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THE ROLE OF GOVERNMENT IN A FREE SOCIETY: THE CONCEPTION OF LESTER FRANK WARD

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GEORGE H. Sabine has asserted that "...later liberalism has tended to disintegrate either in the direction of conservatism or in the direction of socialism, between which it has aspired to steer a middle course."[1] And after a survey of the development of liberal social thought, he is unable to "...avoid the conclusion that it has been a diminishing force in modern political society."[2]

By way of bringing to focus the historic problem of liberal social thought Francis W. Coker cites the words of Edmund Burke as epitomizing "The most difficult of all the problems confronting social philosophers...."[3] To Burke, the problem involved determining "'what the state ought to take upon itself to direct by public wisdom, and what it ought to leave, with as little interference as possible, to individual freedom.'"[4] In other words, the crucial issue in the liberal tradition has emerged historically as involving the status of the individual relative to his society with its institutions. Herbert Spencer, certainly one of the most prominent of the later representatives of classical liberalism, tended to so minimize the role of institutions—particularly the state—as to move William A. Dunning to classify his political theory as anarchistic.[5] To Sabine, Spencer's version of liberalism exhibited "...the most extreme faith in *laissez-faire* ever entertained by any thinker. In this respect he went even beyond the early liberals. He opposed not only every form of social legislation and industrial regulation but even public support for education."[6] Talcott Parsons characterized Spencer's extreme individualism as "...the exaggeration of a deep-rooted belief that...we have been blest with an automatic, self-regulating mechanism which operated so that the pursuit by each individual of his own self-interest and private ends would result in the greatest possible satisfaction of the wants of all."[7]

But Parsons, agreeing with Crane Brinton, can ask: "'Who now reads Spencer? It is difficult for us to realize how great a stir he made in the world....We have evolved beyond Spencer.'"[8] The direction of this "evolution," which to Sabine was toward "socialism," finds tentative focus in the theories of Thomas Hill Green. It was Green's emphasis that "...a liberal government ought to legislate in any case where the law can remove an obstacle to the highest moral development of its citizens..."[9] Therefore, Green could assume that liberal governmental policy would aim "...to insure the conditions for at least a minimum of well-being—a standard of living, of education, and of security below which good policy requires that no considerable part of the population shall be allowed to fall."[10] But such a viewpoint

[1]George H. Sabine, *A History of Political Theory* (New York: Henry Holland Company, 1937), p. 680.

[2]*Ibid.*, p. 679.

[3]Francis W. Coker, *Recent Political Thought* (New York and London: D. Appleton-Century Company, Inc., 1934), p. 35.

[4]*Ibid.* Quoted by Coker.

[5]William A. Dunning, *A History of Political Theories from Rousseau to Spencer* (New York: The Macmillan Company, 1920), p. 398.

[6]Sabine, *History of Political Theory*, p. 672.

[7]Talcott Parsons, *The Structure of Social Action* (New York and London: McGraw-Hill Book Company, 1937), p. 4.

[8]*Ibid.*, p. 3. Quoted by Parsons.

[9]Sabine, *History of Political Theory*, p. 676.

[10]*Ibid.*

provided the framework ". . .for a wholly different conception of government from that held by the older liberalism."[11] Rather than *laissez-faire* and freedom of contract it would open the way ". . .for any degree of social legislation that could be justified as practically effective in improving the standard of living."[12]

The restatement of the liberal theory by Green which, to Sabine, was a step in the direction of socialism, was, however, only a tentative formulation, marking a stage in the "diminishing force" of the classical tradition. Ralph H. Gabriel is not only convinced that this framework of theory is of "diminishing force," but is moved to ask the question as to whether it is "on the way out."[13] And his reply is that "Only the future can answer that question."[14]

The problem with which this study is concerned is one phase of the historical restatement of the liberal tradition. For it is an assumption of this analysis that the sociological movement emerging, at least in differentiated focus, within the time-limits of the nineteenth century, would necessarily reflect to some degree the problems and tendencies of liberal social theory.[15] That Lester Frank Ward was concerned with the historic liberal problem of the relationship of the individual to society and its institutions would appear self-evident to the casual student of social theory. This judgment is strongly buttressed when it is seen that the most powerful polemical animus in Ward's writings is reserved for that "most extreme" advocate of *laissez-faire*, Herbert Spencer.[16]

The Wardian "restatement" of the liberal problem of the status of the individual in relation to the function of institutions will, therefore, constitute the essential core of this analysis. It does not purport to be an exhaustive presentation of Ward's entire theoretical structure, but rather the focus of emphasis is on the particular "directions" in which his political theory tended to veer. It will be maintained that the Wardian divergences from the classical tradition were of such nature as to warrant the classification of the tendencies of his political theories as being "in the direction of socialism." Thomas Hill Green's tentative formulation would have the state ". . . insure the conditions for at least a *minimum* of well-being . . .";[17] Lester F. Ward would have the state insure the *maximum*.

It is recognized that the term "socialism" is rather inclusive in its significance. As Coker states: "There is no sharp and certain line of division between socialists and non-socialists."[18] A complete history of socialist doctrine ". . .would have a broad range, including authors and projects widely separated in time and character."[19] But this fact of "inclusiveness" does not warrant the devaluation of its classificatory value. For as Coker asserts: "Certainly 'socialism', as a name for a doctrinal system, has a signification no more uncertain or fluctuating than 'individualism', 'democracy', or 'Christianity'."[20]

Coker's definition of socialist doctrine as delimited by theoretical trends in the nineteenth century stresses the fact that while there are differences in the various "programs of action" advocated, yet there are basic similarities in "theoretical assumptions" and in "general aim." Recent socialist doctrines ". . .seek to secure, through some substantial limitations on the private ownership of property, a fairer and practically more satisfactory apportionment of wealth and economic opporunity."[21] The problem of the definition of what is meant by socialism, particularly for the later nineteenth century, is rendered more amenable to precise formulation by the advent of the Marxian version of "scientific socialism." And for the purposes of this study, the Marxian version is particularly pertinent because it, like the Wardian version, was a "restatement" of the problems of the classical tradition. As Parson states: ". . .Marx's historical materialism is not scientific materialism in the ordinary sense, but is rather, fundamentally, a version of utilitarian individualism. It differs from the main trend of the latter, however, precisely by the

[11] *Ibid.*

[12] Sabine, *History of Political Theory*, p. 676.

[13] Ralph H. Gabriel, *The Course of American Democratic Thought* (New York: The Ronald Press Company, 1940), p. 417.

[14] *Ibid.*

[15] This fact is clearly indicated in Albion W. Small, *Origins of Sociology* (Chicago: University of Chicago Press), 1924.

[16] Lester F. Ward, *Glimpses of the Cosmos*, Vol. V (New York and London: G. P. Putnam's Sons, 1917), pp. 38–66.

[17] Sabine, *History of Political Theory*, p. 676. Italics mine.

[18] Coker, *Recent Political Thought*, p. 36.

[19] *Ibid.*

[20] *Ibid.*, p. 37.

[21] Coker, *Recent Political Thought*, p, 37.

presence of the historical element. . ."[22] The assumptions of Marxian doctrine, like the assumptions of Ward's theory, were each deeply embedded in the classical tradition. However, it will not be claimed that there was any "exact" parallelism between their theoretical structures; prominent differences emerge. Neither will it be claimed that the similarities noted are due to the "direct" influence of one upon the other. Although they lived within the same century, any existing similarities in their theories probably could only be utilized as evidence of immanent theoretical development in relation to developing objective conditions.

A prominent feature of socialistic doctrines, whether "utopian" or "scientific," as well as of all programs of "social action," is the predication, either implicit or explicit, of some ideal norm by which existing societies are "judged."

It will be maintained in this study that, in its general characteristics, Ward's conception of the sociocratic society may be included within the same interpretative framework as the "stateless-communism" of Marxism, which, as Nicolai Lenin admitted, is identical with the classical ideals of anarchistic theory.[23]

The protagonists of anarchism have notably failed to schematize the social structures of their proposed societies.[24] While recognizing the necessity of some form of organization their writings have been devoted primarily to strictures on existing institutional patterns rather than positive delineations of the forms of the anarchistic society. This omission might be understood as intended, if anarchism be interpreted to imply the elimination of institutional forms. However, a survey of the literature of the anarchistic variant of socialism immediately reveals that the necessity of organizational patterns to implement the will of the members of the proposed societies is generally recognized.

Ward, likewise, did not erect the detailed institutional structure of the sociocracy, which was the form of government ". . .which all governments must eventually attain if they persist."[25] In fact, he repeatedly disclaimed any particular interest in the problem of forms of government. However, it will be shown that his strict adherence to this declaration of disinterest was frequently violated. It will be a major aim of this study to portray Ward's positive conceptions of the organizational forms of the sociocracy.

One method to have pursued in a study of the anarchistic elements in Ward's social theory would have been a genetic analysis. Utilization of this approach would have involved an analysis of his treatment of the evolutionary development of society concluding with his prognosis of possible future developments. In so far as anarchistic elements constituted an integral factor in his theory, the genetic analysis would have revealed them. But such is not the approach of this study. Rather, the conceptions which Ward had of the ideal society will be examined for anarchistic tendencies.

The proposed approach emerges from Ward's own treatment. It was not his primary purpose in his writings to make a detailed analysis of either social evolution or of the contemporary social order. In *Pure Sociology*, in which he admittedly was attempting to make just such an analysis, he found it extremely difficult to confine himself within such limits.[26] While recognizing the importance of what he termed social statics or the social order, his treatment of such topics was always regarded as preliminary to the problems of social dynamics; and the dynamic factors, which in the long processes of organic and social evolution had created social order, were studied primarily for the purpose of learning *how* they function.[27] *Applied Sociology*, "the crown of my system," was always the focus of Ward's attention, and the problem of applied sociology was that of developing the principles by which man could achieve the sociocracy.[28]

Thus, Ward's orientation was basically normative; all science aimed at human improvement.

[22]Parsons, *Structure of Social Action*, p. 110.

[23]Coker, *Recent Political Thought*, p. 221. The viewpoint stated by Sabine to the effect that the anarchists constituted " . . . a considerable party among socialists" will be adhered to in this study. Sabine, *History of Political Theory*, p. 713.

[24]Coker, *Recent Political Thought*, p. 206.

[25]Lester F. Ward, *Psychic Factors of Civilization* (Boston: Ginn & Company, 1901; originally published in 1892), p. 324.

[26]Charles H. Page, *Class and American Sociology: From Ward to Ross* (New York: The Dial Press, 1940), p. 56.

[27]Lester F. Ward, *Static and Dynamic Sociology* (Boston: Ginn and Company, 1895), passim.

[28]Lester F. Ward, *Applied Sociology* (Boston and New York: Ginn and Company, 1906), pp. 5–6.

Sociology, which, to Ward, was the apogee of scientific development,[29] had preeminently this purpose. As the first President of the American Sociological Society he could assert:

> The place of sociology among the sciences has been definitely fixed. It stands at the summit of the scale of great sciences .... according to the law of evolutionary progress .... This fairly complete mastery of the dynamic and directive agents of society has placed sociology in a position to deal in a thoroughly scientific way with all the facts and phenomena of society.
>
> Finally, with the light shed by social dynamics on the spontaneous modification of social structures and the consequent progress of society in the past, and further guided by the established law of social uniformitarianism, which enables us to judge the future by the past, sociology has now begun not only in some degree to forecast the future of society, but to venture suggestions at least as to how the established principles of the science may be applied to the future advantageous modification of existing social structures. In other words, sociology established as a pure science, is now entering upon its applied stage, which is the great practical object for which it exists.[30]

Ward's tendency to utilize the problems of social statics or social order as conceptual data to bulwark his major theoretical concern, the problems of social dynamics, imposes an interpretative task for the analyst who would attempt to describe the structural pattern of the sociocracy. Any effort in this direction would result in an unrealistic compression of his theory, which did not recognize that the problem of process must be included in the analysis. Ward did not restrict himself to enumerative empiricism; facts, in his methodology, must be related analytically.[31]

The problem of the nature of the governmental forms of the sociocratic society is of fundamental importance; particularly is this true when the purpose of ascertaining the nature of such forms is to determine the degree of similarity to the organizational patterns of an anarchistic society. In fact, definitions of anarchism reveal that the problem of government is crucial. Emma Goldman gives as follows her definition of anarchism: "The philosophy of a new social order based on liberty unrestricted by man-made law; the theory that all forms of government rest on violence, and are therefore wrong and harmful, as well as unnecessary."[32] The considered opinion of a personage in higher repute in academic circles than Miss Goldman, is that "Anarchism is the doctrine that political authority, in any of its forms, is unnecessary and undesirable. In recent anarchism, theoretical opposition to the state has usually been associated with opposition to the institution of private property and also with hostility to organized religion."[33] Miss Goldman and the Cowles Professor of American Government at Yale University agree than anarchism involves the repudiation of the idea of the necessity of political authority. In an anarchistic social order men would be free to act without the restrictions of "man-made law."

The first problem, therefore, is to determine Ward's conception of the role of government in the sociocracy with particular reference to the degree of authority it assumes.

Harry Elmer Barnes notes that Ward uses the terms, *government*, *nation*, and *state*, interchangeably.[34] Ward himself states that "...if anyone objects to the word *government*, there is no reason why the word *nation* or *state* may not be substituted."[35] In fact, he considers the term *government* to be misleading; it has led to so much misconception that it would be better "...if we could only get rid altogether of the word."[36] Such an approach poses a problem for the interpreter of Ward. Extreme care must be taken to determine the empirical referents to which he attempts to relate his terminology. This problem is magnified when it is noted that there is another term which ward uses interchangeably with *government*, *nation*, and *state*. This term is *society*.

[29]Lester F. Ward, *Dynamic Sociology*, Vol. I (New York and London: D. Appleton and Company, 1919, Second edition; originally published in 1883), p. 706.

[30]Ward, *Glimpses of the Cosmos*, Vol. VI, pp. 264–265.

[31]Ward, *Glimpses of the Cosmos*, Vol. VI, pp. 264-265; Lester F. Ward, *Pure Sociology* (New York: The Macmillan Company, 1925; originally published in 1903), pp. 48–49.

[32]Emma Goldman, *Anarchism and Other Essays* (New York: Mother Earth Publishing Association, 1910), p. 56.

[33]Coker, *Recent Political Thought*, p. 192.

[34]Harry E. Barnes, "Two Representative Contributions of Sociology to Political Theory: The Doctrines of William Graham Sumner and Lester F. Ward," in *American Journal of Sociology*, V. 25 (September 1919), pp. 156–157.

[35]Ward, *Psychic Factors of Civilization*, p. 297.

[36]*Ibid.*, p. 295.

In the sociocracy, society would act for itself. "Society would inquire in a business way without fear, favor, or bias, into everything that concerned its welfare, and if it found obstacles it would remove them, and if it found opportunities it would improve them. In a word, society would do under the same circumstances just what an intelligent individual would do."[37] In fact, to Ward, since ". . .no line can be drawn which will satisfactorily exclude any persons from membership in a government organization," use of the term *government* becomes misleading. It leads to the tendency to artificially conceive of government as an organization apart from the society. Therefore, it would be better, ". . .if we could only get rid altogether of the word."

Ward was impressed with the Spencerian analogy between a society and an organism. He conceded Spencer's accuracy up to the point where Spencer denied any analogical referent in society comparable to consciousness in the organism. Rather than agreeing with Spencer, Ward pushes the organismic analogy to its logical conclusion, and asserts that ". . .the nervous system, instead of being the last to be considered in a comparison of society with an organism, is the first and only proper term of comparison. . . . This. . .furnishes true homologies."[38] Hegel and Hobbes had seen this great truth,[39] and Ward was certain that although society at present represented ". . .a very low form of organism. . .," yet he believed that there was a possibility of ". . .the central control being absolutely devoted to the welfare of the whole, as the animal consciousness is devoted to the welfare of the animal. . . ."[40] Such would be the situation in the sociocracy when society would be ". . .acting for itself." In such a society, political "authority" would not rest on the "consent" of the governed, but would represent the spontaneous carrying out of the positively known will of the sociocrats. The scientific "legislation" of the sociocracy will eliminate ". . .all mandatory, prohibitory, and penal legislation. . .", and, ". . .will make obedience to law the form of action that the individual most desires, thus rendering the operations of society automatic and spontaneous."[41]

In addition to the interpretative problems manifested by Ward's interchangeable use of the terms, *government*, *nation*, *state*, and *society*, further difficulties emerge from the implications of the following statement:

> Sociocracy will differ from all other forms of government that have been devised, and yet that difference will not be so radical as to require a revolution. Just as absolute monarchy passed imperceptibly into limited monarchy, and this, in many states without even a change of name has passed into more or less pure democracy, so democracy is capable of passing as smoothly into sociocracy, and without taking on this unfamiliar name or changing that by which it is now known. For, though paradoxical, democracy, which is now the weakest of all forms of government, at least in the control of its own internal elements, is capable of becoming the strongest. Indeed, none of the other forms of government would be capable of passing directly into a government by society. Democracy is a phase through which they must pass by any route that leads to the ultimate social stage which all governments must eventually attain if they persist.[42]

The above quotation makes it unequivocally clear that the ideal government, sociocracy, will be dissimilar to that which has been empirically termed democratic. Yet not only did absolute monarchy pass "imperceptibly" into limited monarchy, and limited monarchy become "more or less pure democracy without even a change of name," but democracy can also change into sociocracy without this "unfamiliar name." Is Ward here stating that while there are definite empirical differences between these forms of government, yet terminological differentiations are not significant? It is difficult to conceive that a thinker who attached such importance to classification as Ward did throughout his writings could have taken such an approach. Furthermore, as will be indicated in this study, Ward, in his powerful animus against certain traditional forms of democratic government, appeared to attach great importance to the problem of differentiations in forms of governmental organization.

The solution to this interpretative problem begins to emerge. Rather than justifying the attribution of terminological immaturity and inconsistency, the solution can be stated as follows:

[37] *Ibid.*, p. 327.

[38] Lester F. Ward, *Outlines of Sociology* (New York: The Macmillan Company, 1923; originally published in 1897), p. 60.

[39] *Ibid.*, p. 49.

[40] *Ibid.*, pp. 62–63.

[41] Ward, *Glimpses of the Cosmos*, Vol. VI, p. 173.

[42] Ward, *Psychic Factors of Civilization*, p. 324.

Ward devalued the significance of terminological differentiations between types of government because he was not only opposed to the historical forms, but also believed that in the ideal societys the importance of definite institutional pattern, would be minimized. In the sociocratic society forms will be of minor significance because sociocracy ". . .recognizes all forms of government as legitimate, and, ignoring form, goes to the substance, and denotes that, in whatever manner organized, it is the duty of society to act consciously and intelligently, as becomes an enlightened age, in the direction of guarding its own interests and working out its own destiny." Sociocracy ". . .means something quite distinct from Democracy, which points, as this term does not, decisively toward a definite form of organization."[43]

But, however much Ward minimizes the significance of forms of government in the ideal society, yet he is certain that sociocracy represents ". . .one form of government that is stronger than autocracy or aristocracy, or democracy, or even plutocracy. . . ."[44]

The ensuing analysis proposes that Ward's devaluation of the importance of forms of government was associated with his negativism toward the patterns of government classified historically as democratic. It is furthermore proposed that the Wardian approach to the problem of the structure of government more nearly approximates the classical ideals of anarchists, as well as the "stateless" society which constitutes the culmination of the dialectic of historical materialism, than any other system of political theory.

It will be assumed that negative criticims of the historical forms of democratic government constitute in themselves clues to the patterns of government which Ward conceived for the sociocracy. Nowhere does he "blueprint" the organizational structure of his ideal society. Certain positive conceptions appear, but in the very nature of the case, a carefully delineated pattern of governmental organization applicable to the sociocracy would tend to weaken the attribution of anarchistic elements in Ward's political theory.

That Ward admits certain organizational patterns will be necessary in the sociocracy does not negate the claim of anarchistic tendencies, for the classical anarchists have never contended that patterns of organization would be eliminated in an anarchistic society. Bakunin asserted that human freedom which was the ultimate desideratum of anarchism, ". . .had no meaning apart from society." Furthermore, he envisioned that the anarchistic society would be organized on a voluntary basis into "associations," "communes." "There will be a free union of individuals into communes, of communes into provinces, of provinces into nations, and finally of nations into the United States of Europe, and later of the whole world." And these associations will have rules, ". . .a system of law that needs no penal sanctions, for it is made up of rules which the members perceive to be necessary in keeping society going."[45] Kropotkin, another of the classical anarachists, had essentially similar ideas as to the necessity of organizational patterns in an anarchic society. Proudhon asserted that, although in the anarchistic society every man would be a legislator, yet there would be need of an Academy of Science to handle matters of internal politics.[46] Friedrich Engels states that, even after the transition has been made from the dictatorship of the proletariat to the final anarchic stage, there will be a need for statistical bureaus to "administer" the work of the society.[47] Such prominent American anarchists as Stephen Pearl Andrews, Benjamin R. Tucker, Josiah Warren, and Lysander Spooner, also recognized the necessity of minimal structural forms in the ideal society.[48]

The typical anarchistic attitude toward political organization has been violently negative, not because of the nature of organization per se, but because it has been believed that historical governmental structures have been imposed on societies by powerful minority groupings within the societies. This view has been systematically "demonstrated" by Marxists, resulting in the definitive assumption that the very idea of government is inexorably based on the domination of one class by another; in this theory government

[43]Ward, *Psychic Factors of Civilization*, p. 311.

[44]*Ibid.*, p. 323.

[45]Coker, *Recent Political Thought*, pp. 206, 207, 213–215.

[46]Harry W. Laidler, *Social-Economic Movements* (New York: Thomas Y. Crowell Company, 1944), p. 67.

[47]S. H. M. Chang, *The Marxian Theory of the State* (Philadelphia, University of Pennsylvania, 1931), p. 134.

[48]Coker, *Recent Political Thought*, p. 199; L. L. Bernard and Jessie Bernard, *Orgins of American Sociology* (New York: Thomas Y. Crowell Co., 1943), pp. 318-319.

devolves into a class tool. The logical conclusion, therefore, is that in a classless society, the function of government will no longer have meaning, and the state will "wither away."[49] Governments have, therefore, in this framework of political theory, never functioned to implement the will of the total society, but rather that of some subgrouping within the society.

This artificial or imposed authority has historically resulted in the situation in which societies have not "ruled themselves," as Ward would have it in the sociocracy. In this ideal society it will be recognized that ". . .man never can be perfectly happy until he is perfectly free. . ." and, ". . .he can never be so until he can abolish the restrictive and protective attributes of government. Government in its most fundamental notion is the necessary foe of liberty; it is, therefore, in so far a barrier to human happiness."[50]

Benjamin Tucker, the American anarchist, wrote essentially in the same vein. His reason for opposing political authority was that the idea of the state violated the principle of liberty. He defined as "invasive" of liberty those functions of the state associated with taxation, military protection, and the administration of justice.[51]

With regard to the structure and functions of the legal system in the sociocracy Ward envisioned a pattern which is almost an exact counterpart of that adhered to by anarchists. And his strictures on the historical legal forms are significantly parallel to the anarchistic approach.

Ward conceived that in the sociocracy all types of prohibitory legislation would be non-existent. His essentially evolutionary approach to institutions contained the recognition that the restrictive function of institutions had been necessary in past history.[52] But even in *Pure Sociology* where this genetic approach is most in evidence, it is significant to note the assertion that ". . .mandatory and prohibitory and indeed penal legislation generally is for the most part unnecessary. . . .The day will undoubtedly come when it will be held to be intolerable."[53] In this same work in which the approach to institutions, consistently adhered to, is that institutions have developed genetically as a means of restraining the destructive tendencies of the uncontrolled social forces in the interest of race safety, it is pointed out that ". . .just as reason, even in early man, rendered instinct unnecessary, so further intellectual development and wider knowledge and wisdom will ultimately dispense with both religion and ethics as restraints to unsafe conduct, and we may conceive of the final disappearance of all restrictive laws and of government as a controlling agency."[54]

In this connection this statement from *Outlines of Sociology* is noteworthy: "The decrees of a monarch are. . .usually not only mandatory—thou shalt—but negatively so—thou shalt not. Little more can be said of the great body of laws enacted by the legislatures of representative governments." Such laws represent ". . .the purely empirical stage of government."[55] In *Dynamic Sociology*, Vol. I, the evaluation of prohibitory legislation is even more negative. The prevalence of legislation of this type indicates that "We are living in the 'stone age' of the art of government."[56]

Ward's pronounced negativism toward the incorporation of prohibitory and mandatory elements into legal systems would immediately classify him as at variance with the empirical development of the legal structure of the Western liberal tradition. In fact, the removal of mandatory and prohibitory elements from the system would tend to collapse the system.

But Ward, like the anarchists, would not eliminate the element of "law" in the sociocracy; but sociocratic laws would be "attractive" rather than "prohibitory" or "mandatory." In the same vein as Fourier, such laws would be invented ". . .with the idea of *inducing* men to act for the good of society." They would aim at ". . .harmonizing the interests of the individual with those of society, of making it advantageous to the individual to do that which is socially beneficial."[57] Like the "directions" of Engels' "statistical bureaus," they would be "spontaneously" carried out by the members of the society.[58] And similar to the "rules" developed by Godwin's élite, they

[49]Chang, *Marxian Theory of the State*, pp. 46–49.
[50]Ward, *Dynamic Sociology*, Vol. II, p. 233.
[51]Coker, *Recent Political Thought*, pp. 199–200.
[52]Ward, *Applied Sociology*, p. 4; Ward, *Pure Sociology*, pp. 132–135.
[53]Ward, *Pure Sociology*, p. 570.
[54]*Ibid.*, p. 135.
[55]Ward, *Outlines of Sociology*, pp. 270–271.
[56]Ward, *Dynamic Sociology*, Vol. I, p. 40.
[57]Ward, *Outlines of Sociology*, p. 274.
[58]Chang, *Marxian Theory of the State*, p. 134.

would carry only the authority of reason.[59] Ward's attractive laws would be scientific, discoverable "by the sociologist and statesman." Methods of utilizing them would be invented with the result that the "social forces"[60] would ". . .flow freely and strongly, untrammelled by penal statutes, mandatory laws, irritating prohibitions, and annoying obstacles."[61]

The extreme limits to which Ward carried his conception of the sociocratic conception of law is entirely consonant with anarchistic conceptions. Josiah Warren, an American anarchist who was one of Ward's contemporaries, asserted that coercive laws were not needed; it was his belief that the only authority needed in a society was that associated with ". . .a council of experts whose decisions would have only the weight that reasoning and persuasion in support of them could give."[62] William Godwin's judgment would harmonize with that of Warren. It was his opinion that ". . .ordinary men act reasonably and justly when their normal desires for self-expression and fair dealing have not been perverted by unfair economic conditions maintained by the coercive intervention of the state."[63] Furthermore, ". . .government can make use neither of the legislative nor of the executive power without threatening individual freedom of conscience. . ." Therefore, its only remaining justifiable function would consist in ". . .giving considered advice, in cases of urgent need, and not deciding but merely suggesting."[64]

The "attractive laws" which would characterize the legal structure of the sociocracy—and the anarchistic society—would, to Ward, be formulated through the processes of "attractive legislation."[65]

And just as he advanced a rather specific description of the nature of attractive laws, Ward also formulated the general structure of both the legislative body and the processes of legislation for the sociocracy. Both in his positive theory of the structure and function of the legislature and his strictures on the prevailing legislative pattern of the liberal tradition, Ward approaches closely the ideals of anarchism.

He was impressed by the ". . .inane flounderings of a large 'deliberative' (!) body like the American House of Representatives, working at cross purposes and swayed by a thousand conflicting motives." Truly scientific legislation would "perhaps" dispense entirely ". . .with the often disgraceful, and almost always stupid, deliberations of the full House."[66] Such bodies, ". . .miscalled deliberative, afford the most ineffective means possible of reaching the maximum wisdom of their individual members. A radical change should be inaugurated in the entire method of legislation."[67]

In the sociocracy this "radical change" would be achieved. Legislatures would ". . .stand in the same relation to the control of man in which a polytechnic institute stands to the control of nature."[68] It would be recognized that ". . .the legislator is essentially an inventor and a scientific discoverer. His duty is to be thoroughly versed in the whole theory and practice of social physics."[69] The legislators would be organized as "committees of experts" and would meet in secret sessions because of the fatal confusion of open assemblies. Their investigations would be comparable to that which occurs in the ". . .workshop of the inventor. The bulk of the work at all times consists in investigation. . . .The study of nature, and particularly of human nature, with reference to ends sought, must constitute their principal duties."[70]

In the sociocracy, the legislative body will defer

[59] Elie Halévy, *Growth of Philosophic Radicalism.* Translated by Mary Morris (New York: The Macmillan Company, 1928), pp. 198–199.

[60] The Wardian conception of *social forces* constitutes a crucial element in the development of the thesis of this study. It is sufficient to point out that Ward conceived of the social forces as the most essential of the dynamic factors in social evolution. They were presented as being organically based, and as being both acquirable and transmissible in the Lamarckian sense. Furthermore they were conceived of as "true forces" conforming to all the Newtonian laws.

[61] Ward, *Outlines of Sociology*, p. 274.

[62] Coker, *Recent Political Thought*, p. 197.

[63] *Ibid.* p. 193.

[64] Halévy, *The Growth of Philosophic Radicalism*, pp. 198–199.

[65] Ward, *Pure Sociology*, p. 306.

[66] Ward, *Outlines of Sociology*, p. 278.

[67] Ward, *Dynamic Sociology*, Vol. II, p. 395.

[68] *Ibid.*, p. 251.

[69] Ward, *Psychic Factors of Civilization*, p. 309. Parenthetically, it should be noted that Ward is here demanding that the legislator would be a sociologist. To him, sociology was synonymous with social physics "The founder of sociology . . . gave it the name of 'Social Physics' . . . he might as well have called it social mechanics . . . all future studies have tended to confirm the justness and appropriateness of this classification." Ward, *Outlines of Sociology*, p. 161.

[70] *Ibid.*

to the executive branch of government. Rather than conceiving of the executive phase having as a primary function the administration of the results of legislation, Ward would have the legislature ". . .enact the measures that the administrative branch recommends." In so doing, ". . .it will rarely go astray."[71] Examination of contemporary government convinced Ward that ". . .a very large part of the real legislation of a country is done by the executive branch." This phase of government is in a much better position ". . .to feel the popular pulse. . .", and its recommendations are ". . .in a true sense scientific."[72] Ward's frequent laudation of the "scientific" work of the bureaus of the executive branch is strikingly congruent with Proundhon's Academy of Science,[73] and Engel's statistical bureaus.[74]

Thus the law-making processes in the sociocracy would constitute the work of scientists "well-versed in social physics." And by implication, at least, any division of function between the legislative and executive branches of government would be irrelevant. Legislatures ". . .will doubtless need to be maintained, and every new law should finally be adopted by a vote of such bodies, but more and more this will become a merely formal way of putting the final sanction of society on decisions that have been carefully worked out in what may be called the sociological laboratory."[75] The sociologists would have as their function the discovery and invention of means of adjusting the institutional framework of society to the nature of the inherent social forces residing in man. By means of attractive laws these social forces which are ". . .bad only in the sense that fire and lightning are bad," will be enabled to "flow freely" with the resultant maximization of both freedom and happiness.[76]

Thus in the sociocracy the only function left to government will be that of "accommodation," of "releasing" the social forces. Prohibitory and mandatory legislation will be unnecessary because men will have ". . .grown so wise as to be able to live in peace in society, as was once possible without society," but, ". . .still there would be need, not of government, but of organization. Society would need agents to transact its common business, and this is what I have called the secondary function of government. This, too, is all that will one day be left of government."[77]

Ward's presentation of the nature and function of the legislative and executive phases of a sociocratic society, with the implication of merger of function, raises the question of his attitude toward the traditional American conception of checks and balances. When the problem is examined taking into consideration the fact that the sociocracy will be a classless society,[78] and that prohibitory and mandatory legislation will be non-existent, it becomes evident that checks and balances would be superfluous in such a government.

With the elimination of prohibitory and mandatory laws the interpretative and punitive functions of the judiciary would be minimized, if not eliminated. The "merged" legislative and executive departments, composed of scientists impartially accommodating the social forces, would need no check. Thus government would tend to "wither away," as Lenin envisioned, and all that would remain would be Josiah Warren's ". . .council of experts whose decisions would have only the weight that reasoning and persuasion in support of them could give."[79]

But what of majority rule, of partisanship? Could the members of the "sociological laboratory" be counted upon to deliberate impartially? Could the members of the sociocratic society be expected to act on the basis of the discoveries and inventions of the Council of Experts?

Ward pointed out that all democratic governments maintained the "form" of majority rule. But he contended that, just as all governments must pass through the democratic stage before entering the sociocratic, ultimately the idea of majority rule will disappear. It is a "shibboleth of democratic states": party government is "child's play," and is a characteristic of the "puerile gaming spirit." In the sociocracy, a

[71] Ward, *Outlines of Sociology*, p. 279.

[72] Ward, *Psychic Factors of Civilization*, pp. 310–311. In other of his published works Ward refers to the ideal legislature as a "sociological laboratory" in which will be conducted a ". . . series of exhaustive experiments on the part of true scientific sociologists and sociological inventors working on the problems of social physics from the practical point of view." Ward, *Applied Sociology*, p. 339; Ward, *Dynamic Sociology*, Vol. II, p. 156.

[73] Laidler, *Social-Economic Movements*, p. 67.

[74] Chang, *Marxian Theory of the State*, p. 134.

[75] Ward, *Applied Sociology*, pp. 338–339.

[76] Ward, *Outlines of Sociology*, pp. 272–273.

[77] Ward, *Dynamic Sociology*, Vol. II, p. 229.

[78] Ward, *Applied Sociology*, p. 234.

[79] Coker, *Recent Political Thought*, p. 197.

majority will not act for society but ". . .society will act for itself." "A slight awakening of the social consciousness," will enable society to see ". . .that upon nearly all important questions all parties and all citizens are agreed, and that there is no need of this partisan strain upon the public energies."[80]

When society attains the stage of development when it shall "act for itself," it will be comparable to a highly organized individual organism. Government will become ". . .the servant of the will of its members in the same way that the brain is the servant of the individual will." It will become "the national consciousness," cognizing the wishes of the members of the society ". . .in much the same way that the feelings of the parts of the animal organism are cognized by the animal consciousness." But these "feelings" will be reported to the national consciousness ". . .only in order that some action may be taken for the good of those experiencing the feelings reported." The sole defensible function of government ". . .is the good of the individuals."[81] The failures of contemporary governments will not occur ". . .when the people become so intelligent that they know how to choose as their representatives [men] who recognize. . .that their duty is to devise ways and means for scientifically controlling those forces on exactly the same principles that an experimenter or an inventor controls the forces of physical nature."[82] Every such representative ". . .must be a sociologist," a master ". . .of all that is known of the science of society."[83] As Engels in his panegyric to the stateless society which is the culmination of the dialectic of history affirmed: "Then for the first time man, in a certain sense, is finally marked off from the rest of the animal kingdom. . . .Man. . .becomes the real, conscious lord of nature, because he has now become master of his own social organization. The laws of his own social action. . .will then be used with full understanding, and so mastered by him. Man's own social organization, hitherto confronting him as a necessity imposed by Nature and history, now becomes the result of his own free action."[84]

To Ward, the "rules" of such a social organization would represent ". . .the form of action that the individual most desires, thus rendering the operations of society automatic and spontaneous."[85] And as all "governments" must attain such a goal if "they are to persist," "The paradise he [man] lost through his wisdom, he," [will] "regain through his wisdom. The simple but primitive state will be exchanged for a complex but enlightened state. As he was once truly happy in a state of anarchy, so he shall again attain to a state of anarchy."[86]

[80] Ward, *Psychic Factors of Civilization*, pp. 324–325.
[81] Ward, *Psychic Factors of Civilization*, pp. 298–299.
[82] Ward, *Applied Sociology*, p. 338.
[83] Ward, *Dynamic Sociology*, Vol. I, p. 37.
[84] Quoted in Chang, *Marxian Theory of the State*, pp. 134–135.
[85] Ward, *Glimpses of the Cosmos*, Vol. VI, p. 173.
[86] Ward, *Dynamic Sociology*, Vol. II, p. 235.

SCIENCE AND SOCIETY

The editors of *Science and Society* announce the beginning of its tenth year of publication with the Winter issue which features an article by the noted French physicist and Copley Prize winner, Dr. Paul Langevin, on "The Era of Atomic Energy," in which is traced the history of the scientific research that led to the discovery of ways to release and control atomic energy.

Other features of the issue include "Co-operative Economy in Yenan" by Yung Ying Hsu, which is based entirely on Chinese documents; a discussion of the race prejudices and mores of Los Angeles by Carey McWilliams entitled "Los Angeles Archipelago"; an article by Judson T. Stone, "Theory and Practice of Psychoanalysis," on the points of difference between the progressive psychiatrists and the Freudians; and "Class Analysis of a Literary Controversy: Wit and Sense in the Seventeenth Century" by Robert M. Krapp.

Science and Society is published quarterly from 30 East 20th Street, New York City, by a board of editors composed of Bernhard J. Stern of Columbia University; Samuel Bernstein, historian; Edwin Berry Burgum of New York University; Lewis Feuer, sociologist; V. J. McGill of Hunter College; Margaret Schlauch of New York University; and D. J. Struik of Massachusetts Institute of Technology.