

IN MEMORIAM: HAROLD D. LASSWELL*

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In *World Politics and Personal Insecurity* Harold Lasswell's manifesto for an internationale of scholars, he derided the ivory towerists. They were engaged, he said, in "a compulsive neurotic ritual of collecting, ordering, condensing, and expelling data" and, "aside from modest incomes and great deference from other compulsive personality types . . . [and] . . . oral erotics," they were ignoring "the political implications".¹ Harold refused to ignore the power consequences of scholarship: "The act of emitting vocabulary in public places, like a university, creates a pattern which diffuses with greater or lesser rapidity along the channels of communication."² And with a characteristic irony, he took responsibility for and gave direction to those political implications: "The hope of the professors of social science, if not of the world, lies in the competitive strength of an elite based on vocabulary, footnotes, questionnaires, and conditioned responses, against an élite based on vocabulary, poison gas, property, and family prestige."³ The lawyer is a unique blend of scholar and activist, of contemplation and manipulation, to use Harold's words. With Harold's program, it was hardly surprising that he saw in law and lawyers a subject for inquiry and for education, and that he chose to settle at the Yale Law School to pursue his study of authority.

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Harold was, *par excellence*, the expert on power, but he hardly underestimated authority. Of his fortuitous meeting with Myres McDougal, he remarked that he needed "an associate . . . who could overcome the difficulties in delimiting the 'authority' component of the power process." With control and authority one

*Remarks at a Memorial for Harold D. Lasswell (1902-1978), In Commemoration and Continuing Commitment, Yale Law School (Apr. 7, 1979).

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1. H. LASSWELL, *WORLD POLITICS AND PERSONAL INSECURITY* 20 (1935).
2. *Id.*
3. *Id.*

could both understand and influence, Harold's tactical objectives. In *Power and Personality* he wrote, "[T]he inquiry is not an end of itself. We have a sociopolitical objective, the more perfect instrumentation of democratic values. . . . [A] further step is the consideration of how to put what we have learned in the service of human dignity."⁴ He was interested in developing a theory which not only could increase understanding of how power was used institutionally to secure the shaping and sharing of all other values, but also could increase the skill of those wishing to use power to create a world public order of human dignity. Happily, he found in McDougal the collaborator who shared those goals and had the complementary skills in an abundance and quality to match his own. Together they forged a jurisprudence for the contemporary decision specialist, committed to a public order of human dignity.

The lawyer, Harold taught, is a specialist in making choices, in creating choice-making institutions for his communities and in making those institutions produce wise and effective choices at the right times. Any praxis of choice-making, Harold insisted, must include (i) a notion of the self, observing and acting, (ii) the accuracy and relevance of the way that the self looks at things as well as (iii) the accuracy and relevance of its selection of things to look at and, (iv) with all of this information, some systematic way of making choices. If the specialist is intellectually responsible, he will want this praxis to be rational and efficient. If the specialist is responsible and moral, he will be certain to test the content of his alternate choices and the aggregate effects they are likely to precipitate against clearly expressed social goals. Harold's systematic exposition of these ideas was his jurisprudence.

Harold's focus from his earliest work was on human beings, understood in all their complexity, making choices through time -- people, institutions and values. His jurisprudence built on this schema and applied it prescriptively as a method for locating the self in the comprehensive flow of events, for clarifying goals, refining foci, articulating maps of social process, and developing a sequence of choice-making ("the intellectual tasks of decision") which would

4. H. LASSWELL, *POWER AND PERSONALITY* 9 (1948).

yield optimum rationality.

First, then, there was the question of observational standpoint and scrutiny of the self. Perhaps more obviously in law than in other disciplines, the individual is the ultimate instrument of observation, evaluation and choice as well as the ultimate target of decision. Harold admonished the scholar and decision-maker to examine his self-system scrupulously. As an early member of the psychoanalytic movement, Harold had fought for the utility and legitimacy of this method of inquiry, and he applied it to the decision-making context with extraordinary effect. Yet it was hardly a slavish adoption. Harold was in favor of what he called the "sociologizing" of Freud, and he used that master's work creatively and innovatively. But he was no popularizer or simplifier, and his was hardly an easy method. In an Afterword to *Psychopathology and Politics* some thirty years after its first appearance, Harold wrote coolly but movingly of the moral and emotional problems his research method presented and, in particular, the stirring of imperfectly resolved neuroses and anxieties in the researcher himself. It may be the only time that Harold shared an anguish, and even that was characteristically dignified and considerate of his readers--not a complaint, but a caveat to those who followed.

Then there was the question of focus, of how to look at things, of which lenses to fit into the instruments of observation. With Myres McDougal, he insisted that scholarly emphasis be balanced between perspectives and operations, between what people said and thought and what they actually did. And, of course, he adapted and invented new and profound methods for doing both. Behavior, whether individual or mass, became subject to refined indicators for measuring or charting over time. Words were analyzed for both latent and manifest content and thought patterns subjected to Harold's distinctive methods of psychoanalysis.

A special part of Harold's brilliance was his simultaneous appreciation of effective power and of authority, of deeds and symbols, his capacity to study each separately but to integrate them in political analysis. The distinction was drawn clearly in Harold's *Politics*⁵ and thereafter became a fundamental strut of

5. H. LASSWELL, *POLITICS: WHO GETS WHAT, WHEN, HOW* (1950).

his thought. With McDougal, Harold insisted that both authority and control be studied and that the word "law" be reserved for processes of decision that were both authoritative and controlling. This single insight may prove to be one of the most important legacies of the New Haven school, for its discipline prevents the scholar from slipping into the fantasy worlds of semantic law or of naked power.

Some decisions are essentially about decision-making itself, about the establishment and maintenance of the indispensable institutions for making decisions. In a documentary sense, this is the Constitution, frequently assumed to be a sacred talisman to be revered as holy writ and construed in accord with the assumed intentions of the drafters. The futility of this approach is obvious to the historian: "all history," Croce said, "is contemporary". In the same sense, all constitutions are contemporary. To look at it otherwise is to sterilize contemporaneous democracy. Harold and his collaborators insisted that the focus be redirected to the process of decisions--the constitutive process--a reorganization of focus as radical as that wrought by Copernicus.

In *World Politics* Harold wrote, "Whatever is relevant to significant change is relevant to the configurative analysis of politics."⁶ Harold's field included all value processes, and his concern was the shaping and sharing of values to create his commonwealth of human dignity. This conception, perforce, took him far beyond the traditional study of political science, the respectful contemplation of the apparatus of the state. But there never was any tendency toward a type of intellectual totalitarianism. On the contrary, Harold distinguished between a public order, where norms were sustained by comparatively intense sanctions, and a civic order, where norms were maintained by comparatively mild sanctions. His preference was for as broad a civic order as possible, an inclination manifest in his brilliant work on sanctioning theory and on human rights. His concern for the autonomy of the individual was such that we sometimes called him an anarchist.

Harold was as concerned with the object of his focus as with the focus components. His "cognitive map"

6. H. LASSWELL, *WORLD POLITICS AND PERSONAL INSECURITY*
17 (1935).

of phase analysis of relevant processes, his sequential analysis of decision functions and his value analysis were integrated into a comprehensive and dynamic flow of social, community, power and authoritative processes at any level of organization. They constitute an intellectual *tour de force* of boundless learning and imaginative integration, transformed into a powerful tool for analysis and decision-making. But they would have remained static and contemplative without a praxis of choice-making. For this Harold conceived the decision-specialist's five intellectual tasks, the executive branch of the Lasswell-McDougal enterprise and a major legacy for lawyers and policy scientists. Briefly, Harold saw rational purposive choice-making as comprising five sequential operations: goal clarification, trend study, factor analysis, future projections and the invention of alternatives. He sought to clarify policy and method for each of these tasks in order to increase the rationality and efficiency of decision.

Harold saw law and politics as purposive activities; the content of purpose became a pre-eminent consideration. With his conception of a manifold and integrated reality, Harold insisted that goals be specified, not for a single key variable, but for all values in his preferred public order of human dignity and for all phases of the constitutive process on through to the preferred psychopersonal organization of the self. Goal clarification became coterminous with the very limits of the earth-space arena. Goals were to be specified for each value and each phase and to be interrelated; the method was postulation rather than derivation. A moral decision was to be appraised in terms of the conformity of effects to goals and not simply by justifications to principle. Once postulated, goals became susceptible to empirical testing for trends toward or away from their approximation, for the identification of conditioning factors affecting the trends, for projection of alternative future flows tested for their degree of conformity to goals, and to the invention of alternatives. Thus preference could be removed from a fantasy world and made into a powerful instrument of social intervention and appraisal, the major public functions of the lawyer. Intervention into the lives of others is a serious responsibility, and Harold's method made it more responsible, for it permitted the lawyer to test alternatives for their aggregate consequences on all the interrelated and now specified and

operational goals of public order.

Past trends in decision are studied to determine the extent to which particular goals have been achieved, for the factors which conditioned them, and as springboards for extrapolation and invention. If past decisions are given a normative or even sacramental force in a goal-oriented context, there is often a temptation, at some level of consciousness, to fashion a trend to support a goal. "The falseness of an opinion," wrote Nietzsche, "is not for us any objection to it. . . . The question is how far it is life-furthering, life-preserving, species-preserving, perhaps species-creating." But Harold never put himself beyond good and evil. His realism, honesty and respect for the truth made his trend studies meticulous; he never hesitated to report negative or contradictory trends.

Harold's demand for accuracy in understanding decision trends outstripped extant methodology. He reached into other disciplines and adapted and invented--propaganda analysis and then content analysis, the adaptation of psychoanalytical methods to political science, the use of indicators and so on. He had no patience for the neo-scholastic fascination with a method and the cultivation of virtuosity in it for its own sake. Method was only a means. The test of the quality of the tool and the skill of the hand of the craftsman wielding it was its product. Did it contribute to a detailed and contextual description of the past trend of decision?

Harold had a special interest in the environment of conditions in which decisions were made. Traditionally, the lawyer's artifactual conception of a past decision was a judgment, abstracted from context. Other than as a talisman, that conception offered little utility to Harold. Trends in past decision were useful to the projection of future possibilities and the invention of alternatives only if the factors which conditioned those decisions could be identified. Harold's contextual theory permitted him to avoid the sterile debate on "causality" and to reconstruct the complex of environmental and predispositional factors which had influenced past decisions.

Obviously, the decision specialist bent on influencing trends in social process must develop some idea of what the future may hold if he mounts no intervention. Other scholars apparently assumed that there was such a thing as "the future" inchoate, in the wings, down the line and they actually sought to prophesy this thing that would be. While Harold was interested in

techniques for extrapolating past trends, his conception and methodology of the intellectual task of projection of future trends were radically different. Harold invented the method of developmental constructs, the conscious invention of a spectrum of futures which ranged from the most desirable future, approximating the goal values of human dignity, to the least desirable future. These possible futures were projected, providing artificial touch points against which the sonar of the decision-maker could be beamed as he moved through a continuous present, thus providing both indications of the degree of success of particular strategies for achieving or avoiding particular futures and signals of when to change strategies to increase approximation to goals. Harold's constructs were designed as tools, but many may have become important literary legacies of our culture. His construct of a public order of human dignity is at once a realistic and a luminous vision of what the city of man can be. His construct of the garrison state has served as a frightening reminder of the consequences of ominous tendencies in this century.

An indispensable task of the decision specialist is the invention of alternatives that might lead to a closer approximation to preferred goals. Harold's creativity was dazzling and of great practical value to lawyers. Harold was as unimpressed with these virtuoso performances as we were impressed. He had a secular conception of creativity; it was, as he said, simply extending your own and others' cognitive maps. He was interested in systematic techniques for developing and increasing creativity.

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Harold's work on standpoint, focus and an appropriately contextual map, and his brilliant rendition of the five intellectual tasks made him the decision specialist of the century. But consideration of Harold's awesome and monumental work can overshadow Harold, the person. Harold was a superior man, fine and refined in taste, in humor and in bearing. He was always gracious and considerate of others, in his success and in his final trial. He was a great man in every way.

To study with Harold was a privilege. To work with him and be his friend was that and more. It was an honor, an invitation to continued learning and personal growth, to a stream of intellectual riches dispensed with generosity, and an opportunity to participate in work that was moral in the highest sense of that word.