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CULTURAL AND SOCIAL FACTORS
IN NATIONAL STRENGTH

Dr. F. S. C. Northrop

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Reviewed by: Colonel J. H. M. Smith, USAF

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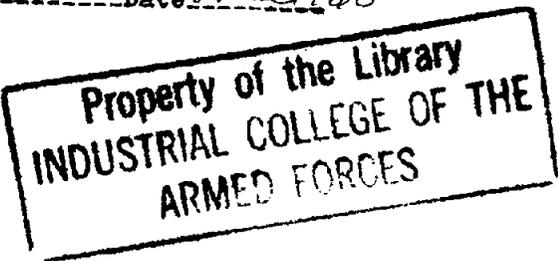
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DR. CLEM: Gentlemen: Because of certain developments on the international scene in recent years, more and more Americans find themselves today pondering the question: Can freedom's way really win in this world? In ~~im~~posing this proposition they are not concerned solely with the question of freedom's ability to defend itself in a contest of arms might.

Much more than that, they are asking whether our free society, viewed from the standpoint of its cultural outlook and its whole social fabric, possesses the vitality to meet the challenges posed by today's and tomorrow's world.

So it is appropriate this morning that we consider the subject, Cultural and Social Factors in National Strength, with the focus on the United States.

It is appropriate too that our Speaker be Dr. F. S. C. Northrop, Sterling Professor of Law and Philosophy, Yale University, and, I might say, one of the foremost social philosophers of our time.

His most recent book, entitled "Philosophical Anthropology and Practical Politics," represents a fresh and quite different approach to contemporary politics than that to which we have been perhaps accustomed.

Dr. Northrop, it is a pleasure to welcome you back here to the College again and a privilege to introduce you to our new class.

Dr. Northrop.

DR. NORTHROP: General Mundy, Dr. Clem, Gentlemen:

I think we can begin our reflections by asking the question: How can a nation have a purpose? To answer this question we need to ask a prior question: What is a nation?

The latter question I shall answer somewhat dogmatically, attempting to justify the answer by providing you with the pudding to eat, that is, by illustrating the answer in terms of a statement of what our own national purpose is. Dogmatically put, a nation is a body of people who share a common set of norms, legal, political, religious, and moral, for ordering their relations to one another.

How do we find out what the purpose of a nation is? We do this by examining the legal and political philosophy that is embodied in their legal and political system. With respect to the United States, we determine this by noting the unique characteristics of our legal and political system. Now, the main place to look to find out what these characteristics are is the empirical structure of our Government and, more particularly, since we find it there spelled out in words, our Constitution.

When we determine our national purpose by this method, we find that the United States of America is a unique nation in the world.

Because our law derives from the common-law tradition of the British, one might suppose that our Nation is identical with theirs, in that we both believe in a free democracy, we both believe in a many party rather than a monolithic, single party, political system, and we could list any number of other things that we have in common.

Yet there is one fundamental difference between our Nation and that of the British, and this difference centers in the fact that, whereas the British followed the English 17th century political philosopher, Hobbes, in the construction of their free, democratic legal and political system, our Founding Fathers considered two possibilities, founding our system on Hobbes or founding it on Locke, and chose the latter of these two alternatives.

The Federalists and Hamilton were initially inclined to follow the British and Hobbes, because Hamilton was, as we all know, somewhat fearful of the democratic majority and wanted a strong executive who would maintain a sound currency, whereas Jefferson is usually associated with those who pressed the majority in the Legislative Branch of government. But both of these popular conceptions don't represent either man's position, because, having a strong Executive, as pursued by Hamilton, leads to a Lockian rather than to a Hobbesian theory.

What's the difference between these two philosophies of government, both of them theories constructed initially by Englishmen, and both constructed in the 17th century? The difference fundamentally is this:

that both of them investigate what it is that leads people to have a government rather than to get along without government. To answer this question they put it this way: What would be the condition we would be in if we didn't have a national, federal, and legal system? The name for how we would be if we abstracted all government away from our present state is what they mean by a state of nature. They don't mean by a state of nature what it is usually interpreted as meaning--that if you go out into the woods and live on twigs you go back to nature. They are not referring to a historical state in the past. They are asking and answering a logical question.

We live at present in a state where we have a government. Let's subtract out of our present state everything contributed to our present state by our legal and political government and then what would be our condition?

Now, according to Hobbes, our condition would be that every human being, even in a village, not to mention the Nation as a whole, or internationally, would be in a state of absolute war. This war would be so terrific that it would lead to the destruction of everybody. Thus, government comes into existence to prevent mankind from committing suicide.

We are actually in this state at the present moment internationally. We have the power now, as everybody knows, due to atomic weapons, to wipe out humanity. Hobbes's answer is that, in order to avoid a suicidal destruction of all humanity, which would occur if you didn't have

government, individual people have to turn over every ounce of their decision-making on all matters to a legal and political sovereign, and the power of this sovereign must be absolute and it must be one and undivided. Now this has the effect, when you create a legal and political system, of forcing you to put every ounce of political sovereignty of the government in one of the three branches. If you put some of it in the Legislative, some in the Executive, and some in the Judicial, you will not have a unified sovereign, and then there will be all kinds of conflicts, the seed of war will break out between them, and you will be back in your suicidal state-of-nature position.

This shows in the British legal system. You can, on the Hobbesian theory, put the sovereignty of government in the Executive Branch entirely. Then you have an absolute monarch. Or you can put it entirely in the Legislative Branch and, if you believe in democracy, this is obviously what you've got to do. If the government is going to express the will of the people, then the Legislative Branch, composed of the representatives of the people, must enjoy all sovereignty. Nobody has ever taken seriously the possibility of putting all the political sovereignty in the Judicial Branch.

The British government follows this Hobbesian thesis. This shows in the fact that the head of the Executive Branch of the British government is not an independently elected executive; he has to run for office in the

Legislative Branch, and the head of the Executive Branch in the British government is the leader of the majority party in the House of Commons. So that the Executive in the British government is merely an instrument of the majority party in the Legislature, and there is no such thing in the British government as the Prime Minister vetoing a majority-passed statute of the House of Commons, where here it is a commonplace; all our Presidents have vetoed majority-approved Congressional statutes.

Similarly, in the British government, in England, not in the Commonwealth nations, but in England, there is no such thing as any federal court declaring a majority-approved act of the House of Commons as illegal or unconstitutional. If they pass it, it's law. All the courts do is to take the statutes handed to them by the Legislative Branch, which has absolute authority, and merely use those statutes, declaring them to settle disputes between people in the nation.

Now, in the Lockian theory, Locke held that, if we abstract away from our present state of affairs everything that is due to the existence of law and government, we'll be in a fairly pleasant situation. We would have absolute freedom to believe, to have our own religious beliefs, to have our own political opinions. We would be absolutely free to do practically everything that we wanted. We need a government for only two things that we can't do ourselves. The first is that, if I work and build up my body and am able to achieve certain things by my capacities in the community, there is nothing to prevent, if there

is no government and law, a number of lazy folks, because of my proficiency, killing me. Then they would have the whole thing to themselves. They hadn't bother to educate themselves or to develop their muscles, but they could wipe me out. In the state of nature, I couldn't protect my own life, my own body. This is why one of the first things that any legal system inaugurates is a law against murder. That's what it is called--murder.

There is a second thing that I couldn't do in this rather perfect state I would be in without law and government. I could be in that state like Jefferson's father. I might be in the virgin woods of Virginia, and with my labor and my muscles I would cut down some trees in the virgin forest and build a cabin and rear my family in that cabin. Then I would cut down further trees, pull up the roots, and I would plant seeds there and grow crops. I would take some animals and I would tame them, and I would develop meat. Now, there is nothing in that situation that would prevent a lot of lazy people who sat in the shade of the trees while I was doing all this from coming in and not only taking my body away but maybe taking and killing the bodies of my wife and my children, and also taking my cabin and taking my property.

So Locke introduced the theory that government comes into existence for two purposes and two purposes only--to protect the life, the liberty, and the property of the individual. This means that Locke's political and legal philosophy forces you to introduce certain norms that a

majority even in the legislature can't touch. Suppose we didn't put curbs on what the majority could do--then the legal and political system would give these lazy fellows in the majority the whole apparatus of the legal and political system--its police force, its courts, and its military organization--to come and take my body away from me. They could just pass a law that they were going to take over Northrop's property and that they were going to take over Northrop's body.

This means that there is only one way that you can actualize the Lockian philosophy. You split political sovereignty. You give the legislature province in only certain matters. In addition, you put certain sovereignties in the Judicial Branch. To do this, what you have to do is introduce a bill of rights, and you write in the bill of rights the things that even a majority in the legislature can't touch.

One of the things, and one of the first things, is that in the state of nature I am free to choose my own religion, my own religious belief. We don't want to alter that. We don't bring in government to give the government control over what anyone of us is going to believe religiously. One's soul is one's own private concern, Locke says, and nobody knows more about my soul, since it is a private thing, than I know. So government must not touch this.

Thus you get the first amendment in the Bill of Rights of our Constitution. The British don't have any such thing. They don't even have a written constitution, to say nothing about having one written with

a bill of rights attached. Similarly with our political beliefs. You can't make a many-party political system real if the majority can pass laws making it a crime to believe anything but their political opinion. So you have again a bill of rights. You create the type of government we have in which part of the sovereignty is put in the Executive. You have an independently elected Executive and he can veto a majority-approved act of Congress for no reason at all. He can just arbitrarily do it. He doesn't have to appeal to the Bill of Rights to warrant vetoing a natural gas bill. He can veto it for any reason he wants to give, and if he doesn't want to give a reason he doesn't need to. He has to give a reason only if he is running for office a little later and may want reasons to justify that act for vote-getting purposes later on.

Thus, the Lockian theory of government, which happens to be our own, is one in which the basic philosophy is--it wasn't stated by Locke, it was stated later by another Britisher--that an absolute power corrupts, absolutely. So you divide power, putting it in the three branches, and have a system of checks and balances in government. Ours is almost the only government in the world in which this is true. The Indian constitution makes the executive the instrument of the legislature. They don't have an independently elected executive. The Prime Minister of India is the leader of the majority party in the Parliament. If you look at their fundamental freedoms, which is their equivalent of a bill of rights,

you will find that that bill of rights looks like ours in the first clause of any right defined and that the later clauses take it all away.

The first clause in the Indian bill of rights--any one of them, if you look at the constitution and read it--says that people have got freedom of political belief. Then you will find some clauses coming later saying "This is not to mean that Parliament can't do the opposite." The reason for this is that the man who was chairman of the committee that wrote the constitution (I knew him personally, his name is Dr. Ambedkar--he was Prime Minister Nehru's first Minister of Law) is the only legally educated Indian who wasn't legally educated wholly in England or in Commonwealth nation law schools which were taught by the British and set up on British lines. All these people, the other members of the constitution committee, were all Hobbesian in their legal education, and Ambedkar studied in the United States. He did law first in India and was trained in the English Hobbesian theory. Then he went to the London School of Economics and began to appreciate the sociological side of law and the economic side. Then he came to the United States and studied social science in Columbia University, and while there he was in John Dewey's seminar, at the time when John Dewey was editing his volume on Jefferson. Ambedkar also is the leader, or was, of the Indian Untouchables, and, hence, from both his social status in India as the leader of a minority group and also because he became persuaded of the superiority of the American system, Ambedkar wanted a constitution for India with a strong bill of

rights. The first clause in the bill of rights for fundamental freedoms in the Indian constitution is written by **Ambedkar**, and then the later clauses were written by the **Hobbesian** members of the constitutional committee to take away what **Ambedkar** put in.

The result is that, actually, the fundamental freedoms of the Indian constitution give the Indian Executive the power to put anybody in prison for three months without allowing him to have an attorney or without giving any of the reasons why he is put there--and this in the name of the bill of rights.

Thus, the poignant point here to realize is that the norms that define the political purpose of the United States of America are the norms that are defined by a Lockian philosophy of law and politics. According to **Hobbes**, the executive has the right to prescribe even your religious beliefs. If "X is just" is equivalent to "X is what the majority approves," this would be the **Hobbesian** doctrine, and then there is no such thing as an unjust majority-approved statute. If, on that theory, the majority in Congress should decide in a whim of religious enthusiasm to make it a crime for me to be a Congregationalist, that would be law and the courts could do nothing about it.

Now there is one qualification that has to be put on what I have said about the **English** political system, and this is a very important qualification. The qualification is this: I have talked only about the positive legal and political character of the **English** political system, and it is,

for this reason that I have given, Hobbesian. This is proof of the fact that it doesn't have an independent executive, nor does it have a judiciary which reviews majority-approved House of Commons statutes by testing their substance against the substantive content of a bill of rights. Nonetheless, Britain has an unwritten constitution, and the unwritten constitution is rooted in the living customs and mentality and values--what in sociological jurisprudence we call the living law--of the British people, and the living law of the British is Lockian. That is, they've got a bill of rights, but it is in the living outlook and mentality of the British people. The British people will be more shocked by a majority ill treatment of a dissenter than Americans will be or than even the American Supreme Court in judicial review will be.

The reason for this is a historical one. In the 17th century England had a theocratic government with the Crown, the Church of England, all authority, really in the Executive Branch. Then, in the first English revolution, the Parliament wrested that political sovereignty from the Crown, and naturally they located it all in the Parliament, in the Legislative Branch eventually--they won out. That had the effect of making the positive legal and political system of the British government Hobbesian. But, later on, in that century, Locke developed his philosophy, and the British all became Lockian. Locke's philosophy captured the British mentality. So that the British and the Americans are alike in the fundamental litmus-test experiment that they always ^{use to} try to test whether you've

got free democracy. The test is how the government treats dissenters and minority groups. The British require the same Lockian test that our positive legal Constitution requires. That is, a Lockian government is designed to protect minority groups. You see, without law in government, the majority can take care of themselves.

You don't need law in government on the Lockian theory to make the majority still stronger in their capacity to take my cabin away from me, and my body away from me. The real point of law in government is to do two things--to get a government which expresses the majority opinion but at the same time protects the deviant, protects the dissenter. The reason for this is a basic one, that the great creative advances of mankind always call for original men, and an original man in any field is always a man who holds an opinion that isn't the generally accepted one. Otherwise he isn't original. This follows by definition.

A Lockian democracy is a very remarkable kind of thing. It is a theory of law that at one and the same time makes the majority opinion the major central focus of political sovereignty but at the same time so checks it that it protects the dissenter and the deviant in his original private opinion. Without this you soon destroy a many-party system.

If in Congress I oppose a bill that finally passes and then I am automatically a traitor, you corrupt even the vote of the majority. The proof of this is, the minute you see a government that holds an election

and gets 98.5 percent of the votes, you know it is spurious. Why? Because you know that the people haven't voted in terms of their own private judgment. But, if it becomes a crime when you vote and you chance to land on the defeated side of the bill, then all votes become intimidated and democracy breaks down.

This is the first point that I want to make, that our democracy is a unique type of democracy in the world, and that British legal and political institutions, when combined with the Lockian living mentality and spirit of the British system, are Lockian also, although, on the surface, on the positive part of its legal and political organization, they are Hobbesian.

To prove the latter fact, take a person like Bertrand Russell. The British are tickled to pieces with Bertie, even though he pops off in ways that maybe most of them don't believe. But they respect a person who states his convictions and they want a government that will protect such people. As Jefferson said, "I may not agree with So and So, but I'll fight to the death for his right to say it." This is the fundamental moral belief that makes us all feel that communism, or any other kind of nazi dictatorship is an evil system. And the real root of the evil in it is that it is individual human beings who create government. If they are not free to be absolutely honest in reaching their own judgments, then, even though you get a government that expresses majority vote, it's a spurious democracy.

Now I want to go just a step further. There is another more fundamental characteristic of our legal system. Locke's theory of government didn't originate wholly with Locke, nor did Jefferson's. Jefferson studied law under a man named Wyeth in Williamsburg. Wyeth, after whom the law school at William and Mary is named, taught Roman law. He knew the whole of Western legal science in a very deep and fundamental way, and this legal science has a fundamental principle at the bottom of it which requires, I believe, this Lockian rather than a Hobbesian or a Communist or any other kind of political theory if it is going to be developed consistently.

The relevance of this point is that Western legal science is what Sir Henry Maine called law of contract legal science. You see, government arises when people enter into a contract to assign certain of their personal sovereign rights to make decisions to a political authority whom is given the right to make those decisions provided he is duly elected and constituted officially in his office to make those decisions for the private citizen.

Now it happens that over against this theory of law is what Sir Henry Maine called a law of status type of law. The fundamental characteristic of such a legal system is that your legal rights and privileges and duties don't turn at all around any decisions you make but they are defined by your biology of breeding and of birth. In other words, the law of status

society identifies the meaning of all normative words, like good, bad, just, unjust, political obligation, political authority. It defines them in terms of the biological concepts of a person's genealogical table. Thus, the typical example of such a society is a patriarchal joint family. The head of the family is automatically the eldest son. If you are born the eldest son you know you have the political authority of that family and everybody has to accept your decisions. If you are the eldest son in the first family and the first family is the family whose paternal ancestor in the eldest-son line was the head of the tribe, then you know you are the head of the executive branch of government. Then you know you are a patriarchal king. That is your biology of breeding and birth, your race. Whether you are male or female, whether you are an elder or a youngest son, it determines all your political obligations, rights, and duties.

The Communist union, we know, therefore, rests on accepting a law of contract rather than a law of status theory of political obligation, because, even in the Communist world, they don't pick leaders on the basis of being the eldest son of a first family of a tribe. It is the law of contract.

I want to indicate what the basic premise of a law-of-contract society is because I believe that, when we get these terms out into the open, we will see that they entail the Lockian theory of contractual government,

and thus I think we can show that a Marxist Communist government is contractual but at the same time has content in its laws which is incompatible with any contractual government.

Now I have put here on the board some symbols. I ventured to do this and to treat it in about eight minutes. I know that most of you have had math and some symbols won't bother you. I want to begin with the three lines in the lower part of the blackboard, and what I want to say I have to say dogmatically because of the brevity of time. Contractual legal systems, systems that express Western legal science, contractual legal and political systems, rest on the discovery of a completely new type of concept. There are only two sciences in all human knowledge that use this type of concept. One is contractual legal science and the other is Western mathematical physics.

This has great contemporary political relevance, because there are only two things from the West, the modern West, that the people of Africa and Asia and the Southeast islands are importing. They are not particularly interested in, they don't want, our religion. They don't particularly care for our literature. They read it but it is a luxury. They believe they've got as good literature, often, of their own. There are just two things that they are importing from us. They are importing our scientific technology. And the other thing they are importing, which is often overlooked--and they have to import the second thing

before they can import the first--is our contractual legal and political institutions.

If, when India had thrown out the British imperialists, she had gone back to India, India would be 500 nations today, as many nations as there are these patriarchal Hindu and Moslem maharajahs. India has imported a contractual legal constitution. She can^{not} import our technical gadgets without importing the law of contract, commercial law, which all over the world is British or is out of the Anglo-American common law system.

These two things rest on the discovery of a novel type of concept, and I want to first put over against it the type of concept that produces a law of status in a legal and political system. All problems in the world today, major political problems, arise from the fact that peoples of the non-Western world are importing Western contractual legal and political institutions and are imposing them on African tribes and on Hindu patriarchal joint families who are living in their habits and customs still, in the norms, the national purposes, and the personal and family purposes of a tribal and patriarchal family-focused law of status society.

You get what happened in Ghana. The Prime Minister no more than swears to uphold the liberal, democratic, many-party legal and political system before he throws every opposition tribal chieftain in jail, and has to. Why? Because the tribal chieftains behave according to their own tribal loyalties and will not accept the authority of the duly elected

tribal, national, president, executive under the law of a contract legal system.

The major problem in the world at the present moment I believe is for the free world to learn how to put liberal democratic contractual legal norms on people who want these norms in a hurry, when the norms are incompatible with the habits and values, family focused and tribal focused values, of a law of status society.

A law of status society, you see, identifies political man with biologically bred, common-sense, sexual, family or tribal man. What does contract do? I want to get it in its most general sense. The importance here vis-a-vis the Soviet Union is this: that before Marx and Lenin came on the scene in Russia, two things went into the Russian people from the Greek and the Roman world. One of these was Greek Orthodox Christianity, and the other was Roman law, Roman law as formulated by Justinian in Constantinople and then pouring out of Constantinople into Russia. Now, what the Soviet Union, or Lenin, did when he took power was to take over that contract law and fill it in with materialistic Marxism substantive content. That's all he did.

I want to show, if I can do it in three minutes, that contractual law is incompatible with Marxian content. To do this I've got to establish a certain kind of concept. This concept I say exists in only two sciences--Western pure math and mathematical physics and Western

contractual legal science. Now the concept is of this character:
Modern science starts from this discovery made by Galileo, but it
was discovered by Greek scientists, Democritus and the members of
Plato's academy, in ancient Greek times, and it went from there
into Roman law, as the creators of Roman law tell us themselves.

What the scientists discovered was that you can't define a scientific object in terms of sense quality, the reason being that all sense qualities are relative to the observer. Aristotle's physics held this earlier theory. For Aristotle there were just four chemical elements-- earth, air, fire, and water. They were defined in terms of whether when you put your thumb on anything, if you sense this, as I do now, as I feel this to be both hot and dry, it means there are atoms of fire in here. Anything you sense as hot and dry contains atoms of fire. Anything you sense as wet and cold contains ~~an~~ atoms of water. And so on .

Now, Western mathematical physics arose when scientists discovered that scientific objects defined in terms of sense qualities are not objects. One of the proofs of this is this; You take a bucket of water and you thrust your two hands into the same bucket of water. The right hand comes from a cake of ice and the left hand comes from the room's ordinary temperature, and the same water is then sensed as cold to the right hand and hot to the left. This convinced them that you had to find

a new way of defining concepts and scientific objects. The way they found was this: You have to strip the object loose of all sense prejudices. You get the notion of a bare entity. The symbol X on the board stands for such an entity. You strip the notion of entities related by relation. You strip the relation loose from all sense relations, and you get the idea of a relation. Then you define scientific objects by laying formal properties on the relations.

I give an example in the three postulates at the bottom of the board of how this is done. The first postulate says (now X in parenthesis means for any or all X) for any or all entities in this science the relation R does not hold between an entity and itself. It is nonsense to assert of an entity that it is related to itself by the relation R. An example would be, "earlier than," and an event can't be earlier than itself. "Father of" is inreflex. A father can't be father of himself.

The second postulate says: If for any two entities in the science the relation R holds between the first and second, then it doesn't hold between the second and the first. This is said in English by saying that the laws of the system are insymmetrical. Between any two entities they don't hold both ways.

The third postulate says: For any three entities in the system, if the relation R holds between the first and the second, and the second and

the third, then it holds between the first and the third. This is called in English transitivity.

You wouldn't think that that would put any properties on the entities. Do you know what it turns them into? It turns them into serial ordered entities. If you had a bag of entities and you required those entities to be terms in a relation which has only those three formal properties, that relation orders all those entities in a series.

What I want to show now quickly is that top postulate on the board. As I said here, let's apply this way of thinking to the political and legal science. What are the entities in political and legal science? Instead of being electrons or atoms they are persons. So they get this postulate. For any person, P, for any object of legal and political judgment, X, to say that X is just is equivalent to saying that X is compatible with a law which has the formal property of holding for any P, any person, in the system. This gives you the notion of justice as involving a law before which all people stand equal. The eldest son doesn't have any greater rights than the youngest son. Being a woman doesn't give you any less political rights before the law than being male.

Then they added one additional condition, that the substantive content of the law must be such that, if it gives certain rights, given by S to certain individuals or classes in the legal and political system, any other human being whatever must be substitutable for the person given these rights. That postulate will give you the Supreme Court decision

in the segregation case. The state laws of the Southern States satisfy the first condition. They hold for everybody, say, in Alabama, the Negroes as well as the whites, but they put certain substantive content in the law which is such that it gives certain privileged educational advantages to some people in the system and won't allow any person whatever to be substituted for them with respect to those rights.

This I believe is the technical meaning of the American Declaration of Independence. When Jefferson said, "We take it as self-evident that all men are born free and equal," he was saying first the negative thing. We are not living today in a law of status society where birth does determine your political rights. We are living in a law of contract political institutions, and in such institutions there are no political obligations upon me or anybody else unless I have entered into the contract creating them. That can be satisfied only by a legal and political system which has the formal property of Postulate I.

Now the Commie system is a contractual and legal and political system. It satisfies the first condition to the right of the equality sign because the Commies apply their laws to everybody in the system whether they have contracted into determining the content of the laws or not; but they don't satisfy the second condition, because the Commies write substantive content in their laws which give political decision-making power solely to the leaders of the Commie party. That doesn't satisfy the quantification of P for the S of the law in the condition. Only a free,

liberal, democratic, contractual legal system will satisfy that top postulate.

Thus I think we can draw the conclusion that, just as the segregation laws are incompatible with a contractual legal and political system, so the legal and political system filled in with Marxist content is a contradiction in terms.

I believe, therefore, that we have a very remarkable national purpose. I believe it is the only one that is a consistent development of contractual legal and political institutions. This system was described by the stoic Romans, who created it. Locke took it over from them, as did Jefferson, through Wyeth. The Romans put it this way: Moral and legal man is universal man. Any human being whatsoever stands equal with any other human being before a universal law the substantive content of which, if it applies to one person in the community, applies to all.

DR. CLEM: Dr. Northrop is ready for your questions.

QUESTION: Doctor, I may have some difficulty phrasing this question. In reading what kind of American civilization we want, written by you, I find that you established that there were certain policies and actions being taken by leaders in America which have given us a vulgar image abroad, and you have indicated that these certain actions have resulted in a premise that in short means a self-contradictory and a persistently

self-defeating America. My question relates to the next sentence, in context. You say also that instead of curbing and eventually civilizing Communists, it insures that we do precisely what Stalin designed the cold war to do, namely, cause us to abdicate the Lockian foreign policy ideals of the Declaration of Independence, and so forth. My question is, instead of curbing and/civilizing the Communists, how do you propose that we do this curbing and civilizing them?

DR. NORTHROP: First let me say that if this approach won't do it it won't be any worse than any of the present ones. But I believe it can be done. The first thing is that we have got to become clear about our own national purpose and state unequivocally what it is and fit our deeds to it. The tragedy at the present moment, it seems to me, is that Khrushchev, who isn't entitled to Locke's philosophy, is posing as a representative of it all over the world, and we are allowing him to get away with it.

Let me state what I just said here in a conversation before I came up here a minute ago. There is a prevalent notion abroad that America doesn't have a national purpose. I ran on to it in a panel on the national purpose that I was in at Yale a week ago with two other professors from the Yale faculty. They said America doesn't have a national purpose and it would be a bad thing if she had. The arguments for this conclusion amount to this thesis, if I state it analytically, and I don't think you ever state any position clearly unless you do formulate it analytically: that

for any person, P, and for any object of ethical or legal or political judgment, X, to say that X is good or just is equivalent to saying that P likes or P prefers it, or it is an object of P's interest. Then, of course, since people vary in their interests, there is nothing to guarantee that you come out with an object of interest that the majority approves. The argument then, is that the more difference in what people approve the better the system. This is the merit of our system.

What this overlooks is the fact that there is nothing in this philosophy to guarantee that the majority will agree on anything that they approve. Then you land in anarchy.

This isn't just theoretical speculation. A student of mine who is writing a dissertation for the Doctor's degree in philosophy went to Russia the last two summers with the Yale singing corps, and they met students there. They came back optimistic a year ago and somebody got hold of them and said, "This year come together for three weeks and present more embarrassing questions to the Soviet Russian students to answer." They did this. They went and put these embarrassing questions. Then my student came back and came into my office. I could see that he was under tension, and I said, "How did your Russia experience go?" "Well," he said, "we hit them harder this time, but did they hit us hard!" I found out how hard they hit. They hit the American students so hard the American students couldn't answer the Russians. Instead of our students embarrassing the Russians, the Russians sent

home a lot of self-embarrassed American students. Why? Because they expressed the prevalent philosophy of government in our country that we don't have a national purpose, that it is a virtue not to have a national purpose, that "X is just" is equivalent to saying "X interests me."

Now the Russians say there isn't anything in this theory to guarantee that the majority agree on anything that interests them. This isn't speculation. Look at France. When I was in Paris about eight years ago studying European union, I had a long interview with Guy Mollet, who is the leader of the party with the largest number of representatives in the Chamber of Deputies. He had 105. The Chamber of Deputies contained 627.

When you get a philosophy of government which identifies the just with what people approve the terrible danger is, as these Russian students pointed out to these Americans when they got them to admit that was their philosophy, that you get anarchy. You get a government with so many different approved policies that no approved policy represents the majority policy. Then you have to have a coalition government, the sequence that France had, and they can't act, because, when they hit a crisis, the members of the coalition do not agree on how to meet it, and then, instead of getting democracy and freedom, a dictator has to step in and make the decisions for it.

Now another thing--even if you get a majority that agree, every legal and political system rests on the premise that its legal and political norms apply to everybody in the system.

Let me state concretely what I mean. If I am brought into court for murder it will not be accepted as a valid legal plea on my part that I didn't approve or I don't approve of the statute making murder a crime.

This expresses the fact that every norm has that universal quantified P in front of it. To be a norm in a legal system is to be one that is prescriptive for everybody in the system. Otherwise you could send nobody to jail. You could say, "The majority approve of this norm and believe in it, but I don't." Now there has got to be, in order for any political or legal system to exist, at least one proposition in the system that is not a matter of my preference and my interests and my taste.

When the Russians got the American students to admit that all they meant by anything being just was that it was approved, they had the Americans back on their heels, and they said to them, "Your philosophy will lead straight to anarchy, and to avoid the anarchy you will have to go into dictatorship."

Now, how are we going to answer? We've got to admit that every legal system, ours as well as that of the Commies, has a principle at its base that is not a matter of taste and preference and interest, that there is at least one principle in our legal and political system that

holds for everybody and that, if our interests cause us to violate that principle, we cease to be Americans. Now the problem is to state it, and this isn't easy. But I believe the principle is stated. It's in Jefferson's Declaration of Independence. Stated clearly, I believe it's that top analytical proposition I put on the board.

How would I counter the Russians? First I would have these Americans in this singing group realize this principle. I have had to state it to you in eight minutes, and of course it takes time for its force to come home to us. But this is our principle. There is one principle that our system rests on. If that doesn't suit our pleasure or our interest or our preference, then we are no longer Americans. That principle is the Lockian principle, but stated with analytical precision, it is as old as Western legal science, and it was discovered and stated first by the stoic Romans. The reason I go back there and don't stop with Locke is this, and it is relevant to the answer to your question.

If this principle arose with Locke, then when the American students got into the Soviet Union they would be in this position: "Yes, your position now we see doesn't land you in anarchy. If to be an American means to accept that principle as absolute, then, as long as people understand their American system you will have a government that will not land you in anarchy. But we hold the difference, that's all. You've got yours and we've got ours. We've got our absolute principle but now

don't object to us because we've got an absolute principle, because you've got one, too. They just happen to be different."

Now, how are you going to answer them? Answer them this way: "You are living in a contractual legal system. That system didn't originate with you. We are living in a Lockian legal system. That didn't originate with us. Both of the systems arose from the same source, in Western legal science as created by the stoic Romans, and the implications of that science were stated clearly by them when they said that just man and good man is cosmopolitan man, or universal man. That is, no legal or political system is just unless its laws first hold for all people in the system equally. One person can be substituted for any other in the system in the laws."

This is true of their system. Hitler's legal system fitted that requirement. But it has to have a second requirement. That is, the Jeffersonian principle is, in contractual law, in politics, no contract into which I have entered puts obligations on me. That is what the Declaration of Independence^{says}/. Put positively, it means that no contract with substantive content in it puts an obligation upon me unless I am substitutable for any other person with respect to that substantive content. This is the principle that moral man and just man is a universally quantified variable person—that is, any human being whatever.

Then you say, "You Russians are in a contractual legal system. The proof of that is you don't elect your public officials by appealing to

racial ancestry, and eldest sons, and biology of breeding and birth. This is an implication of any legal and political system. So, when you appeal to and defend the right of Africans to themselves determine the substantive content that goes into any law of the legal system or the political government that puts obligations on you, you are right, and we are with you on that. But that applies just as much to the people of the Soviet Union as it does to the Africans. And when you put substantive content in your contractual constitution that selects the decision makers of your nation in such a way that only members of the Commie party can be decision makers you violate this principle. Any person whatever has got to be substitutable for any other person if he is to be a decision maker with authority in a contractual legal system."

I have taken a long time to answer your question, but that is the technique by which I would attempt to put the Russians back on their heels. I'd never let them get away with the idea that we are for the biggest power with respect to the African people. No, we are for the Jeffersonian principle; and don't ever break our image. Keep that Lockian image. Don't let Khrushchev pose as that image as he did in the Bandung Conference and got away with it.

This is what we stand for. We are a nation of principle. This is the image. Then I would prove to them that Khrushchev's own system is the stoic Roman contractual system and you can tell exactly where

it came from and how he got it. He didn't make it. He took that over from the Czarist regime and he put content into it, substantive content in the laws which bind everybody in the system, which is incompatible with the basic premise upon which it rests.

Therefore, if his logic for the Africans is correct, then his own system is an invalid system. That is the only way you can get to anybody when there is a difference of premise. You find something in his belief system that is incompatible with what he does. I believe this is the way to do it.

QUESTION: Dr. Northrop, what are the functional considerations for a sovereign in modern society?

DR. NORTHROP: Well, this all depends, you see, on your political philosophy. It depends on the basic norms of your legal and political system. If the philosophy of your legal system is that of Karl Marx, that is, a contractual legal system filled in inconsistently with Marxist content, then the province of the political sovereign is first to be a member of the Communist party only, which is a very microscopic portion of all the citizens in the Soviet Union, and then to be a member who, by political jockeying, can liquidate enough of the other members in the party so that he comes up as top boy.

If, on the other hand, the norms of your political legal system are those of a consistent law of contract, which I have tried to state very

quickly this morning, and which is equivalent to saying contractual legal science as created by the stic Romans, it requires a Lockian type of political sovereign. Then the sovereign is divided among three branches of government, and a majority-approved sovereignty in the legislature is not the final sovereignty. Majority-approved statutes which are passed, providing what the majority approves, do not violate the basic postulate of any legal and political system.

Let me illustrate from pure math what I mean by this. That example of the three postulates was from pure math. That is the definition of serial order in pure mathematics—those three postulates. Now, in pure mathematics it has been proved by an Italian named Piano that there is a basic postulate in this science called Piano's Fifth Postulate and that the other propositions of the science of arithmetic cannot be proved unless that postulate is assumed.

What has become evident is that that postulate is formally constructed and it is for that reason taught logically. If you want to handle arithmetic, you have to accept the postulate. If you don't want to use arithmetic, you can reject the postulate.

Similarly, if you were in a contractual legal system that postulate that I put at the top of the board would be a premise of it. In pure math, if somebody came up and said, "I have proved a theorem and that theorem is incompatible with Piano's Fifth Postulant," any good mathematician would

know that theorem wasn't proved at all. Any theorem in arithmetic that is incompatible with Piano's Fifth Postulate is patently false and is inconsistent with it, because what you mean by its being a number in arithmetic is that it is a variable satisfying Piano's Fifth Postulate. So that makes the postulate automatically wrong.

Now the Bill of Rights functions in exactly the same way. That basic postulate I put on the board is Piano's First Postulate of contractual legal science. Then any constitutional provision, any legislative statute, that violates that postulate is patently false, just as any theorem in arithmetic which was incompatible with Piano's basic postulate would be patently false.

If you accept that, then the answer to your question is: The sovereign is: Any action of the legislature that is approved by the majority as law and provides any judicial review is shown not to violate that basic postulate which is equivalent to a bill of rights. The sovereign then is subject, you see, to that judicial review in terms of that postulate that I put at the top of the blackboard, exactly as any theory in the science of arithmetic would be subject to judicial review with respect to whether it was compatible with Piano's Fifth Postulate. If it wasn't it would be thrown out automatically as false, because Piano's Fifth Postulate defines what you mean by arithmetical numbers. To prove something about arithmetical numbers that is incompatible with what the meaning of an arithmetical number is is obviously guilty

of a contradiction--to assert something that is false.

So the answer is, the political sovereign's powers are defined by the philosophy of the legal and political system in question. If the system rests on a Hobbesian philosophy they are different from what they are if the system rests on a Lockian philosophy, and still different if the system rests on a theocratic theory of sovereignty, where the executive is selected by biology of breeding from a royal, privileged, first-born. It is a different thing if it is a contractual legal system filled in with Marxist philosophical content.

What I would say with respect to the latter system is that it is a self-contradictory system. Because of this fact you ought to be able to meet the Russians inside the Russian-zone premises and they wouldn't be in the position of saying, "Well, you've got your modern philosophy and we've got ours, and that's that."

QUESTION: Doctor, could you give us your views concerning the political philosophy involving Latin America?

DR. NORTHROP: I think this question is part of a more general question that I referred to just briefly in the main talk. That is that the main political problem in the world today is that of putting law of contract legal and political institutions and modern technology in such areas, and they both come from the same type of thinking. Modern technology comes out of a mathematical physics, not a natural history,

descriptive physics, and modern law comes out of the same formal construct type of thinking.

The main political problem in Latin America, or in making the Supreme Court's decision with respect to desegregated education work in the old South, or the main problem in Africa and Asia today, is that of taking societies, the majority of whose people are still living in a law of status, family and tribal, and racially centered type of legal and political system, and imposing the law of contract on them.

The reason why most Latin American governments have been more democratic in the word than in the deed is because, when you put the norms in your positive law and politics with certain content on the habits of people whose customs over centuries have an incompatible normative content, then the new things don't work. One of the things that we have got to do, I believe, as quickly as possible, is make all the peoples in the world realize what a difficult problem this is, and we have got to, for this reason, build up some kind of international law that will protect them during the time when they are working out the solution to this frightfully difficult problem.

Now the solution I believe has got to be worked out in this way: I spend about half of the year with the foreign students who come to study under me in the Yale Law School on this problem in persuading them not to view their own people and their own people's customs as

medieval obscurantism which they should just drop. I try to persuade them to master our American system, not just by learning the criminal black-letter law or by reading the Constitution but by understanding it in terms of this basic philosophy. If they go back and just slap codes of the criminal law from, say, the State of New York on African tribes, that is not going to work. They've got to understand our system, but they've got to understand it at the deepest philosophical level so that they don't confuse free democracy with doing everything they please. If they do what they please they will behave like African tribes; they won't behave like modern democrats. Then our liberal democracy there will break down, they will reach conclusions, and this is the great danger in my mind for conditions all over the world today.

The great danger over the world today is that the people in Africa and Asia are saying, "We try to modernize with free, democratic institutions, and we find it doesn't work. We prefer to do it with the freedom they give, but it is clear that it doesn't work for us. We've got to turn to dictatorial methods." And then they turn perhaps to communism, by asking the Commies in.

Now, we've got to capture them for our belief system. We've got to show them, I believe, that the Commie system rests in Western contractual law and that it entails this Lockian version, and furthermore we have got to get them to respect the traditional customs of their own people and understand them in the deepest possible way, because,

otherwise, if they go back to their native lands so American in their mentalities, they are going to think and talk in a way that will be completely over the heads of their own people. They will be isolated and they will spend their lives in American cocktail parties, completely isolated from their own people.

Their problem is to understand their people's systems at the deepest possible levels, to get the religious beliefs and the customs and the philosophies of their people. These are the philosophies of a law of contract society. All of us were in this type of society at one time. Our ancestors all lived in law of status societies. If you want proof of this, you can read a book you can get on the newsstands, Coulanges' Ancient City. The governments and legal systems, and the families of ancient Greece and Rome, were all family centered. They were all law of status societies.

It is this new type of conceptual thinking, frightfully abstract, that I have put in those symbols on the board. It was first discovered in mathematical physics and, created mathematically, defined scientific objects, instead of scientific objects defined in terms of sense qualities, and created formally constructed, contractually constructed, political and legal citizens.

Now they've got to master these two systems. In their indigenous system they've got to go in and find everything in the system that is compatible with contractual, free democracy and build on that, and then

they've got to drive a wedge in between what in their own traditional belief system is compatible with these new norms and the factors in the system that are incompatible.

An example of a person who did this is Ghandi. Hinduism is law of status, patriarchal, joint family ethics, and its caste ethics of race and color of skin, combined with what is called the nondualistic Vedanta theory of the self. If I had time I think I could convey this in a way that would be convincing. According to the latter theory, the deepest self in every one of us is identical in all of us, and is not only identical in all of us but is identical with the Divine Self.

The person who represents this self is the top-caste Brahmin in Hindu society, who spends a major part of his time wearing nothing but a loin cloth, pushing the differentiating self out of his consciousness and becoming one with this Divine Self. Now, then, Ghandi put on that loin cloth and held his meditative prayer meetings. He tapped the belief system of everybody in the whole of India. He had those masses in the palm of his political hand. Because he was with them on the deepest self, in which they believe, he was able to drive a wedge between that self in their Hinduism and the old joint family, patriarchal Hindu and caste self, and attack caste and still carry his people with him.

Western contractual law of the contractual type is compatible with the Hindu concept of the deepest self, which is identical in everybody. What better basis for democracy is there than the belief that

people at bottom are identical in their deepest, their conscious nature, identical not only with one another but with God?

If you pick that up you've got something. Contrast the materialism, religion-opium of the people of the Marxist nations with that, and present your Lockian, liberal democratic law as a more effective way for the Hindu to realize his deepest conception of the self than his old caste was. Then you've got a chance to make that synthesis work. I believe it is because Ghandi showed this way. If the present leaders of the Indian government would only pick that up more it would work. This is the reason why, of all the countries in the world today that are attempting to wipe out old law of status systems and political institutions and replace them with Western contractual legal ones, the one that is the nearest to succeeding is India.

You see, Ghandi did repudiate the whole of his past. You say, "That's all rubbish." No, there is a truth down under all the dirt and the filth that are irritating it. All the caste, all the racialism of Hinduism, is still there, and this is a basis for real democracy.

This is the technique we've got to use. This is the one we've got to put in. In Buddhism there is the same thing. The true self in Buddhism is what is called Nirvana, or the void consciousness, and this consciousness is the same in all of us and is identical with the Divine Consciousness. If you pick that up in Buddhism, then what you repudiate in the past is the old patriarchal maharajahs which were

imported from Hinduism. The Buddhist religious political organization is completely democratic. It is only the political organization of classical Buddhist nations that was theocratic. They had to bring in a Hindu maharajah to get that theocracy, because Buddhism doesn't warrant the thesis that there are privileged first families in society. According to Buddha the true self in all people is identical. It is fundamentally democratic.

So, if we could present ourselves before the world in terms of our own purposes as defined by Western contractual legal science and show that they entail Lockian democracy, not Hobbesian democracy nor Marxism, and then seek out in foreign nations their own value systems and persuade the people not to repudiate them, we would win. One of the main dangers is, in bringing in Western technology, in bringing in the black letter, the applied side of our contractual legal system, we pull them out of their old customs. They don't understand the basic philosophy of our gadgets and our law, and then they fall beneath both moral worlds. You get a lot of political officials who have no moral convictions on anything, who will go exactly where the wind blows, who've got itching hands and can be bought first by one side and then by the other.

You've got to keep them in their traditional political, legal, and moral convictions, which are compatible with democracy. There are more of these in these old law of status societies than you might suppose. Then all that you are reforming is a particular application of those

principles and putting in modern instruments for doing this. As you do this, you've got to teach them the deepest philosophy and mentality of your new Western ways.

This means it doesn't do much good to take in military gadgets or farm machinery if you don't teach them the formal mathematical way of thinking. Otherwise they will think about these gadgets with intuitive, common-sense terms and just mess them up, of course, and corrupt them. You put your foreign aid in, and it will all rust. You can put in your medicine and they do things they don't understand, and their customs cause them to do things that reinfect the people faster than your drugs can kill the infection.

You've got to train people to think in terms of unobservable scientific objects that are defined mathematically in terms of formal constructs. That's why I use this abstract symbol. There isn't any short cut to the understanding of modern technology or Western legal science. It has got to be through formal constructs, symbols that don't refer to sense qualities for their meaning. Otherwise you are going to get science that defines all its scientific objects in terms of sense qualities, and then you are back in the science of Aristotle in the Middle Ages. You haven't modern technology at all.

I am sorry to take so much time.

DR. CLEM: Dr. Northrop, I know I express the consensus of the whole room here when I say you gave us a brilliant lecture this morning

and a most rewarding discussion period. We all thank you.