because of contemporary technology and other factors, interdependence in the shaping and sharing of values both characterized each particular community and transcended all communities. In situations of scarce resources and competitive demands for values, authoritative decision had of necessity to choose between values. Rationality in decision required, therefore, the calculation, within the limits of economy, of the different costs and benefits to all the individuals and communities involved, with an appropriate integration or accommodation in common interest.

Still another important contribution by Lasswell was his emphasis upon problem-solving and the relevance of a variety of intellectual

4. Lasswell & McDougal, *Legal Education and Public Policy: Professional Training in the Public Interest*, 52 YALE L.J. 203, 206 (1943).

5. M. McDougal, H. Lasswell & L. Chen, *HUMAN RIGHTS AND WORLD PUBLIC ORDER: THE BASIC POLICIES OF AN INTERNATIONAL LAW OF HUMAN DIGNITY* (forthcoming 1979).

skills. For him a problem was a disparity between goals and achievement; meaningful problem-solving was dedicated to removing such disparities. Effective problem-solving could not be achieved by syntactic derivation alone, but required the detailed specification of preferred policies, the study of comparable past trends in decision and context, investigation of the factors affecting decision and context, the projection of possible future developments, and the invention and evaluation of new alternatives in decision and decision processes. The whole of Lasswell's comprehensive framework of theory for inquiry about law was designed to facilitate the more effective and economical performance of these different tasks or skills. Many of his earlier innovations—in such areas as to the psychiatry of decisionmaking, the projection of developmental constructs, and the specification of functional categories for describing social process—bear directly upon the improved performance of various particular tasks.

Lasswell's contributions to the policy sciences and to law have been made largely through his publications, including more than 30 books, some 250 articles and countless other papers, and through his influence upon particular individuals. As a teacher, he was occasionally a superb lecturer, but did not care for the large class and characterized the Socratic method, so dear to the contemporary law school, as "calculated mutual insult." His great gifts for teaching found their best expression in small seminar groups and in one-to-one consultations; in such situations he was without peer among the teachers whom I have known. His whole life was a life of the mind directed toward action. He had no time for trivia, but took a deep interest in all students or colleagues whose primary concern was for enlightenment and action in the common interest. For reasons beyond my comprehension, he once described collaboration with me as comparable to being stabled with a dragon; yet his patience was infinite, and it has been among the deepest satisfactions of my life that our association and friendship endured for forty-three years.

For some, Lasswell could be a rather reserved and aloof, even forbidding, figure. He could be sharp of tongue and was not easily flattered. For many, however, as for me, he was a warm, magnanimous, spontaneous, and delightful friend. He was fun to work with and fun to play with; his very presence created intellectual excitement. Almost by indirection he could assist friends better to understand themselves, others, and the larger configuration of events about them. He also had the ability to teach us both to aspire beyond our grasp and how to extend our grasp. For many of us his loss is not merely grievous; it is irreparable. Our best solace is, as one friend has put it, that we can be

grateful for what was, without mourning for what might yet have been.

It has been suggested by one observer that Lasswell's works will be read as long as there are people who cherish and pursue the worldwide achievement of human dignity.⁶ If this prophecy is rationally based, then Lasswell's influence and memory could endure for a very long time. Lasswell himself was appropriately confident of the long-term importance of his contribution and, despite an occasional expression of dire forebodings, reasonably optimistic about the prospects of human dignity. In our initial article he struck a characteristic note:

One of the basic manifestations of deference to human beings is to give full weight to the fact that they have minds. People need to be equipped with the knowledge of how democratic doctrines can be justified. . . . No democracy is even approximately genuine until men realize that men *can* be free; and that the laborious work of modern science has provided a non-sentimental foundation for the intuitive confidence with which the poets and prophets of human brotherhood have regarded mankind. . . . There is no rational room for pessimism about the *possibility* of putting morals into practice on the basis of what we know, and know we can know, about the development of human personality.⁷

A more recent statement of this conviction is even more assured:

It is impossible to contemplate the present status of man without perceiving the cosmic roles that he and other advanced forms of life may eventually play. We are, perhaps, introducing self-awareness into cosmic process. With awareness of self come deliberate formation and pursuit of value goals. For tens of thousands of years, man was accustomed to living in relatively local environments and to cooperating on a parochial scale. Today we are on the verge of exploring a habitat far less circumscribed than earth. The need for a world-wide system of public order—a comprehensive plan of cooperation—is fearfully urgent. From the interplay of the study and practice of cooperation we may eventually move more wisely, if not more rapidly, toward fulfilling the as-yet-mysterious potentialities of the cosmic process.⁸

It is indeed a remarkable intellectual legacy that Harold Lasswell has left to those of humankind, present and future, who cherish human dignity. In such a legacy there are at least the whisperings of the only kind of immortality that we can know.

6. Rogow, *Preface to POLITICS, PERSONALITY, AND SOCIAL SCIENCE IN THE TWENTIETH CENTURY* x (A. Rogow ed. 1969). A further evaluation of Lasswell appears in Marvick, *Introduction to H. LASSWELL, ON POLITICAL SOCIOLOGY* 1-72 (D. Marvick ed. 1977).

7. Lasswell & McDougal, *supra* note 4, at 225 (emphasis in original).

8. H. LASSWELL, *THE FUTURE OF POLITICAL SCIENCE* 242 (1963).