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IN COLLABORATION WITH McDUGAL

HAROLD D. LASSWELL*

Professor McDougal and I have been able to work together for over thirty years in what must establish a record of sorts for an interdisciplinary team whose members are not shackled together by the love, hate, and duty bonds of matrimony. Collaborating with McDougal has been one of the chief sources of intellectual and personal gratification in my professional life, and I welcome the occasion to comment briefly on some factors that have made it possible.

The essential point is common purpose and shared expectation about what is to be done. The purpose is not, and has never been, modest. The aim is to show how a comprehensive approach to the role of knowledge in society generates a jurisprudence that furthers self-appraisal and innovation in systems of public and civic order. Part of the strategy is to provide a provisional statement of a jurisprudence adequate to the task, to exemplify the approach in selected matters, and to assist in the development of colleagues able to carry on the enterprise.

In one sense our first meeting was "accidental." McDougal read a review of a new book of mine in *The New York Times* and sought me out when he was a visiting professor in the law school of the University of Chicago. In another and deeper sense we were almost certain to meet since both of us were involved with interdisciplinary colleagues in the small world of elite universities. For instance, my first participation in an interdisciplinary seminar at Yale was in the early thirties on an occasion organized by former colleagues (Edward Sapin, anthropologist and linguist; John Dollard, psychologist).

As always, timing is a key. We came together at a moment when we were in search of complementary associates. In my case the desire to work with a legal scholar was acute. Political scientists were not at home in the study of "authority." They were, however, adept at the empirical study of the other component of power, or "control." The conventional legal scholars were no better; but their technical know-how was indispensable.

McDougal had a doubly negative orientation: he was dissatisfied with traditional jurisprudence; he was disenchanted with American legal realists. He at once perceived the possibilities of a comprehensive, affirmative and empirical method.

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I doubt that in the beginning my colleague was fully cognizant of the time commitments involved. Having watched the largely ineffectual struggle of several legal scholars to get ahead with a similar job, I was prepared for at least a twenty year delay before major results could appear. Whatever his initial expectations may have been, McDougal was not one to be turned aside by an obstacle course. If a mountain persisted in standing in the way, McDougal took his intellectual bulldozer and knocked it down. His furious tenacity left the bones of many "irresistible" objects strewn among the footnotes.

A key to our collaboration was procedural: the interplay of outlines, working papers and nearly final drafts. Scholars differ markedly from one another in working habits. McDougal operates best with exhaustive outlines, critiques of working papers, and final drafts. I am satisfied with less detailed outlines, and find the drafting of working papers a congenial exercise. After vast preparation McDougal writes for the ages. Long premonitory rumblings erupt in dazzling illumination and Homeric rhetoric that flows, cools and shapes a novel landscape.

The besetting problem in a truly configurative approach is to keep the entire map in sight. Traditional methods encourage and reward neglect of context. Neophytes in the law are disciplined to inspect a presumptively authoritative text and to let their fantasies roam in dreaming up all the "meanings" that might be imputed to "it." They are encouraged to move from one "it"—a written text—to another "it"—another text—and to speculate on how hypothetical meanings can be harmonized, polarized or pushed to one side. They are not invited to go beyond the "it" to the "who" in the classical questions of communication analysis: "Who" says "what" in which "channel" to "whom" with what "effect." When these questions are interpolated into the analysis of statutes, decisions, or opinions, they emphasize the empirical problem of how "expectations" are to be inferred. A path is cleared for mobilizing all the instruments of modern social scientific research.

We have found ourselves continually impressed by the grip of traditional modes of thought. For McDougal this has been particularly vivid. His initial specialty was legal history, and his grasp of the detail is more profound than his contemporaries. He experienced the questions facing a scholar who tries to become aware of, and to shake himself loose from, the grip of old-style indoctrination. Only such a scholar can understand the formidable ramifications of a novel map, and hack an

escape trail for others to follow. In one perspective much of what had to be done seems obsessively trivial. And yet, unless "trivia" are dealt with, the reinterpretation of "tradition" is deferred another generation.

Much of the fun of collaborating with McDougal comes from his refreshing sense of the ridiculous. When a line of analysis or argument seems unpromising, his inner monitor sounds an alarm. He has learned to recognize the symptoms of confusion and knows how to relieve uncertainty with a wise-crack that opens cracks for wisdom.

Luckily our preferred frames of thought, though complementary, are not the same. McDougal loves verbal combat, especially in the frame of a prescriptive system and an appellate court. So far as I am concerned, most combat is boring and time-wasting. My preference is for inquiry into factual causes and consequences. We are aware of these differences and deliberately exploit the intellectual tensions that result.

In some collaborations the partners keep together by multiplying side-activities. They cultivate big game fishing, yachting, karate, or opera. McDougal and I have been so absorbed in the central tasks that re-inforcements have been superfluous. Our collaboration has required no care and feeding after hours.

How long will our collaboration last? As long as we do.