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THE IMPACT OF CROWD PSYCHOLOGY UPON INTERNATIONAL LAW*

HAROLD D. LASSWELL**

INTRODUCTION

International legal arrangements register the impact of every factor that significantly shapes history during any epoch. At any given time scholars are accustomed to recognize the role of a certain list of influences upon the norms and the deeds of men and nations. It is, of course, regular routine to scrutinize legal doctrines for evidence that the legal doctrines of a former time continue to exert an effect. A significant body of technical literature deals, for example, with the influence of a revived knowledge of Roman Law upon the legal prescriptions of modern international law.¹

Another body of literature is devoted to the task of tracing the impact of the changing structure of world politics upon the texture of law.² The specialists upon the world arena trace the rise of the modern state system from the debris of feudal society. For several generations the Great Power System provided a homogeneous framework that persisted although the identity of the individual states might vary. Only in recent years has the Plural-Power System weakened and showed signs of giving

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1. See, e.g., RUIZ MORENO, *EL DERECHO INTERNACIONAL PUBLICO ANTES DE LA ERA CRISTIANA* (1946); SCHIFFER, *THE LEGAL COMMUNITY OF MANKIND* (1954); Nussbaum, *The Significance of Roman Law in the History of International Law*, 100 U. PA. L. REV. 678 (1952); SCOTT, *THE CATHOLIC CONCEPTION OF INTERNATIONAL LAW* (1934); EPPSTEIN, *THE CATHOLIC TRADITION OF THE LAW OF NATIONS* (1934); Lee Fui, *La Theorie du Droit Naturel Depuis le XVIIe Siecle et la Doctrine Modern*, 18 HAGUE RECUEIL 263 (1927).

2. A comprehensive framework for performance of this task is offered in McDougal, *STUDIES IN WORLD PUBLIC ORDER* (1960). See further, KAPLAN and KATZENBACK, *THE POLITICAL FOUNDATIONS OF INTERNATIONAL LAW* (1961); STONE, *LEGAL CONTROLS OF INTERNATIONAL CONFLICT* (rev. ed. 1959); DE VISSCHER, *THEORY AND REALITY IN INTERNATIONAL LAW* (Corbett trans., 1957); Schwarzenberger, *The Impact of the East-West Rift on International Law*, 36 GROTIIUS SOC'Y 229 (1950); Wilk, *International Law and Global Ideological Conflict: Reflections on the Universality of International Law*, 45 AM. J. INT'L L. 648 (1951); Landheer, *Contemporary Sociological Theories and International Law*, 91 HAGUE RECUEIL (1957).

way to a structure in which two Powers play determining roles. The largest section of this literature is minutely concerned with the aims of particular states in foreign policy and the ups and downs of diplomacy. We depend upon this compendious residue of scholarly assiduity to describe and account for the official positions that have been taken in the past in support of, or in opposition to, particular doctrines and procedures.³

A host of factors have been ascribed a degree of weight in explaining these developments. The form of national government, the structure of the economy, the state of science and technology, the geographic position and the resource patrimony of the nation are among the elements that have been introduced into the analysis.⁴

Peculiarly enough our present topic has received rather casual treatment in this formidable library. Nonetheless the subject has forced its way into a prominent and hence disturbing place in world affairs. Collective psychological influences are unmistakably active in war and peace; and, during peacetime, at every level of crisis or intercrisis. When we reflect upon the long history of international law we can quickly remind one another of the fact that factors of this kind are no neophytes in the world arena. In a measure they have been with us always.

COLLECTIVE PSYCHOLOGICAL FACTORS

One result of the comparative neglect with which collective psychological factors have been treated in the scholarly tradition is a degree of vagueness and inconsistency in identifying their role. Some connotations, however, inhabit everyone's mind. We think of crowds and mobs, whether spontaneous or incited. No informed reader of history can fail to be struck by the astonishing passion with which so many Western Europeans embraced the Early Crusades. One marvels at the fantastic heights of devotion to which old and young, rich and poor, well-born and base-born were occasionally able to ascend. During the religious wars of an earlier period of civil strife in Europe there was no lack of fanaticism as neighbors butchered one another in the name of God. In

3. A useful introduction is CORBETT, *LAW IN DIPLOMACY* (1959).

4. For a brief survey of recent literature, see Lasswell, *The Scientific Study of International Relations*, 12 Y. B. OF WORLD AFF. 1 (1958). Also WRIGHT, *THE STUDY OF INTERNATIONAL RELATIONS* (1955); *THE CHANGING ENVIRONMENT OF INTERNATIONAL RELATIONS* (1956). Excellent studies of contemporary factors relating to the United States are collected in *UNITED STATES FOREIGN POLICY: COMPILATION OF STUDIES*, prepared under the direction of the Senate Committee on Foreign Relations, 87th Cong., 1st Sess. (1961).

more recent generations we recall that the stage of history has been populated by crowds and mobs inspired by the emblems and slogans of monarchy or Republic, of national unity and independence, or social revolution. Interlaced with these happenings there were witchcraft persecutions, shipboard mutinies, the shooting of officers, the stoning of embassies, the assassination of Kings and Ministers. This dizzying panorama gives full testimony to the extremes of motivation found within a nature all too human.

If we are to lay hold of the subject for purposes of analysis it will be necessary to consider the matter with some degree of abstractness. What do we mean by collective psychological factors? A great many phrases and terms have been coined by serious investigators to designate and illuminate the phenomena. Among others we have heard of "the crowd mind," "psychic infection," "collective hypnosis," "mass suggestion," "mass illusion," "the collective unconscious." I think everyone recognizes that these phrases must be referring to the same thing. They agree in alluding to a collective situation in which the stress toward action is intense, and in which critical, independent and reflective processes are thrust aside by the imperatives of drive and determination. For economy of reference we speak of this as "a crowd response."

We shall lose track of the complexity of the response if we think only of the most extreme states in which individuals lose consciousness of their identity and become entirely submerged in a sea of collective affectivity. It is possible for some leaders and inciters, as well as for many members of an aggregate, to remain in full command of themselves, and to think clearly and realistically about the situation in which they are involved. It is true that spontaneous crowds may give more or less continuing attention to individuals who spring up to harangue or incite, and that these apparent leaders can themselves be so caught up in the excitement that they lose all sense of personal identity, and act without premeditation, or even without subsequent recall of what they said or did.

By contrast, experienced agitators often succeed in keeping command of their perceptions of the behavior of the agitated men, women and children who mill around them. They are able to adapt their line of patter to the opportunities offered by the common mood of pity or anger or contempt or fatigue; and they may succeed in steering the crowd according to plan even when it becomes a mob ("a crowd in action").

The truth is that total detachment on the one hand or complete in-

volvement on the other are rather hypothetical limits within which actual conduct tends to fluctuate. It is possible to sketch a path of diminishing ego-awareness that may begin by giving attention to the words of a speaker—but which is occasionally punctuated by critical side-thoughts (or remarks). This phase may be followed by complete fascination with the speaker and his message, accompanied by an increasing number of acts of approval and participation, such as exclamations and applause. In turn this phase is succeeded by the trance-like execution of commands or suggestions given by the speaker. To lose ego-awareness is to weaken the barriers that separate the direct interplay of communications originating outside the person from the unconscious dispositions of the individual. Unconscious processes of aggression or affection come more fully into control of conduct as consciousness and critical judgment dissolve.

The skillful agitator is able to permit himself to undergo partial regression that allows his unconscious processes to take a larger part in his activities. The partial regression permits him to come closer to experiencing the full intensity of anger, rage, sorrow, maniacal exaltation, and related states. As a result of this partial experiencing of his own deeper emotional drives the agitator, like the actor in a play, is able to add realism to his postures, gestures and tones of voice; and aptness to his choice of words. Great agitators extemporize in ways that multiply the cues with which they barrage the unconscious proclivities of an audience.

It has perhaps been made clear that a crowd response is not invariably or even typically destructive of lives and property, and of other values. On the contrary, the outcome of accumulating tension may be offerings of money and service to lighten the burdens and repair the afflictions of the handicapped—the lame, the halt, the blind; the widow and the orphan; the homeless and the destitute. Crowd responses are as awe-inspiring in their benefactions as they are horrifying in their aggressions.

THE SIGNIFICANCE OF THE TERM "MASS"

Much of what we know about collective psychology took shape during the nineteenth century as part of the conservative attempt to discredit the French Revolution and the general movement toward democracy. The conservative writers, like LeBon, took Parisian mobs as the prototype of popular rule. On the other side of the political street the friends of democracy were inclined to emphasize the good judgment

of the electorate. They wrote of "public opinion"; hence "people," "public" and "opinion" were relatively popular terms in the vernacular of democrats. "Crowds" and "mobs" were favorite words among anti-democratic writers.

A further complication arose in connection with socialism and communism. The Marxists were "social democrats," but the Leninist trend that found expression in the Bolshevik variant, was full of contempt for the gullibility of peasants and workers. The "people" tended to disappear and the "masses" to emerge in the vocabulary of modern revolutionary Marxism. The "masses" were stigmatized as dupes of capitalism incapable of perceiving their true interests without tutelage. If in desperation and under the tutelage of the "Party of the Proletariat," the "Vanguard," they did succeed in bringing off a successful revolution, it was believed by the leaders that the "masses" would continue for an indeterminate time to require the tutelage of a dictating few.

Another set of circumstances had had much to do with the spread of the symbols "mass" and "masses" among businessmen. As the scale of modern technology has extended, an enormous premium has been put upon the manipulation of minds through news, editorials and other media of general circulation. "Advertising," "propaganda," "public relations," "psychological warfare," even "brain washing" or "subliminal suggestion" are expressions that draw attention to the same broad topic. The passive, acquiescent, target function of the ordinary consumer, donor, or voter is plainly reflected in the spread of terms like "mass communication," "mass media," or "masses." Hence by a curious course of parallel development—a route not deliberately taken by fellow traveling—the usage among liberal scientists, businessmen and politicians has tended to play the "people" down and to build up the "mass." As "mass responses" increase "public opinion" withers away, whether we speak of Communists, Liberals, or Conservatives.

THE INVOLVEMENT OF INTERNATIONAL LAW

We have suggested before that it need occasion no surprise to find that international law has been influenced in various ways by collective psychological factors. We think of international law as a system of doctrines and operations by which conflicting claims are formally disposed of by appeal to the norms of an arena larger than a Nation State. Historically all international law was described as a set of arrangements among Nation States. In more contemporary times commentators have

begun to pierce the veil of fiction and to recognize other categories of participants as well (the individual, for instance). Whatever the category, we speak of legal relations when we can point to a pattern of authoritative doctrine and observance controlling their interrelationships.⁵

The interrelations among Nation States are a network of claims to control some values exclusively, and on the other hand, to participate in the control of various values conjointly with other states. For many purposes the Nation State disposes of its own territory and people as it sees fit. But it also recognizes the claim of others to exert a degree of control within its territory; and it participates in the corresponding claims upon other Nation State territories. The whole system can be viewed as a perpetual balancing between claims to *exclusivity* of control and to *inclusivity*.⁶ If claims to exclusivity are too broadly applied the whole structure of legal order evaporates. If on the other hand attempts are made to bring about a rapid broadening of the scope of inclusivity, great tides of resistance are generated at once. In all that pertains to collective psychological problems we shall see that a wavering balance is held between exclusivity and inclusivity. But on the whole it is clear that initiatives on behalf of inclusivity appear to be making little headway in the crucial area of minimum public order. Think of the abortive proposals to widen the scope of international control of any part of the national press (including all mass media) or the contents of history textbooks used in the schools.

Our analysis of collective psychological factors will show how they enter into the precipitating events with which the decision makers of the world legal process must cope, and condition the decision process throughout its course. Crowd actions lead to the initiating of controversies through the available channels of conflict resolution, influencing the identity of the parties to the dispute, the claims they put forward, the justifications advanced in support of claims, the ultimate outcome, and the resulting effects. Crowd factors have affected the shifting bal-

5. For development, see McDougal, *Law as a Process of Decision: A Policy-Oriented Approach to Legal Study*, 1 NAT'L L. FOR. 53 (1956); and McDougal and Lasswell, *The Identification and Appraisal of Diverse Systems of Public Order*, 53 AM. J. INT'L L. 1 (1959).

6. Indeed, balancing and complementarity form a theme running through international law and law generally; McDougal, *The Ethics of Applying Systems of Authority: The Balanced Opposites of a Legal System*, in *THE ETHIC OF POWER: THE INTERPLAY OF RELIGION, PHILOSOPHY, AND POLITICS* 221 (Lasswell and Cleveland, eds., 1962) documents the theme.

ance between inclusivity and exclusivity of control in reference to many of the typically recurring factual situations that precipitate resort to legal action. Cursory as our examination must be it will support the inference that more vigorous efforts are necessary if we are to discipline the elusive and dangerous impact that collective psychological factors are now having in world politics.

The international legal order has been poorly equipped with judicial, executive and legislative organs of a specialized character. Hence the task of coping with crowd responses that endanger or violate the world system of public order, and of vindicating the inclusive against exclusive claims typically rests with the officials of Nation States, acting within a frame of formal and customary prescription.

A fair supposition is that nobody has been simple-minded enough to believe that the formation of spontaneous crowds is going to be deterred by the language of treaties or treatises. Such a broom is far too small. There is, however, a plausible approach to the problem of deterring crowds, if it is a question of crowds that have been brought into being by incitement or permitted to become noxious by negligence or acquiescence. Deterrence is a rational policy if those who have influence over crowd response can be confronted by the probable loss of something they have, or by the probable obstruction of access to something they want.

In this connection we take note of the fact that a crowd response is no monopoly of a street mob. The crowd state can seize a legislative body or national electorate; it can be transnational in range.

CHANGES IN THE COMPOSITION OF THE WORLD ARENA

Some of the most acute situations in which collective psychological factors are likely to figure, and which in consequence have been subject to some measure of international legal control, are crises connected with changes of membership in the family of nations. The Nation States that arose in the wake of the Dual Monarchy, or upon the dissolution of Spanish, Portuguese, English, French or Dutch Empires overseas, did not come about with the lordly calm of the British Upper House in somnolent session assembled. More typical was a crescendo of nationalistic or proletarian agitation during which local exasperation erupted against foreign emblems, lives and property. When the tides of secession or rebellion, or of political or social revolution occur, any outside interest may suffer. Outside interests can prove vulnerable

targets whether or not they are among the hated symbols against which crowds are mobilized.

Many formal prescriptions and operating procedures of the international legal system are no doubt intended to encourage new holders of power to put a stop to whatever incitements they have been accustomed to aim against foreign interests.⁷ Any successful leadership usually includes a few agitators whose rise to power depends almost entirely upon their skill as "rabble rousers" in organizing sedition. In many cases a new leadership has been induced to calm down and even to reverse the field by affording protection to the network of foreign installations so characteristic of the complex activities of modern civilization (foreign office buildings, factories, mining and plantation installations, public utilities, government buildings, bases, newspapers, schools, churches, hospitals, laboratories, observatories, clubs, homes, monuments).

It is however possible to point to many cases of ineffective pressure upon new holders of power.⁸ But it cannot be correctly held that the recognition policies of the world community have been conspicuously successful in deterring anti-foreign incitements, since the Powers have too often been divided into hostile coalitions, and unable to confront a new elite with a united policy.

I do not want to leave the implication that incitement against foreign interests is a peculiarity of new elites. Similar tactics are part of the desperation politics of ancient regimes who find themselves isolated from foreign elites, and confronted by subversive activities on behalf of novel ways of life. Challenges of this kind were frequent during the epoch of European expansion. The Boxer Rebellion in China stands as the prototype of the xenophobia which was welcomed if not instigated by the old order. International law smiled favorably upon the measures taken by the Powers, and which were presumed to exercise a deterring effect well beyond the Forbidden City.

Expeditionary forces dispatched by a "colonial" or an "imperialist" power to put a stop to mass depredations and to deter ruling elites on

7. Consider, for example, the doctrines and operations relating to "recognition," "state succession," minimum international standard of treatment of aliens," and the older and more tenuous "humanitarian intervention." More recent are invocations of "human rights."

8. The polemics on this matter may be obtained from 6 *NEDERLANDS TIJDSCHRIFT VOOR INTERNATIONAAL RECHT* (Extra Issue, July, 1959).

Relevant general problems are explored in Strachey, *Psychological Problems of Nationhood*, 14 *Y. B. OF WORLD AFFAIRS* 260 (1960).

behalf of foreign interests have a rather archaic look today. The U.S.A. and the Powers of Western Europe regard themselves as vulnerable to collective psychological attack. Hence coercive intervention in the affairs of another country is most clearly exemplified in the policies of that curious amalgam of innovation and reaction, Soviet Russia, when it deals with its satellite Powers.

Even in the imperialistic days of Western European States the protection of foreign interests against spontaneous or induced uprisings was far from uniformly successful. Turkey was long a classical case. The old regime was chronically on the defensive against penetration by foreign cultures. Hence the Sultan took advantage of any preoccupation of the Major Powers elsewhere, or of periods of tension among them, to indulge the exquisite passion of revenge by sending or allowing mobs to mass against the appurtenances of the Unbeliever. Russia and England were typically divided; hence doctrines that proclaimed the responsibility and liability of an established order for protecting foreign interests were enforced so erratically that it was barely possible to speak of law in this connection.⁹

THE STATUS OF DIPLOMATS AND STRANGERS

Because of the explosiveness of the sentiments involved, international law has found it necessary to try to clarify the rights and duties connected with the treatment of ambassadors, public vessels (engaged in other than trade), and the emblems of national identity and dignity.¹⁰ In the same way customary and conventional protection has been sought for the alien stranger who lacks official standing.¹¹ There is evidence that on occasion the freedom accorded to aliens is greater than that accorded resident nationals, so great is the transnational network of reciprocity and hence of potential reprisal.

9. See STOWELL, *INTERVENTION IN INTERNATIONAL LAW* (1921); HODGES, *THE DOCTRINE OF INTERVENTION* (1915); THOMAS AND THOMAS, *NON-INTERVENTION* (1956) for exposition of efforts to enforce such responsibility and liability.

10. An effort along this line being the United Nations Conference on Diplomatic Intercourse and Immunities of 1961, which produced the Vienna Convention on Diplomatic Relations, U.N. Doc. A/CONF. 20/13, April 16, 1961; 56 AM. J. INT'L L. 1062 (1961). Note also the draft Convention on Consular Relations prepared by the International Law Commission; see the Report of the International Law Commission covering the work of its thirteenth session, 16 U.N. GAOR, Supp. No. 9, U.N. Doc. A/4843 (1961), 56 AM. J. INT'L L. 268 (1962).

11. A notable non-official project is the Draft Convention on the International Responsibility of States for Injuries to Aliens (Draft No. 12, 1961) prepared by Professors L. B. Sohn and R. R. Baxter, now reproduced in 55 AM. J. INT'L L. 545 (1961).

It is impressive to recall for a moment what a great achievement it is to accord any sort of stable protection to the stranger. From history and social anthropology we know of the very general apprehension with which the stranger has so frequently been regarded, and the variety of special arrangements by which contact with strangers has been made possible. "Silent trading" is an interesting example. The trader would leave his object of barter at a fixed place and return the next day to find whether the object had been taken and a reciprocal object left in its stead. The most elaborate precautions went into effect in connection with fairs, especially when whole tribes gathered close to one another for purposes of trade. Many mythological and religious sanctions, often supplemented by police arrangements, were invoked. From usages of the kind can be traced some features of current practice.

PROTECTING BASIC HUMAN DIGNITY

Some international prescriptions are aimed at the fundamental purpose of affording some measure of effective recognition to basic human dignity. The individual is protected against his own government, if necessary; and his government has an obligation to provide a public order environment for individuals in which they enjoy at least a minimum of freedom.¹²

No lawyer need be reminded of the fact that the effective content of basic human rights remains an uncertain quantity, open to violations either instigated or tolerated by public officials. At the same time it cannot be denied that there are many evidences of demand to crystallize a more affirmative state of right, obligation and remedy. We think in this connection of the agitations, conventions, and decisions relating to the treatment of prisoners of war, noncombatants, and the inhabitants of occupied territory. We recall the initiative against genocide and on behalf of a universal code of human rights; and in favor of a world criminal court, and a tribunal specialized to habeas corpus.

Plainly, the future of these efforts depends upon the general fate of mankind.

THE PREVENTION OF WAR

This carries us to another principal aim of the legal measures that have been developed in the effort to control mass psychological forces.

¹² For a list of treaties and conventions establishing obligations in respect of observance of human rights, see 2 SCHWARZENBERGER, *MANUAL OF INTERNATIONAL LAW*, 436-37, 500-506 (4th ed., 1960).

We refer here to the means employed in attempts to prevent war. Everyone recognizes the complicating role in inter-State crises that is played by crowd factors, whether spontaneously or as a result of incitement.¹³

The traditional approach can be called negative and indirect, reflecting the fact that in a divided world it cannot be assumed that everyone does in fact desire to bring every crisis to a pacific conclusion. Even those who despise war as an instrument of social change may recognize that in an imperfectly organized world arena many conditions may be allowed to fester uncorrected until war itself becomes unavoidable and in part justified. In a word all competent observers agree that the problem of stopping war is more than devising crisis measures. If measures are to receive crisis support progress must have been made toward realizing a defensible system of public order.¹⁴

Given the complexity of the task of preventing war, and especially the tissue of contradictory interests and interpretations involved, it is not difficult to see why the principal tactic of international law in coping with crisis is the use of delay. This tactic often fails; and crowd states cumulate to a point that robs negotiators of their freedom of action, either by intransigence or by precipitating hostilities. But in a shared power situation—from the simplest tension between husband and wife to the most august international controversy—the principal tactic at the disposal of the pacifier is to postpone, defer, protract, attenuate, drag out, pause, consider; in a word, to try out any expedient that may make it possible for new interests to dissipate a threatening crowd state. Hence all sorts of duplicating phraseologies are incorporated and re-incorporated into the language of treaties, declarations, and statements; and all practical politicians know that these prodigies of redundancy are supposed to enable some partner-in-crisis to save his face while doing something that he is supposed to do all along. In the supple improvisations of Vesuvian politics, redundancy is a cheap price for time.¹⁵

13. Cf. DUNN, *WAR AND THE MINDS OF MEN* (1950).

14. Consult McDUGAL & FELICIANO, *LAW AND MINIMUM WORLD PUBLIC ORDER: THE LEGAL REGULATION OF INTERNATIONAL COERCION* (1961), especially chap. 4.

15. Useful accounts may be found in GOODRICH & SIMONS, *THE UNITED NATIONS AND THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY* (1955), and in CLAUDE, *SWORDS INTO PLOWSHARES: THE PROBLEMS AND PROGRESS OF INTERNATIONAL ORGANIZATION* (2nd ed., 1959).

THE LOSING STRUGGLE

When we examine the contemporary state of world security it is impossible to avoid the conclusion that the efforts on behalf of world public order continue to lose ground.¹⁶ We are in the midst of the most dangerous armament race in all history. The world is not only divided: it is split in two opposing camps led by two giant Powers that have taken the place of the Great Power System. Psychological warfare has become as commonplace today as State visits have long been among heads of state. Everyone senses that there is something elusive and peculiarly dangerous about crowd factors; but there is a general feeling of hopelessness about doing anything constructive about them. In this crisis the traditionally evasive, negative tactics of international law and diplomacy seem curiously feeble reeds on which to lean.

It may, however, be worthwhile to dig a little deeper than is often done, and to examine in more detail the ominous role that mass psychological factors appear to be playing at this juncture of world affairs. Perhaps more attentive diagnosis will provide a clue to the direction in which the ever-creative processes of law can go.

When we look back as far as the eighteenth century from the vantage point of today's difficulties and dangers we envy the narrow limits within which war was kept. Crowd phenomena occurred; but they were controlled. Dynasties and factions schemed and fought in a gilded cockpit of their own devising. They lived in a peculiarly contrived state of Nurture, not of Nature; no one welcomed the inclusion of the lower orders. The Great Power System was temporarily stabilized at a level of expectation and performance characterized by the use of violence for limited objectives by means that constituted a rather light burden upon national economies.

Since that era of relative stabilization world politics has been in a state of turbulence and of progressive though erratic militarization. The gilded cockpit has been overrun by the "great unwashed." In this epoch our globe generates crowd states in endemic and at times in pandemic proportions. These phenomena are by-products of transition. They are more: they interact with every significant factor in the total situation.

16. This struggle is outlined, in some of its features, in STRAUSS-HUPE, *PROTRACTED CONFLICT* (1959). Certain issues, and conditions of success, are sketched in Lasswell, *The Major Trends in World Politics*, in *THE ETHIC POWER*, *supra* note 6, at 343. See further, Fox *The Politics of Survival and the Bases of World Public Order*, 53 *PROC. AM. SOC'Y INT'L L.* 135 (1959).

Of decisive importance when we analyze the great transition is the dissolution of old systems of social organization.¹⁷ Most people will unquestionably agree that the abuses of old civilizations ought to be abolished. The contemporary peril comes not from the fact but the scope of change, from the range and speed, and hence the blindness and lack of discipline, in the collective psychological factors released as a result of the worldwide dissolution of social structures. Forces that perform a progressive function on a regional and sectional scale can, when they operate on a vaster scale, endanger the safety of the whole.

Crowds and mobs get out of hand in any institutional setting. But when an established social order is in full operation, crowd phenomena are usually kept within narrow confines. In the pre-modern period no landed nobleman or merchant prince could live a complete life without figuring from time to time at the center of attention of an excited and admiring throng. At weddings, funerals and other rituals of transition, it was essential to assemble an expressive crowd of retainers and dependents to occupy the bleachers and to provide a claque.

The typical targets of crowd action are dictated by the previous conditioning that the members of the crowd have received in their social context. Long before any mob of tenants storms the manor house a long development has occurred. Traditional circumstances dictate the previous targets of hostility—often the neighboring tenants. Only after an excruciatingly long and anxiety-ridden buildup do traditional targets lose their allure so that revolutionary mobs act in full coordination with mobs elsewhere by means of a directing organization of conspirators. A social revolution is one of the most difficult of all social results to achieve within the context of a land-holding society well rooted in years.

More inflammable are city mobs, which play such a dynamic part in political action. In modern times transnational conspiracy is no longer the exclusive game of ambitious dynasts and top churchmen. It has be-

17. A more extended statement may be found in LASSWELL, *THE WORLD REVOLUTION OF OUR TIME* (1951). Prominent aspects of this transition are treated in *THE EMERGING NATIONS* (Millikan and Blackmer, eds., 1961) and Center for International Studies (Mass. Institute of Technology), *Economic, Social and Political Change in the Underdeveloped Countries and its Implications for United States Policy*, in UNITED STATES FOREIGN POLICY, *supra* note 4, at 1165. See further, Lerner, *The Reviving Civilizations in THE ETHICS OF POWER*, *supra* note 6, at 307. For explicit recognition of the high relevance of this condition for international law, see, e.g., McDUGAL & FELICIANO, *supra* note 13, at chap. 1, and Stone, *International Law and Contemporary Social Trends: Some Reflections*, 29 ROCKY MT. L. REV. 149 (1957).

come a career open to talent recruited from middle or lower strata as well. Political conspiracy appeals to the uprooted and the dishonored everywhere—unemployed, prisoners and criminals, bums and bohemians, tenants, plantation workers, mine workers, transport workers, construction workers, mill workers, and the rest. The upper echelons contribute a number of disaffected personalities and of shrewd calculators who step across the chasm and join the ranks of protest. The propaganda movements connected with the proselytizing religions have grown in versatility and administrative complication through the years. In the case of transnational business the upper crust of local representatives is not infrequently surrounded by a militia of fixers, smugglers, and guards.

What have been the consequences of all this for politics and law? Established systems have been subject to erosion and often to decomposition and collapse. England and some other nations were able to incorporate the onslaught of ever-wider circles within society without turning to highly centralized and tyrannical means of seeking to consolidate authority. We know that many factors explain these results, especially the early and relatively slow rise of modern industrialism.

The principal tactic of crowd control in changing England was the development of a free forum. Everything we have learned about the dynamics of crowd formation lends support to the idea that a well-established free forum is the prophylactic measure most likely to prevent crowds from reaching the level of intensity, unity and ruthlessness that releases their destructive potential.

In many nations and regions of delayed industrialization the result has been to foment a series of crises from which there has eventually emerged, in key instances, a centralized and ruthless form of public order.

When the arena of world politics is composed of several Powers great differences in ideology and operating institutions, though dangerous, are compatible with the harmony of the whole. The political elites of every State may adopt the usual tactic of protecting themselves from crowd assault within by the diversion of hatred against foreign symbols. Owing to the flexibility of the balance of power in a Great Power System it has been possible to absorb and dispose of these fluctuating threats without perpetually leaning over the brink of catastrophe.

The situation has been drastically revised by the consolidation of a centralized, and ruthless, ideologically and institutionally alien body politic, at the opposite pole from the USA. It is important to recognize

how continuously the rulers of the USSR are endangered by crowd responses. All the insecurities of broken loyalties and disrupted patterns of life, so characteristic of the modern age, are generated on a gigantic scale throughout the length and breadth of the Soviet world. The leadership is engaged upon the ambitious task of building a modern society in less time on a wider territorial basis and with more heterogeneous components than has been attempted anywhere before. Religions, cultures and detailed styles of life are in a huge melting pot. We know that crowd states are a chronic peril to any established order since they are self-generating. And we know that they arouse the apprehensions of any regime, and especially new and arbitrary regimes, since they lend themselves to incitement from without.

All regimes use somewhat similar methods of protecting themselves from assault from within by hostile crowd formations. They divert animosity against foreign targets; they use police methods against mobs. But there are great differences of emphasis between the methods of largely democratic and largely despotic regimes. We have referred to the free forum as the principal defense of popular government, not only because of the catharsis function, but because crowd sentiment provides what is often a healthy dynamic for change. Despotic regimes are in terror of the open forum, especially when they assume that the masses are basically hostile and the cultural level remains low. Hence they rely upon two methods that are much less conspicuous in the repertory of democracies: *fragmentation*, *ceremonialization*.

By fragmentation I mean the splitting of information among so many channels that no one has a comprehensive image of the whole. Ceremonialization is the repetitive use of formal patterns heavily invested with subjectivity. The allusion is to the demonstrations and spectacles so characteristic of public life in all organized societies, but especially stressed where the regime is in fear of its people. Ritual and ceremony are occasions for the renewed recognition by the individual of the weakness of the primary ego ("I," "me") unless fortified by identification with a larger self ("Nation," "World Revolution," and so on). Ceremonies are means of providing drainage (catharsis) for insecurities by the stage-managing of crowd sentimentality in directions acceptable to the elite.

In a bipolar world containing antagonistic powers it is tempting to all political elites to employ the instrument of ideological policy (communications policy) to divert unwelcomed hostilities abroad; to propagandize or even incite the people of the chief rival against their regime;

and to alienate allies and neutrals from the hostile camp. As occasion arises the temptation is to use the ideological instrument as a means of coercion against hostile elites who may be undermined and brought within one's domain. Ideological instruments are used coercively, for example, when they are employed in a context of military, diplomatic and economic measures that arouse grave apprehensions in the minds of the leaders of the target State concerning their security.¹⁸

THE AMBIGUITY AND WEAKNESS OF INTERNATIONAL LAW

What is the position of international law in this context of perpetual danger from collective psychological factors to world security? The general reply, we suggest, is that the position remains ambiguous and weak. Radio campaigns of the kind that the Nazi government directed against Czechoslovakia, for instance, could be regarded by rational interpretation of contemporary charters as coming within the prohibitions against aggression, and in general against inter-State coercion. It is, however, small comfort to realize that the precise nature of the obligation is far from clear, and that effective remedies, such as they are, must be deferred to the end of a conflict.

The spokesmen of States with democratic institutions have been slow to clarify and champion a conception of international rights and duties that would appear to spring readily from their own experience. We refer to the open or free forum. In domestic matters it is recognized that the free play of news reporting, interpretation and propaganda constitutes the essential prophylaxis against crowd damage. The same analysis applies with staggering relevance to global security. The Soviet world has been the chief offender in maintaining a news blackout on a crucial area, thereby subjecting the rest of the world's population to nothing more substantial than rumor and propaganda about the bearing of significant events in that territory upon security. In the curtain game—whether played with iron or bamboo—it is obvious that the democratic politics are at a great disadvantage. It is too infrequently pointed out that the disadvantages are universal including the leaders and peoples of the Soviet world itself. Under present conditions the policy of fragmentation prevents either the middle leadership or the rank and file of the Soviet peoples, as well as the peoples of the rest of the globe, from possessing the information essential to rational political judgment.

18. See MURTY, *THE INTERNATIONAL REGULATION OF THE IDEOLOGICAL INSTRUMENT OF COERCION* (Unpublished J.S.D. theses in Yale Law Library, 1957). Since published as *PROPAGANDA AND WORLD PUBLIC ORDER* (1968).

TOWARD THE CODE OF A FREE FORUM

The current legal posture may be stated negatively. No obligation is fully and effectively recognized on the part of officials of a State to provide their nationals with access to information about foreign developments that concern their security, or with representative interpretations of the meaning of information. No obligation is fully and effectively recognized to make available to the nationals of other States access to information about what is going on in one's State, or to provide an opportunity for foreign nationals to persuade one's public about the meaning of information. The conception of an open forum means shared enlightenment on a world scale; and it calls for free movement of correspondents and research workers, and freedom of access to channels of communication for both propaganda interpretations and straight news reporting.

It will not be necessary to spell out the well-known idea further at this time. The vital question is whether more rapid progress can be made toward winning effective acceptance of the code of a free forum.

This depends, as usual, upon creating a situation in which those whose support is imperative expect to be better off by accepting than rejecting the policy. At first glance it may appear utterly hopeless to think of advancing in this direction.

I am not among the sanguine observers of the world's predicaments, but I do see a ray of hope. The technological changes that have so drastically exacerbated our situation are not at an end. And their consequences are not automatically lethal. Suppose that we succeed in developing a technology of communication that cannot be jammed; and, further, that we devise means of communication that can compel the attention of audiences in the Soviet world. Never mind for the moment what these technological gimmicks may be (though if one wanted to use one's imagination, suppose that every speck of dust could become a radio transmitter). The essential point is that once in the possession of a technological asset of this kind we have an instrument capable of producing a great deal of inconvenience—to say the least—when it is in unfriendly hands. The problem is whether statesmen would be far-sighted and skilled enough to employ such an asset to bring about effective agreement to the code of a free forum.

SUMMARY

Our examination of collective psychological factors has emphasized the important impact that they have had historically, and have today,

upon the events that precipitate international legal controversies and affect the subsequent course of the decision process. Crowd states arise spontaneously or by incitement; and in either case crowd and mob perspectives usually divide along lines of local, parochial, and xenophobic interests. A great problem is therefore presented to international legal order, since in the main, reliance must be put upon the decision makers of the Nation State to vindicate *inclusive* as against *exclusive* claims. Many of the doctrines and operations of international law are adaptations that have occurred in the struggle to provide larger incentives for the support of inclusive as against crowd-popular exclusive interests. However, the problem is made more complex by the fact that crowd formations, if not fully worldwide, can at least go across some national boundaries, thereby creating security threats to governments and even social systems. No one can have much confidence in any solution to the challenge of mass psychological factors. However, the internal experience of democratic bodies politic has underlined the prophylactic contribution of a well-established free forum for information and persuasion. It is imperative to move as quickly as possible toward an effective free forum that includes the key powers in the present continuing crisis.