

under the heading of world justice. The tentative draft may afford a focus for discussion of some of these issues, discussion within the nations and across national boundaries.

I have said several times that one can't be optimistic about world government through voluntary action. But the question, of course, isn't one of optimism. The question is one of whether there is ground for hope, or whether the notion is completely Utopian; whether there is ground for hope sufficient to warrant continuing the effort despite the adverse odds.

WILBER G. KATZ*

BIOLOGY AND LAW*

DR. WEST observes in man a "social instinct," which tends to prevail. It is subject however to the influences of unacknowledged dispositions to dominate, to quarrel, and to fight. They appear in the partly concealed or entirely open conflicts to which we all of us from time to time contribute.

These dispositions take on some of their characteristics in the earliest years of our lives. They are unadmitted by us ourselves, and condemned by a "conscience" that requires us, even at the expense of truth or accuracy, to maintain our sense of our own kindness and respectability. Thus "we" are always "right"; "they" are always "wrong." The quarrel, conflict, or war starts easily and often grows quickly until the onset of stalemate or victory and defeat. The process is the professional concern of the soldier and the lawyer.

Dr. West is not only an observer, but a man with hope. His hope is partly in the "social instinct." It is partly in our good sense, which may lead us to recognize our common failings, our common interests, and our common dangers; and to create—what we still lack—a common law supported by a common force, to keep us all in order in those moments when we are dangerous. In those moments we commonly "think" that "they" are the dangerous ones. We cannot judge ourselves; and we need judges as impartial as human ingenuity can make them.

Dr. West's hope then is in the "social instinct" and in the good sense

* John P. Wilson Professor of Law and Dean, University of Chicago Law School.

* The course of the author's reflections and publications on the subject of these papers was indicated by the first note in his *Death against Life*, 15 *Univ. Chi. L. Rev.* 902 (1948). Since then he has participated with Dr. James L. Halliday and Dr. Ranyard West in a radio discussion, *Mental Health in Our Time*, University of Chicago Round Table of August 22, 1948. The references in this paper to matters of political controversy were written in their present form on January 23, 1949, after President Truman's Inaugural Address and before Secretary Acheson's reference to "overwhelming force" in his first statement about the proposed North Atlantic treaty.

which have both contributed to the growth of the law that is now inadequate to control the most serious threats to our physical security. Some threats are controlled by law, and our limited successes may guide us to an indispensable new accomplishment. Recognizing that Dr. West's hope is part of his own, Dean Katz expresses his hope in the moving influence of the idea of universal justice.

I

If one tries for a little to separate observation from hope, he may contribute to understanding, though he will inevitably succeed only partly in freeing himself from those benign and malign influences which constitute his bias. It seems worth while to try here to keep a coolly biological point of view in dealing with the phenomena about which Dr. West and Dean Katz write. A biologist has in some ways a larger, in some ways a more specialized, view than a lawyer. He has training in subjects about which a lawyer may easily be mistaken. But the lawyer deals, after all, with a special branch of biology; and he can at least exercise himself in an attitude appropriate to a biologist.

It may be particularly useful, moreover, to keep ourselves reminded, for a time, of our simpler relatives, and our position among the animals. We shall accordingly spend some time here on some more or less familiar biological observations and questions. First, we shall deal with the question whether or in what sense destructive dispositions or impulses are part of "original human nature." The discussion of this subject has gone on for a long time; while it has resulted in no conclusion, it has contributed to the clarification of man's position in the world, and to the understanding of a considerable number of more specific problems. The discussion has among other things made it possible for us all to subordinate this question, which nevertheless is always turning up in controversies, to other more practical questions. Second, we shall remind ourselves briefly of some of these other questions, their answers, and the application of these answers to the problem of war. Then we shall turn more specifically to possible remedies for war and lethal conflict generally.

What one first observes is a constant human disposition to destroy; that is to contribute to the disintegration of other biological organisms, and particularly of other men. In the case of plants and animals, we say that destroying and eating them builds us, and so is—from our point of view—constructive. In the case of other men, we recognize some cases—however much difficulty we may have in defining them—where the killing,

makes no such contribution to the lives of others. The tendencies, subtle or gross, to destroy ourselves seem to resemble the tendencies to destroy others. These dispositions appear in many kinds of conflict, from personal "friction" or quarrels to international military operations.

The character of the dispositions to destroy is in one respect the subject of doubt. It is not even clear what the doubt is, or how it should be stated. In familiar but somewhat ambiguous terms the question is whether the destructive dispositions are inborn or acquired, the result of heredity or environment, unconditioned or conditioned. Are they like hunger or sex, on the one hand, or traditional eating habits or sexual institutions on the other? If the question has some meaning, it is clear that it cannot be answered. The new-born child has not even a physiologically complete nervous system, and all the observations of its activities which seem to lead to an answer to our questions are explicable as projections of the observer's qualities. The inferences of clinical psychiatrists are subject to the same invalidating influences. The studies of anthropologists are similarly inconclusive. Methods of stating or answering the question may be discovered; but none are now available.

There are some observations which bring out the difficulties of the problem. In other animals temperamental characteristics appear to be constant and to depend on adaptations which are instinctive in the traditional sense of automatic. In searching for worms or insects, the song bird has little need for the distinctive skills and vigors of the owl or the hawk. The antelope or the deer will attempt to survive by flight while the lion or the wolf will attack.

Men are distinguished from many other animals by their persistent disposition to destroy themselves and each other. They are distinguished from all other animals by the character of this disposition. There is something like warfare among some ants of the same species, but there is no reason to suppose that this is less automatically instinctive than other activities of ants. Among the monkeys and apes, the baboons alone are perhaps as mutually destructive as men, but they do not practice group hostilities analogous to war. The distinction, however, discloses a similarity. As in the cases of relationships between species, relationships within each species are characterized by a constant absence or presence of dispositions to destroy which have a superficial resemblance, at any rate, to the constant sequences of mutual destruction which appear within and between primitive and civilized groups of men.

There is evidence from experiments with mice that dispositions to fight and tenacity in fighting, quite independent qualities, may be inbred. The

same dispositions may also be affected by conditioning.² Insofar as the comparison has any significance, it indicates that unconditioned dispositions play a part in animal psychology as well as conditioned dispositions. Some dispositions can not be learned or unlearned; others can. Of the latter, some can be more readily learned or unlearned than others. This is a familiar enough observation. It serves at once as an analogy and as a simple corrective to any disposition to exaggerate the significance of analogies, which may or may not indicate similarities of practical importance, between the behavior of other animals and men.

One distinguished student of monkeys and apes has been led to a rather definite working hypothesis about man's destructive dispositions. The behavior of some of the gentle South American monkeys is so different and that of baboons so similar that he infers from human behavior unconditioned destructive dispositions like those of the baboon. He infers moreover from experiments in brain surgery with monkeys that brain centers physically distinct and therefore probably relatively free of influence from the problem-solving cortex are the means of originating destructive impulses or activities. (More recent surgery with human beings, while it affects different centers, apparently does not dispose of the possibility, at least, as in the case of monkeys, that these centers operate rather independently of the cortex.) He sees no reason to suppose that the rather automatic and uniform normal activity of these brain centers results from conditioning, and the activity seems to him like biophysical or biochemical activity. His working hypothesis includes the position that in the present state of knowledge destructive dispositions can be modified only by chemical means such as drugs or physical means such as surgery.

These suggestions are increasingly speculative. Like reflections upon the observed behavior of animals generally, they suggest analogies which may indicate practically significant similarities, and hypotheses which are neither disproved nor proved.

It is true that the physiological and anatomical factors in hunger and sexual activity are apparent, whereas similar factors in destructive activities are little or not at all understood. The limits of present human knowledge about the interrelationships between physical, chemical, and biological phenomena, and about the operation of such factors as hormones and the nervous system, make it impossible however to infer from an

² See J. P. Scott, *Genetic Differences in the Social Behavior of Inbred Strains of Mice*, 33 *Journal of Heredity* 11 (January 1942); Benson Ginsburg and W. C. Allee, *Some Effects of Conditioning on Social Dominance and Subordination in Inbred Strains of Mice*, 15 *Physiological Zoology* 485 (October 1942).

absence of observed physiological relationships that destructive dispositions are not unconditioned.²

Again it is sometimes objected that the species can have had no advantage in the struggle for survival from dispositions of the members to self destruction or to mutual destruction. It is then inferred that such dispositions cannot be, like hunger and sexual dispositions, unconditioned.

The objection is not conclusive. A considerable number of anatomical characteristics are, so far as is known, useless to individual or species or both, in the struggle for survival; and some are apparently, even in the time during which they persist, harmful to individual or species or both. Colors and visual patterns have proved in many cases inexplicable by sexual selection or protective functions or any other functional relation to reproduction, the survival of an individual or the survival of a species. Some animals have attained horns or antlers of a size which apart from changes in environment was apparently a handicap both to individual and to species. The disposition of ants and baboons, as well as members of some other species, to fight and destroy each other probably have not of themselves contributed to the survival of the species. Given the dispositions, the particular group or individual will have to excel to survive and to leave many descendants; but that is another matter. In some species, the female eats the male immediately after mating, and this disposition appears to have no function in preserving the species.

It may be that the linkage of apparently unrelated characteristics explains some of these phenomena. Useless or harmful characteristics may be genetically linked with characteristics which fit a species for survival. It seems possible too that in some cases there is no explanation at present for the appearance of some characteristics of living things, no matter how clearly those characteristics are recognized.

It is possible at the same time that there is a rather simple linkage between human characteristics which are useful to the species in the struggle for existence and the dispositions of human beings to destroy themselves and each other. Clinical observations indicate that repression or suppression of destructive dispositions may impair capacity for biologically indispensable activities, like sexual activities, or food gathering or other economic activities. The observations suggest physical analogies, which lead however to no conclusive result, such as pressure or other energy analogies. At any rate, it is quite possible that factors which enable men to overcome serious practical difficulties in preserving themselves from

² See, for example, Heinrich Klüver, on a Possible Use of the Root Nodules of Leguminous Plants for Research in Neurology and Psychiatry (Preliminary Report on a Free Porphyrin-Hemoglobin System), 25 *Journal of Psychology* 331 (April 1948).

dangers created by their physical environment or by other species, are the same as or similar to factors in the dispositions of human beings to mutual and self destruction.

The existence of unconditioned dispositions or propensities to mutual and self destruction is not at present disproved or proved. Such propensities may be described in terms derived partly from introspection or in terms referring only to activities. It seems likely that they can be described also in terms referring not to abstracted elements of experience or action, but to the complex units with which human beings deal. A propensity may be isolated, or such propensities may be observed as components in a vast range of complex experiences, from the personal quarrel to the tribal war to the national war.

It is sometimes said that an unconditioned or innate propensity must also be uncontrollable. The control of hunger will of course destroy any individual who may practice it beyond a biologically determined time. All individuals however control sexual propensities, and some individuals are celibate. The practice of celibacy apparently tends to have unhealthy and thus destructive effects, but it is not fatal. Unconditioned propensities may thus be more or less subject to control, and an unconditioned propensity to destroy may be subject to management or control as readily as a conditioned propensity to destroy.

Teachers of small children and psychiatrists have been successful in facilitating the acquisition of skills in managing and controlling destructive dispositions. Parents commonly facilitate the development of such skills by their children. Increasing observation and experience add to knowledge of the conditions for moderating destructive dispositions and managing or controlling them. Success in moderating these dispositions serves at any rate to indicate the extent to which they may be affected by conditioning factors.

If the dispositions to destruction are much affected by or wholly subject to conditioning factors, the practical consequences may not be significant for all purposes. Frustration, for example, in its many forms, is a factor which may contribute to destructive dispositions. Frustration may contribute to passive acceptance of situations. On the other hand it appears to be present in some form in every manifestation of destructive dispositions.

If the elimination of frustration would lead to elimination of the destructive dispositions, it does not follow that that is a practical possibility. The physiology of hunger and sex is a constant element in human beings. The presence of frustrating features appears to be an equally constant

element in human environments. It is difficult to distinguish educative and challenging influences from merely frustrating ones. In any imaginable scheme of general education, there will be challenges that must prove more or less frustrating, for a time, to some students. Some delays in satisfying the wants of newly born children are bound to occur; and throughout childhood some frustration is inevitable. The conditions of a society, particularly perhaps a complicated society, are bound to occasion some frustration to its members.

Recent discussion of human destructive dispositions has commonly emphasized the extent to which they are subject to conditioning and control. Whatever the limits of conditioning, management, and control, there is considerable agreement on some features of the destructive dispositions, and the use which may be made of knowledge of these features in facilitating management and control within undetermined limits, at least in the cases of individuals.

For example, as has been observed, the destructive dispositions operate often in a manner concealed from those who act destructively. Difficulty with parents may lead through elaborately phrased revolutionary doctrine to difficulty with ruling classes or authority in general. Childhood hostilities, repressed as too painful or too much disapproved for recognition, may be turned, by unrecognized sequences, into hostilities against foreigners. The mother, father, brother, or sister may be identified with the employer, the member of a racial minority, the Englishman, or the Russian. We may relieve ourselves of guilt by projecting it, attributing our unacknowledged and guilty impulses to others.

Again, for example, the difficulties and frustrations of middle age affect the judgments of the age group which decides policy in our society. Clinical observations indicate the extent to which envy of the young and distress at failing powers may exert influences of which well intentioned parents are unconscious.

Unusual opportunities for warm fellow feeling on the one hand and permitted hostility and destruction on the other are afforded by war. Members of one group encourage each other to confuse an enemy figure with father, mother, or brother, and with each one's guilty self. The middle aged see a last chance to assert themselves and feel their power. The group is drawn together, and at the same time its members are permitted and encouraged to hate and to destroy. Other elements of similar character play their part; but these alone seem sufficient, and only elements of this sort seem sufficient, to explain wars.

The account of wars sketched here, and developed in some respects

more fully elsewhere,³ is distinguished from other accounts of wars. It minimizes the guilt of particular groups and individuals. Fear is regarded as a result rather than the cause of destructive dispositions, and it is recognized that fear plays a small part in the events leading to some wars, for example, some rebellions and revolutions. Ideological and economic factors are treated as excuses for and means of fighting, rather than as factors in the outbreak of wars. Trade has long been more profitable than fighting, and nothing is less suitable than force to determine the merits of ideas.

II

Rational and economic factors do not explain wars, and it seems unlikely that rational or economic remedies, if we wish a cure, will cure them. Remedies of these sorts may lead to results desirable on their own account. They may reduce the frustrations which accentuate hostility and which make more certain and quick the operation of destructive dispositions. Removal of specific errors and misunderstandings may do something not only to eliminate some frustrations, but to prepare the way for the succession of agreements which will be needed to strengthen international order and promote the health and welfare of populations.

But if the explanation of wars sketched here and amplified elsewhere is correct, Dr. West appears—if we want one—to have the correct remedy, and it is the lawyer's and soldier's remedy as well. It is overwhelming force. The more systematically it is administered, the more effective it is likely to be. The more its administration takes on the characteristics of law, the more satisfactory to most people it will be. But force which makes fighting manifestly futile, and only such force, will stop fighting.

A year or two ago it seemed possible that the United States and Russia might still recall the tradition of world policing in which English speaking people and Russians have combined to put down the great modern marauders, Napoleon, William II, and Hitler. Today the ancient pattern of destructive hostility has separated the two nations, and the United States has turned to another ancient pattern, a design for world rule. We have a new institution to help us, the United Nations, new weapons, and new means of communication and transportation. It may be that we shall

³ See, for example, the author's *Aggression: A Study of Values and Law*, 57 *Ethics*, No. 4, Pt. II, 1 (July 1947), esp. at 21-27, 31-37, 39; and his *The Management and Control of Aggression*, in *Community Service Society Hundredth Anniversary Symposia* (1949). Compare E. F. M. Durbin and John Bowlby, *Personal Aggressiveness and War* (1939); Ranyard West, *Conscience and Society* (1942); J. C. Flugel, *Man, Morals and Society*, c. XIX (1944). The *Proceedings of the International Congress on Mental Health in London in August 1948* will doubtless be available soon. The Congress has made a timely and useful contribution to the discussion of the subject of these papers.

succeed where others have failed, and even create a society more generally sound and satisfactory than any which other ruling powers have even planned.

This at any rate is our considered and accepted plan for policing the world and preventing wars. It may be time to look at slower developments which will, if we wish it, make human relationships more sound and international order more secure in the long future.

The limited but considerable value of rational and economic influences for this purpose has already been noticed. If they could influence us much, economic interests would long ago have required the abolition of wars. The rational faculties of men may produce a chain reaction to be used for destruction rather than health.

The wisdom that is needed is biological. The one practical choice that is needed is between death and life. If we follow the simple disposition of living things, and decide to stay alive, there is much that humanists, scientists, ordinary people of all sorts, and men of affairs can tell us about the implications of our decision.

In particular, some psychologists will give peculiar significance to a group of phenomena somewhat loosely referred to under the name of love. These experiences give many people the greatest conscious satisfactions which they have, and they may be helpful in attaining other satisfactions, like plenty and peace.

Such different teachers as Jesus, Socrates, and Freud have given experiences which we call love first place among values and principles of life. In Freud's philosophy, not dependent simply on his scientific work, the love called Eros is the element that opposes and postpones death. This erotic love is primarily sexual, and it stands by a sort of extension for the desire for all pleasant and life-promoting experiences. In Dr. Menninger's *Love Against Hate*, as in Fromm's *Man for Himself*, Freudian love is clearly identified with the disposition to get and to give all sorts of good things; though in some passages, following Shelley, Dr. Menninger speaks of love more narrowly, as the most complete communication.

Affection may be closely associated with this kind of love. It is also aggressive and sometimes selfish. Some pathological forms of sexual activity are strikingly destructive and cruel. Virility—and its similar feminine counterpart for which we have no name—is a virtue of the lover, the provider, and the fighter. A healthy human being will value it highly, but only in those forms in which it is not destructive.

Affection is closer to the word in the New Testament which we translate as love. The same word is used by Homer to refer to the love of a father

for his son. In the New Testament the defect as well as the strength of this sort of love appears. It may lead us back to infancy and away from the struggles of mature life. The idealization of family life which is one element implicit in the Sermon on the Mount, may lead to an undervaluation of virility, and the zest, desire, and self seeking which, in some measure, are necessary for the life of the individual and the race.

There are many other meanings of love, and many variations of each meaning. One has only to reflect on the stories he has read and the many and various human relationships which everyone has experienced. A variety of satisfactory, happy, mysterious, and life-giving elements are named by the word.

In the most perfect and mystical of biological experiences, these elements, in their life-giving forms, are combined in various and unanalyzable ways. The wisdom which depends on understanding what we want, and finding means to attain it, may well be first concerned with affection and virility.

The observations of psychiatrists dealing, as Dr. West has done, with psychosomatic diseases, indicate that the need for affection is an important factor in these as in other psychological disturbances.⁴ The same need seems to be a deep source of the disposition to value highly those social changes which are based on the principle of human equality and the claim to security and freedom from fear.

The danger of this current of feeling and thought is apparent. It may encourage regressive tendencies to seek the affection, equality, and security that go with the child's place in the family. Mature beings value both affection and virility. They appear at times to be expressing a deep sense of the value of virility in what they say about self direction and liberty.

We have reached the familiar American folk-values, partly emotional and partly intellectual. Some biological sources of these values have been suggested, and some biological aspects of the opposed destructive dispositions have been observed. If destruction can be held in check, for twenty or thirty years at least, by force, there will be a chance for the development of the wisdom, affection, and virility, the equality and liberty, which will at once make us more alive and reinforce the influences controlling the crude expression of destructive dispositions.

However dimly the interrelationship between biological and social factors is seen, it must be apparent that there is here an opportunity for the doctors and the lawyers to consider together powerful and still mysterious forces which are reshaping society, and presenting new problems of treat-

⁴ See James L. Halliday, *Psychosocial Medicine* (1948).

ment and government. It must be apparent also that in this work, their lack of the tact and talent of the poet will, more than elsewhere, hinder them from saying what they would like to say.

MALCOLM SHARP*

CONTRIBUTIONS OF THE SCIENCES OF MAN
TO KEEPING THE PEACE

DR. WEST, Dean Katz, and Mr. Sharp all are concerned with the conscious and unconscious hostilities of individuals, since groups and nations are complexes of private citizens, and the mass aggressiveness which leads to international conflict and lawlessness results from the compounded needs of the constituent members of such groups. Each writer refers to the new discoveries of clinical psychiatry and psychology which confirm the presence of aggressive drives in each human personality. Whether these tendencies, which certain theologians have included under the doctrine of "original sin," are the product of nature, of nurture, or of both is still undecided, but their origin is not the matter of primary concern. They are present in each person, to defend him from external attacks which would destroy him, to give him the initiative and enterprise to enter upon new activities, and unfortunately also to cause conflict with others who are competing for something he wants. One may not be aware of his hostilities—frequently he is not—but that does not mean they are not present. As the kindly old Quakeress said when she was complimented on her humble gentleness, "But thee wottest not how I do boil within."

Frequently it is terrifying to lawmakers, who have cast their lot on the side of reason, that these drives are often irrational. They are not by any means always dedicated to the best interests of the individual or his group. Just as an injection into the bloodstream of dead bacteria that can do no harm will result in a fever which is an immunity reaction, a purposeless activation of bodily defenses, so frequently a person's frustrations will mobilize his hostilities in ways not profitable to him or to anyone else. Aggression is a defense against the frustrations which daily beset each of us. Fighting back and restriving after failure is a necessary method of psychological defense, but hostility is irrational and pathological (just like the body's reaction to killed bacteria), when frustration arouses that particular defense mechanism to no purpose. And frustration nearly always does beget hostility, whether it be in the person who is not paid the salary he wants, in the race which is kept from the social recognition it desires, or in the nation which is blocked from its goal of world domination. The

* Professor of Law, University of Chicago Law School.