

# Human Nature and the New Europe

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edited by

Michael T. McGuire

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Michael T. McGuire

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## FOREWORD

There remains a sense of danger dating back to Darwin and Wallace in the cross-disciplinary appropriation of concepts between genetics and culture. If anything, social scientists, such as those who convened in the serene climate of early autumnal St. Moritz, are concerned to distance themselves from the ever-present pitfalls of analogies. There is even a reticence to meditate upon them in the manner of Charles Lumsden and Edward Wilson, both eminent men, but sociobiologists who inspired their peers with less altruism than a love to hate them (Lumsden & Wilson, 1981). Nobody of stature today treads without great fear of biological observation misused in order to draw facile lessons for human behavior. Margaret Gruter, founder and energetic guiding spirit of this and previous gatherings elsewhere, presided over a sociobiologically correct group.

It was the member of the conference from Poland, Waldemar Kuczynski, who reminded us, in the French with which he felt more comfortable, that the most probable solutions are the least expected ones. That life should intrude on a symposium devoted to the interaction of biology and law in the context of today's Europe could not have been unexpected. Yet the manner in which it occurred in late August 1991, at the Gruter Institute's high alpine gathering, was surprising and related to what had a few hours earlier become the failed coup in the Soviet Union. Yevgeni V. Savostyannov and Bronislaw N. Dvorsky arrived just in time for the opening dinner, carrying a plastic bag of metal badges of the freedom faction. Yevgeni informed us that he had been the person selected by Yeltsin himself to enter Communist party headquarters and proclaim the end of its 87-year domination of Russia. Someone immediately reminded us of de Tocqueville's prediction that dictatorships cannot survive an inability to fire into crowds. Within the disciplines of prepared papers brought to the discussion on timeless but not event-related issues, the implosion of tyranny in the Soviet Union brought a very particular glow to the proceedings.

The common element in appeals from Yevgeni Savostyannov (who has since been appointed head of the Moscow K.G.B.) and the participants from Poland, Czechoslovakia, and Hungary was the need for Western help. The latter two are professorial academics, but Nikolaj Ordnung has a consulting business and István Rév has links with that most brilliant of the Hungarian diaspora's capitalists, George Soros. The sympathy with which the appeal for help was met did not prevent a level-headed group of behavioral specialists from wondering about the danger of exporting some of the West's own very special failures. Lionel Tiger, professor of anthropology at Rutgers, mentioned the consideration which had been given to a request for help from

the U.S. on running a banking system. In an obviously less urgent, but no less eloquent, appeal for European unity, representing the currently best-intentioned thinking in Germany, Jürgen Kühn, Director General for European Politics in Germany's Economics Ministry, referred to a hierarchial form of social organization which evolved historically within Catholicism and is called subsidiarity. In essence, it means that you must not organize from the top down what can best occur at lower levels. Professor Heiner Flor's comment that some seagull flocks observe this order was a good example of the extension to ethological observations by a contemporary political scientist. Such references were, however, rarer than one might have thought and not simply because of the general pitfalls of sociobiological comparisons. Both Professor Robert Frank, the Cornell economist, and Professor Paul Bohannon, anthropologist at the University of Southern California, lucidly explained that facts in nature should not be taken as more than just facts. They should never be a basis for the justification of norms in human behavior. Evolutionary processes can never cause harm by virtue of being understood, but they do not necessarily lead to optimal solutions in the organization of human society. Infanticide and the killing of conspecifics, for instance, are not common in the mammalian world and when they do occur, the interest in observation and analysis can be enlightening, but if ever there was a command it is that this not be a source of inspiration (Itani, 1983). Indeed, much of the conceptualizing about free and good thinking turned around when István Rév reminded us that in social organizations as in much else, there is one command about blind obedience which must be taken seriously: "do not obey." There was more genuinely happy excitement at the thought of the dissolution of certain aspects of the political structures in Eastern Europe than worries about the possible emergence of a pre-1914 type of situation. "Creative disintegration," a term that was used in a 1978 book on industrial society which Paul Bohannon enlarged upon for us in his paper, could lead to a less hierarchial order which goes under the charming acronym SPIN, standing for "Segmented, Polycephalous, Idea-based Network."

Yet there is an ardent desire in all those who spend time thinking and observing animals and social behavior to be able to judge matters such as whether a market economy is closer to human nature than a planned one. It is only the discipline of the thinking mind which forces acceptance of the absence of sure guides. Adam Smith's invisible hand, as even the disciples of Hayek concede, contains some implicit but no less evident guidelines of a legal and normative behavior. Competition and division of labor do not imply anarchy and slavery; they are merely forms of organization which have worked. It was a Russian professor of economics who recently remarked that nowhere in Eastern Europe was there a survival of Marxist thought to the degree that he had observed in some surviving bastions of the West. In the sense that Paul Bohannon defined when he said there is more ideology in the West today than elsewhere. This is manifest in an unwillingness to

investigate the premises. Religion and free enterprise have served us well, its opposites seem to have failed as forces of social organization; therefore why, unless you are a painstaking thinker such as attends conferences like ours, "fix it when it ain't broke?" Lionel Tiger redressed the balance here.

There may be a Christian, libertarian ideology in the West. It may have associations with aspects of witchcraft, but unlike the belief in the latter within organized tribes, the West's ideologies are challengeable. They tolerate being put to the question. Marxism, on the other hand, had been an unchallenged environmental theory par excellence during its period of local hegemony.

From the point of view of those entrusted with tasks relating to lawmaking, the key question in this context was expressed by Law Professor Robert D. Cooter of the University of California, Berkeley, in the central depths of his paper. "Where does good law come from?" What traditionally we have come to consider a search for justice, in the light of wisdom and experience, has found itself slanted differently after the developments of thinking in the social sciences during the past hundred or so years. The first of the hard choices which hard thinking has brought out is the occasional need for choice between fairness and efficiency. Economic analysis has used games theory to consider efficiency in its own sphere. The requirements for a maximum of information on past moves, the possibility of large numbers of repetition, and in a piece of jargon "low discount rates for futurity," help us to see the need for equity in ways that may not be new to the enlightened practitioners and have never been new to the gifted intuitionists, but are essentially the method of our age. It is not difficult to recognize the cradle of common law which a sentence such as Robert Cooter's comes from, "...the social norms that judges enforce tend to be efficient, whether or not they have this conscious goal..." However, the pressures towards efficiency have not always prevailed against counter-pressures that also exist in common law.

One of the beauties of being helped along to look at things the way our professors did was that they had a tolerant and illuminating answer to some of the basic questions. There is no such thing as a real Europe, so what is so sound about not only pretending there is one, but actively going into an unreal situation? A blindfolded and tin-eared participant might have recognized a British inflection here. There was a polarization between the scepticism of Professor Charles A.E. Goodhart of the London School of Economics, who actively participated in discussions without presenting a paper of his own, and the similarly informal but just as inspiring faith of Dr. Jürgen Kühn. Charles Goodhart in essence said on this score, give us good finances and we shall give you good politics. In the middle one could hear the analytical observations of Professor Roger D. Masters, political scientist at Dartmouth, reminding one of the virtues of fictive kinship. The dilemma of the advantages of one language and the dangers of thinning out the verbal richness of a polyglot region were easier to mull over after Columbia Law

Professor George Fletcher's paper, although neither he nor anyone else could reach much more than minimaxes. It was another example of the wide berth given to what some have so unjustifiably termed pop sociobiology. Stephen Jay Gould, not part of the symposium but no less respectfully lodged in many participants' awareness, has defined that flaw as the exportation "to the analysis of human behavior the strictest form of Darwinian orthodoxy" (Gould, 1988).

Gordon Getty's rigorous paper, which was broadly on the subject of the direction genes have not only taken, but predictably will continue to take, was also the strictest in its adherence to the Darwinian doubt on the validity of notions about any preprogrammed good of the species or harmony of ecosystems in genes. His was also the austerest of the languages, and those who skip its mathematics because they must, rather than by choice, should at least be grateful that reductive expression has been eschewed by a few others in the interests of lay readership.

Alfonso Troisi, the conference's Roman professor of psychiatry, applied some of the points implicit in Gordon Getty's paper about kin selection to a context of a society's broadening it, as he notes, in an evolving Europe. As an extension of individual selection, kin selection theorizes that some patterns of cooperative behavior seem based on an absence of distinction of gene copies produced by rearing one's offspring or those of beloved nieces or nephews if one is celibate, avuncular, and the like.

Had the aborted Russian coup not occurred just before the conference, its natural center of gravity would have been Germany. The striving for perfection which is a greater part of its cultural baggage than is the case in many other places is relevant in this context as a prime striver for European unity. In the official, confirmatory light of Dr. Kühn's moving rendering of the current official position, Law Professor Michael Lehmann's homage to Hayek and his references to competition as a discovery process must give hope to those who fear a possible bias toward central planning in a federated or otherwise unified Europe. The exploration of interdisciplinary cooperation between biology, economics, and law was also explicit in the presentation and subsequent comments of Düsseldorf University's Professor Heiner Flohr and the many enlightening remarks on legal realities by Munich's Professor Wolfgang Fikentscher.

The biological link to the problem of economic growth was analyzed by UCLA's Professor Michael McGuire in terms ranging far beyond his primary psychiatric discipline as it related precisely to these concerns of how a future Europe might develop. The balancing act between the need for organization implicit in restructuring and the need for freedom involves balance between the pluses and minuses at each of these poles. As appropriate for a professor of economics who has written a book called *Choosing the Right Pond*, Cornell's Robert Frank said that both the failed communist and the surviving capitalist systems were deluded by seeing the issue in terms of

protection against unregulated, exploitive power (Frank, 1985). He saw it more as a wasteful competitive race, at first armaments-dominated and now positional in more general consumption terms, which one might call consumerist. The incentive problem is therefore central, and an appropriate taxation philosophy can help achieve desired results at optimized cost.

Useful questions came from others who did not present papers, such as Upjohn's Harold Chapple and Damon de Laszlo. Perhaps the most all-embracing question was the rhetorical one which Lionel Tiger couched in games practice rather than theory: what is the score between Marxism and Darwinism at half-time? In his view Marx has won, paradoxically, because even Western governments have to date paid more attention to the creation of wealth than to the dynamics of population. For changes in the second-half ahead, read on.

*Gilbert de Botton*

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## PREFACE

The principal function of the Gruter Institute for Law and Behavioral Research is to develop and refine frameworks for understanding the ways in which human behavior, law, and economics interrelate. This book presents the edited proceedings of an Institute conference held in St. Moritz, Switzerland, during the Fall of 1991.

Europe is committed to change. It is changing. And, it will continue to change in ways that are as yet unforeseen. Currently, the fighting in the Balkans remains unchecked; monetary stability and the degree to which countries are willing to relinquish historical views of nationality and ethnicity are key issues in the developing EEC; and, the plans that will guide European development and relationships over the next decade are still on the drawing board. On any given day, economic, legal, historical, ethnic, territorial, human rights, or religious considerations may serve as the focus of attention. A frequently forgotten element in these daily events is human nature, that is, those characteristic features of human behavior, thought, and feeling which both facilitate and constrain change. People learn one language, set of values, style of living, and attitudes towards others, and they are often loath to relinquish them. These are the constraints. At other times, major differences separating often hostile groups seem to evaporate and groups join together to achieve common purposes. Laws are critical in facilitating some of these changes. Economic conditions are equally critical for other changes. Underlying and connecting both legal and economic issues are our capacities and desires to change and preserve, as well as our sensitivity to differing external and historical conditions. In short, an understanding of the future of Europe, optimal planning for its change, and optimal execution of the blueprints of change presupposes a close and detailed knowledge of the basic features of the species that is simultaneously undertaking and opposing change. *Human Nature and the New Europe* is about these basic features and how they interweave with economics and law.

This book is the most recent example of the Institute's efforts to identify and disseminate information about human behavior and its crucial importance in our understanding of events that impact each of us. The generous financial support of Gilbert de Botton and Gordon Getty made the conference possible, and their ideas and intellectual input significantly enriched the discussions. My special thanks to the editor and the authors of this book for their efforts in conducting the conference, in writing and editing

the chapters, and for their inspiration in developing a conceptual framework which promises to significantly improve our understanding of the events currently occurring in Europe and those yet to come.

*Margaret Gruter*

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## INTRODUCTION:

### HUMAN NATURE AND THE NEW EUROPE

Michael T. McGuire

Europe is changing at an unprecedented rate. Once familiar political, economic, and legal systems, in some instances transformed beyond recognition, struggle to liberate themselves from their pasts and to position themselves for the future. Daily, yesterday's events are given new interpretations while prospects for tomorrow are revised. These changes, and the pivotal role of human nature in explaining them, are the subjects of this book.

Our understanding of what leads to the changes about us is far from complete, just as the unfolding of economic and political events in the future is far from predictable. Witness, for example, the changes in the "two" Germanys and the Soviet Union over the past five years, or the rush of many Eastern European countries to establish market economies. Literally, none of these events was predicted. That they were not, raises a host of questions. What was it about our analyses and understanding of such events that misguided us? What ideas, economic, political, legal, or other will best guide those who attempt to shape Europe for the 21st Century?

Five years ago the politico-economic scenario for Europe in the year 2010 focused primarily on the European Community and the changes a "United States of Europe" would bring both to member countries and the economies of other nations. Most experts would have agreed that relationships between the European Community, Eastern Europe, and the USSR would remain strained with continuing tensions over such issues as human rights, migration, and trade to be expected. Times have changed, and so has the scenario. Today it runs something like the following: by the year 2010, the current European Community (EC) will increase its present membership from 12 to 15-18 members. The recently concluded agreement between the EC and the European Free Trade Area (EFTA) which consists of Iceland, Norway, Sweden, Finland, Switzerland, Liechtenstein, and Austria, and which together with the EC constitutes the European Economic Area, will lead to a high degree of economic interdependence among members (Kuehn, 1991). Soviet Republics, and perhaps some of their Eastern European neighbors, will develop politico-economic alliances. Tying these political-economic-ethnic-

cultural units together will be meta-alliances, consisting of trade arrangements, arms limitation agreements, and legal treaties and codes. And, throughout much of Europe, old and new battles, sparked by religious, ethnic, national, and cultural differences, will conflict with attempts to achieve political unity and economic parity.

We know that today's scenario is likely to be incorrect. Why? There are many reasons of course, but prominent among them are the models we use for understanding and forecasting. As a rule, these models overlook important features of human nature, such as the intensity of religious beliefs, language preferences, ethnic identifications, desires for traditional lifestyles, skepticism about authority, and ideological strength. Each of these features can, and often does, influence how we live, think, and relate. Opening the borders of Europe to migrant workers illustrates the point. On initial reading, unrestricted migration would seem to provide a means to partially equalize cross-national differences in economic development, resource availability, and employment opportunities. Given a closer look, migration is likely to invite a host of problems, including conflicts stemming from ethnic, religious, and language differences; disputes over worker's rights, social security, welfare, and the applicability of local laws to people with different customs; and, undesirable economic consequences affecting both host and source countries. To the degree that the next decades of European history are punctuated by shifting pools of labor, and such shifts seem probable, it is not improbable that much of Europe will become a tinderbox of economic, political, and legal strife.

At this moment strife is most obvious in Yugoslavia. The countries of the European Community are not exempt, however. Nor, are they any longer immune to events thousands of miles away. The terms "Eastern" and "Western" Europe no longer have their former meanings as half-century-old geographical, ideological, and economic practices disappear. It is difficult to think economically and politically about one part of Europe without considering other parts, as well as Asia, the Near East, Africa, and the Americas. Europe has changed since 1987.

Perhaps at no time in this century have so many conflicting feelings and beliefs, preference differences, and resentments been more apparent than they are today. A sampling runs as follows: over 50% of the population of Europe believes that parts of neighboring countries belong to their homeland; that there should be tighter regulations on those entering their country; that men and women are treated unequally; that government is wasteful and inefficient; that other countries have superior living standards; that politics are boring; and, that books with dangerous ideas should be banned from libraries.<sup>1</sup> Understandably, as economic growth has slowed, concerns about unemployment top the list of people's worries, followed by fears of economic and political instability, declining living standards, lack of environmental quality, and crime. The usual vocabulary and models for discussing such

issues, as well as guiding what actions to take, are those of politics and economics. New vocabularies and new models are essential, however. Until they are developed, events in Europe and elsewhere will be imprecisely understood and well-intended decisions misguided.

Border disputes and migration are not necessarily the most important issues facing Europe. Century-old ethnic and religious differences in Eastern Europe, until recently suppressed by imperial communism, have resurfaced. Many of these differences seem inevitable not only for reasons of history, but also because of their pivotal importance to individual and group identities. Within limits, such differences may be desirable. For example, much interest in other countries, and thus tourism, is based on cross-national ethnic, religious, and behavioral differences. When limits are exceeded, differences are likely to impede efforts to achieve economic efficiency and parity, political stability, and the like. A related point concerns economic inequities. Inequities are probably more tolerable if there is cultural diversity, primarily because there are cultural alternatives to economic success. To the degree that the new Europe is a Europe of declining diversity, inequities will become more apparent, ethical differences will resurface, and conflicts over resources will increase. There is also the issue of language. Will there be, or should there be, a common language for all of Europe, or only for commerce (the case for large parts of Asia)?

Banking systems pose yet another issue. Specific economic options are associated with different systems (e.g., German, Japanese, American). The choice of taxation systems likewise affects economic options and sets constraints. Law and legal systems face still other problems. The same law may have very different meanings in different countries, largely because behavior and events are understood, valued, and explained differently.

In addition, there is a myriad of political issues. Leadership within the European Community is one. Unilateral versus group determination of foreign policy is another. Should Europe (or the many Europes) attempt to position itself to counter United States and Asian influences in international politics and commerce? Schools and education also enter the picture. Should there be a common curriculum within the EC? Should educational policies be determined locally, at a national level, or at the multi-national level? The list continues with no end in sight.

The principal theme of this book is that our unimpressive record of understanding and forecasting political, social, and economic events is largely a consequence of the failure to incorporate human nature into our thinking. We need to revise our theories about the workings of economies, political systems, legal systems, ethnic groups, and religious groups. To do so, we need to pay close attention to fundamental features of our behavior. Where is this information best acquired? One answer is modern biology.

A quick review of some features of the last 40 years of biology may be helpful. Since the 1950's, there have been major advances in literally all

areas of biology, ranging from detailed findings at the molecular level to the causes of behavior. It is the causes of behavior that are of the most immediate interest. Four decades of intense study of human behavior have established two empirical truths: humans, like other species, enter the world with many *predisposed* behaviors; and, these predispositions are the consequences of genetic information. Familiar examples include: mother-infant bonding; stranger anxiety among infants; acting in one's self-interest; deceiving others to achieve goals; self-deception; preferential investment of time and resources in kin; sibling rivalry; development and maintenance of non-kin social-support networks; risk-taking behavior among adolescent males; male migration during early adulthood; female and male sexual jealousy; differences in male and female investment in offspring; xenophobia and in-group and out-group behavior; hierarchy development and perpetuation; and, competition over resources. The list of behaviors is long and impressive and it comprises the scaffolding on which individual and group similarities and variation build. Because *Homo sapiens* is flexible and adaptive, and because environments differ, gene-environment interactions also differ, one result of which is that predisposed behaviors occur with different frequencies and intensities. Yet, such predisposed behaviors do not disappear. Mothers and infants bond in different ways in different social and physical environments, but they bond nonetheless, and in literally all environments such bonds are broken at great emotional costs to both parties. Deception expresses itself differently among individuals and across cultures, yet it is ever present, and persons who excessively deceive are socially ostracized. What resources people value also differ. Yet, disputes over resources continue unabated, and individuals compete for upward, rather than downward mobility in social and resource-rich hierarchies. Similar disputes are present between in-groups and out-groups, particularly at the ethnic level. Xenophobia is as much a part of our makeup as laughter and anger. Such behaviors are the "givens" of our nature, ever present and ever influential. Each may be modified. Yet, there are limits.

Even culture is not exempt. Culture -- so long viewed as a counterpoint to biology -- is now more understandable when we consider the details of our strong predispositions to engage in kin investment, to acquire resources, to establish and defend personal and group territories, to develop ideologies, to associate with people like ourselves and to avoid others, to punish deviant behavior, and to discriminate in our reproductive efforts. Different cultures reflect ways in which different groups have arranged and organized the basic behavioral features of our species. Political, economic, and legal explanations and decisions which disregard these points invite their own irrelevance.

A more specific example may be instructive. The topic of environmental preservation and improvement is chosen because citizens, educators, lawyers, economists, politicians, and businessmen are involved in attempts to solve



problems which, for their optimal solutions, require an appreciation of the biology of behavior.

Environmental preservation and improvement is costly. It requires changes in the habits of individuals, manufacturers, farmers, and so forth. What is involved is far more than simply cleaning up existing messes. Rather, means of production, types of competition, as well as, individual consumption and goals need to change. Politically, decisions favoring the environment are often opposed, particularly if they result in undesirable consequences such as constraints on certain types of consumption, increased unemployment, and/or increased economic costs. On the other hand, political decisions which disregard environmental issues invite cynicism about governmental practices and motives. Legal approaches are constrained by the fact that acts by individuals or small groups can have a profound influence in the public domain. Punishment for such abuses may be forthcoming, but the damages are seldom rectified.

There are clear biological reasons why environmental improvement efforts so often meet with opposition. One is that primates, including *Homo sapiens*, have evolved primarily as short-range goal achievers. Investment of time and energy in one's kin and friends, acquiring resources, and winning competitions are the goals that most often preoccupy us. Solutions to many environmental problems require that we engage in behavior that has long-range implications; that is, behaviors where costs are incurred well in advance of gaining benefits. A second reason is that primates are not predisposed to preserve or improve their environments although, interestingly, they will defend them. When damage passes beyond a certain point, new and unexploited environments are sought out. Until recently, such behavior had few consequences. Our physical environment replenished itself about as rapidly as it was degraded. The strategy of exploit-and-move-on is no longer workable in the present day, over-populated, and highly polluted world.

Such issues come to a head in the area of privatization of land. In effect, what responsibilities go with the use of the property one owns? Legal and political positions which severely restrict land use have economic consequences. Conversely, if use is unrestricted, there are health, long-term economic, quality of living, and aesthetic consequences. These alternatives are central to the revitalization of Eastern Europe and the Soviet Republics as countries move towards private ownership of land where the environment has been exploited and abused for well over a century. It seems likely that these countries will need to further exploit their natural resources and increase production if they are to achieve workable market economies. Yet, if they do so without rigorous constraints and vigorous efforts at environmental repair, serious long-term consequences are inevitable.

The magnitude, uniqueness, and the urgency of the environmental problems which the world faces, the high cost of changing exploitative habits and abusive production practices, the competitive nature of humans, plus the