F.S.C Northrop’s Legal Science and International Law: A Solution to Ideological Conflict Through Law

Michael A. Blickman

Follow this and additional works at: http://lawdigitalcommons.bc.edu/iclr

Part of the International Law Commons, and the Science and Technology Law Commons

Recommended Citation

This Notes is brought to you for free and open access by the Law Journals at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College International and Comparative Law Review by an authorized editor of Digital Commons @ Boston College Law School. For more information, please contact nick.szydlowski@bc.edu.

The most basic definition of an effective legal system must describe it as a set of rules to govern and guide human conduct to avoid conflicts and a court system for peaceful resolution of the inevitable disputes that will arise. It is clear that perfect justice can never be realized, but it is toward the ideal of perfection that all members of the world society must strive. It is equally clear that at present our world is in a constant state of tension and anxiety as nations inevitably struggle with one another to obtain the resources which will enable them to reach their chosen cultural and economic ideals. The advent of the atomic weapon makes a resolution of this dangerous power struggle imperative, and the only means for the peaceful containment of power yet developed by the mind of man lies in the legal system. In this century, millions of men, women, and children have perished in the madness of war. We seem able to resolve every problem that confronts us except one—the problem of human conflict.

F.S.C. Northrop has approached this problem from the standpoint of philosophical legal science and his theories present a

* F.S.C. Northrop was born in Janesville, Wisconsin on November 27, 1893. He was educated at Beloit College, Yale, and Harvard, where he received his Ph.D. degree in 1924. He also studied at Freiburg, Germany, and Trinity College, Cambridge. Professor Northrop began his academic career as an instructor of philosophy at Yale, where he has been Sterling Professor of Philosophy and Law since 1947. He has also been a visiting professor at the universities of Iowa, Michigan, Virginia, Hawaii, and Mexico, and most recently at Boston College.
viable and logical solution to the basic question of the resolution of ideological conflict which threatens the existence of mankind. This paper, limited in scope as it must be, examines the theories of Dr. Northrop as espoused in three papers which serve as an introduction to, and an explanation of, the foundations of his theory of legal science and its relation to international law. These papers were chosen for their value in setting forth the logical and methodological principles from which Dr. Northrop departs. The importance of the ideas expressed in these papers is that they provide a practical and pragmatic tool of universal application that the international lawyer can use to construct an effective world legal order.

There is little doubt that as a nation designates and creates a self-sustaining ideology to serve as a guide and central force in the advancement of its development, it must realize that its ideology is but one element in a world system whose survival depends upon peaceful interaction and coexistence between all nations and ideologies. A conflict which arises between nations is often founded upon these ideological differences. World history is replete with religious and ideological confrontations, most having been solved by less than peaceful means. The result of this destructive course of events, representing itself as a solution to the underlying, basically ideological, conflict is not satisfactory in a world society whose continued existence is threatened by such dangerous behavior.

Dr. Northrop focuses on the ideological source of international conflict and attempts to resolve it, through law, in such a way that each party is assured that its system will enjoy the

---

4 It is submitted that the source of most historical international conflicts which evolved into armed confrontations is that of ideological resistance between nations. While one must accept the fact that economic considerations represent a major element in international conflict, the underlying and essential element of conflict is that of ideological confrontation.
vitality and be accorded the stature which it deserves. The success of his method, to be applied when the philosophical differences involved are incompatible, relies upon the acceptance of each disputant of an investigation into the source of its ideology and its relation to the facts from nature found by scientists which have been articulated into postulates and assumptions by the philosophers of science. This presents a system of inquiry in which the components of each ideology can be verified and aligned in their natural positions in the resolution of the conflict. Thus, the so-called "two cultures" of the humanities and the sciences are fused in a common pursuit of peace.

This approach to world conflict presupposes a resolution to a problem which has eternally plagued internationalists, that of overcoming the seemingly insurmountable cultural differences between the nations of the East and of the West. It is fundamentally accepted that an effective international legal order must find common ground or norms between all nations to secure the validity and support which it must have. Dr. Northrop demonstrates that this common ground is not so tenuous and insubstantial that such an order could not be so constructed. One finds that nature's role in the development of a culture's ideology is so important that it will serve well as the point of departure to this new order. In his discussion of the legal traditions of India and of the ancient Romans, it is seen that each system has its foundations in a similar philosophy of nature which appear different only because of its manifestation in the specific unique institutions of each culture. Thus, any difficulty in the creation of an effective world legal order, whose source is contemplated as resting in the differing values and

---


6 Northrop, supra note 1, 59 Yale L.J. 1430 at 1442.
traditions of each nation, is not so much an obstacle to overcome as it is one to understand and utilize for its great potential value.

AN APPROACH TO IDEOLOGICAL COMPATIBILITY

In Toward a Removal of the Ideological Causes of World Conflict,7 Dr. Northrop observed that to a large extent world peace depends upon whether the ideologies of Communism and Anglo-American democracies could be reconciled sufficiently to permit peaceful coexistence between the major powers of the world. Theories of ideological resolution abound,8 and although students of idealistic and pragmatic ethical methodologies would have us believe that the formula for ideological resolution rests within their respective theories, it is not possible to find any ideological issue which has been at least in part resolved by the use of one or the other procedures.9 It is submitted that these theories then are properly rejected by Dr. Northrop as effective methods to approach and solve ideological societal issues.10 His method is to proceed first to the specific ideological issues themselves, analyze their specific character and content and resolve them in light of this knowledge.11 In a previous work, Dr. Northrop demonstrated that for any given cultural ideology, the economic, political, aesthetic, and religious doctrines which define the idea of the good for that ideology all go back to a common set of basic assumptions.12 These assumptions constitute the philosophy of the culture in question. Logically, to arrive at the underlying philosophy of any given culture it is necessary to proceed beneath its arts and the normative doctrines of its social sciences.

Dr. Northrop’s first principle to be followed in any ideological conflict is the following: reveal the rival philosophies upon

9 NORTHROP, supra note 7, at 66.
10 Id. at 69.
11 NORTHROP, supra note 7.
12 NORTHROP, supra note 4.
which the conflicting cultural ideologies rest by analyzing the above mentioned cultural doctrines. This is accomplished by deriving the underlying supportive assumptions and postulates from the artifacts and institutions of each culture, which then forms a unitary system representing the philosophy of the culture in question.

The obvious second question arises: How are the conflicts between the different philosophies underlying the ideological conflicts of our world to be resolved? The answer lies in analyzing the relation between the conflicting philosophical theories. If the theoretical philosophical differences are compatible, the resolution of the conflict is simply one of enlarging the philosophical assumption of each party to the dispute to include those of the other party.18

It is when philosophical differences are incompatible that the solution becomes complicated and Dr. Northrop presents two possible procedures to follow when confronted by this situation. The first is simply a search for a single set of assumptions which will replace the two conflicting sets by providing a new system which includes the valid portions of each.14 While this procedure can be successfully applied to the contradictory philosophies underlying conflicting ideologies, it becomes possible only when we stop viewing our own pet ideology as universally valid, and start to give similar respect to rival ideologies. Only in this way can there be any constructive move toward the removal of the ideological causes of world conflict.15

The second procedure suggested by Dr. Northrop, believed to be more effective than the first, requires that a decision be

---

13 NORTHROP, supra note 7, at 70.
14 This procedure has been utilized in the physical sciences successfully to resolve analogous conflicts. An example is the Michelson-Morley experiment in 1885 which verified a proposition which contradicted certain assumptions of Newton’s mechanics and the electromagnetic theory of Maxwell, Larmor, and Lorentz. To resolve this conflict, Einstein passed to a new set of assumptions which provided deductively, without contradiction, for the validity of the Michelson-Morley experiment and the valid portions of the traditional Newtonian and Maxwellian theories. See also, ALRED O’RAHILLY, ELECTROMAGNETICS: A DISCUSSION OF FUNDAMENTALS (1938) at 434ff.
15 NORTHROP, supra note 7, at 73.
made whether to expand toleration of the rival ideology or to condemn it. To arrive at the criterion with which this question can be answered, the empirical facts upon which the founders of the philosophy based their doctrine must be sought out. Upon investigation, it is discovered that many founders took facts from nature as decisive in formulating their philosophy. For example, Thomas Jefferson, in drafting the language for the Declaration of Independence, drew upon the philosophical traditions of Western Europe in stating that the basis for any law or government is not in any social theory of the relations of men to one another in society, but in the equal status of all men before "the Laws of Nature and of Nature's God." Thus, the empirically observed status of natural man and nature translates into a philosophy from which the idea of the good for man in a specific culture emanates. This produces the unity of the different phases of human experience and culture necessary to grant validity to the philosophy of that culture.

Dr. Northrop sets two requirements for the arrival at an adequate philosophy of the natural sciences. First, the experts in natural science must determine the verified theories which are called for by the empirical data. Second, the philosopher of science proceeds to articulate the ontological and the epistemological assumptions, that is, the cognitive postulations about the world that are implicit in these theories. It is the epistemological portion of this inquiry which provides a criterion for resolving the ideological conflicts of our world. The value of this procedure is that such a derived philosophy is based on experimentally proven scientific theories, and is thus automatically verified in the scientist's verification of the theory in question. Moreover, it gives the same verdict for all persons, that is, it provides a cultural ideology which is valid for everybody because of the scientific roots of its verification.

---

17 NORTHROP, supra note 7, at 73.
18 Id.
19 Id.
This second procedure for resolving ideological conflicts rooted in rival philosophies which are not merely different but also incompatible is simply a matter of identification. One identifies the philosophy which one uses to define the normative social theories of economics and politics and the humanistic doctrines of morality and religion with the scientifically verified philosophy of natural man and nature. This philosophy of culture, unifying humanistic values and scientific knowledge, presents a universally valid philosophy which is the vehicle most likely to resolve the ideological conflicts of our world.

**THE EMERGENCE OF A GLOBAL LEGAL ORDER IN A CULTURALLY DIVERSE WORLD**

In *Naturalistic and Cultural Foundations For a More Effective International Law*,20 Dr. Northrop addresses the question of how an effective international legal order can be constructed in a world society as culturally and philosophically diverse as ours. The answer lies in a search for common norms.21 Without common norms between the nations and the cultures of the world, he says, there can be no effective international law.22

As suggested earlier,23 conflicts in ideology can be solved by the use of a philosophy of nature which is given content by the epistemologically analyzed, empirically verified theory of a natural science.24 Dr. Northrop would use this same criterion and procedure to produce a more effective international law. To prove that this criterion is valid, he investigates the cultures and legal philosophy of the two major civilizations in the world, the traditional Orient and the classical West up to the time of Kant. This inquiry leads him to the conclusion that the ethical and legal methods of these two civilizations are identical. In doing so, Dr. Northrop successfully counters the popular argu-

---

21 Id. at 1430.
22 Id.
23 NORTHROP, supra note 7.
24 Id. at 73.
ment that there can be no formulation of an effective international legal system, an argument which ultimately amounts to a resignation to cultural differences and to a constant struggle between nations.

*The Ethical and Legal Method of the Orient*

In discussing the ethical and legal method of the Orient, Dr. Northrop points out that both Nirvana, the major concept of all Buddhist philosophical systems, and Brahman, the fundamental concept in Hindu philosophy, involve man's immediate apprehension of nature. In both systems man is successful in acquiring knowledge of himself and his proper position in the world to the extent that he contemplates and understands the natural world that surrounds him. This unity between nature and man, wherein man becomes the determinate particular subjective knower of nature, holds true also for the three major philosophies of indigenous origin in China: Taoism, Confucianism, and Chan or Zen Buddhism. In all of these Oriental philosophies, humanistic and cultural values are good to the extent that they conform to nature and the naturalistic differences of men."

In his investigation of the Rig Veda, the oldest book of Aryan civilization, Dr. Northrop finds an additional example of the derivation of law from nature. This book states that the law for use in ordering man-made cultural institutions is derived from the order of nonman-made cosmic nature. In the Rig Veda a distinction is made between *rita*, the natural law, and *vrata*, the normative law for society. *Rita* derives from, and is the source of, the cosmic order of nature. *Vrata* is in turn derived from and has its source and validation in *rita*. *Vrata* is further distinguished from *smritis*, and *samaya*, which refer to the positive living law as it is in fact. Since *smritis* and *samaya* refer to the positive living law they are not to be taken as authoritative, and in fact may be evil because, being man-made, they may derive from a false conception of nature and natural

---

20 NORTHROP, supra note 20, at 1432.
21 Id. at 1434.
man. Only *vrata* represents that ethical and legal "ought" against which the cultural *is* of sociological jurisprudence as described by *smrtis* and *samaya* can be judged.\(^{27}\) Thus, Dr. Northrop states, sociological jurisprudence, restricted as it is to the cultural *is*, gives trustworthy norms only to the extent that it embodies a true or verified conception of nature and natural man.\(^{28}\) The above-described legal construct exists in contemporary Indian society, as is evidenced in the Book of Manu, the most important of all legal books in India.\(^{29}\) Its conception and specification of personal, domestic, and legal norms still operates all over India. It continues the earlier tradition of the Rig Veda in that the legal tradition of Manu begins with cosmology and the philosophy of nature and then refers all societal norms to this naturalistic source for their validation.\(^{30}\)

*The Ethical and Legal Method of the Classical West*

The legal technology of the West derives from the Roman Stoics, whose philosophy defined good as conformity to the philosophy of the true for nature.\(^{31}\) The legal norms which Roman law regarded as valid for all men were called the *jus gentium*.\(^{32}\) The *jus civile* was defined as that rule of conduct which a people has adopted for its own observance and which is peculiar to a society.\(^{33}\) The criterion used to distinguish between the concepts of *jus gentium* and *jus civile* was natural reason, reason applied to the facts of nature to arrive at universally valid ethical and legal norms. Dr. Northrop makes the point that whereas men live in different cultures which generate the relative and often conflicting ethical and legal norms of the differing instances of *jus civile*, all men nonetheless live in the same nature.\(^{34}\) Thus, an ethics derived from a philosophy based

---

\(^{27}\) *Id.*

\(^{28}\) *Id.*


\(^{30}\) NORTHROP, *supra* note 20, at 1435.

\(^{31}\) A. VERNON ARNOLD, *ROMAN STOICISM* (1911).

\(^{32}\) NORTHROP, *supra* note 20, at 1435.

\(^{33}\) *Id.*

\(^{34}\) *Id.*
on nature alone gives universally valid ethical and legal norms, whereas a rule of order based in the *jus civile* acts to exacerbate the differences between societies.

But this distinction between *jus civile* and *jus gentium* is not a sufficient criterion of the universally normative, for more than one *jus gentium* exists. One might be called the sociological *jus gentium*, a philosophy of culture, the norms of which are derived from the de facto rules of all societies. Should we attempt to use a sociological *jus gentium* to resolve fundamental, ideological conflicts, two weaknesses immediately arise. First, the common factor in the diverse norms of different nations and cultures is not strong enough to provide an effective norm for settling disputes. It seems that issues of war or peace in the world depend upon the differentiations between nations, not upon the assumptions which they may have in common. For example, the contemporary dangerous struggle between the Soviet Union and the United States turns around different prescriptions for ordering political and economic institutions, not around the norms which the two nations have in common. The second weakness is that a de facto norm, even if not weak, should not necessarily be embraced. For example, slavery would have been a normative good in Roman times since every society known at that time contained slaves. Thus, we must resort to a philosophy of nature, or naturalistic *jus gentium* in order to conclude that slavery is evil. Here, status in nature, rather than status in the universal sociological is common to all de facto societies defines the good for men. This permits Dr. Northrop to conclude that an adequate ethical and legal science must have a *jus gentium* with its foundations outside the de facto codes of the humanistic sociological *jus gentium*. If not, there is no basis under any circumstances for judging the status quo sociological is to be bad. Precisely for that reason, Roman Stoic philosophers who created the Western

---


86 Northrop, supra note 20, at 1437.
science of law affirmed that only a *jus gentium* grounded in *jus naturae*, could be a valid criterion of the good and the just.\textsuperscript{37}

*The Synthesis of the East and the West*

It now becomes apparent that the ethical and legal methods of the traditional Orient and classical West are identical. Just as the Book of Manu of India relies on a distinction between custom, called *samaya*, and the ideal *ought of vrata* which designates the normatively good and derives from *rita*, the law of nature; so the Roman foundations of Western legal science distinguish the *jus civile* of local positive codes and customs from the *jus gentium*, and within the *jus gentium* distinguish the sociological *jus gentium* of those codes common to all societies from the naturalistic *jus gentium* which alone specifies the criterion of the universally good and just because it is grounded in *jus naturae*.\textsuperscript{38}

At this point one might ask why there are different legal and personal prescriptions in Oriental and Western philosophical systems if both philosophies have the same naturalistic method for verifying personal and legal norms. Dr. Northrop’s answer to this question is rooted in the epistemology of natural knowledge.\textsuperscript{39} Oriental philosophy tends to restrict knowledge of nature to immediately apprehended entities.\textsuperscript{40} Western philosophy introduces inferred theoretically designated entities and relations, the existence of which is verified indirectly by way of consequences deduced from the postulated unobservable system of entities.\textsuperscript{41} If we accept the proposition that ethics is applied natural philosophy it is clear that these two different theories of nature will conceive different conduct and legal norms, since they yield different theories about the composition and organization of the world. Thus, given the compatibility of their individual philosophical conceptions of nature, an adequate interna-

\textsuperscript{37} Id.

\textsuperscript{38} Id.

\textsuperscript{39} NORTHROP, supra note 4, ch. XII.

\textsuperscript{40} NORTHROP, supra note 4.

\textsuperscript{41} NORTHROP, supra note 20, at 1442.
tional ethics must combine the ethical implications and the applications of Oriental natural philosophy with those of Western philosophy.42

**Implications for International Law**

The importance of the foregoing discussion of the ethical and legal methods of the Orient and of the classical West is made evident when Dr. Northrop proceeds to the theory that any new positive law must conform to the underlying living law to be effective. This well-known theory was promulgated by the great Austro-Hungarian sociologist of law, Eugen Ehrlich.43 Ehrlich suggested that an effective international law must not be based on the economic, political, legal, and other cultural practices of any one nation in the world, but must be rooted instead in the diverse ideologies and cultural traditions of its many nations and peoples.44

The first step toward an effective international law is to make an objective study of the underlying cultural and naturalistic philosophical foundations of the positive legal codes and procedures of the world’s major nations and cultures.45 A truly international legal order must not derive exclusively from later Medieval or early Modern Western law as is now the case. An effective world order must go beyond the choice between the prevailing socio-economic political theories and face realistically the fact of cultural and ideological pluralism in the world and accord with this fact.46

The Charter of the United Nations gives the impression that the world is in complete agreement upon a single set of determinate world norms. Judged against the theories of Dr. Northrop and Eugen Ehrlich, the Charter is in error. Dr. Northrop asserts that the Charter contains a fallacy in that the basic normative words found therein, *freedom, well-being*,

---

42 Id.

43 EHRLICH, *supra* note 5.

44 Id.

45 NORTHROP, *supra* note 20, at 1444.

46 Id. at 1445.
economic uplift, and the good life, are left undefined. Each nation then is left to define the terms as required by their differing and conflicting living laws. What remains is at best a vacuous attempt at the creation of a world order.

As the Charter of the United Nations is presently written, no nation (with the exception of those whose philosophy is traditionally Western) should be expected to transfer sovereignty to that international body, as it does not specify or guarantee the vitality of the living law norms, or philosophy, of every people. To be accepted and to have any meaning in a world society the Charter must guarantee those specific norms under any and all circumstances.

Furthermore, Dr. Northrop states, we must go beyond our study of positive legal codes of the cultures of the world, and of the philosophies underlying their practices. We must go behind the content and beliefs of these cultures to the facts in nature which initially led to the verification and subsequent acceptance of each nation's living law. As it was concluded earlier, all cultures agree that the method for validating ethical and legal norms is by testing the basic philosophical conceptions of natural man against the facts of nature. An international law grounded in ideological and living law pluralism would ease much of the tension we feel in the world and introduce a more constructive and effective means of settling international disputes in a legal manner.

It is submitted that any people or nation could put itself under such an international law with the confidence that in the practical adjudication of any ideological dispute their own ways of life would be respected. Furthermore, the progression of scientific investigation leading to new theories that are epistemologically tested and enlarged, guarantees that this positive international law will represent a contemporary verified philosophy of nature. This kind of sensitivity to current scientific

48 Id.
49 See p. 347 infra.
knowledge and instruments would produce unparalleled efficiency in human affairs which would result in an improvement in the quality of life for all mankind.

Dr. Northrop concludes his 1950 paper with a thoughtful caution: It can not automatically be assumed that a particular nation’s foreign policy accepts each of the foregoing principles. For example, the Soviet Union believes in and operates upon the basis of an international policy which regards any other nation which is not founded in Marxist principles as immoral and evil, with no status under international law. A pluralistic philosophical jurisprudence in international law guarantees the right of any people or nation to build their social institutions upon their own cultural traditions and needs, drawing upon the values of other nations only as they deem wise. This would necessarily outlaw any nation, which by military aggression or other means interferes with this right. Thus, a state which judges others of a different philosophical persuasion, solely against its own normative standards, should not be admitted to international status until it has repudiated its chauvinistic viewpoint. Otherwise, the admission of such a nation would be equivalent to the acceptance of the monistic principle of sovereignty in international law. This is clearly incompatible with an international law grounded in the principle of living-law pluralism.

Dr. Northrop then prescribes the proper behavior of a nation, which has adopted the aforementioned pluralistic and international principles, when it confronts a nation which behaves and operates upon an incompatible basis, with the intent of sabotaging such principles. As long as a nation roots its own international policy upon world-grounded rather than nation-grounded principles, it avoids being accused of impermissible nationalism and imperialism. Additionally, a nation must com-

50 Northrop, supra note 20, at 1449.
52 Northrop, supra note 20, at 1446.
53 Id. at 1449.
prehend the ideology of a country like the Soviet Union and confront it with the aforementioned world ideology backed by the force necessary to restrict it to those people who wish to follow the Soviet model. This ensures that people are given the chance to reach their moral, social, and legal norms in their own way and thereby give expression to the universal moral and legal norms which Dr. Northrop advocates.

**The Role of Anthropology in the Construction of a World Legal Order**

In 1951 Dr. Northrop reconsidered his earlier thesis that legal science has been ineffective in attempting to solve world conflicts rooted in conflicting ideologies. In *Philosophical Anthropology and World Law*, Dr. Northrop reemphasized the importance of determining the underlying living-law of the major cultures of the world to derive positive legal rules and institutions for settling disputes between nations.

In this paper, Dr. Northrop finally specifies who shall be charged with the first task in the construction of effective world law. It is clear that the lawyer and the politician are not equipped to undertake a determination of the world’s living laws. This can be done only by a direct scientific study of cultures, and the appropriate science to pursue this study is anthropology. It is the cultural anthropologist who must find the indigenous ethos of each culture. Previous attempts to arrive at a world legal order have corresponded only to the living-law ethos of but one culture in the world, the modern French and Anglo-American Western culture. By its very

---

54 Id. at 1450.
55 NORTHROP, supra note 7.
57 NORTHROP, supra note 7.
58 Id.
59 Supra note 56, at 109.
60 Id.
61 Id.
nature, such an international law fails to correspond to the plurality of living laws of the other European, Latin American, African, Islamic, and Asian cultures of the world and hence, must be ineffective.\textsuperscript{62} The international lawyer must, then, depend upon the philosophical interpretation of the scientific findings of the anthropologist.

The role of the cultural anthropologist is thus to determine the key independent variable in the science of cultural anthropology which, when determined empirically for any specific culture, gives us the ethos of that culture.\textsuperscript{63} The nature of this independent variable is specified by the sciences of sociology, anthropology, and psychology. Dr. Northrop restricts himself in explaining this variable to F.A. Sorokin's concept of logico-meaningful causality,\textsuperscript{64} Clyde Kluckhohn's study of the legal norms of the Navaho Indians,\textsuperscript{65} and Warren S. McCulloch and Walter Pitts' concept of cortically-trapped universals and their relation to a person's response to a stimulus.\textsuperscript{66}

Sorokin points out that there is a difference between causality in any system of natural science, and causality in any system of cultural science.\textsuperscript{67} Whereas the former is mechanical, causality in cultural science is logico-meaningful, that is, it is determined by both physical and psychological factors.\textsuperscript{68} To determine the ordering relations of a culture, Sorokin proposes that one discover the meanings held in common by a people in

\textsuperscript{62} Id. at 110.

\textsuperscript{63} Id.

\textsuperscript{64} P.S.C. NORTHROP, IDEOLOGICAL DIFFERENCES AND WORLD ORDER (1949). See also F.A. SOROKIN, SOCIAL AND CULTURAL DYNAMICS (1937).

\textsuperscript{65} NORTHROP, supra note 64.

\textsuperscript{66} Id.

\textsuperscript{67} NORTHROP, supra note 56, at 110.

\textsuperscript{68} For example, in the case of Newtonian mechanics there are but two independent variables: the positions and momenta of the entities of the system. By determining the value of each of these variables at a given time one can calculate, or in other words, logically deduce, the value of these independent variables for any other state of the system at any earlier or later time. But this does not hold true for a cultural system since more than the positions and momenta of the persons in that society are needed to specify the ordering relations which define the culture of those persons. NORTHROP, supra note 56, at 110.
a single culture which are used to conceptualize, order, and integrate the raw data of their experience. Since meanings are the key factor, Sorokin calls this unique causality of cultural science *logico-meaningful causality.* To illustrate, Hindus are using the meanings of Hinduism; the Moslems those of Islam; the Soviet Russians those of Marx as interpreted by Lenin, Stalin, and their successors; the Roman Catholics those of St. Thomas; the Americans those of Locke, Jefferson, Adam Smith, Mill, Jevons, and Keynes. For Dr. Northrop, these meanings, which Sorokin believes determinate of the ethos of a given culture, represent in fact the ethos of that culture. These basic meanings, if they define the ordering relation of a culture, define also its living law, or ethos. Given that these meanings determine the ethical code of conduct, or idea of the good, in a culture, Dr. Northrop proves why the international lawyer, if he is to be effective in meeting the world’s present need, must study not merely anthropology, but philosophical anthropology as well.

Clyde Kluckhohn’s experience with the Navaho Indians indicates that the findings of the science of anthropology concurs with the findings of sociological scientists like Sorokin. Kluckhohn found that after years of first-hand study of the Navahos he did not understand what he saw until he teased out of them their philosophy. Once this was accomplished, he was able to formulate their legal norms which he found to derive from their philosophy. Thus, once again, the living law of a culture is made explicit when its philosophy is specified.

To prove the significance of philosophy in defining the specific content of the living law of a culture, and to refute the theory that behavior is purely a response to stimuli, Dr. Northrop introduces the investigations of the neurological and behavioristic

---

69 Northrop, supra note 56, at 110.
70 Northrop, supra note 4, ch. III.
71 Northrop, supra note 56, at 111.
72 Id.
73 Northrop, supra note 64.
74 Northrop, supra note 56, at 111.
psychologists, McCulloch and Pitts. In constructing a theory of behavior based on the existence of a circular cortical net as opposed to a linear neural net, these scientists show that a sensory neuron is passed through a reverberating cortical net which contains impulses representing meanings or universals which define and specify the ultimate motor neuron and the overt response which it produces. These trapped universals, or basic philosophical concepts, serve as the normative judge and censor of any stimulus. Thus, both law and ethics, as grounded in the trapped universals in the cortex, become intelligible. Behavior then is proven not to be a response to stimuli alone, but also to ideas found to be basic to recall, description, and integration of the stimuli. When many people agree on these basic meanings, one has a single culture and a communal ethics and living law.

These three scientific theories combine to prove that a universal positive law grounded in the underlying meanings and philosophies of the world’s cultures will be effective because it has the sanctions of the living law behind it. This goes beyond the pure theory of law, which Dr. Northrop describes as a meaningless ethical postulate, to a new philosophico-sociological jurisprudence, valid for all people and nations. The international lawyer, supported by the findings of sociologists, anthropologists, and neuropsychologists, can join with the philosophical anthropologist to construct an effective positive world law, based on a living ethos common to all.

75 Northrop, supra note 64.
76 In a linear arrangement of cortical neurons, the stimulus of the sensory neuron fires the intervening cortical neurons in the linear net which in turn would fire the motor neuron, thereby producing the overt, muscular behavioristic response.
A circular cortical net is one in which the cortical neurons are arranged in a circle to which a sensory neuron comes and from which a motor neuron departs. The stimulus of the sensory neuron is represented as an impulse which is continuously passed around from one neuron to another in the circular net as long as the human being in question exists.
77 Northrop, supra note 56, at 112.
78 Id.
79 Id.
CONCLUSION: OUR TASK

Dr. Northrop thus has clarified the lawyer’s task in international society. It is the international lawyer who must construct a legal order capable of conflict resolution in a manner that accords with the philosophies underlying the various cultures of the world. Dr. Northrop has suggested a simple procedure the lawyer should adopt; this procedure is a systematic investigation and enumeration of the living laws of the world, and an epistemological derivation of the natural law philosophy which they imply. This is the only method by which a universally valid and functional world legal order can be produced.

A complete understanding of Dr. Northrop’s system can be obtained only after a thorough inquiry into the epistemology from which he departs. This entails the study of psychology, anthropology, semantics, mathematics, physics and a number of other disciplines. The purpose of this article has not been to describe Dr. Northrop’s legal theories in full, but to serve as an adequate introduction to the foundations of his legal science and its relation to international law. There seems to be no other contemporary, or for that matter, historical, philosophical-legal-scientific system which promises to contribute so much to a lasting peace in our world. The threat of nuclear war, as the weapons of the twentieth century come into the hands of more nations each year, should be sufficient provocation for the leaders of the world, to quickly embrace Dr. Northrop’s theories and work for their application and eventual fulfillment.

MICHAEL A. BLICKMAN