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VIOLENCE AS A PRODUCT OF IMPOSED ORDER*

BUTLER D. SHAFFER**

Many hypotheses concerning the causes of the violence which exists in our society have been presented for discussion by scholars and researchers. In this Article, Professor Shaffer explores another possible explanation for the violence. He suggests that the imposition of structured forms of order by a political-legal system (the "structuring" function) in conflict with the system's role of preventing acts of victimization (the "hygienic" function) produces a frustration of citizens' personal, economic, and social expectations. This frustration as a result may lead to aggression and violence.

Recent years have witnessed a marked increase in explorations into the causes of violence in America. The convergence of increases in crime rates, violent public demonstrations, urban riots (accompanied by the seemingly indiscriminate killing of people and the looting, burning and other destruction of property), police brutality, street-corner gang warfare and other similar forms of interpersonal aggression has led researchers to attempt to identify causal factors related to the origins of violence, with a hopeful view to eliminating such causes. Many hypotheses have been presented for consideration, ranging anywhere from economic causes (*i.e.*, discriminatory hiring practices, unemployment, inability to fulfill economic expectations, etc.) to a general breakdown in moral and ethical values. Proposals to eliminate the causes of violence have included a revamping of social welfare programs and elimination of discriminatory employment practices on the one hand, to "cracking down" on lawlessness by upgrading local law enforcement agencies and imposing stiffer criminal penalties on the other. There are doubtless as many views as to the causes and cures for violence as there are observers, each view tinged with the value system, prejudices, philosophies and epistemological attitudes of each such observer. It is the purpose of this article to focus attention on one possible source of violence—not necessarily "the" source, but one which might very well be found deserving of a share of the burden for having contributed to the conditions which have led to increased violence. This article will explore the possibility that the effort to impose social order may in fact lead to a breakdown of order, and that any formal legal structure may contain within it dysfunctional elements which lead to such a result. Employing the basic frustration-aggression hypothesis, it is the principal contention of this article that the incidence of violence in our society may be, in part, a product of the frustration which people perceive in connection with their expecta-

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** Associate Professor in the Law and Society Program, College of Business Administration, University of Nebraska at Omaha; J.D. 1961, University of Chicago.

tions of benefits to be derived from a formal system of law; that, in other words, people have sanctioned the political system out of a belief that the institution of law will produce a reasonably predictable level of social order, the failure of which to be realized results in frustration which, in turn, serves to encourage aggression. That there are numerous additional explanations for the causes of violence and societal disorder is not to be denied; nor is it to be suggested that imposed order will always lead to aggression or violence. It is only being suggested that any system of imposed order, to the degree people perceive its activities as frustrating their own expectations, will serve to increase the tendency toward aggression and violence.

It is well, at this point, to define the terms used in this article. "State" shall mean a formal organization which enjoys a monopoly on the use of coercion within a specific geographical area, and which is sanctioned by a sizable enough portion of the population of that area to permit it to effectively exercise universal decisionmaking functions therein. "Law" shall be defined in positivist terms as formal rules enacted and enforced by the state in furtherance of any policy as defined by the state. While the article will refer to the writings of such "natural law" advocates as John Locke, an attempt shall be made not to confuse the definitions. The article will, instead, refer to "law" solely in political terms as those formal rules which a political state can enact and enforce within a given area. The effort to regulate human conduct within such an area by the use of such rules of law shall thus constitute efforts to "impose order," the content of said "order" being determined by those persons exercising effective decisionmaking through the state. Such definitions shall therefore be considered in a totally "value-free" setting, and no effort shall be made herein to evaluate any rules of law in terms of consistency with any socio-political philosophy or other premise. The effort shall be a *descriptive* one, with the only *subjective* factor being a consideration of the reaction which people may have to rules of law which are promulgated by the state, but without regard to whether, in the eyes of the writer, such reactions are "good" or "bad," or "right" or "wrong."

This article shall, therefore, limit its scope to an examination of *formal* systems of political and legal order, and shall not consider the systems of "order" which prevail throughout any society, and which are the product *not* of political lawmaking, but of informal "rulemaking" found within social institutions such as the family, economic, religious and social organizations, and the mores, customs, manners and habits of people. It is fairly well recognized, in fact, that without such informal sources of order, no meaningful social structure could long endure. Contrasted with the political efforts to *impose* order by coercion or the threat of coercion, then, are those informally, voluntarily developed rules of behavior which shall be referred to as "natural order."

I. A THEORY OF GOVERNMENT REGULATION

A. The "Hygienic" Function

Any effort to characterize the expectations of such an amorphous abstraction as "society" or "people" must constitute the height of presumption. While human beings are continually being collectivized into various groupings in order to assist in the generalization of human behavior, it is well not to confuse the abstraction with reality, but to remember that "society" consists of many separate individuals with unique tastes, values, motivations, experiences and goals. With this caveat in mind, an attempt shall nonetheless be made to identify what appears to be at least the minimum functions which most people would expect a formal system of law to serve. That different persons might have various *additional* expectations from "law" is not to be denied; it is only being proposed that one can identify a fairly universal attitude as to the minimum functions which "law" ought to serve, and that such minimum functions constitute the basis upon which most people grant their sanction to the "law" and the "state." These minimum functions have been identified by such philosophers as Thomas Hobbes and John Locke.

Hobbes observed that, in a state of nature, the basic equality of men's abilities would lead to conflict in the realization of essentially equal goals among men, adding that "if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies."¹ As long as such a condition exists "without a common power to keep them all in awe," said Hobbes, men will find themselves in a state of "war of every man against every man." The result of such a state was eloquently described by Hobbes:

Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same is consequent to the time wherein men live without other security than what their own strength, and their own invention, shall furnish them withal. In such condition, there is no place for industry, because the fruit thereof is uncertain; and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing, such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society and, which is the worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.²

To avoid such adverse consequences, Hobbes concluded that men introduce "restraints upon themselves" by the creation of a "com-

1. Hobbes, *Leviathan*, in GREAT POLITICAL THINKERS 366, 367 (W. Ebenstein 3d ed. 1965).

2. *Id.* at 368.

monwealth," through which they will get "themselves out from that miserable condition of war" with a view "to live peaceably amongst themselves, and be protected against other men." Thus, even though Hobbes articulated a justification for the authoritarian state, he acknowledged that the fundamental role of the state is to provide order and security for the lives and property of its citizens.

John Locke was even more explicit as to what he considered to be the basic function of the state. He noted that, in a state of nature, every man has a right to restrain those who would seek to interfere with his right to his life and property, declaring that such interference creates a "state of war" between the transgressor and his victim: "he who attempts to get another man into his absolute power does thereby put himself into a state of war with him; it being . . . understood as a declaration of a design upon his life."³ Locke further stated:

To avoid this state of war . . . is one great reason of men's putting themselves into society, and quitting the state of nature. For where there is an authority, a power on earth from which relief can be had by appeal, there the continuance of the state of war is excluded, and the controversy is decided by that power.⁴

To Locke, then, government serves in the capacity of an "agent" for members of society, empowered to do those acts—and only those acts—which such members of society could have rightfully done for themselves in a state of nature. Since individuals have the right, in nature, to protect their lives and property from acts of interference by other men, these same individuals have the right to authorize government to perform, in their behalf, this same function. As Locke reasoned:

A man, as has been proved, cannot subject himself to the arbitrary power of another; and having, in the state of nature, no arbitrary power over the life, liberty, or possession of another, but only so much as the law of nature gave him for the preservation of himself and the rest of mankind, this is all he doth, or can give up to the commonwealth, and by it to the legislative power, so that the legislative can have no more than this.⁵

Contrary to Hobbes, then, Locke argued that the right of each man to his life and to his property circumscribes the proper limits of governmental action, and that any act of government which goes beyond the function of *protecting* such rights and begins to *interfere* with them exceeds the claims of legitimacy:

The supreme power cannot take from any man any part of

3. Locke, *Two Treatises of Government*, in GREAT POLITICAL THINKERS 393, 397 (W. Ebenstein 3d ed. 1965).

4. *Id.* at 399.

5. *Id.* at 406.

his property without his own consent. For the preservation of property being the end of government and that for which men enter into society, it necessarily supposes and requires that the people should have property, without which they must be supposed to lose that by entering into society which was the end for which they entered into it; too gross an absurdity for any man to own. Men therefore in society having property, they have such a right to the goods, which by the law of the community are theirs, that nobody hath a right to their substance, or any part of it, from them without their own consent; without this they have no property at all. For I have truly no property in that which another can by right take from me when he pleases against my consent. Hence it is a mistake to think that the supreme or legislative power of any commonwealth can do what it will, and dispose of the estates of the subject arbitrarily, or take any part of them at pleasure.⁶

It is not the purpose of this article to debate the "proper" limitations of government action, but only to point out that both Hobbes (who laid an intellectual foundation for an omnipotent state) and Locke (who narrowly restricted the functions of the state) agreed that the *primary* purpose for which men create institutions of government and law is the protection of their lives and property from interferences by other men. At the risk of oversimplification, it would appear that this view, which seems to find fairly general support among people as a definition of the basic purpose of government and law, could be summarized as follows: Men, in order to engage in productive enterprises and to have the opportunity for maximizing pleasure and seeking personal fulfillment, must be free from the actions of other men which, whether intentional or unintentional, violate by force or by threat of force their persons or property. Men have a need, in other words, to be free from acts of victimization; to be free from having their will violated with respect to their persons or property. For this reason (at least theoretically) men have sanctioned the political state, whose function it is to provide protection from such acts. This shall be referred to herein as the "hygienic" function of law, consisting of those actions of government which are designed to eliminate (or, at least, to reduce) those negative influences by which some people physically violate (or threaten to physically violate) the person or property of others, and thus restrict or otherwise interfere with the right of people to make decisions concerning their own lives.

Acts of victimization may be either "intentional" or "unintentional." The legal system may respond to intentional wrong-doings (*e.g.*, murder, rape, burglary, arson, assault) through the institution of criminal proceedings or civil actions by the victim, while the unintentional acts (*e.g.*, breach of contract, tortious conduct leading to personal

6. *Id.* at 408.

injury or property damage) are almost always left to the victim to seek redress through civil proceedings. In either event, it would seem safe to conclude that the sanction which most people have for a formal legal system has, as its fundamental consideration, the expectation that the system will effectively *minimize* such negative social influences in order to protect them from victimization, to provide them the opportunity to maximize their life, psychic growth and economic potentials, and to facilitate the free flow and expression of their choices.

B. The "Structuring" Function

As indicated earlier, the element which distinguishes the political state from other institutions is its enjoyment of a monopoly on the use of coercion within a specific geographical area. The rationale for the existence of such a monopoly, whether justified or not, has always been that the state, in order to effectively restrict acts of violence and other disorder, must have the ultimate reservoir of power. Or, as one writer observed: "The function of the police power of the state is to maintain a threshold of force to deter and/or contain the ever-present margin of anti-social acts by individuals and groups."⁷ Assuming, *arguendo*, that such a contention is correct, a fundamental question immediately arises: Can an institution which has been imbued with a monopoly on mechanisms of coercion for the purpose of protecting the lives and property of its citizens from acts of victimization be prevented from becoming an instrument used by some people for the purpose of imposing their will upon others, in effect realizing Locke's fear that the state would become the *source* rather than the *remedy* for victimization?

If the political philosophers are correct in concluding that the nature of men is such that they will, given the opportunity, seek to take advantage of other men and to impose their will upon them, it is then not unreasonable to assume that these same men would seek to gain control of a monopolistic instrument of coercion such as the political state in order to effectuate such a design. Nor is it so incredible that such men would, in an effort to make the social environment more conducive to their own purposes and objectives, seek to redefine the terms and conditions of the "order" which the state is mandated to preserve. Given these human tendencies, it can be seen that there exists the possibility that men and women of differing political, economic and social persuasions will begin to modify the concept of "order" so as to embrace an ever-widening range of subject matter. The result of this process would be that "order" is no longer solely perceived in terms of the "hygienic" function of eliminating acts or threatened acts of aggression and violence, but instead is perceived as including the organization and structuring of human relationships in order to permit some men, through the use of state coercion, to make

7. Nieburg, *Violence, Law, and the Social Process*, 11 AM. BEHAVIORAL SCIENTIST, Mar.-Apr. 1968, at 17.

the behavior of other men more predictable for their objectives, and more conducive to their control. That such, in fact, has been the history of man's efforts with political processes cannot be denied by any realist. "Order," at least on the American scene, has come to mean more than simply eliminating crime in the streets: to the businessman it means a system of laws to restrict the competitive practices of one's competitors;⁸ to the educationalist it means the adoption of state-enforced standards of instruction applicable to all; to the "moral reformer" it means the banning of drugs, alcohol and pornographic books; to the labor union it means the elimination of lower-priced sources of labor through minimum wage laws; to the manufacturer it means the restriction of competitive foreign imports through tariffs and import quotas; to the environmentalist it means restriction of the development of natural resources; to the railroad or telephone company executive it means the assurance of restricted entry of would-be competitors and the comfort of knowing that existing competitors may not engage in effective price competition through reduced rates;⁹ to the farmer it means governmental maintenance of artificially high prices for farm products; to the doctor, lawyer, barber, dentist, funeral director, electrician and car dealer it means control over the trade practices of one's competitors through systems of licensing; and to the real estate developer it means the regulation through zoning laws of the use which other men may make of their property. In short, while the political state continues to be presented to the public as a system of order designed to *protect* them from acts of victimization, in truth it functions as a mechanism for the ordering, regulation and restriction of human conduct to the end of maintaining a "status quo" for the benefit of those who would stand most to lose whatever advantage they presently enjoy were men permitted a greater degree of flexibility and opportunity for change in their economic and social relationships. Such "order," enforced by the political state, is reminiscent of the "order" existing within a cartel, in which, in the words of one observer, "the goal is to restrain disturbing influences, to stabilize prices, and to assure those in the business the comfortable feeling that their position is secure."¹⁰

The "hygienic" function of the state in attempting to restrict acts of victimization can be contrasted, then, with this latter function of seeking to structure personal and institutional behavior so as to interfere with the normal processes of change which would accompany human interrelationships not subject to such restrictions. This shall be referred to as the "structuring" function of the state, having both the

8. See, e.g., G. DOMHOFF, *THE HIGHER CIRCLES: THE GOVERNING CLASS IN AMERICA* (1970); G. KOLKO, *THE TRIUMPH OF CONSERVATISM* (1963); J. WEINSTEIN, *THE CORPORATE IDEAL IN THE LIBERAL STATE, 1900-1918* (1968).

9. See, e.g., G. KOLKO, *RAILROADS AND REGULATION: 1877-1916* (1965).

10. H. FLEMING, *TEN THOUSAND COMMANDMENTS* 42 (1951).

purpose and effect of imposing restraints on the non-coercive activities and decisionmaking of individuals in order to prevent such individuals from acting contrary to the interests of those persons or groups which have been successful in obtaining the imposition of such restraints.

The "hygienic" function, being designed only to protect people against acts of victimization, *theoretically* precludes the condition in which the power of the state is used by some people to victimize others. The "structuring" function, on the other hand, is *designed* to allow some men to interfere with the peaceful activities of others. Its purpose is to permit the monopolistic power of the state to be used to control the activities and the environment of other men to the end that those successful in achieving such control may effectively limit the choices and decisions of other people.

C. *Conflict in the Relationship between the "Hygienic" and "Structuring" Functions*

Once the role of the state expands to include the "structuring" function, a conflict of purpose arises, and to the degree such a conflict is perceived by members of society, the seeds of potential discontent are sown. For if the state theoretically exists in order to protect people from acts of victimization and to provide a threshold of safety and security from interference for persons and their property such as will allow them to seek to maximize their well-being and happiness, it becomes difficult to justify the state becoming the *source* of negative restraints upon personal behavior, functioning as the very *limitation* upon individual free choice and action which it was designed to eliminate. The perception of such a dichotomy can lead to a feeling of frustration, a feeling which becomes heightened if the viewer is made aware not only that the "structuring" function interferes with the "hygienic" function, but also that the state is failing to adequately carry out the "hygienic" function—a realization brought home to people through continually rising crime rates, public disorders and riots. The continuation of such a sense of frustration can lead not only to acts of aggression, as shall be seen, but also to a weakening of the sanction which individuals are willing to grant to the state, upon which the ultimate power of the state must depend. If people sanction the state in order to realize protection from acts of victimization, and not only fail to receive such protection, but also find themselves subject to restrictions placed upon them by the state, it would be naive to suppose that the continuation of such a situation would not have adverse personal and social consequences.

The expectation of the public that the state will protect their lives and property is quite obviously that which motivates the proponents of most legislation seeking to restrict and structure some phase of human behavior to present such legislation in terms consistent with the public's expectation. A group of dairy producers, desirous of eliminating price competition from their industry, would never consider going

before the public or the legislature and arguing that they cannot match the efficiency of their lower-priced competitors and, therefore, that the consuming public should be forced to pay a higher price for milk through the institution of minimum milk prices. Such an appeal would constitute a blatant admission that the law was being used simply to victimize consumers and efficient producers. Instead, the appeal is presented in terms of "protecting" the consumer and the milk supply for small children since a higher price for milk will assure the continued existence of the less efficient dairies. To the degree people perceive that such legislation is for their benefit and protection, it is unlikely that any crisis of confidence in the state will be engendered. Perceived in those terms, people will simply conclude that such action is in proper fulfillment of the "hygienic" function of the state. Examples of efforts at "structuring" which have successfully been "sold" to the public in terms of satisfying the "hygienic" function are many—they include licensing procedures promoted as a means of protecting the public from incompetent practitioners of a trade or profession, when the real purpose is to restrict entry and control the practices of competitors; antitrust legislation which has been offered as a means of protecting consumers from monopolistic practices, when the true purpose has been to restrict competition; and tariffs which have been presented to the public as a device for protecting domestic employment.

The factors which stimulate the desire of some men to impose a system of "order" upon other men and institutions by restricting the opportunities for change and by controlling human conduct for the benefit of those seeking to impose such order are varied, and would constitute a worthwhile subject for deeper study. The critical factor, however, would appear to stem from a basic need which men have to make the world about them *predictable* and subject to influence by their purposeful action.¹¹ Man, being a reasoning animal, cannot rely on instinct to guide his behavior, but must perceive reality and consciously devise action which will effectuate a desired result. The more man's *perception* of reality conforms to reality, and the more competent he is at identifying cause and effect relationships, the greater degree of success he will have in realizing his intended goals. Quite obviously, then, the more predictable a man's environment is in terms of his being able to discern recurring patterns of behavior, the better able he should be to engage in efficacious activity. In order to maximize his well-being, a man must be able to predict, with reasonable certainty, the consequences of his actions, and this necessarily implies his being able to influence his environment. As one observer has noted:

11. As one writer has added, however, it is not every kind of predictability that men find desirable and conducive to social order: "To be regularly subject to the violence of others is not to be secure—quite the opposite." Berger, "*Law and Order*" and *Civil Disobedience*, 13 *INQUIRY* 254, 258 (1970).

Man is motivated to achieve outcomes which are consistent with his evaluative beliefs about himself, his evaluative beliefs about others, and the degree to which he believes that there is one set of values (whatever they may be) to guide behavior in this world.¹²

Or, in short: "Regularity is . . . a condition of personal security and the ability to plan our lives in fruitful ways."¹³

But perhaps the most significant part of man's environment is *other* men; most of man's activities are conducted in relation to other men. There thus exists the same need to have the actions of such other men be predictable as there is with respect to the predictability of man's physical environment. The need men have to be free of negative influences which restrict their ability to engage in predictable, efficacious action in order to maximize their well-being encompasses a need to have the behavior of others brought within parameters which do not interfere with the realization of such objectives. Such is the motivation underlying the "hygienic" function of the law; namely, to make the social environment as free as possible from victimizing behavior which would reduce the opportunities for productive and pleasurable activity. Men do have a need for predictable certainty that their relationships with other men will be free from acts of trespass, theft, assault, murder and other forms of violence, and that they can go about their day-to-day functions free from such disorder. The maintenance of "orderly" social relationships is, then, an adjunct of man's basic metaphysical need for an environment providing a "consistent outcome" for his actions.

If the ordering functions of the state were limited to the "hygienic" function, few objections would probably be raised (assuming the state was capable of performing that function). As has been seen, however, the state becomes the object of a power struggle among competing groups seeking to employ the force of the state against other groups in order to restrict the scope of the other groups' activity. This "structuring" effort is likewise motivated by a desire to make the socio-economic environment predictable and more subject to the influences of those groups which prevail in such a power struggle. The consequence of this method of imposing order is the creation of a conflict with the basic assumption underlying the existence of the political state; namely, the elimination of victimization. It is at this point that a "crisis of confidence" arises which, to the degree men perceive a discrepancy between the enunciated objectives of the state and the realized results, will, especially if the action of the state interferes with some important activity of such men, lead to a feeling of frustration which, consistent

12. Korman, *Organizational Achievement, Aggression and Creativity: Some Suggestions Toward an Integrated Theory*, 6 ORGANIZATIONAL BEHAVIOR & HUMAN PERFORMANCE 593, 595 (1971).

13. Berger, *supra* note 11, at 258.

with the "frustration-aggression" hypothesis, may result in some manifestation of aggression, including possibly violence.

II. A THEORY OF FRUSTRATION AND VIOLENCE

A. *The "Frustration-Aggression" Hypothesis*

The "frustration-aggression" hypothesis received its modern impetus from a classic study by Dollard, Doob, Miller, Mowrer and Sears,¹⁴ and has been reinforced by a significant amount of research by others. The essence of the hypothesis is that interference with the goal-directed activity of an individual (*i.e.*, frustration) "can produce an instigation to aggression,"¹⁵ or as Neal Miller stated: "Frustration produces instigations to a number of different types of response, one of which is an instigation to some form of aggression."¹⁶

Daniels and Gilula elaborated on this hypothesis as follows:

The frustration view states that aggressive behavior occurs after an interference with ongoing purposeful activity. (This theory often equates aggression with destructive or damaging violent behavior.) The primary effect of frustration is to raise the motivational state of the individual, with the destructive response itself being a learned behavior. A person feels frustrated when a violation of his hopes or expectations occurs, and he may then try to solve the problem by attacking the presumed source of frustration.¹⁷

Spiegel defined "aggression" in these terms:

Aggression is behavior involving the use of force or its symbolic equivalent to effect an outcome in line with the intentions, or goals, of the aggressor acting against the intentions or goals of an adversary. It usually, but not always, occurs in an agonistic situation characterized by a conflict of interests.¹⁸

The relationship of frustration to social disorder has been stated as follows:

According to the basic frustration-aggression hypothesis, instability results from unrelieved social frustration. One form of systematic frustration occurs when there are wide gaps between the needs, expectations or demands of the population and their achievement.¹⁹

14. J. DOLLARD, L. DOOB, N. MILLER, O. MOWRER & R. SEARS, *FRUSTRATION AND AGGRESSION* (1939).

15. L. BERKOWITZ, *AGGRESSION* 28 (1962).

16. Miller, *The Frustration-Aggression Hypothesis*, in *ROOTS OF AGGRESSION* 29, 30 (L. Berkowitz ed. 1969).

17. Daniels & Gilula, *Violence and the Struggle for Existence*, in *VIOLENCE AND THE STRUGGLE FOR EXISTENCE* 405, 410 (D. Daniels, M. Gilula & F. Ochberg eds. 1970).

18. Spiegel, *Toward a Theory of Collective Violence*, in *DYNAMICS OF VIOLENCE* 19, 21 (J. Fawcett ed. 1972).

19. Feierabend & Feierabend, *Conflict, Crisis and Collision: A Study of International*

It is important to note at this point that in assessing the frustration experienced by a given individual, one must compare the levels of "expectation" and "achievement" *not* by "absolute" or "objective" criteria, but rather in terms of the disparity felt by the individual himself. As Crawford and Naditch have stated, we must look to "the level of achievement or deprivation *relative* to some standard employed by the individual as a basis of comparison or self-evaluation,"²⁰ or as Jerome D. Frank summarized: "The amount of frustration depends less on the amount of deprivation than on the size of the gap between what a person has and what he expects or believes he is entitled to have."²¹

That frustration caused by differences between a person's expectations and achievements can lead to violent social behavior is well-documented in the literature. Gurr has observed, for example, that

the necessary precondition for violent civil conflict is relative deprivation, defined as actors' perception of discrepancy between their *value expectations* and their environment's apparent *value capabilities*. Value expectations are the goods and conditions of life to which people believe they are justifiably entitled. The referents of value capabilities are to be found largely in the social and physical environment: they are the conditions that determine people's perceived chances of getting or keeping the values they legitimately expect to attain.²²

Violence resulting from other sources of frustration is also noted in the literature. For example, as Frank has observed, the failure of the state to perform its "hygienic" function can lead to violence:

Group conflict arises when each group perceives its goal as achievable only at another's expense. Domestically, this type of conflict becomes violent when groups feel intolerably frustrated or threatened, and have lost faith in the institutions of society to satisfy their claims or to protect them.²³

Fred R. Berger is even more explicit in stating that where

certain segments or groups within the population are systematically exposed to these weaknesses in the ability of the legal system to provide or protect security, those subjected to such treatment come to feel "left out" of the social process, come to regard themselves as the "victims" of the social and

Stability, 1 *PSYCHOLOGY TODAY*, May 1968, at 28. See also Ilfield, *Environmental Theories of Violence*, in *VIOLENCE AND THE STRUGGLE FOR EXISTENCE* 79, 86 (D. Daniels, M. Gilula & F. Ochberg eds. 1970).

20. Crawford & Naditch, *Relative Deprivation, Powerlessness, and Militancy: The Psychology of Social Protest*, 33 *PSYCHIATRY* 208, 208 (1970).

21. Frank, *Psychological Aspects of International Violence*, in *DYNAMICS OF VIOLENCE* 33, 39 (J. Fawcett ed. 1972).

22. Gurr, *Psychological Factors in Civil Violence*, in *ANGER VIOLENCE AND POLITICS: THEORIES AND RESEARCH* 33, 37-38 (I. Feierabend, R. Feierabend & T. Gurr eds. 1972).

23. Frank, *supra* note 21, at 34.

political scheme, rather than full participants in it. In such circumstances, respect for law and the lives and property of those who *do* enjoy the benefits of the order the legal system provides may be considerably weakened. Such conditions tend to foster counter-violence and retaliatory disorder, either out of revenge, frustration, a desire to take one's "share" of the goods of society, or merely the need to assert one's manliness and no longer to "take it lying down." And that the legal system may very well foster and permit such conditions which lead to such widespread, relative disorder in a community can no longer be reasonably denied.²⁴

B. *Violence Resulting from "Powerlessness"*

But the failure of the state to perform its "hygienic" function is not the only way in which the actions of the state may lead to violence. The "structuring" function, by limiting, regulating or prohibiting various types of human conduct, creates in the mind of the person so affected a sense of "powerlessness," an inability to control or influence his immediate environment in order to make meaningful decisions relating to his basic life goals. This is perhaps the ultimate sense of frustration—the inability to achieve a sense of efficacy over one's own life, due, in large part, to the imposition of barriers and restrictions by the very institution which one was told would *eliminate* such negative influences. The relationship between powerlessness and violence has been pointed out by Rollo May: "Violence comes from powerlessness; . . . it is the explosion of impotence."²⁵ "As we make people powerless, we promote their violence rather than its control."²⁶ (May, of course, speaks of "power" in terms of the ability to make decisions, not in the sense of the use of force or coercion.)

The full impact of this condition of powerlessness was eloquently expressed by Grinker:

I believe that we are witnessing at all levels of our social network a conflict based on dualistic thinking, the polarities of which are personal or individual freedom as against social structures maintaining the functions of regulation and control. Each has moved speedily and quantitatively to become antagonistic and reactionary to the other. The greater the demand for freedom, the more repressive measures are set into action. The more restrictive controls to dampen freedoms, the more protest and violence as the final common pathway of many causes.²⁷

24. Berger, *supra* note 11, at 262-63. See also L. COSER, *CONTINUITIES IN THE STUDY OF SOCIAL CONFLICT* 97 (1967).

25. R. MAY, *POWER AND INNOCENCE* 53 (1972).

26. *Id.* at 23. See also Ransford, *Isolation, Powerlessness, and Violence: A Study of Attitudes and Participation in the Watts Riot*, 73 AM. J. SOCIOLOGY 581, 583 (1968).

27. Grinker, *What is the Cause of Violence*, in *DYNAMICS OF VIOLENCE* 64, 64 (J. Fawcett ed. 1972).

Rollo May added this thought:

To admit our own individual feelings of powerlessness—that we cannot influence many people; that we count for little; that the values to which our parents devoted their lives are to us insubstantial and worthless; that we feel ourselves to be “faceless others,” as W. H. Auden puts it, insignificant to other people and, therefore, not worth much to ourselves—this is, indeed, difficult to admit. I cannot recall a time during the last few decades when there was so *much* talk about the individual’s capacities and potentialities and so *little* actual confidence on the part of the individual about his power to make a difference psychologically or politically. The talk is at least partially a compensatory symptom for our disquieting awareness of our very loss of power.²⁸

In short, as Anthony Storr has summarized: “When our drive to master the environment, or take from it what we need, is obstructed, we become angry”²⁹

C. The “Displacement” Theory

A factor which appears to influence how an individual responds to a given frustrating experience is the degree of sanction he accords the frustrating agency. Reviewing the studies done in this area, Burnstein and Worchel concluded that “frustrations which are perceived to be reasonable or nonarbitrary are accepted with much less overt aggression than those which are perceived to be arbitrary or unreasonable.”³⁰ Gurr also noted that the learning and socialization processes can modify the tendencies both as to the perception of and response to frustrations.³¹ To the degree one sanctions, or at least reveres, the agency responsible for an interference with an expectation which results in frustration, there may develop a tendency for that individual to shift his aggressive response from the causal agency to a substitute target. This practice, known as “displacement,” has been described as the “shifting of an effect and its behavioral correlates from the original object to a substitute object, presumably one that is similar to the original object on certain perceptual or cognitive dimensions.”³²

The displacement theory has been used to explain the higher incidence of lynching during times of economic recession.³³ One can only wonder how much of the recent violence—some part of it directed by blacks against their own deteriorated neighborhoods, other parts

28. R. MAY, *supra* note 25, at 21.

29. A. STORR, HUMAN AGGRESSION 92 (1968). See also Ilfield, *Overview of the Causes and Prevention of Violence*, 20 ARCHIVES OF GENERAL PSYCHIATRY 675, 685 (1969).

30. Burnstein & Worchel, *Arbitrariness of Frustration and Its Consequences for Aggression in a Social Situation*, in ROOTS OF AGGRESSION 75, 75 (L. Berkowitz ed. 1969). See also Gurr, *supra* note 22, at 42.

31. Gurr, *supra* note 22, at 35.

32. H. KAUFMANN, AGGRESSION AND ALTRUISM 32 (1970).

33. See, e.g., H. CANTRIL, THE PSYCHOLOGY OF SOCIAL MOVEMENT 78-122 (1941).

of it directed against banks and businesses with large defense contracts—may be the product of displaced aggression against an amorphous, but highly structured, “social order” which is created, maintained and enforced by the political state for the purpose of restricting human activity and interfering with the processes of change, thereby frustrating the expectations of millions of people seeking greater fulfillment in their lives. It may well be that much of the violence experienced in recent years has grown out of frustrations developed through the imposition of “order” by a highly regulative political system, but that, in Kaufmann’s words, the frustrated individual

realizes that the original object would have been too dangerous an object of attack. Therefore, he now selects a new target which, even though a little less dangerous, is in some way “similar” to the original tormentor, and thereby still provides sufficient balm for the aggressor’s self-esteem, so that he can persuade himself that he is not an utter coward, and that he has behaved in a manly fashion.³⁴

III. FRUSTRATION AS A PRODUCT OF GOVERNMENT REGULATION

A. *Examples of Government Regulation that Produce Frustration*

1. *Social Reform Measures.*—Many programs have been offered to the public with the promise they will eliminate various causes of discontent and promote a greater degree of self-control and direction for all people. Yet the promised results are often not the real reason for the program. For example, minimum wage laws are suggested as a means of increasing the earning capacity of marginal workers, but the immediate effect of such laws is to increase the number of unemployed marginal workers because such laws increase the labor costs of employers.³⁵ Such legislation has been promoted *not* out of humanitarian impulses, but out of the desire of labor unions to eliminate lower-priced sources of labor and the desire of employers who are already paying higher wages to impose higher costs upon their competitors. Whether or not the supposed beneficiaries of such legislation recognize the causal relationship between these laws and increased unemployment, the overall effect is nevertheless detrimental to their

34. H. KAUFMANN, *supra* note 32, at 32.

35. See, e.g., Benewitz & Weintraub, *Employment Effects of a Local Minimum Wage*, 17 IND. & LAB. REL. REV. 276 (1964); Douty, *Some Effects of the \$1.00 Minimum Wage in the United States*, 27 ECONOMICA (NEW SERIES) 137 (1960); Peterson, *Employment Effects of State Minimum Wages for Women: Three Historical Cases Re-Examined*, 12 IND. & LAB. REL. REV. 406 (1959); Peterson, *Employment Effects of Minimum Wages, 1938-50*, 65 J. POL. ECON. 412 (1957).

interests by depriving them of an expected benefit. Likewise, urban renewal legislation has been fostered (at least in theory) as a means of eradicating slums and providing higher quality housing for lower income people. Yet the history of this program has been that blacks and other residents of slum areas have been forced out of their existing homes—thus disrupting their personal lives and removing them from familiar surroundings—while their residences were torn down to make way for new apartments, *not* for them, but for middle-income tenants. Whether or not slum residents are aware that such programs have been undertaken in order to benefit real estate investors and insurance companies,³⁶ or whether they even recognize the causal relationship between urban renewal programs and the failure to solve the problem of low-income housing, a sense of frustration must be expected from those who *expected* results which were not delivered.

Along the same lines, rent control laws have been enacted with an expressed purpose of providing low-income tenants with reduced rents. The effect of such laws has been to make it unprofitable for landlords to make needed improvements on such property, thus leading to the deterioration of such property, a consequence which can be expected to increase the frustration of tenants who anticipated improved living conditions. What, too, of the effects of the building codes, enacted at the behest of contractors and labor unions seeking to protect their positions, which prevent the reduction of construction costs by restricting the usage of modern, modular building techniques, and which thus interfere with efforts to supply lower-cost housing?

One can further imagine the frustration felt by young men and their families who have been subjected to the military draft, their lives disrupted and threatened with death or serious injury, especially since the stated purpose of the military establishment has been to *protect* its citizens, not send them off to foreign lands to be killed, and has been to promote peace rather than to find itself embroiled in the sort of continuous, pointless wars envisioned by Orwell in *1984*, wars which serve to promote the interests of the state, rather than of its citizens.³⁷

Then, too, people are told that their being subjected to the restrictions of economic planning has been to provide for greater economic stability, increased productivity and higher standards of living. What feelings of frustration must follow from the fact that such programs have not only failed to *prevent*, but may well have *caused*, such phenomena as recession, inflation, higher unemployment, scarcity of some goods and services and surpluses of others, balance of payments deficits and devaluation of the dollar, with proposed "cures" consisting of even tighter economic controls which further restrict and limit the choices people may make, thus interfering with their opportunity to

36. M. ANDERSON, *THE FEDERAL BULLDOZER* (1964). For the related topic of the effects of legal intervention into land use, see B. SIEGAN, *LAND USE WITHOUT ZONING* (1972).

37. R. BOURNE, *WAR AND THE INTELLECTUALS, 1915-1919* (1964).

control their own lives and maximize their own well-being.³⁸ One writer has suggested that this process not only *leads* to violence, but *is* violence:

The books are full of laws passed, not by the pressure of the voters, but by the pressure of wealthy businessmen, powerful labor unions, and influential politicians. This often results in social injustice, and such injustice is clearly a form of violence.³⁹

Freud, himself, recognized this same point in his declaration:

It is a general principle, then, that conflicts of interest between men are settled by the use of violence. . . . The justice of the community then becomes an expression of the unequal degrees of power obtaining within it; the laws are made by and for the ruling members and find little room for the rights of those in subjection.⁴⁰

Minority group members, for years the victims of discrimination in employment practices, are told that "fair employment practices" legislation will open up all sorts of job opportunities. Yet—some ten years later—the results have not measured up to the promises, and more and more persons are finding themselves being pigeon-holed into a highly structured "quota" system for hiring, under which people who had asked only for the opportunity to be considered for employment on their merit are once again finding themselves considered for employment on the basis of their racial, religious, sexual or ethnic profile. Is it suprising to find such people experiencing a profound sense of frustration under the circumstances?

In each of the areas just discussed, it is important to point out that the experienced frustration does not necessarily derive from people actually perceiving the relationship between the regulated activity and the failure of the program to achieve the desired result. It is enough that people have an expectation of a desired result, and that such result does not materialize. A slum tenant may not be aware that urban renewal programs or rent control laws have interfered with his acquiring better housing, but he does know that the promises made to him have not been fulfilled, and he will likely experience frustration as a consequence.

2. *Police Activities.*—A practice which must rank near the top in terms of the frustration of the expectations of people involves the failure of the police, in the exercise of the "hygienic" function, to realize what, as has been seen, is regarded by most people as the basic purpose of a formal political-legal structure: The protection of the person and property of individuals from acts of victimization by

38. M. ROTHBARD, *AMERICA'S GREAT DEPRESSION* (1963).

39. R.N. JOHNSON, *AGGRESSION IN MAN AND ANIMALS* 225 (1972).

40. Letter from Sigmund Freud to Albert Einstein, September 1932, in *THE DYNAMICS OF AGGRESSION* 13 (E. Megargee & J. Hokanson eds. 1970).

others. This purpose theoretically casts the police in the role of *protectors* of personal rights and safety, and yet in practice such has not always been the case. Not only has this system failed to halt rapidly advancing crime rates—a consequence which, by itself, could be expected to generate frustration from those who had endorsed and sanctioned such a system out of an expectation that crime would thus be minimized—but it also has become the source of additional frustration to persons, especially minority group members and other low-income people, who have found themselves the objects of fairly routine acts of victimization by the police themselves. While there may be a tendency by some persons to over-react and regard *any* action by a police officer as “police brutality,” a far more unrealistic reaction is naively to assume that the metropolitan police forces of this country are characteristically staffed by officers who view themselves as simply “public servants,” desirous only of promoting the “general welfare” of the community, while being ever-mindful of the basic rights of all men. The informed reader needs no recitation of the fairly systematic abuse of minorities by the police on the streets, or of suspects within the confines of the precinct station, or of sleeping families whose homes have been broken into by police officers during the course of an illegal search. Add to this the documented acts of violence initiated by the police during the course of demonstrations, the tendency of many police officers to be “gun-” or “night-stick-happy,” the Supreme Court’s recent decision extending the power of search incidental to traffic arrests,⁴¹ and the like, and one gets the picture of a system which, far from *protecting* those who come into contact with it, provides a *threat* to their safety. One can only wonder how much violence has been generated by the police themselves as a result of their oft-times arbitrary treatment of criminal suspects. To what extent, in other words, does submission to arbitrariness constitute an attack upon one’s own self-esteem, or pride, and thus encourage violence as a response? As one individual observed:

The right to resist unlawful arrest memorializes one of the principal elements in the heritage of the English revolution: the belief that the will to resist arbitrary authority in a reasonable way is valuable and ought not to be suppressed by the criminal law. In the face of obvious injustice, one ought not to be forced to submit and swallow one’s sense of justice.⁴²

One of the most pressing needs people have today is for protection *from* the police and, more importantly, from the structuring of the police system into a self-serving system which no longer makes a pretense of existing to serve and protect the interests of the commun-

41. *Gustafson v. Florida*, 414 U.S. 260 (1973).

42. Chevigny, *The Right to Resist an Unlawful Arrest*, 78 YALE L.J. 1128, 1137-38 (1969).

ity.⁴³ It may be argued that a strawman has been set up, and that such criticism of the police is overly abusive. But nothing here suggests that all police officers or all police departments are ill-motivated. What is being suggested, however, is that the police function in America has become a highly-structured system acting in pursuit of its own objectives, a system which not only has failed to *eliminate* the negative influences of victimization, but has become the *source* of such behavior, the net consequence of which has been to frustrate the expectations of persons subject to it.

3. *Economic Controls*.—It should not be assumed that racial minorities or low-income persons are the only ones subject to the experience of frustration as a result of the actions of government. While such persons may be the ones most in need of the benefits of change with which legal restrictions interfere, middle-income people are also subject to imposed restraints which interfere with economic processes of change (thus frustrating opportunities), and are further subject to the burden of an enormous income and property taxation system, which deprives such persons of a sizable portion of their earnings, channeling it into uses which they do not perceive as serving their objectives. That violence is essentially a product of lower-income areas is a myth which is being eroded by the realization of increased violence in white, middle-income, suburban America, and by the recognition that attitudes of frustration, "powerlessness" and despair transcend all social, economic and geographical lines. That such consequences may be the product of the frustrations flowing from systems of imposed order which do not serve the expectations of people is a possibility worthy of deeper examination.⁴⁴

B. "Autosystems"

As has been indicated, frustration may result when people perceive that the imposition of "structured" forms of order by a political-legal system is in conflict with the system's role of preventing acts of victimization.^{44a} This perceived sense of frustration is accentuated by a

43. S. PUTNEY, *THE CONQUEST OF SOCIETY* 30 (1972).

44. Such a question might, for example, explore the role which "displacement" has in accounting for different forms of aggressive behavior among middle-income and lower-income persons. It may be that middle-income people, on the whole, tend to revere the political-legal system more than do lower-income people (*i.e.*, they may identify their interests more clearly with it) and, thus, displace their aggression onto other objects, while lower-income people may have a greater tendency to attack the political-legal system more directly (*e.g.*, attacks upon police officers).

44a. We get confirmation of the proposition that political institutions are not meeting the expectations of people from studies, such as the one conducted at the University of Michigan's Center for Political Studies. This study documents a steady decline from 1958-1972 (for whites) and from 1964-1972 (for blacks) in public trust and confidence in government. A. Miller, T. Brown, and A. Raine, *Social Conflict and Political Estrangement, 1958-1972* (available through the Center for Political Studies, University of Michigan, Ann Arbor, Michigan). The question which needs to be faced is the one presented herein: what are the hidden personal and social costs associated with the practice of imposing political direction and control over the lives and property

factor which is associated with the operation of virtually all hierarchical structures; namely, a tendency to treat the inputs of persons subject to the organization as secondary to the interests of the organization itself. Whether an organization is political, religious, economic or social in nature, it develops an attitude early in its life that the perpetuation of the organization is to be regarded as the paramount operational consideration. The organization becomes its own *raison d'être*, and the persons for whose benefit the organization was initially formed suddenly become a means to the organization's ends. In the words of sociologist Snell Putney: "[T]he basic problem is that large systems over a period of time take on objectives of their own, distinct from the objectives of the men who created the systems in the first place."⁴⁵ Putney defines such a system as an "autosystem," which "is a social system which comes to pursue its own objectives by its own means and ceases to be under the effective control of men."⁴⁶ These autosystems, in order to guarantee their own continuation, "persuade their participants that there is no possible conflict of interest between man and system."⁴⁷

The process through which this attitude develops involves the same elements which cause men to want to make their environment subject to their influence in order to achieve a high degree of predictability favorable to their objectives. There is a sense of security and certainty in learning a particular pattern of behavior and in having that pattern remain constant. This is the great attraction of bureaucratic procedures: those within the system can simply respond to any decisionmaking situation with a reference to a known set of rules and an attempt to fit the *situation* to the *rules*. The eventual consequence, however, of this process is to insulate the system from the feedback of those persons subject to the system. Korman has reached the following conclusion regarding the tendency of men to desire "structured" organizations:

First, the high reliance by authority figures on programming and rule specification implies that the world is stable and unchanging enough to permit the utilization and reliance on general rules and programming. Second, the reliance on relatively permanent specialization of activities, as opposed to variation, encourages a belief system that general rules and routine are the order of things while variations, difference, and lack of rules as guides are not.⁴⁸

It might be appropriate at this point to consider the role played by one's metaphysical outlook toward other men as a factor in the incidence of "structuring" as a means of providing "order" within society.

of individuals? It is realistic to expect such institutions to continue frustrating personal expectations without a consequent increase in aggression?

45. S. PUTNEY, *supra* note 43, at 10.

46. *Id.*

47. *Id.* at 11.

48. Korman, *supra* note 12, at 601.

To what extent, in other words, is "structuring" a reflection of the view that men are, by nature, untrustworthy and must therefore be subjected to force—or the threat of force—as a means of maintaining any semblance of social harmony? There seems to be a slow deterioration of this attitude in a number of areas, most notably in education and industrial management.⁴⁹ With a weakening of the doctrine of "original sin," so to speak, men may someday generally recognize that there is no basic conflict between individual selfishness and social order, and that a world of self-directed, self-centered individuals does not necessarily imply either chaos or the collapse of social institutions.

Healthy organizations—such as those normally found in the market place—must not only *respond* to feedback, but, in order to enlarge upon their support, actively seek out such feedback in an effort to better plan its operations. (Product market surveys are an example of this effort.) The greater responsiveness of market organizations to feedback is not due to any greater sense of maturity on their part, but is dictated by the competitive nature of the market in which consumers are neither compelled to pay for the product of any given organization (as they are with tax-supported government organizations) nor prohibited from transferring their business from one organization to another. The fact that the business community has been responsible for fostering the antitrust laws in order to *restrict* such competitive conditions⁵⁰ is evidence of the desire of virtually all organizations to so structure their environments in order to interfere with the processes of change, thereby helping to maintain a status quo situation consistent with those patterns of behavior which the organization has found to be most conducive to the realization of its goals.

An organization which is responsive to feedback, then, will develop a flexibility designed to adapt its procedures to meet the new inputs of those subject to the organization. While the "structural" system (or, as Putney calls it, the "autosystem") seeks to make the situation conform to its operational procedures, the healthy organization will devise procedures to meet the situation. The forces favoring structuring, however, tend to gain prominence within any organization, and the healthy, responsive system soon becomes a structured one. As Putney declared:

Systems decay and become stupid through *ossification*; the process by which the decision-making centers of a system come to derive their decisions independently of the information inputs and feedback. The decisions become increasingly

49. See, e.g., McGregor, *Theory X: The Traditional View of Direction and Control*, in PEOPLE AND PRODUCTIVITY 190 (R. Sutermeister ed. 1963); McGregor, *Theory Y: The Integration of Individual and Organizational Goals*, in PEOPLE AND PRODUCTIVITY 198 (R. Sutermeister ed. 1963).

50. See, e.g., books cited in note 8 *supra*.

unrelated to what is happening within and without the system.⁵¹

And Putney further observed: "There seems to be no way of preventing ossification. It is a natural process in social systems."⁵²

If this process of structuring is inherent in all organizations, even those subject to competitive influences, it must be wondered what degree of structuring exists within political systems which do not depend for their existence upon satisfying people who are free to either accept or reject such systems. Since they enjoy a position which is founded upon a monopolistic use of force, and in which financial support is guaranteed through the taxation process while compliance with system objectives is assured by the absolute power to command, political systems not surprisingly become indifferent to the needs and desires of their subjects, and impose a bureaucratic structure which serves the *system*, but not necessarily the people under it. In short, as Putney noted: "[B]ureaucracies also tend to become autosystems. As such, they lose sight of the individual and attempt to force all cases into their standardized categories."⁵³

Under such conditions, is it surprising to find people experiencing a sense of frustration because of their inability to communicate their needs to the political system and to have that system respond to their expectations?⁵⁴ The failure of the public school system to accommodate the desires of a parent regarding the education of his child, the refusal of a local planning commission to permit a property owner to convert his real estate to a more profitable use, the inability of the police system to provide the individual with adequate protection of his person or his property and the inflexibility of political administrators and bureaucrats in responding to a particular person whose needs do not happen to fit within the procedural norms of a governmental agency all serve to demonstrate the frustration of one's objectives which are experienced at the hands of government. When men are told that such systems exist to serve and protect them, only to find that these systems have come to regard their *own* welfare as paramount, even when that means sacrificing the interests of the systems' theoretical beneficiaries, should feelings of frustration be so unexpected?

51. S. PUTNEY, *supra* note 43, at 37.

52. *Id.* at 41.

53. *Id.* at 113.

54. Ilfield states, for example:

Among the multitude of frustrations in America today, several seem to stand above the rest in current importance: those of the failure of many minority group individuals to achieve dignity and self-pride, and of poor communities to effectively communicate their grievances and attain control of their own destinies. Expectations have been increased but not fulfilled. For many of our people the conditions of poverty, discrimination, unemployment, and lack of skills, when combined with unfulfilled expectations for improvement, foster disillusionment and disappointment and tear away at self-esteem and dignity.

Ilfield, *supra* note 19, at 89.

C. *Non-Satisfaction of Needs*

The degree to which the state fails to respond to the needs of the people is demonstrated by its tendency to react to expressions of social discontent in much the same way most employers have attempted to deal with employee dissatisfaction: disburse more money. The faith which most organizations have in money as a cure-all for frustration shows how far out of touch such organizations are with the people they theoretically serve. More often than not, discontent within an organization stems from a failure of that organization to satisfy wants totally unrelated to monetary considerations.

The late Abraham Maslow, in a pioneering work in the area of human motivation,⁵⁵ discerned a hierarchical ordering of human needs, and concluded that the lowest level of needs will serve to motivate men until such needs have been satisfied, and that men will not proceed up the hierarchy to the higher order of needs until the lower needs have, in fact, been satisfied. He observed, further, that a need once satisfied no longer serves to motivate behavior (unless, of course, that need arises again at a later time). Maslow's hierarchy of needs, from the lowest to the highest level, is as follows:

(1) *physiological needs*—these are the basic biological needs associated with the maintenance of bodily functions and would include, among others, the need for nourishment, oxygen, water and constant body temperature. It should be fairly evident that an individual who has not satisfied these needs is unlikely to be concerned with any higher order of needs until they have been satisfied. Maslow also pointed out, however, that if all the higher order needs of a particular person are unsatisfied, he is likely to become dominated by these physiological needs (such as compulsive eating). Normally, though, the satisfaction of these basic biological needs will cause a new (and "higher") level of needs to emerge.

(2) *safety needs*—one who has resolved the need for his biological maintenance will find himself concerned with a need to make his environment as "safe" and "secure" as possible, and to hopefully eliminate any threats to his well-being. It is this need which undoubtedly leads individuals to seek the "predictability" discussed earlier in this article, and which accounts for efforts to structure the social environment by the imposition of legal restrictions upon the activities of other individuals. Maslow noted this need as arising in childhood, concluding that one "generally prefers a safe, orderly, predictable, organized world, which he can count on, and in which unexpected, unmanageable or other dangerous things do not happen"⁵⁶

As has been seen, this need for a predictably "safe and secure" environment is not, among most persons, confined to the elimination

55. Maslow, *A Theory of Human Motivation*, in *PEOPLE AND PRODUCTIVITY* 71 (R. Sutermeister ed. 1963).

56. *Id.* at 77.

of threats and violence, trespass or other injury to their person or property ("hygienic" function), but is extended to the "structuring" of the behavior of other persons and institutions in order to make their entire world as predictable as possible, even at the cost of restraining the freedom of action of others. This latter behavior is not unlike Maslow's description of the "compulsive-obsessive-neurotic" who will

try frantically to order and stabilize the world so that no unmanageable, unexpected or unfamiliar dangers will ever appear. They hedge themselves about with all sorts of ceremonials, rules and formulas so that every possible contingency may be provided for and so that no new contingencies may appear. They are much like the brain injured cases, . . . who manage to maintain their equilibrium by avoiding everything unfamiliar and strange and by ordering their restricted world in such a neat, disciplined, orderly fashion that everything in the world can be counted upon.⁵⁷

It is then, perhaps, the efforts of men to satisfy their needs for safety, security and predictability that cause some to want to place restraints upon the activities of others. The problem, of course, which arises from this is that such restraints interfere with the efforts of other men to seek the satisfaction of *their* needs and impose negative influences which deprive such other men of *their* need to make *their* environment predictable and conducive to *their* control and influence.

(3) *love needs*—the general satisfaction of the physiological and safety needs will result in the development of a need for love, or what Maslow has referred to as the "love and affection and belongingness needs." Such needs are fairly self-evident as to their content, and would include the seeking of affectionate relationships through group acceptance as well as individual sources of affection.

(4) *esteem needs*—it is a well-accepted conclusion nowadays that people have a fundamental need to have a good view of themselves, a need for "self-esteem." This need, Maslow noted, is next in the hierarchical structure, and its satisfaction is dependent not upon false praise, but "upon real capacity, achievement and respect from others."⁵⁸ Satisfaction of these self-esteem needs leads to a feeling of efficacy, an ability to effectively deal with reality both through accurate sensory perception and the identification of causal relationships which permit one to take predictable action. As Maslow has stated, such satisfaction "leads to feelings of self-confidence, worth, strength, capability and adequacy of being useful and necessary in the world. But thwarting of these needs produces feelings of inferiority, of weakness and of helplessness."⁵⁹

It may well be that self-esteem needs contribute, indirectly, to the

57. *Id.* at 78-79.

58. *Id.* at 79.

59. *Id.* at 80.

need some people have to impose order upon others. If it is correct to conclude that men have a need to make their world certain and predictable, that men's self-esteem needs are satisfied and reinforced by being able to function effectively in that world, and that the element of "predictability" enhances the opportunities for efficacious behavior, is it then not likely that men will have a strong motivation to so structure institutions and social relationships as to facilitate such predictability? After all, if other men are unrestricted in their decisionmaking and can act and modify their actions freely in response to the wishes of others, or to conditions in the marketplace; if, in other words, other men can function as completely self-directed individuals in pursuit of their own objectives, the ability to accurately predict the behavior of such other persons is lessened. Greater predictability can be realized by employing the law-making function to limit the autonomy of other persons.

(5) *self-actualization needs*—the highest order of needs, according to Maslow, is the need for "self-actualization," which he defined as the desire for self-fulfillment, namely, to the tendency for him to become actualized in what he is potentially. This tendency might be phrased as the desire to become more and more what one is, to become everything that one is capable of becoming.⁶⁰

This need, then, encompasses man's need for intellectual awareness, growth and creativity, and can involve virtually any area of human conduct, including, for example, literary or artistic creativity, business or professional competency and, in Maslow's terms, "the desire to be an ideal mother."⁶¹ That relatively little is known about self-actualizing people (because there are so few of them) or of the self-actualization process is readily acknowledged. Suffice it to say, however, that it involves the process of personal growth, of an individual seeking to maximize his potential, or, as Maslow stated: "What a man *can* be, he *must* be."⁶²

While it should be pointed out that Maslow regarded most behavior as consisting of an effort to satisfy more than one level of needs (e.g., sexual activity could satisfy physiological, love, and esteem needs), the escalation from lower to higher order needs is dependent upon the basic satisfaction of such lower needs, such that, for example, a man facing the threat of starvation is not likely to be motivated by a need for self-actualization while his hunger needs go unsatisfied. As Maslow declared:

[T]he most prepotent goal will monopolize consciousness and will tend of itself to organize the recruitment of the various capacities of the organism. The less prepotent needs are

60. *Id.*

61. *Id.*

62. *Id.*

minimized, even forgotten or denied. But when a need is fairly well satisfied, the next prepotent ("higher") need emerges, in turn to dominate the conscious life and to serve as the center of organization of behavior, since gratified needs are not active motivators.⁶³

How do Maslow's conclusions relate to the effects on individuals of interference with goal-directed activity? They would appear to be completely consistent with the frustration-aggression hypothesis:

Any thwarting or possibility of thwarting of these basic human goals, or danger to the defenses which protect them, or to the conditions upon which they rest, is considered to be a psychological threat. . . . It is such basic threats which bring about the general emergency reactions.⁶⁴

Superimposing the frustration-aggression hypothesis over Maslow's hierarchical structure of needs, one would appear warranted to conclude that men have a highly developed and ever-changing scale of needs, ranging from those which are purely physical to those which are purely intellectual, encompassing every conceivable area of human activity from romance to commercial enterprise, from artistic expression to the joining of social organizations, from athletic competition to gardening. These needs differ from one person to another and, within a given person, from one moment to the next. To the degree that individuals are free to engage in goal-directed activity in response to these needs, there is a greater likelihood of need satisfaction, leading to a greater sense of self-fulfillment and the opportunity to develop higher order needs. But to the degree such activity is interfered with, such as by the imposition of formal restrictions limiting the choices and the actions of the individual, the individual so affected will experience a frustration of his expectations, with the consequence being an increased likelihood of aggression or violence. While, as has been seen, men do have a need to make their world predictable, they also have a need to act in response to a wide range of ever-changing goals, a need to grow and to develop higher order goals, a need which presupposes a condition of change and the opportunity to act in response to such change. Implicit in the concept of "self-actualization" is the need for flexibility and self-directed activity. It is thus fairly obvious that if a given individual is interfered with and restrained, whether by acts of victimization from other individuals or by impositions of controls by formal systems of "order," he will experience frustration of his efforts to satisfy his needs.

Reconsidering Maslow's observation that "gratified needs are not active motivators," an additional point of significance to the subject matter of this article arises. Just as many employers have learned that

63. *Id.* at 89.

64. *Id.* at 90.

they cannot hope to motivate a man who is seeking to satisfy the third, fourth, or even fifth level of needs by offering an incentive (such as money) which is designed to satisfy the first or second level of need, so too must those seeking a solution to social problems—including violence—learn to dig through the veneer of stereotyped “solutions” to find out precisely what needs people do have, and how they are being hindered from satisfying those needs by a stifling form of imposed order. The common response of many is to assume that an increase in welfare payments to low-income people will relieve their sense of frustration by providing them with an increase in their means for value satisfaction.⁶⁵ This line of reasoning is reminiscent of the response of automobile manufacturers to employee demands during contract negotiations: offer them more money. There is a sizable body of opinion which holds that the strong demands—enforced by periodic strikes—of the auto workers are not so much a product of wage dissatisfaction (auto workers are quite highly paid) as they are a response to the employees’ felt sense of frustration at being locked into a highly structured work environment, characterized by the orderly, impersonal and predictable assembly line. While these employees, like anyone else, are always interested in more money, the real needs which they are seeking to satisfy are those related to attaining a sense of identity, having greater control and influence over their work environment, and realizing a greater sense of fulfillment from their work. Unable to realize these needs, they revert, as Maslow points out, to the expression of the lower order needs as a substitute.

If highly paid auto workers are seeking to break free of the frustrations of a highly structured assembly line, can we not also assume that lower-income people are also desirous of freeing themselves from the dehumanizing, over-regulative and over-bureaucratized legal structure which they perceive as interfering with their opportunities for self-fulfillment? If the classic response to such dissatisfaction—namely, increasing transfer payments to welfare recipients—does provide the solution, then why do we continue to find the greatest amount of violence and social dissatisfaction originating in areas where the inhabitants are the prime recipients of such payments? Might it not be that men are seeking something more than just an increased supply of money; is it not possible that they are seeking to free themselves from restrictions which limit their opportunities to make the changes necessary to improve their well-being? Is it not within the realm of possibility that such persons experience a deep sense of frustration not only at having their expectations thwarted by the system, but also at having the system so completely misread their needs as to assume that they can be “bribed” into more submissive conduct with a few dollars? In the words of one psychiatrist: “In correcting social conditions which

65. Gurr, *supra* note 22, at 45.

produce intolerable frustration it should be recognized that 'give-aways' and paternalism do little to enhance the recipient's dignity and self-esteem."⁶⁶

The conclusion that interference with efforts to realize one's potential (*i.e.*, the "self-actualization" process) leads to violence has been noted in the literature:

The self-actualization hypothesis suggests that some men effectively are prevented from using legitimate channels of self-expression. When this occurs, as it does frequently in the ghetto, violence may offer an alternative road to achievement.⁶⁷

Melges and Harris made the following observation on the subject:

If a person feels that he no longer has any control over what will happen to him—if he feels his own actions will have little effect—he may then feel at the mercy of others. . . . Since the person essentially feels unable to direct himself toward his own goals, he feels unduly influenced by the demands of the immediate environment, particularly the demands of other people. This feeling of being influenced may culminate in a persecutory delusion. But even with lesser degrees of distortion the feeling that one has little control over his own destiny may lead to attempts to restore oneself as an active agent. This may involve attacking those who appear to be influencing and controlling the individual.⁶⁸

An essential prerequisite to the process of seeking to maximize one's potential, or even the effort to make a less significant improvement in one's well-being, is, as has been seen, a condition of change—change resulting from free-functioning individuals modifying their behavior or acting in response to opportunities to gain desired benefits. The substance of both personal and societal development is change, and change necessarily implies the absence of restrictions or of efforts to maintain a status quo. Those who seek to preserve existing relationships by erecting a system of rules and other restrictions do more than simply protect their position; they interfere with the efforts of other men to improve their own relationships. The consequence of the erection of these barriers is not only to frustrate the dreams, hopes and expectations of those seeking the fulfillment of their own lives, thereby increasing the likelihood of aggression and violence, but also to break down the Anglo-American concept of "equal protection of the laws." Those who are successful in having the kind of order imposed which is satisfactory to themselves are thus able to realize the sort of world *they*

66. Ilfield, *supra* note 29, at 686.

67. Bittker, *The Choice of Collective Violence in Intergroup Conflict*, in VIOLENCE AND THE STRUGGLE FOR EXISTENCE 181, 181 (D. Daniels, M. Gilula & F. Ochberg eds. 1970).

68. Melges & Harris, *Anger and Attack*, in VIOLENCE AND THE STRUGGLE FOR EXISTENCE 97, 120 (D. Daniels, M. Gilula & F. Ochberg eds. 1970).

want, not only for themselves, but for others, while those whose expectations have been thus interfered with do not realize the kind of environment they want even for themselves. The "structuring" process, then, by its very nature results in a situation in which some men have, by law, put themselves and their objectives in a position superior to that of persons whose freedom of choice and action has thus been denied. Under such a system, to paraphrase Orwell, "all men are equal, but some men are more equal than others."

IV. CONCLUSION

A factor which seems to have hindered an objective examination of the relationship between a system of politically imposed order and the phenomenon of violence has been a broadly-based consensus among Americans that political structuring and "social engineering" are necessary to the functioning of a complex society. One may safely criticize any given political program, or challenge the competency of a given political leader to effectively carry out desired programs, but faith in the process of political intervention, direction and planning goes unchallenged in the minds of most people. The political ordering of society has become a basic tenet of American life, to the end envisioned by Herbert Spencer that "no form of co-operation, small or great, can be carried on without regulation, and an implied submission to the regulating agencies."⁶⁹ While there is a recognition that certain "excessive" political practices (e.g., police brutality and corruption of political leaders) may have dysfunctional effects upon the social structure, there is an unwillingness to consider that the very institution of imposing order upon people and, in the process, interfering with their personal objectives and the direction of their own lives may have the same consequences. As with any institution cloaked with reverence and awe, there is a reluctance to consider uncomfortable questions regarding its basic foundations. Those of intellectually honest persuasion might well choose to examine in greater depth the degree to which "order," imposed by the state, may have created a general milieu in which people perceive a frustration of their personal, economic and social expectations, a frustration which may lead to acts of violence and other forms of disorder. Such an examination must consider the nature of the political process, not from the viewpoint of a *polemicist*, but of a *realist*. One must be willing to hold in abeyance such doctrines as "social contract" and the "general will" long enough to see if man does, in fact, experience a felt sense of frustration and victimization as a result of the political ordering of his life even though, according to some philosophic precept, he is only being "forced to be free."

It has been the purpose of this article to draw a distinction

69. Spencer, *Laissez Faire*, in *GREAT POLITICAL THINKERS* 635, 652 (W. Ebenstein ed., 3d ed. 1965).

between the "hygienic" and "structuring" functions of political-legal systems, and to raise the question of the relationship between the activities of these systems (both as to the efforts to impose social order through the "structuring" process and the failure to fulfill the "hygienic" function) and the increased incidence of violence and other forms of disorder. The conventional examinations of causes of violence have tended to focus on such social factors as income disparity, living conditions and opportunities for employment and upward mobility. This article has not attempted to deny or affirm any of these possible explanations, but has offered for consideration—and, hopefully, further inquiry—the hypothesis that there may be something inherent in any form of imposed order which leads to a sense of frustration among persons whose expectations come into conflict with the expectations of the system and which, when such disparity is perceived by such persons, and when the alternatives to relieving the disparity fail, may lead such persons to take up violence in an attempt to eliminate such disparity. A formal system of legal and political order may, then, be a dysfunctional institution serving to contribute to the very phenomenon of violence which it is theoretically designed to control and eliminate.

It would not seem an exaggeration to say that "law" has become almost synonymous with "political power," and that, transposing Thrasymachus, law "means nothing but what is to the interest of the stronger party." With the elaborate growth of "law" into every conceivable sector of human activity, there is little pretense expressed anymore that law is designed only to serve the "hygienic" function, or that the parameters of its dictates are governed by anything more than the basic consideration which influences any power structure: "how much interference will be sanctioned by the victims thereof?"

This article has hopefully served to focus attention on a possible explanation for a source of violent behavior which has been all but ignored. Time has not permitted exploring a tangential question here, one raised by Robert Ardrey and Konrad Lorenz;⁷⁰ namely, the relationship between the violation of territorial boundaries and the occurrence of aggression. The extent to which legal interference, by the state, with the use, enjoyment and decisionmaking over one's property has contributed to personal frustration is a question which, alone, justifies a separate examination. If, after all, people experience frustration from having their personal activities subjected to restraints which interfere with their goals, it could hardly be doubted that this same sense of frustration would extend to interference with the use of their own property.

Neither has this article inquired into alternatives to systems of imposed order, but such would merit further exploration. It would appear justifiable to conclude that men have a need to strengthen and

70. R. ARDREY, *THE TERRITORIAL IMPERATIVE* (1966); K. LORENZ, *ON AGGRESSION* (1966).

encourage the natural and informal system of order as found in the operations of such voluntary systems as the marketplace and various social institutions. Attention should ultimately be focused, perhaps, on the relationship between the value systems and psychological maturity of individuals and the degree of order experienced as a consequence of such factors. Insight into the foundations for true social order might well be found in the works of such men as Abraham Maslow and in the realization that the conditions for the process of "self-actualization" require flexible social institutions which are responsive to the individual needs of their members. As a consequence, the conclusion might be drawn that the basis for any true system of social "order" comes from *within* individuals—and is not imposed from without—and that such order is promoted by an environment in which people are encouraged to be responsible for their choices and actions. That such conditions are inconsistent with the maintenance of regulative and oppressive practices by political-legal systems which seek to *re-strict* rather than *encourage* the processes of growth and change implicit in "self-actualization" is evident upon examination.

The reader may, perhaps, have a tendency to assume a polarization here between the alternatives of "imposed order" and "disorder," and to assume that the choice is between living in a society characterized by chaos, violence and insecurity, or living under a "structured" system which, while perhaps not perfect, constitutes a more desirable alternative. If such were the only available choices, the system of "imposed order" might well be preferred. But like many questions this, too, is not susceptible of such limitations of choice, and such a polarization may only be a reflection of the reader's assumptions regarding the nature of man. For purposes of this discussion, it is not necessary to again polarize the issues in terms of whether men are, by their nature, "inherently good" or "inherently bad." It is sufficient to observe only that men are, by nature, disposed to act in pursuit of goals which they have set for themselves, that they will voluntarily organize themselves in order to realize those goals, and that all men disapprove of their own victimization and thus seek means of preventing it. The problem, then, is not one of choosing either "imposed order" or "disorder," but of recognizing that a system of "imposed order" *fosters* "disorder," and of seeking methods of social organization which can, in fact, *promote* the degree of social order which most people desire in order to facilitate the goal-directed activity of each person. In the words of Rollo May:

In its best sense and by itself, order ought to mean the forms and conventions by which we live and work together; order ideally is freedom from disturbing interruptions of peace, physical safety which in turn gives the psychological security for the pursuit of intellectual, emotional, and spiritual aims.

But when coupled with law, it implies a rigid clinging to old forms of acting, a prevention of the very changes made necessary by our transitional age.⁷¹

71. R. MAY, *supra* note 25, at 59.