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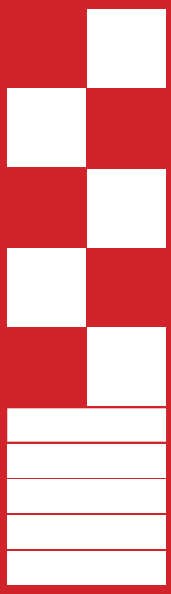

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FRANKLIN FORD COLLECTION

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News is the Master Element of Social Control

FRANKLIN FORD

Letter to Oliver Wendell Holmes Jr., sent from New York, January 19, 1912 (doi)

THE NEWS OFFICE

New York, January 19, 1912

Hon. O. W. Holmes,[1]
Washington, D. C.

My dear Sir:

It turned out that I could not deal adequately with the questions submitted to me in your letters of last summer from Beverly Farms (August 17, 18, and 26) without more reflection than I at first thought necessary, which compelled delay. After a bit, I was led to see that what you wanted from me was not merely specific replies to this and that query, but instead the rounded summary of my findings, so far as I should be able to arrive at them.

Happily, since my last communication, I have been able to conclude the research work which forced me to the library of Columbia University, so that on the score of history I now feel myself better equipped for submitting to you the conclusions reached. Besides, certain further insights touching the business aspect of my project have reacted on the ideas involved, and, consequently, have helped to make the theoretical exposition more satisfactory, at least to me. As previously put down for you somewhere, my task proved to be of a dual nature, comprising both the introduction of a new science and its execution in the market-place. Regarding the counting-room aspect of the job, it occurs to me that a striking letter which I received in September from a representative New York journalist, Mr. Frank Parker Stockbridge, may prove of interest to you. I enclose a copy, which you need not return.

[1] [Justice Oliver Wendell Holmes Jr. (1841–1935) was an American jurist who served as an Associate Justice of the Supreme Court of the United States (1902–1932). One of the most cited American legal scholars of the twentieth century, Holmes supported the constitutionality of state economic regulation and advocated broad freedom of speech under the First Amendment. A key figure of American pragmatism and progressivism, Holmes cofounded the Metaphysical Club in 1872, alongside philosophers William James and Charles Sanders Peirce. The Ford-Holmes correspondence started in September 1907 with a letter from Ford to Holmes and lasted until Ford's death in 1918. Their correspondence was later partly published but this letter was not included in the collection. See David H. Burton, *Progressive Masks* (Newark: University of Delaware Press, 1982).]

The seeming delay has gone to clarify my response to your questions and demands; so much has happened in the interim, as, for example, the messages of President Taft and the suit for the dissolution of the Steel Trust. The difference between the old State-centre and the Industrial System is so fundamental that I am unable to see how it can be compromised any longer with safety; the real Trust Question must soon be met. My understanding is that the working arrangement for a century has been a compromise, but, as frequently happens in politics with crude adjustments of the sort, the outcome is a wider gulf.

The care and exactness required in trying to meet your demands is a valuable thing for me. I get the impression from your letters that, while we are looking in the same direction and at the same things, the value you give to the facts, your perspective, is different from mine, though not radically so. Were we not looking in the same direction, it would hardly be worth while [*sic*] to re-cast and sum up the matters between us. I feel that their importance justifies the utmost effort on my part to bring out, and if possible to reconcile, the points on which we are at variance; I hope to be able, at least, to establish a clear difference. The only workable conclusion is that any fault in the premises attaches to me. Your letters intensify my desire to meet you face to face, but my thought is that I must first do my best to clear up and enforce in writing the contentions which from time to time I have put before you.

Allow me, first, to clear the ground by bringing up, in a measure, the record of our interchange of fact and opinion. You will recall that I was led to send you the outcome of my inquiry into the state of society because of a reference to you by Sir Frederick Pollock,[2] who, as he said, had been helped by two men, yourself and the late F. W. Maitland.[3] On the word of Pollock I turned to your writings, and, pursuing them, I was particularly impressed with the statement of your economic faith as revealed in your dissent in the Massachusetts labor case of Veghelahn vs. Guntner (167 Mass., 92).[4] In this dissenting opinion you said:

> It is plain from the slightest consideration of practical affairs, or the most superficial reading of industrial history, that free competition means combination, and that the organization of the world, now going on so fast, means an ever increasing might and scope of combination. It seems to me futile to set our faces against this tendency. Whether beneficial on the whole, as I think it, or detrimental, it is inevitable, unless the fundamental axioms of society, and even the fundamental conditions of life, are to be changed. One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most that he can for his services, and that of society, disguised under the name of capital, to get his services for the least possible return.

[2] [Sir Frederick Pollock (1845–1937) was an English jurist and law professor at the University of Oxford (1883–1903). One of the leading English legal historians of his time, he also served as editor of the *Law Quarterly Review* and the *Law Reports,* the volumes in which decisions of the English courts were published. He is best known for his *History of English Law before the Time of Edward I*, written with F. W. Maitland, and his lifelong correspondence with US Supreme Court Justice Oliver Wendell Holmes.]

[3] [Frederic William Maitland (1850–1906) was an English jurist and historian.]

[4] [Veghelahn vs. Guntner, 167 Mass. 92 (1896) is a United States labor law decision from the Supreme Judicial Court of Massachusetts. Seeking to raise attention to their cause and hoping for higher wages, a union had picketed in front of an employer's

> Combination on the one side is patent and powerful. Combination on the other is the necessary and desirable counterpart, if the battle is to be carried on in a fair and equal way.

It is worth noting that this case was decided by the Massachusetts Supreme Court in the fall of 1896, the majority ruling against the custom of picketing on the part of striking workmen.

Almost at the opening of our correspondence, you referred me to an outgiving of yours in the *American Law Review* as far back as 1872 (vol. 6, p. 725) in which, summing up certain lectures on Jurisprudence which you had given at Harvard University, you said:

> Sovereignty is a form of power, and the will of the sovereign is law, because he has power to compel obedience or to punish disobedience, *and for no other reason* (ital. mine). The limits within which his will is law . . . are those within which he has, or is believed to have, power to compel or punish. It was shown . . . that this power of the sovereign was limited not only without . . . but within . . . by organizations of persons not sharing in the sovereign power.

The above extracts helped me to see that you view the social body as the outcome of an evolutionary process, or a development in time; that it is subject to ceaseless change, developing indeed under our very eyes as new conditions enter in. I caught from your writings, and from your first letters to me, that you read history in order to understand the real present, and, such is your persistent youthfulness of mind, that you are always facing the to-morrow of things. It is, therefore, not surprising that I at once placed the highest value on your criticism, and I resolved to do all that in me lay to prompt your giving it to me.

The finding of Maitland, by the way, was an event in my life. It came to me in 1904. I had been watching the intellectual frontier of Europe for long in the hope of finding a change of front among conservative men regarding the constitution of the State. I detected the change in Maitland. The particular reference is to Maitland's Introduction to his translation of a part of Dr. Otto Gierke's "Political Theories of the Middle Age." This Gierke–Maitland volume was published in 1900. For me, it went to connect the advanced legal thought of Europe with the new political facts which are demanding recognition in America. I was enabled to see that the European jurists were seeking to grasp "the State," or body politic, as an organism. I saw that they were getting into line with the organic view which is compelled by the new and far-reaching action that is everywhere unfolding itself in America. What they were trying to see and express in terms of legal principles, I was seeking to formulate in terms of fact in obedience to the necessities of the news business. The Germans, and after them their co-workers in England, were endeavoring

business with the objective to convince current employees and job applicants to not enter the building. The court found that the coercion and intimidation found to have occurred interfered with the right of an employer to hire whom it pleases and ruled that the union was guilty of an intentional tort. However, Justice Holmes disagreed, equating the use of collective force by workers to the corporate use of force to compete.]

scientifically to conceive the very nature of social organization. The aim, in the words of Prof. Maitland, was to "give . . . precision and legal operation to thoughts which are in all modern minds." I had been writing and speaking of the inherited, single-centred or Military State and, by contrast, of the new, many-centred or Industrial State. The distinction appeared strange, and therefore difficult, to some of my friends. You can imagine, then, my satisfaction over the discovery that Professor Maitland of Cambridge University, England, was writing of the "unicellular State" of earlier days and, in sharp divergence therefrom, of the "multicellular State" of the present time. The venturesome newspaper man suddenly found himself in orthodox company.

Then you came along and gave me yet greater reason for believing that I was on the right track. Under date of May 3d, 1907, [*sic*] you wrote me concerning the observations I had been sending you as follows: "In general they are in the direction of what I have thought for many years, although of course I have not had the specific knowledge which enabled me to see the actualities in detail." In this same letter you spoke of your reflections "on the extent to which new organs were replacing old in the structure of the State." In a communication to me of February 8th, 1908, you said: "Of course I agree that the movement of society is organic, that the separation of government from the other centres of power is philosophically empirical, and that other centres are growing faster than government technically so called." Also, "In some points you [I] seem to think that I differ from you where in fact I fully agree." In a previous letter (April 29, 1907) you told me that you had "never been deluded by the academic legal theory of government into supposing that legislation was more than one exhibition of social power."

After this, I felt warranted in concluding that my task was no more nor less than to work out the implications of your own economic and legal position, and this by observing and recording the new actualities of the rapidly advancing modern environment. The need was to *measure* the extent to which new organs are "replacing old in the structure of the State." By the way, I write it *dis-placing*. What are these new organs, and what of the old ones are they displacing? Above all, the necessity is to determine the function and scope of the new centres of power. Allow me to say that the only claim of Science to our attention and respect is its ability to measure, to fix limits, to identify this or that idea as revealed to us on the plane of fact.

More than once in your always helpful letters you assume that my aim is to set out some new and fundamental concept, and you make the demand that I define it in precise terms. Thus, in your favor of August 18, 1911, you say: "You [I] claim renown . . . for

revelations of a philosophical significance," and you ask, "What is the new enlightening thought?" I have been, and am now, at a loss to understand how it is that you could have been led to give me such a rating, as I am unable to identify it in any of my letters or writings. In my talks to friends I have constantly put aside all such claims. In my co-ordination of the facts about us, or, to use your own phrasing, the teachings of affairs, I am of necessity moved and controlled by the organic concept, but I found it, *qua* concept, in the books. You yourself are under the influence of this same idea when you detect the emergence of new organs in the body. I have been applying or interpreting the organic idea in terms of fact, but I had no share in its discovery. That has been the slow work of centuries, as it gradually found place in the mind as a tool of inquiry, of exact observation. I take it that the idea of an organism is our highest, or most comprehensive working concept.

I will say, however, that the fact which came to you—the replacing of old organs in the State by new ones—is admirably calculated, once it is grasped by the general consciousness, to influence our social philosophy in the profoundest manner.

My work is wholly of the practical order. The late T. M. Cooley, Chief Justice of the Supreme Court of Michigan, with whom I had a lasting friendship, used to say of me: "Whatever comes of Ford's work, it is plain that his is the practical mind; that is to say, nothing would interest him profoundly save something to be done in space." Theory-makers are very important people, but I am not in their class. It is true that I have done a lot of laboratory work, historical and otherwise, but that was because, after long searching, I could find no one else to do it. At the outset of my attempt to organize the traffic in news I was in the habit of saying that if I could fill the chair of Politics I could accomplish it. The result was that I had to take the post myself.

I found that, on the plane of principle, the idea of an organism was sufficiently set out in the books. Proceeding to apply the idea, under the half-conscious influence of the new and more organic environment, such philosophers as the late Edward Caird,[5] of Oxford University, have surmised that radical social changes are near at hand. For example, Caird wrote in his book on Kant (vol. 2, p. 376): "In modern times . . . neither the State nor the Family any longer represents the highest moral unity of which we can conceive; although, as a matter of fact, no higher unity has yet taken an organized form." Edward Jenks, the English law writer, ventured upon the prediction: "In truth we look, for the future of Contract, not to the gentile organization of the Clan, nor to the military organization

[5] [Edward L. Caird (1835–1908) was a professor of philosophy and one of the key figures of the idealist movement that dominated British philosophy from 1870 until the mid-1920s.]

of the State, but to some as yet undeveloped institution, which shall supersede them both."[6]

[6] [Edward Jenks, *Law and Politics in the Middle Age* (New York: Holt, 1908), 291–92.]

This new institution is the News System, taken with its cognate organ the Banking or Credit System. My job was, first, to lay the foundation therefor in the new, organic literature of Politics, parts of which I have had the honor to send you, and, second, to give motion thereto through promoting, as a money-making proposition, the News Trust. The first job I have done; the second is in hand. I think it fair to say that I have done as much strictly scientific work in my field as Darwin did in his, but I have to do twice as much.

You ask what I have done in the way of "getting and communicating news." Dismissing my previous career as a reporter on daily newspapers and as editor-in-chief for seven years of the weekly newspaper *Bradstreet's*, I may say that I have been efficient, though my associates have borne the brunt of the work, in erecting the Credit Office as a practical working centre for the registration of credit-news. It is hardly more than a successful working model as yet, though it has a firm foothold in the textile industry, but the future belongs to it. It has been immensely serviceable to me as an instrument for getting at and co-ordinating the facts touching the real state of the Banking System. Our method is that of the physical science—experiment. I have learned through constant and oft-repeated trials. The butt-end of the general news which I have gathered is the universal interpretation of your own disclosure, namely, that new organs are appearing in the structure of the State. In all this, you reported to me a portentous truth, in fact revealing the social secret of the hour. Given its full rendering in terms of the world of business, it ranks as sensational news of the first order, being second only to the solution of the mystery of life itself, toward which the biologists are struggling.

I fear that you are far from grasping the full significance of the function of News, seen as the master element of social control. To me, the organic news system is the lineal descendant of the Courts. What, I pray you, is the function of your honorable Court if it is not to determine and announce the governing facts of society as they unfold themselves before you? It is impossible to conceive in any great detail the infinite social meaning of the organized or centralized news traffic which the near future has in store for us, and this without reference to anything my friends and I may do in the way of furthering it.

To organize anything is to centralize it. I gather from the biologists that when Lady Nature sets out upon a new job, such for instance as the construction of an eye, she first fixes upon a centre and then builds around it. In the field of news, the best example of system-

atic or responsible organization that I know of is time-news. The astronomer appears to us as the Newsmaster-General. In this and a few other particulars, Society has already an adequate sensorium or brain-centre, for example, the reporting of sporting-news and ship-news. To some extent the news of staple commodities has become organic or complete, especially with respect to stocks of goods, the course of prices, etc., the weekly statement re the visible supply of cotton being a striking instance especially as the facts come from the ends of the earth. An adequate report bringing out the extent to which news is now organized on the plane of science will close the discussion as to whether society is an organism. We have in hand such a report.

A few lines concerning your use of the word *commercial*. I read in your letter of August 17th, the reference being to the present social juxtaposition; "Of course every one sees that all sorts of powerful organizations have arisen outside of government, and that they are real powers. You [I] are interested in the commercial side." This oblique use of the word *commercial* has no place, properly understood, with reference to the incidence of an organism, such as society has now, in fact, become. I regard the handling of time-news as a perfect "commercial" operation. On the basis of a living, moving organism the adjectives "commercial" and "social" are interchangeable. The new organs of government under the principle of Contract are appearing just because a higher efficiency is required to meet the fast increasing social complexity. You and I were born in the same decade, and we received, therefore, about the same social inheritance, and along with it certain mental lesions or false separations. It has been a struggle with me to get rid of some of them. For instance, in some of my old notes there are references to the necessity of determining the "province of government," whereas in an organism the function or scope of government is as universal as the play of sunlight.

It would have been more to the point had you noted that I have been drawn to the necessity of bringing all aspects of government under a commanding unity. I find the key to this in the movement of News. The genius of the news business cannot be understood at all save from the governmental viewpoint; in short, to make the news traffic systematic or responsible in any direction is to develop government. It is impossible to exaggerate the importance of any fact within the area of its application or control. If you don't agree, try it. As things stand, men have no common tongue by which to confer together touching the social relation, and so we are compelled to a new language, or rather to a reform in language. The reform in political thinking which the times demand is directly dependent on a reform in language. The newspaper discussion of the day offers abundant

testimony that, thus far, men are no nearer to understanding each other concerning the over-arching question of government than were the men of the seventeenth century, when the way to a settlement was a fight.

In your communication of August 18th, you say:

> The general fact that you [I] emphasize, that other organizations than the old States philosophically are to be regarded as on the same plane as the State, as popularly understood, is familiar. When lawyers use the word *law* in the narrow sense they do it on practical grounds. The object of their study, as I said in an address in 1897, is the prediction of the incidence of the public force through the instrumentality of the Courts. Therefore they confine the word law to the body of prophecies as to the cases in which the axe will fall. There is no objection to their doing so unless a practical is mistaken for a philosophical division, of which I should think there long had ceased to be any danger on the part of those who count.

The above is well enough as a matter of academic discussion, or as regards yourself and your fellow judges in your private intercourse, but the trouble is that the general public, under the centuries-old teaching of the lawyers, has mistaken the "practical" for the "philosophical" classification, so much so indeed that the run of men have been led to believe that the old State-centre (the Legislature and the Courts) is endowed with a law-finding and law-declaring monopoly. The only idea of law which the people are ably to grasp and hold is that which is regnant. The difference between us here is profound, going to the root of things.

The "practical" classification, which you pass over so lightly, is taught in all the common schools and universities of the country as the sole orthodox view, one of the points being that the issuing of "money" belongs only to the Washington government. The notion that the general government of the nation is entirely and wholly centred at Washington controls the political thinking of President Taft, of Bryan, and of Roosevelt. The prevailing theory of the corporation springs directly from it. Our official teachers tell us on every hand that the "Money Trust" and the corporations are "usurping the powers of government." When passing the New York Bank Clearing House, in Cedar Street, not long ago I spoke of it to a companion as a new institution of government, when he at once hooted at me the intimation being that I was talking nonsense. Roosevelt, as President, held out on every occasion that commerce runs lawless save as it is "regulated" from Washington. The hostile attitude of the so-called workingmen toward the new industrial unities or Trusts, of which you complain in your letter of August 17th, is traceable to these same official teachings, while, as the record shows, both Congress and the Courts are under the spell of kindred ideas, nor could any

other outcome be expected as neither legislators nor judges can act independently of the prevailing opinion; the hands of the judges are tied. A Columbia University professor when lecturing recently on Jurisprudence described "law as that part of the social order which by virtue of the social will may be supported by physical force."[7] It seems to me that it would be nearer the truth to say that law is that part of the social order which does not require physical force for its maintenance. To me, both statements are of course vague and unsatisfactory. You yourself, somewhere in your writings, use this language: "the universal will, i.e. by the State, acting through its organs, the courts,"[8] the fair inference from this being that the social will has no other expression. The idea was once true enough, but it has become archaic, and this owing simply to the further evolution of society. And here is a new and highly respectable English textbook, published last year, (Tenth edition of Broom's *Commentaries on the Common Law*) which informs us that "there are two kinds of law—the law of God and the law of the State. There is no other kind of law." The concession to God is worthy of all praise.

[7] [Munroe Smith, *Jurisprudence* (New York: Columbia University Press, 1908), 14.]

[8] [Oliver W. Holmes Jr., *The Common Law* (Boston: Little, Brown and Company, 1881), 207.]

I am putting down things as they occur to me without strict reference to logical order; that is, with something of the freedom of conversation. I shall draw freely from my notes, and in due course will deal with your specific questions.

I have found profit in studying your address in 1897 before the Boston University School of Law (Harvard Law Review, v. 10). In it you say:

> We do not realize how large a part of our law is open to reconsideration upon a slight change in the habit of the public mind. . . . We are still far from the point of view which I desire to see reached. No one has reached it or can reach it as yet. We are only at the beginning of a philosophical reaction, and of a reconsideration of the worth of doctrines which for the most part still are taken for granted without any deliberate, conscious, and systematic questioning of their grounds. . . . For the rational study of the law the black-letter man may be the man of the present, but the man of the future is the man of statistics and the master of economics. . . . The present divorce between the schools of political economy and law seems to me an evidence of how much progress in philosophical study still remains to be made.

It is interesting and suggestive to compare with what [*sic*] you said in 1897 certain remarks of Prof. Simon N. Patten, speaking as President of the American Economic Association in 1908. He first declared, touching the work of the economists, that

> no great American problem has been solved. With every vital question we stand on a halfway ground, halting between the old and the new, and if these half truths are all we have to offer we may harm the public

> more than we aid them. Confusion and defeat stare us in the face politically, morally, and economically, if the disappearance of old customs, traditions, and modes of thought is not followed by the rise of new concepts, ideals, and institutions. We cannot afford to be mere iconoclasts. We must lay the foundation of a new civilization and show how economic forces will remedy evils that may soon be unbearable.

Further on in the same address Patten had this to say concerning the relation of law to economics:

> Law . . . is the one social science that has advanced solely by evolution, and we have much to gain by acquiring its spirit. And law would gain equally by an alliance with us (i.e. with the economists); for the socializing of law is the most important and pressing need of the American people. Legal encrustments of social traditions are the worst foe of progress. Law can be made mobile only by the proper appreciation of economic change; economics can be saved from a series of revolutions only by the spirit of law. When these two sciences are properly blended evolution will be constant and progress orderly.

It hardly needs to be said that so long as Jurisprudence and Political Economy are divorced from each other we cannot have a true idea either of social law or of economics.

As I read the facts, the inherited Legalism is bankrupt, in the face of the vastly increased social complexity. The necessity has arisen to get beyond the fiction that the old State-centre is the one and only source of social law, but this involves nothing short of a revolution in the mind and practice of the race; we are all monarchists by inheritance, and the professional Socialists are the worst. If we are to advance at all beyond the sixteenth century idea of the social relation—that of the single-centred State—which has continued regnant until now, we are face to face with a change in political theory as great as was the alteration in the science of astronomy in passing from the Ptolemaic to the Copernican viewpoint. But the change has occurred in fact, and the new attitude of mind is inevitable. A knot has to be cut which is tied in the human brain alone.

The need is for a new universal authority, a new sanction, taking effect through new organs, and this without directly attacking the prestige of the Military Power. Moreover, a new instrument of coercion is necessary, an instrument as definite in its operation as the jail or the headman's axe, and at the same time infinitely more effective in detail else the new complexity cannot be successfully dealt with. All forms of human association must contain within themselves some effective mode of control; that is to say, any manifestation or extension of social power must develop the capacity to reward or punish. Mere physical force, whether exerted against persons or property, is an exceedingly crude instrument of control, so much so indeed that

it was only adapted to the conditions of primitive society. And all experience shows that physical force cannot be made more coercive by adding to the penalty, even though to the point of slow torture. Of course any development in social law must find expression in new institutions in order to gain popular recognition; that is the people apprehend the operation of law only in its execution. The point of execution is the dramatic and visible thing; the government is seen in the hangman. Again, the new mode of control must be rational or in accord with the existing constitution of society.

So far as I am aware, our sociologists and jurists have done nothing decisive for us by way of tracing the evolution of punitive force and its application in society. Certain changes in modes and severity of punishment are recorded, but to report this order of facts is an easy task. We are told that culprits were both hanged and quartered in the seventeenth century, but, as yet, no one has had anything of moment to say concerning refinements in the public force in spite of the fact that the flexibility or adaptability of force must keep pace with growth in social integration or the increase in complexity. It is hardly necessary to add that inquiry in this direction could not progress without a clear departure from the received viewpoint. Concerning this inheritance, when reporting to Ex-Judge John F. Dillon[9] in 1905 touching the progress of my work, I wrote as follows:

> Gradually, I came to realize something of the extent to which the public mind is resting under the tyranny of the inherited notion that the general government of the nation is entirely centered in Washington, and that all petitions for relief must be sent there. This idea of the old centre has passed into what is little better than a superstition. The undue emphasis concerning it is easy to understand as the rise of parliament was identical with the progressive triumph of the democratic spirit. It is a natural sequence, therefore, that both politicians and newspapers should contribute to what has now become a distortion of fact. I was enabled to see that the popular consciousness is held in thrall by an idea which, though once true in good part and useful as a tool of inquiry or method of classification, has become false and misleading.

[9] [John Forrest Dillon (1831–1914) was an American jurist who served as a Justice of the Iowa Supreme Court and a United States Circuit Judge. He is known for his theory of state preeminence over local governments, called Dillon's Rule. Ford corresponded with Dillon with whom he discussed legal and historical questions.]

Since 1905 the shadow of the old centre has continued to darken counsel. All the Utopists, inclusive of President Taft, Col. Roosevelt, and Mr. Bryan, save of course the anarchists, are more energetic than ever in preaching the political philosophy of the sixteenth century. "The enduring work of the sixteenth century," says J. N. Figgis, "was the modern State. Its legal omnipotence and unity, the destruction of all competing powers, separate or privileged, was assured, and a universal all-embracing system of law became possible."[10] While you, in your private capacity, have not been deluded by "the theoretical omnipotence of the technical law-maker," the

[10] [John N. Figgis, *Studies of Political Thought from Gerson to Grotius, 1414–1625* (Cambridge: Cambridge University Press, 1907), 133.]

great majority have been fooled by it, and, in your public function as judge, you are compelled to work by it.

Of course we are able to account for the prolonged hold of the old centre on the mind when we reflect over the awful importance of the political unity, or the social bond. No wonder the idea took ground that the King could do no wrong; he was the fountain of justice, or, to use Maitland's words, the centre of the centre. The safety which men felt in the idea of the single centre very naturally bred in them a fear of new controlling unities.

I should note that there is nothing new in the perception that powers have been coming into place outside, and independently of, the old centre of control, but, until now, they have always been treated as illegitimate. One of the most striking things on this score that I have run across is the following from the *London Spectator* of April 11, 1857:

> The present state of affairs on the Continent suggests the existence of some influence which is not generally recognized, though its power must be overruling and its operation universal. . . . We perceive . . . that it may become dangerous alike to the material condition, the political independence, and the domestic order of states. Nor are we speaking of any imaginary or mere "moral" influence; we speak of a powerful combination more than political, more personal than a congress of diplomats or princes. . . . The money merchant obtains his profit entirely from the simple act of exchange. . . . He is not a safe councillor for those who have in charge the permanent interests of states. . . . The power of that order . . . proceeds in its action independently of ordinary political movements, and shows itself pursuing its course uninterrupted, undiverted, whatever may . . . be the action of ordinary statesmen. . . . It is a new order, a new administration in the world. . . . The class is alien to any particular country, and yet is deeply rooted in the administration of each country. . . . This grand council of millionaires has proved that it is superior to the political administration of the separate countries. . . . It is republican, but of the aristocratic republic, more close than the Grand Council of Venice, infinitely more arbitrary. Like that commercial republic, kings bow down to it; but the kings that now bend are the giant emperors of our day, not the brawling leaders of the middle ages. The debates of this council are not reported; its constitution is as yet unascertained and undetermined. We feel its power before we can define it. It is independent of political councils, higher than political responsibilities, ignorant of constitutional checks. . . . And it extorts from us the question whether any account has yet been taken of the immense institution that has sprung up while emperors and common politicians were thinking to settle the world with armies and treaties.

Over half a century has passed since the above publication, but science has remained dumb to the demand of the Spectator for an accounting. Instead of a clarifying report the mystery has deepened. Sir Oliver Lodge, the noted English scientist, tried his hand at it in the

Economic Review for October 1898, the title of his article being "The Functions of Money," but the best he could do was to bring up with this dogmatic statement: "There is a fifth estate of the realm now, more powerful than any of the other four, and the nation bows down before it. The supreme power is the power of the purse. The latest of the functions of money is to rule the modern world."

Just here I want to bring under your eye two other things from the books. The first is from *Money and Civilization* by Alexander Del Mar, published at London in 1886, and thus reads:

> Nor does the co-relation (i.e. between Money and Civilization) end here; it also relates to the *forms of money and society* (italics Del Mar's); in other words, it is structural as well as functional. With the development of society from the rudimentary to the highly organized condition, from the simple to the complex, from the homogeneous to the heterogeneous form, so has money developed from slaves and cattle to corn; from corn to metals; from metals, which are not susceptible of limitation, to coins, which are; and from a limited number of coins to a limited number of symbols of any material. These co-relations between money and civilization hold good as well in periods of decay as of growth: so that when we shall have acquired a sufficient degree of intimacy with the subject, it will become as possible for us to reason out from its monetary system the entire structure of any given society, or State, as it was for Cuvier to trace from a single bone the form and functions of an unknown animal.

The second is from the French economist, Proudhon, the date being 1840:

> But at this point a gigantic and complicated conspiracy is hatched against the capitalists. The weapon of the exploiters is met by the exploited with the instrument of commerce; a marvelous invention, denounced at its origin by the moralists who favored property, but inspired without doubt by the genius of labor, by the Minerva of the proletaires. The principal cause of the evil lay in the accumulation and immobility of capital of all sorts—an immobility which prevented labor, enslaved and subalternized by haughty idleness, from ever acquiring it. The necessity was felt of dividing and mobilizing wealth, of making it pass from the hands of the possessor into those of the worker. Labor invented *money*. Afterwards, this invention was revived and developed by the bill of exchange and the Bank. The first man who conceived the idea of representing a value by a shell, a precious stone, or a certain weight of metal, was the real inventor of the Bank. . . . By this means, oppressed equality was enabled to laugh at the efforts of the proprietors, and the balance of justice was operative for the first time in the tradesman's shop. The trap was cunningly set, and accomplished its purpose so thoroughly that in idle hands money became only dissolving wealth, a false symbol, a shadow of riches. An excellent economist and profound philosopher was that miser who took as his motto, 'When a guinea is exchanged, it evaporates.' This

> explains the constant fact of history, that the noble—the unproductive proprietors of the soil—have everywhere been dispossessed by industrial and commercial plebeians. . . . The greatest enemy of the landed and industrial aristocracy to-day, the incessant promoter of equality of fortunes, is the banker. . . . The banker is at once the most potent creator of wealth, and the main distributor of the products of art and nature. And yet, by the strangest antinomy, this same banker is the most relentless collector of profits, increase, and usury ever inspired by the demon of property. The importance of the services which he renders leads us to endure, though not without complaint, the taxes which he imposes. Nevertheless, since nothing can avoid its Providential mission, since nothing which exists can escape the end for which it exists, the banker (the modern Croesus) must some day become the restorer of equality. Whence it follows that the Bank, to-day the suction pump of wealth, is destined to become the steward of the human race.[11]

[11] [Pierre-Joseph Proudhon, *What is Property*? trans. Benjamin R. Tucker (Princeton: Benjamin R. Tucker, 1876) 312–13.]

I have been led to the above references partly as a help in raising the central question between us up to the level of its true worth and dignity. I am not trying to adjust a mere personal difference of opinion, and I am sure that it means far more than this to you else I could not have won your attention. Instead, I am seeking to present to you at once the course of social evolution, the nature of the existing crisis in the American State, and the one road to its peaceful solution. As I look at the situation it is charged with greater peril than was the crisis of 1789, at the adoption of the Constitution, or the conflict of 1861.

1 have now to remark further on the absence, so far as relates to our public teachers, of any recognition, even to the bare possibility, of the appearance of new organs of social control in the legitimate sense, along with a new instrument of coercion. It is true that various writers are anticipating a great development of the Common Law, but the hall-mark of the law they have in mind is always physical force—the fine, the jail, and the gallows. For example, here is Bruce Wyman, a Harvard professor, with a book on "Control of the Market." He is looking for "a legal solution of the Trust problem"—it must be "legal" or nothing—and this without the least suspicion, so far as he reveals himself, that the new combinations may turn out to be, in and of themselves, simply a further outworking of the intrinsic law of the social organism. Wyman is serious of course, but just the same his book is a humorous production. His industry in working over the mass of case law is so exacting that he has no time to look out of doors for the true facts. His naive belief in the Police Power as a remedial agent reminds one of the ill-starred attempt of the English courts towards the end of the seventeenth century to bring the control of the news market under the Common Law. The learned Chief Justice, Scroggs, held that "to print or publish any newsbooks

or pamphlets of news whatsoever is illegal; that it is a manifest intent to the breach of the peace, and that they may be proceeded against by law far an illegal thing. Though the thing is not scandalous, yet it is illicit and without authority" (R. v. Carr, 7 St. Tr., 1127). The Common Law was thought to be sufficiently tough and elastic to put down the news mongers, but it turned out that the inflexible thing was the news movement itself, and this, if I may so write, in accordance with the law of the social body and in spite of "the law of the land" as interpreted by the courts. It is worth noting that it was about this time, 1680, when some hungry newspaper man at London first conceived that he could get a living—food, clothing, shelter—by selling news. It appears, from the history of opinion, that a given social order is always at the point of its highest pretension in the very moment of its decline.

Sir Frederick Pollock, in his Harvard lectures on '"The Expansion of the Common Law," takes, as is natural to him, a broad view of the matter. He says:

> Just now (1903) there is a group of questions before courts of common law both in America and in England, arising out of the rapid modern development of trade combinations, which go to the very foundation of the law of personal liberty and of civil wrongs. . . . The problem is nothing less than to reconcile the just freedom of new kinds of collective action with the ancient and just independence of the individual citizen. This much is certain, that no merely technical resources of the law will suffice for the task. In whatever jurisdiction the decisive word is spoken, it will be founded on knowledge of the world, and on broad considerations of policy. Natural law will have . . . a large and probably a dominant part in it.

In Pollock's view, "the Common Law has largely enriched and is still enriching itself by associating the Law of Nature with its authority," but I doubt if Pollock, notwithstanding his open mind, is prepared, as yet, to recognize and welcome the revolutionary conception of Social Law which the Trust development implies and compels, reaching down to and transforming the customary ideas both of sovereignty and jurisdiction.

I once wrote you that it is not easy to see once clearly what the orthodox jurisprudence of the world has forbidden us to see at all. A measure of this difficulty is afforded in Brooks Adams's book, *Centralization and the Law*. After sketching the rise of the King's courts in England under Henry II and the further development of the Common Law in obedience to the wants of the vigorous mercantile class, which represented the new economic power, Mr. Adams points out that

> the law, if we view it right, presents a series of phenomena, evolved by the conflict of social forces; and if we would understand those phenomena, we must begin by understanding the society which caused them. . . . The law is the envelop with which any society surrounds itself for its own protection. The rules of the law are established by the self-interest of the dominant class, so far as it can impose its will upon those who are weaker. These rules form a corpus which is more or less flexible according to circumstances, and which yields more or less readily to pressure. When the society, which is the content of the envelop which we call the law, expands or contracts regularly and slowly, the envelop, yielding gradually, tends to conform without serious shock; conversely, when society breaks suddenly with its past because of the instantaneous injection of some new energy which disturbs the habits of life, the law may not automatically adapt itself to the change, but may be rent by what we call a political revolution. In the nineteenth century our society broke with its past by the introduction of steam.

Coming down to the present time, he asserts that "within seventy-five years social conditions have changed more profoundly than they had done before since civilization emerged from barbarism, and, apparently, we are only at the beginning. . . . In fine, modern life is evolving conceptions not only different from, but often antagonistic to the old." And he continues: "Whither we are drifting we know not, but this much seems to me clear. In a society moving with unprecedented rapidity unintelligent conservatism is dangerous. No explosion is more terrible than that which shatters an unyielding law. As yet our legal system is unyielding. . . . The character of competition has changed, and the law must change to meet it, or collapse."[12]

And so, Adams brings up with a negative only. He appears able to see in law only the operation of arbitrary power, and he vainly seeks to learn where the new absolute will is to be lodged. He detects no new expression of the general interest. While he is able to recognize a fundamental alteration in conditions, he lacks a universal concept by which to order his facts and thus lead up to the clear and radical advance in the very idea of Social Law which is implicit in all his writings on this subject. He uses the tool of inquiry which he himself rejects—the notion that, of necessity, absolute power is lodged in one part of the body politic. He cannot compass the organic view of society; to him, it is only a mechanism. His work is valuable to me, but only through re-action from it. In spite of his startling avowals, I find no trace in Adams of any perception that the body of law which grounds itself in the might of the billy and the bayonet can not by any possibility expand and become more common; that instead the development of law which the new era demands must find vent through new organs, involving, as I shall undertake to show you, a new instrument of coercion. Adams does not know it, but it is true

[12] [Brooks Adams, *Centralization and the Law* (Boston: Little, Brown, and Company 1909), 45-50.]

that the instrument of mere physical force has reached its limit as a mode of social control.

This view is confirmed by the striking article of Mr. Adams in the *Atlantic Monthly* for July, 1910, entitled, "A Problem in Civilization." The problem, as he puts it, is how to control the social energy which modern science and modern inventions have liberated, and he starts out by defining civilization "as tantamount to centralization." "An organized social system can exist on no other foundation than monopoly." "The impulsion given society by the forces set in action by applied science has gathered volume, until now it sweeps before it our laws and institutions." A lesson is drawn from the unifying of the American colonies by means of the Revolution, culminating in the Constitution of 1789. Emphasis is laid on the type of mind which at that time caused our society to cohere, and the demand is made for another Washington who will organize or fuse the present society, whose condition, we are told, is infinitely complex, going to the root of the social system. A tribunal is demanded which will be open to the individual, and which will have jurisdiction over the prices charged by monopolists. "The alternatives are, to bring monopoly under the jurisdiction of the courts, or else for the monopolist to enroll an armed police which will enforce his will." The need is the entrance of an administrative mind whose genius and power will tally with the present stage of scientific method, and through such a mind to develop "a central intelligence" which will satisfactorily regulate prices, but to Adams the only visible instrument therefor is the inherited court of law. Yet this is not all, as the necessity has arisen for a social authority equivalent to that exercised by the father in the family under the old civilization, which, as our writer says, is dead.

The entire article betrays again that Mr. Adams is wholly unable to detect that a new social order is breaking through the shell of the old. Notwithstanding his important discoveries, he continues to hold to the State-idea of the sixteenth century—the body with a single governing centre. Thus he gravely tells us: "Justice must be a monopoly. There can be no competition in justice. That the State, and not the citizen, shall punish wrong, is the first principle of civilization." Again, the appeal is to arbitrary power; the natural interactions of the organism are away from him. He is unable to ask the question. What would be the effect on the distribution of even-handed justice were the News System and its cognate organ, the Credit System, to undergo absolute centralization, which of course could only be effected under the impartiality of scientific method. It so happens that, under the Law of Society, untruth cannot he organized to any great extent. Mr. Adams recites for us the achievements of exact method in the world of business. He tells us that "speaking gener-

ally, in the United States, whatever concerns are based upon science are well administered, those based on law are ill administered." His colleague in the Boston University Law School, Dean Bigelow, goes so far as to say that the directing centre of "the new order," meaning by this of course the organ of the general interest, will have to adopt "nothing short of the scientific precision . . . of the Standard Oil Company." "The winning order . . . must be the most perfect embodiment of skill and power." It is plain, however, that neither Adams nor Bigelow has sufficient faith in science to lead up to the suggestion that the science of society is in store for us. Nor is either of them aware that social science is but another name for the science of business. They have not yet attained to the outlook of W. K. Clifford: "It is idle to set bounds to the purifying and organizing work of Science. Without mercy and without resentment she plows up weed and briar; from her footsteps behind her grow up corn and healing flowers; and no corner is far enough to escape her furrow."[13]

[13] [William K. Clifford, "Body and Mind," *Fortnightly Review* 16 (July–December 1874): 736.]

I have been led to dwell upon the joint work of Adams and Bigelow because, for one thing, it represents perhaps the most serious attempt on the part of our legal teachers to explain the present juncture of the social forces and to indicate how or in what direction they are moving. I cannot see that they throw any light on the situation except of course to heighten our sense of its gravity. I think their efforts go to show that the training of the lawyer works against clear seeing in this field, though it is the one field in which he is supposed to have expert knowledge and power. As you may know, Bigelow published a new book last year under the title, *A False Equation*, in which he discloses a slavish adherence to the received idea of State organization: the absolute State, facing the absolute individual, to use the words of Maitland. Bigelow deplores "the weakness of the State" in dealing with the monopoly question, and yet his demand is for more "legislation." To Adams, the "community lives very largely in defiance or in disregard of the law,"[14] but he does not perceive that new legalities or new ideas of law are pressing for recognition. The latter has delved into history with good results which aided me somewhat in tracing the course of the money or credit system. He has written of the relative changes in position of gold and silver as instruments of exchange, though unable to recognize that the paper instrument is displacing both metals. He is at no time able to grasp the evolution of commerce, or what is the same thing of society, as a whole, and so to mark out definitely the successive rise and decay of new centres or modes of social control which commerce raises up in obedience to its own necessities, i.e. for its own regulation. He appears not to know that the ever advancing movement of commerce is but another name for the natural expansion of human wants and activities; that it is a

[14] [Adams, *Centralization*, 47.]

self-moving organism ever incorporating in its majestic sweep new energies as they are liberated through the discoveries and inventions of Science. I have never met Adams but last Spring, when in Boston, I had a talk with the editor of the *Atlantic Monthly*, Ellery Sedgwick, who said to me that Adams is constantly laying stress on the need of greater social co-operation, but, I take it, he is not sufficiently aware that the over-arching co-operation among men is through the profit-seeking principle of the despised dollar-hunters. Such writers have yet to learn that the feudalism of the Landlord, the State-centre of the sixteenth century and of Roosevelt, and the organism of countless governing centres now coming to recognition are but varying expressions of the Spirit of Commerce.

By the way, I want to put down that I was helped distinctly, in the course of my struggle to grasp commerce as a moving whole of action, by the German economist, Schmoller, especially by his short account of the Mercantile System and its Historical Significance. He led me to see more clearly that the true history of commerce is the development of its centres of control, that on anything short of this resultant we have only a jumble of unorganized facts, and not a *story*, and that the constant progress of civilization has been towards greater and greater economic unities, each taking the place of a passing individualist system. Schmoller sketches the transition from local trading customs to the territorial and thence to the national economy. In his view mercantilism was "nothing but state making—not state making in a narrow sense, but state making and national economy making at the same time; state making in the modern sense, which creates out of the political community an economic community, and so gives it a heightened meaning. The essence of the system lies not in some doctrine of money, or of the balance of trade. . . but of something far greater, namely, in the total transformation of society and its organization, as well as of the State and its institutions, in the replacing of a local and territorial economic policy by that of the national State."[15] It is thus that he breaks through the shell and husk of history to its economic core. He makes this suggestive statement: "The great and brilliant achievements of history, both political and economic, are wont to be accomplished at times when economic organization has rested on the same foundations as political power and order."[16] Again, he says: "The idea that economic life has ever been a process mainly dependent on individualist action—an idea based on the impression that it is concerned merely with methods of satisfying individual needs—is mistaken with regard to all stages of human civilization, and in some respects it is more mistaken the farther we go back."[17]

[15] [Gustav Schmoller, *The Mercantile System and Its Historical Significance* (New York: Macmillan, 1896), 50–51.]

[16] [Schmoller, *The Mercantile System*, 3.]

[17] [Schmoller, *The Mercantile System*, 3–4.]

Concerning the growing place of science in commerce and the attention it is beginning to receive from representative men, I have been struck by an address of the English philosopher and politician, A. J. Balfour, in 1908, entitled, "Decadence." After considering from various viewpoints the causes underlying the making and the unmaking of nations, he says:

> A social force has come into being, new in magnitude if not in kind, which must favorably modify [such hindrances to progress as he had mentioned]. This force is the modern alliance between pure science and industry. That on this we must mainly rely for the improvement of the material conditions under which societies live . . . is obvious, although no one would conjecture it from a historical survey of political controversy. Its direct moral effects are less obvious; indeed there are many who would altogether deny their existence. To regard it as a force fitted to rouse and sustain the energies of nations would seem to them absurd: for this would be to rank it with those other forces which have most deeply stirred the emotions of great communities, have urged them to the greatest exertions, have released them most effectually from the benumbing fetters of merely personal preoccupations—with religion, patriotism, and politics . . .

"I believe," adds Mr. Balfour,

> this view to be wholly misleading, confounding accident with essence, transient accompaniments with inseparable characteristics. . . . All great social forces are not merely capable of perversion, they are constantly perverted. . . . In talking of the alliance between industry and science my emphasis is at least as much on the word science as on the word industry. . . . It is on the effects which I believe are following, and are going in yet larger measure to follow, from the intimate relation between scientific discovery and industrial efficiency, that I most desire to insist. . . . I do not myself believe that this age is either less spiritual or more sordid than its predecessors. I believe, indeed, precisely the reverse. . . . If in the last hundred years the whole material setting of civilized life has altered, we owe it neither to politicians nor to political institutions. We owe it to the combined efforts of those who have advanced science and those who have applied it. If our outlook upon the Universe has suffered modifications in detail so great and so numersous [*sic*] that they amount collectively to a revolution, it is to men of science we owe it, not to theologians or philosophers. On these indeed new and weighty responsibilities are being cast. They have to harmonize and to co-ordinate, to prevent the new from being one-sided, to preserve the valuable essence of what is old. But science is the great instrument of social change, all the greater because its object is not change but knowledge; and its silent appropriation of this dominant function, amid the din of political and religious strife, is the most vital of all the revolutions which have marked the development of modern civilization. . . . This process brings vast sections of every industrial community into admiring relation with the highest intellectual achievement, and the most disinterested search for truth; that those

> who live by ministering to the common wants of average humanity lean for support on those who search among the deepest mysteries of Nature; that their dependence is rewarded by growing success; that success gives in its turn an incentive to individual effort in no wise to be measured by personal expectation of gain; that the energies thus aroused may affect the whole character of the community, spreading the beneficent contagion of hope and high endeavor through channels scarcely known, to workers in fields the most remote; if all this be borne in mind it may perhaps seem not unworthy of the place I have assigned to it.

I have reproduced Mr. Balfour's address in considerable detail as it comes from a representative English observer. It is the most striking thing of the sort that I have seen from a high political quarter. He states his points with some hesitation, more in fact than is shown by the parts I have copied, feeling evidently that his audience might not be in full sympathy. The outgiving prompts me to say that the wonderful achievements he recites compel an immediate further advance of like order and this to an extent that is not easy to grasp or appreciate. The truth is that the resulting social complexity cannot be controlled or directed by any means short of the power which created it; that is, the power of science itself. I mean that at a certain stage in the industrial development the enlarged governmental need compels a resort to scientific methods, and this in an exclusive sense. A new order of government is required and it must rise from the genius of the locomotive and the electric wire. An organic climax in society has been reached, so much so indeed that the parallel culmination on the side of government must be an extension of the rule of science.

The outcome to be dealt with is the modem industrial system which presents a new problem in social control which cannot be solved by any possible extension of the rule of physical force, i.e. of the police power, and the movement must of necessity be international, as the Industrial State is the World-State. The degree of scientific control which is required cannot operate through the old State-centre, since compulsory co-operation and voluntary co-operation are not workable through one organ. But the advance can only obtain, or become regnant, through a successful struggle for control on the part of the men of science. Their line of procedure is through the news organization of the world, and it must be in harmony with, or by virtue of, the profit-seeking principle. It is a noteworthy though little known fact that progress in true or rational political control is directly as to the extension of venality in society, which means that the scientific ordering of the news movement must he grounded in business methods in order that the action may become organic in the highest degree.

I fancy that this principle—the self-seeking method of the counting-room—would surprise and possibly perplex Mr. Balfour as the idea flies in the face of our inherited prejudices, but the fact remains that the ultimate government of the industrial system must itself be a business undertaking. The method must be on all fours with the principle of Contract or voluntary agreement on which modern commerce has been built up. Happily, the conditions are everywhere favorable as the extension and control of the international credit system—the key to the advance—necessitates the systematization of the news movement, which runs parallel at every point. The idea involves the organization of human experience on a world-wide scale, and this through an institution that will be prepared to sell, at a price which everybody according to his needs can afford to pay, the experience of all man in relation to any given problem or combination of circumstances. The masters of physical science of late years have been plotting ways and means, to use their own words, for distributing the results of science, each fact to be rendered in its life bearing, but they have yet to learn that the job must be let out to the men of business; that is, to the money catchers.

In 1884 John Eaton, one time United States Commissioner of Education, addressed the American Association for the Advancement of Science on this question of distribution. Among other things, he said:

> The dissemination of truth is as scientific as its discovery. . . . Toward the gathering up, for man's daily use, of all the lessons of nature, the progress of the race is tending. . . . The era of this diffusion of knowledge has already commenced. Men not engaged in scientific pursuits are gradually coming to feel the necessity of gathering, grouping, and generalizing the data which give them a clear measure of health, comfort, pleasure, as well as the profit and loss involved. . . . But the correlation of all these and their actual results have not yet been reached."

At a meeting of the British Association some years ago a demand was made for a central institution which should adequately check the results of scientific inquiry. This growing need has further illustration in a remark by Prof. Louis Agassiz: "Scientific truth must cease to be the property of the few; it must be woven with the common life of the world."[18]

A later and more insistent demand of the same order appears in Dr. Henry Maudsley's book, *Life in Mind and Conduct*, published in 1902. Dr. Maudsley says:

> There is apparent need now of a superior scientific or philosophic society, a select council of wise men conversant with all the sciences yet engulfed in none, an organ of scientific synthesis, to understand,

[18] [This paragraph, including the quotes from Eaton and Agassiz, is copied from Ford's *Draft of Action*.]

> interpret, co-ordinate and blend their different knowledges—in fact, to make them wisdom. Until that be done, although knowledge grow, wisdom will linger. . . . Is there no remedy, then? There is none yet visible. The strange irony of the situation in England is that the highest scientific Society is entirely occupied with the prosecution of minute researches, doing nothing whatever to co-ordinate results, yet calls by the name of "Philosophical Transactions" the huge volumes in which it accumulates the scattered gleanings of laborers who, if they were all congregated in one room, would hardly understand a word of each other's language.

But none of these authorities have perceived, so far as I am aware, that the results of science to date could not be laid hold of and given universal distribution until the science of society should be formulated and let in at the base, functioning as the scheme of classification. Nor could this happen until directly compelled by the rising economic need; that is, as I have already indicated, the desired advance could not take place until the system of industry should reach such a degree of complexity as to necessitate the substitution of scientific direction for the inherited haphazard methods of social control, Society does not change its habits upon the strength of intuitions; it decides only upon the authority of facts. It all means, in short, that the demand of Dr. Maudsley could not be met until the constitution of society should become, in fact, organic in the full sense of the term. The demand is for the highest human tribunal yet conceived, far outrunning the function and scope of Parliament, and this though the latter be taken at its greatest pretension to sovereignty.

The suggestion points to the control by Science of our whole existence. There is as yet no general recognition of the function of science or impartial inquiry in the field of government, that is, so far as this aspect of social life is dominated by the old State-centre. It is true of course that on the side of Contract or voluntary agreement social activities have come under scientific direction to an immense extent, but the idea has little or no place as a political conception. Indeed, it is fair to say that the spontaneous social co-operation, on which are dependent our regular supplies of food, raiment and shelter, would break down but for the presence and control of exact inquiry. Step by step the various divisions of commerce have been passing under the direction of science but the fact has no recognition in the general consciousness. It is true that now and then the old governing centres call to their aid the training and skill of scientific men, but this only on condition that the function or usefulness of the old organs shall not be looked into; what Maitland called "the impeccability of the State" is still the ruling idea. In the field of so-called political action there must be no thought of scrapping old machinery. Yet if

we were to seek the most general force which has been active in historical times, and is still active, the answer would be: *The conquest of all intellectual fields by science*. And this factor is increasing with each social advance, in fact it is the impelling cause of such advances. The chief obstacle standing in the way of the universal acceptance of science as the guide of life is the continued reverence for, or the unquestioned obedience to, the edicts of the old State-centre; that is, we regard political and moral laws with a feeling different from that with which we look upon physical or chemical laws. We are accustomed to regard our law-makers, jurists, and political organizers as leaders of men to the neglect of those who make our scientific discoveries and inventions. But, happily, the tide of opinion is turning and I think we are in the way of recognizing the irresistible power of science as a matter of daily thought and experience. I have been drawing together the evidence as to the extent to which scientific method is even now directing social action, preparatory to making a commanding summary of the wonderful story, and I am hoping that the report will go far toward correcting the inherited view. The need is to change the objects of social adoration.

The difference between the old and the new civilization is expressed in the one word: *science*. If we go to the bottom of the matter we find that our entire social order rests on the fact that we can and do look into the future. In fact the height of any civilization turns upon the thoroughness with which its prophets understand their calling, and are able to predict the future. The ancient oracles predicted the outcome of a war from the viscera of a sacrificial animal; Moltke[19] made his prophecy on the ground of his scientific inquiry into the relative military conditions of France and Germany.

I take it that the notion of the scientific treatment of history and society; that there is a law in the succession of social states, to be ascertained by examining into the collective phenomena of the past, took its first clear start in the mind of Condorcet. Certain stones of the edifice were laid by Montesquieu, but the larger and rounded expression waited upon Condorcet. In his *Progress of the Human Mind* Condorcet in 1794 gave glad acclaim to the fact that social inquiry had been escaping from governmental tyranny, and that knowledge had become "the object of an active and universal commerce," but an entire century had to pass before intelligence could be organized on the basis of science, as such action necessitated an advance of the social mechanism to the stage of un-hindered or absolute communication: to the telephone age. Pray bear in mind that only now is the telephone in the way of becoming a social function, thirty-six years having been required for it to pass into general use. It is worth noting that the advent of the telephone has much the same relation to the

[19] [Helmuth von Moltke (1800–1891) was a Prussian military commander who authored several books about strategy and military history, including *The Franco-German War of 1870–71*, trans. Archibald Forbes (London: James R. Osgood, McIlvaine & Co., 1893).]

appearance of social science as the incoming of the telescope bore to the development of astronomy. Galileo ranks as the true founder of descriptive astronomy, but the telescope was his necessary instrument. As the telescope operated to free the mind, so does the telephone in the field of social observation. There has now occurred a mental liberation on an infinite scale.

I have been interested in noting the quickening effect of the incoming of the telegraph in 1844 on the master minds of that time. The most striking thing I have seen was the prediction of John C. Calhoun. Speaking from his place in the Senate on the Oregon question in 1844, he counseled against war with England on the ground of the entrance of new forces in society; that their benign influence would be retarded. He said:

> The two great agents of the physical world have become subject to the will of man, and have been made subservient to his wants and enjoyments; I allude to steam and electricity. . . . The former has overcome distance, both on land and water, to an extent which former generations had not the least conception was possible. . . . Within the same period, electricity, the greatest and most diffuse of all known physical agents, has been made the instrument for the transmission of thought, I will not say with the rapidity of lightning, but by lightning itself. Magic wires are stretching themselves in all directions over the earth, and when their mystic meshes shall have been united and perfected our globe itself will become endowed with sensitiveness, so that whatever touches on any one point will be instantly felt on every other.

Calhoun looked to the "dawn of a new civilization, more refined, more elevated, more intellectual, more moral, than the present and all preceding it."

The flight of years has brought us to the full realization of Calhoun's prophecy, but only so far as relates to the change in underlying conditions. We are now face to face with the over-arching problem of social re-organization compelled by the fundamental alteration which he foresaw. Our task is to interpret modern communication in its influence on the organization of the State, to note the re-action of mechanical and scientific progress on human life and thought, involving the investigation of facts as well as the analysis of ideas. Our ways of thinking have been changed radically in many directions of which we have various accounts, but above and beyond all the interesting and engaging thing is to sum up the effect of the new environment on our forms of political thought. We are now able to get, as though in a single night, the political outcome of the progress of the last century in the field of physical invention. An alteration has occurred in relations of fact, and the need is to interpret it in the general terms of principle or law. We are under the necessity of bringing ultimate principles into living touch with common experi-

ence and the actual facts of life. We are standing at the centre, and are therefore able to see the moving spectacle of action from the universal point of view. We are at the heart of commerce which appears as the transforming agent, as the great civilizer of men and nations. We have to record a development in government which is as new as was the institution of parliament when it first came to recognition.

Definite or full account has to be taken of the larger freedom for the individual, under the limitations of fact or law. The change is so profound that we are forced to provide for new circumstances with only old experience to go by; the resort must be to scientific thought. Just here the luminous distinction of W. K. Clifford is in point: "The difference between scientific and merely technical thought is this: Both of them make use of experience to direct human action; but while technical thought or skill enables a man to deal with the same circumstances that he has met with before, scientific thought enables him to deal with different circumstances that he has never met with before."[20] I will only add to Clifford's analysis that the instrument is an observed uniformity in the course of events. By its use we are enabled to extract information transcending our experience; it leads us to infer things we have not seen from things we have seen.

[20] [William K. Clifford, "Aims and Instruments of Scientific Thought," *Popular Science Monthly* (November 1872): 95.]

The American State is re-organizing right under our eyes, and it behooves those in authority to take account of the fact. Prompted by the new freedom, all classes of society are demanding entry into the economic councils of the Industrial State; they want to be represented. Political freedom is a matter of fact; progress therein turns upon the degree of access and movement, and not upon the state of opinion merely. An advanced sense of justice is taking form in peoples and races. The judge on the bench is now compelled to assimilate new matter, to take up fresh material, as the public is properly struggling toward wider legal rights. Society is on all sides, and new legal doctrines are evolving to be applied in new tribunals. There is hardly any limit to the application of the organic idea; the bars are all down. In 1821, and later, in New York State all orders of men, stirred by the change in conditions, demanded and received the social negative that is contained in the right to suffrage, but the insistence now is for a far more intimate relationship; each class is seeking its proportionate voice in the direction of the system of industry; they all want to wear, each according to his function, the garments of the State. That is to say, while during the first third of the last century the struggle was for recognition at the doors of the old legislatures, the present demand is for representation through the centres or organs of the Industrial State. The trade union movement, for example, is but a further assertion of the representative principle. And, to crown all, a new political class—the men of scientific training and habit—is

moving toward the direction of the new universal governing organs, the News System and its cognate organ, the Credit System.

I have sought to put down for you something of the anticipations of men touching the convergence of literature upon the life actual. I am doing this as means to taking you in some measure over the course of my own education, I am well aware that one cannot successfully convey to another a new validity in any field of science through a few epigrams or other short-hand process. It is a number of years now since I began to realize that victory would not be mine unless I should be able to unfold the science of society in a simple yet comprehensive literature which could be taught in the schools and to the whole people.

Springing out of my experience as a working journalist, there was revealed to me, as by a flash of light, the existence in fact of the social body. I meet numerous people who hold it *ideally* or who think they do, i.e. in a language of metaphor, but I have brought myself to hold it really as a working concept or tool of inquiry with which to measure the social relation, I believe that I am doing this now as certainly as the astronomer holds to *his* entity or objective.

I have had to reach detailed results in face of the fact that for long I could find no one who so much as believed in the bare possibility of a science of society as a matter of the immediate future. Such hospitality as I got usually came from the masters of physical science, who know what science is, from engineers, and from men of projecting minds generally, i.e. from men of large affairs, notion here is that men who do things in a big way make their calculations of necessity on the basis of an organism, else their prophecies would not work out in practice. It is not surprising, therefore, that men of this order understood me in good part when I talked to them an organic language, I have been attracted by a saying of the engineers, who speak of the controlling facts—the necessity of mastering them before they can proceed safely. When one considers that to set forth a scientific or valid account of the social objective is to make as abrupt a departure in social observation as Copernicus effected in astronomy, it is no wonder that I have had a hard job in making myself understood. The most difficult thing in the use of language is of course to fit words to a *new* object. But for the further and rapid integration in the new environment during the course of my inquiry or observation the task would have been hopeless. My feeling is that I am even with the facts, and that the showing of evidence is ample for the demonstration; the notion of an organism is in the air.

By the way, I am not inclined to favor the retention of the word *sociology*, at least I do not intend to adopt it. It is worth remarking that the men as a class who are merely *professing* sociology, and the

like, in our universities are not in position to welcome the science of society, as its appearance publicly would go to put them out of business. Here is the professor of sociology in Columbia University (Giddings)[21] who has, with untiring industry, published some hundreds of pages to prove that birds of a feather flock together. He calls the legend Consciousness of Kind, as the homely phrasing would not have effected the desired imposition. A professor at the University of Vienna (Böhm-Bawerk)[22] has printed something like one thousand pages to prove that a bird in hand is worth two in the bush, which sums up his theory of economic interest. Had he used this simple statement it would have destroyed his book. What is more, the professional economists in Europe and here have written thousands of pages discussing Böhm-Bawerk's thesis. In the days to come interest will be plainly defined as the charge for registering and certifying credit, and it will be taught in the schools of the world. The ways of university men are a wonderful thing to me. There is no body of men in the world that approaches them in the all-round and confirmed habit of self-laudation; they write books endlessly about each other's books, hold frequent dinners to bestow fulsome compliments upon each other, and the like. The only possible explanation of the matter that I can detect is that they have nothing else to do of absorbing interest; that is, they have no objective in the full sense of the word. The officers of an army have an objective, and so have the officials of a railway system. That the university men have none seems to me highly symptomatic as to the real state of society, I take it that at the beginnings of university organization in the middle ages the situation was altogether different. Think I wrote you once that to my mind the existing university system, regard being had to its lofty function or pretension, is the narrowest trade union in the world. An extensive and thorough contact at various university centres is my warrant for this judgment.

I think the fruitless attempt of Stuart Mill to find the key to social science helps to confirm the view that only so fast and so far as the organism is revealed to us as a working fact, with a clear view as to its mode of operation and lines of development in space, could the science of society come to maturity. The statement appears commonplace to me, and it will become such to all others. Mill, as laid down in his *System of Logic*, sought "some one element in the complex existence of social man, pre-eminent over all others as the prime agent of the social movement,"[23] and from the accumulated evidence he concluded "that the order of human progression in all respects will depend on the order of progression in the intellectual convictions of mankind."[24] Such merely speculative views are of no help to us now in framing the descriptive science of the body politic, save of course

[21] [Franklin Henry Giddings (1855–1931) was a professor of sociology at Columbia University from 1894 until 1931. He is considered as one of the "four founders" of American sociology.]

[22] [Eugen von Böhm-Bawerk (1851–1914) was an Austrian economist. He held positions at the University of Vienna and at the University of Innsbruck. At the time of Ford's writing, Böhm-Bawerk had left the university to lead a political career. He was Austria's Minister of Finance between 1895 and 1904, and also became the president of the Academy of Sciences in 1911. Ford probably refers to his *Capital and Interest*.]

[23] [John Stuart Mill, *A System of Logic* (New York: Harper & Brothers, 1858), 606.]

[24] [Mill, *A System of Logic*, 586.]

as they emphasize the transcendant [*sic*] importance of the quest. Concrete results were not possible at the date of Mill's writing, the middle of the last century; to be sure the social body was rapidly evoluting [*sic*] before his eyes but he could not see the direction of the movement. The locomotive and electric communication were there, but only in their first stages. Yet Mill held clearly and firmly that the future had the science of society in store. He looked forward to "the birth of a sociological system widely removed from the vague and conjectural character of all former attempts, and worthy to take its place, at last, among established sciences." "When this time shall come," he added, "no important branch of human affairs will any longer be abandoned to empiricism and unscientific surmise: the circle of human knowledge will be complete, and it can only thereafter receive further enlargement by perpetual expansion from within."[25]

[25] [Mill, *A System of Logic*, 609.]

At this point I have to submit two further references. The English philosopher Shadworth Hodgson, writing in 1870, had this to say touching the point that the rise of social science has had to wait on the ripening of conditions:

> The further construction of a logic of politic . . . depends upon a further analysis and classification of the phenomena of society. . . . The de facto forces at work in the social organism must be known, before a criterion can be discovered. . . . The question of criterion is in politic a question of the future, reserved for a more complete state of knowledge. . . . In other words, the logic of the structure and functions of society is still only in its tentative stage, because the phenomena have not yet been sufficiently examined, or discovered in their true relations. . . . Contrary to the usual opinion I cannot but think that the knowledge which we have of the structure and functions of the individual consciousness is more complete and accurate than that which has been attained of the corresponding structure and functions of society.[26]

[26] [Shadworth H. Hodgson, *Systematic: The Logic of Practice* (London: Robson and Sons, 1870), 93–95.]

As late as 1900, Lindley M. Keasbey, a scientific investigator of ability and standing, wrote in the *International Monthly* as follows, his subject being "The Constitution of Society":

> After centuries of speculation on the subject, Society is as much a mystery as ever. Our knowledge of the universe notwithstanding, we live and move and have our being in the midst of a social world, of whose laws we have but an inkling and whose purposes we but dimly divine. Science has enlightened nearly every other path but we are still groping about for a satisfactory point of departure from which to explain the complex of collective phenomena. It was easier for the philosophers of the last century, because all were then agreed that Society was to be rightly constituted by victorious analysis. . . . But now doctrinaires no longer hope to reconstruct society upon a fabulous state of nature; scientists are seeking, instead, to discover the laws of social evolution.

Mr. Keasbey endeavors to lead up to the science of society by tracing the development of co-operation among men. It is all very well, but it is hardly too much to say that the lines of social evolution cannot be marked out in any complete or satisfactory way until the social body is clearly and definitely disclosed to us as an object for science, so that we can fairly apply the kodak method to it. In other words, we cannot expect a faithful account of social development until the past can be read in the light of the future, but this necessitates a revelation. To be more concrete, it is obviously impossible to write the history of commerce until the successive rise of its centres of control can be discerned and outlined, and this, in turn, is impossible until society appears to us as having arrived at autonomy. Again, progress in division of labor cannot be traced until we have a determined body before us. We can then give an account of its organs and their working relation, or the divisions of labor in the body, when at the same time a rational and summary account of the past with respect to the appearance of one division of labor after another can be given. As with the physiological body so with the social; the organs of the former (brain, heart, lungs, etc.) and their functions were gradually identified and defined only so fast as the body came to be grasped as a unified whole and so brought under a single operating or controlling principle. It was through reading unity into the human body that the scientist made it real.

Referring again to the attempts at forecasting the convergence of letters upon life, or the coming together of theory and practice, of science and politics, it is worth noting that the men of physical science are fairly alone in suggesting an institutional development, the rule being that all references of the sort are of the individualist order only. Thomas Carlyle, whose great faith never passed into sight, wrote in his *Hero Worship* of the "Organization of the Literary Guild," but he was unable to compass the organic viewpoint, which of course was impossible at the time he wrote, in 1840. Yet he was able to say:

> Complaint is often made . . . of what we call the disorganized condition of society. . . . But perhaps if we look at this of Books and the Writers of Books, we shall find here . . . the summary of all other disorganization—a sort of heart, from which, to which, all other confusion circulates in the world. . . . The writers of Newspapers, Pamphlets, Poems, Books *are* the real working effective Church of a modern country. . . . Whoever can speak, speaking now to a whole nation, becomes a power, a branch of government, with inalienable weight in law-making, in all acts of authority. . . . It seems to me that the Sentimental by and by will have to give place to the Practical. . . . Whatever thing has virtual unnoticed power . . . will one day step forth with palpably articulated, universally visible power. . . . And yet

> alas, the *making* of it right— what a business for a long time to come! . . . And yet there can be no doubt but it is coming; advancing on us, as yet hidden in the bosom of centuries: this is a prophecy one can risk. . . . I call this anomaly of a disorganic Literary Class the heart of all other anomalies, at once product and parent; some good arrangement for that would be as the *punctum saliens* of a new vitality and just arrangement for all. . . . The man of intellect at the top of affairs: this is the aim of all constitutions and revolutions, if they have any aim.[27]

[27] [Thomas Carlyle, *Heroes and Hero Worship* (New York: John B. Alden, 1883), 121. Ford also quotes this passage in the *Draft of Action*.]

There is perhaps nothing in all literature more suggestive of the need of a science of society than these burning words from Carlyle. In another place he was constrained to write:

> That a "Splendor of God," in one form or other, will have to unfold itself from the heart of these our Industrial Ages too; or they will never get themselves "organized"; but continue chaotic, distressed, distracted, evermore, and have to perish in frantic suicidal dissolution. . . . How, in conjunction with inevitable Democracy, indispensable Sovereignty is to exist: certainly it is the hugest question ever heretofore propounded to mankind![28]

[28] [Thomas Carlyle, *Past and Present* (London: Chapman & Hall, 1843), 215. Ford also quotes this passage in the *Draft of Action*.]

It is plain that Carlyle's perception did not pass the individualist viewpoint; that is, he conceived only of some sort of universal society of particular individuals regarded as a distinct or separate social class—writers or *men* of letters—perhaps a glorified "Royal Society." His assumption that book writers are men of intellect was of course very wide of the mark. The necessity is to bring into clear relief the function of literature or the moving intelligence in the social body. But, as I have already indicated in various ways, to arrive at the right solution of the question we must be able to recognize a body, clearly determined before our sight on the plane of fact or actuality. Concerning our word *body*, the *New English Dictionary* has this to say: "The word has died out in German, its place being taken by *leib*, originally "life," and *korper* from Latin, but, in English, *body* remains as a great and important word." Shakespeare: "Imagination bodies forth the forms of things unknown."[29] "Whether that the body public be a horse, whereon the governor doth ride."[30]

[29] [William Shakespeare, *A Midsummer Night's Dream*, 5.1.15.]

[30] [William Shakespeare, *Measure for Measure*, 1.3.25.]

To repeat, and it cannot be too often repeated, the theoretical solution of the question which Carlyle set up can only be reached through the prior presentiment of a social body. Moreover, the answer in theory and the practical solution are one and the same thing, thus affording an example of the essential unity of theory and practice. Freedom of action for the "man of letters," or his full functioning in society, differs no whit in point of principle from the freeing of any other individual or of all individuals. The subject of Politics is always and everywhere the practical relation of the Individual and

the Whole. In fact we may say that the entire course of social evolution is but a gradual emancipation of the individual both in his mind and in his body, until, under organic conditions in the full sense, all individuals whatever their function or division of labor pass into free working relation with the whole of action, and the man of letters with the rest. The measure of freedom in society is freedom to act to the limit of one's true or normal function. The individual is defined as any centre of social action, inclusive of both the single individual and the corporation-group.

I have not found any forecast that the function of the man of letters would become in the natural course of things directly integral with practice—at one with the action of the world. The writer is not to furnish direction, he is to remain a critic merely, an instrument standing apart from life; the evolutionary view is nowhere presented. Even John Morley, writing in his *Voltaire*, is unable to foresee that with the ever advancing social integration literature, science was certain to become as closely related to life as the brain to the hand. Echoing Voltaire's views of this point, Morley said:

> Though himself perhaps the most puissant man of letters that ever lived, he (Voltaire) rated literature as it ought to be rated below action, not that written speech is less of a force, but because the speculation and criticism of the literature that substantially influences the world, make far less demand than the actual conduct of great affairs on qualities which are not rare in detail, but are amazingly rare in combination—on temper, foresight, solidity, daring—on strength, in a word, strength of intelligence and strength of character.

The essential unity of literature and exact inquiry was not apparent to Mr. Morley, nor that they move forward in the closest possible working relation to their common goal—the illumination of society. The telling phrase, in fact all grace of style, is but the feather on the arrow of truth which Science designs and frames.

The Frenchman, Renan, sounded a clearer note when he said in his *Future of Science*: "The scientific organization of humanity is the final word of modern science, that is, its bold but legitimate pretension. . . . The master science will investigate the aims and conditions of society. . . . The day will come when the government of humanity will no longer be given to accident and intrigue, but to the rational discussion of what is best, and the most efficacious means of attaining that best."[31] Renan remarked upon the advance "which has transformed literature into journalism and periodical writing, which has reduced every work of the intellect to a thing of actuality that will be forgotten in a short time. The work of intellect ceases to be a monument in order to become a fact—a lever of opinion—there remains only the practical outcome."[32] He looked forward to a state

[31] [Ernest Renan, *The Future of Science* (Boston: Roberts Brothers, 1891), 30. Ford also discusses Renan's book in the *Draft of Action*.]

[32] [Renan, *Future of Science*, 211.]

of things "in which the privilege of writing will no longer be a right apart, but in which masses of individuals will only think of bringing into circulation this or that order of ideas without appending to them the label of their personality."[33] The realization of this idea is foreshadowed in the newspaper interview; no matter how crude its present working may be regarded, the interview contains the germ of an infinite development. But Renan had no inkling that the revolution of which he dreamed must of necessity be carried out through the commercial or profit-seeking principle; on the contrary he rather frowned upon the ways of business.

[33] [Renan, *Future of Science*, 212.]

At this point I desire to lay stress on my use of the word *venality* above. Only so far as knowledge can be bought and sold without let or hindrance is it possible to socialize intelligence; it is by this road only that knowledge becomes power in the last sense. Progress in venality is, therefore, the true touchstone of social development, or the goal of rational government. Action through the commercial principle is of necessity highly organic whether in the field of news or elsewhere; the constant struggle of the part of the dollar hunters is to keep step with the social development, else their goods will not sell. Vested interests have always frowned upon any extension of the news-market; the first daily newspaper was of course, to respectable opinion, the "yellowest" of all. You will remember that in England almost on the appearance of printing, the Crown assumed that no subject had any business to publish his thoughts without royal license. After centuries of misguided zeal and energy it was discovered that thought and speech are beyond the reach of all artificial restrictions on the part of government, I have already referred to the fruitless attempt of the English courts near the close of Charles II's reign to bring the control of the printing press under the Common Law. If I recall rightly, when the Sophists rose in Greece about 450 B.C. the complaint against them was not alone that they were spreading knowledge among the people, but that they *sold their wares*. Protagoras, it is said, was the first Sophist who taught for pay. The new class regarded their money making power as the measure of their skill. The people, by the way, always want in the line of news what they ought to have; it is the part of science and art to give it to them. News is the most fluid of commodities, and the news-market cannot be glutted.

A word regarding the idea of *profit*, which has been tortured into a wrong meaning in the economic discussion of the time. The lesson of biology is helpful here. When rightly understood profit in the world of business is no more than the necessary margin over waste to preserve the integrity of a given operation.

Francis Bacon looked upon religion as the ultimate social bond; today it is seen to be the moving intelligence. It is the medium of association among men. The more perfect the power of association the more does society tend to take a natural form, and the greater the tendency to durability or stable progress; association and the individualizing process move forward together. The new test of social power is the extent of one's control over the governing intelligence; private crop reports, for example, are of the past. The traffic in news is now at home in the world, having reached point of free exchange. The commerce in knowledge which Condorcet saw has so far developed that an average of one newsbook a day is now delivered to each household in New York City. The unhindered exchange of Credit, the new legal instrument of social coercion under the dominion of Science, is to follow. It all means that the news or science system is fast becoming the First Estate of the realm. The future head of the State will be the Newsmaster-General.

The cry is now heard on all sides for an enlarged publicity, but its promoters little realize the social meaning of their idea. The ordinary notion of publicity is of a kind of lantern merely which will reveal wrong doing for the courts and the police to correct, whereas the fullest measure of news organization will abolish in great part our inherited governing system. To see an object in the light of its principle is to transform that object. The late Edward Caird, writing of the organization of the State, declared "that that which we now really aim at, and are demanding to become, is something which we should not recognize if we now saw it in a completed form." And so, the demand for greater publicity, or a new illumination touching the Corporation Question and kindred matters, points, however unconsciously, to a revolutionary departure from the received forms of political thinking.

I would have you note that all the signal advances in publicity were brought about in spite of the police power. A notable example was the prolonged struggle on the part of the newspaper men at London, during the first half of the eighteenth century, for the right to report the proceedings of Parliament. It is hardly strange, in the face of the present conditions, that I have difficulty in getting men to accept this fact. The privilege was not conceded by the House of Commons until 1771, even now the standing rule forbids the public reporting of debates; the rule was simply allowed to become a dead letter. For several decades prior to 1771 offenders were brought before the bar of the House and fined heavily. The victory belonged to the money hunters, who thus accomplished an important forward step in the field of government. The day-by-day reporting of the English Parliament completed the socializing of intelligence so far as

it could be accomplished through that organ of legislation; the doings of government were brought into organic relation with the social body.

It is only in the anarchist writings that I find references to the organization of science, regarded as a direct instrument of government. Thus, Proudhon wrote:

> By means of self-instruction and the acquisition of ideas, man finally acquired the idea of *science*—that is, of a system of knowledge in harmony with the reality of things, and inferred from observation. He searches for the system of organic bodies, the system of the human mind, and the system of the universe: why should he not also search for the system of society? But, having reached this height, he comprehends that political truth, or the science of politics, exists quite independently of the will of sovereigns and his king is the demonstrated truth; that politics is a science, not a stratagem; and that the function of the legislator is reduced, in the last analysis, to the methodical search for truth. Thus, in a given society, the authority of man over man is inversely proportional to the stage of intellectual development which that society has reached; and the probable duration of that authority can be calculated from the more or less general desire for a true government—that is, for a scientific government. And just as the right of force and the right of artifice retreat before the steady advance of justice, so the sovereignty of the will yields to the sovereignty of the reason, and must at last be lost in scientific socialism. . . . The science of government rightly belongs to one of the sections of the Academy of Sciences, whose permanent secretary is necessarily prime minister; and, since every citizen may address a memoir to the Academy, every citizen is a legislator. But, as the opinion of no one is of any value until the truth has been demonstrated, no one can substitute his will for reason—nobody is king. All questions of legislation and politics are matters of science, not of opinion. . . . What is it to recognize a law? It is to verify a calculation; it is to repeat an experiment, to observe a phenomenon, to establish a fact. The law, it is said, is *the expression of the will of the sovereign*: then, under a monarchy, the law is the expression of the will of the king; in a republic, the law is the expression of the will of the people. Aside from the difference in the number of wills, the two systems are exactly identical: both share the same error, namely, that the law is the expression of a will; it ought to be the expression of a fact.[34]

[34] [Proudhon, *Property*, 34.]

But of course at the date of this writing (1840) Proudhon could see little or nothing of the evolution of society to the stage of scientific organization. This fact should increase our respect for his towering faith. The French have this subtle proverb: Might is right till right is ready. It is interesting and suggestive to note Proudhon's firm belief in the real existence of the social body. In his *Contradictions* (1846), he said:

> Most philosophers, like most philologists, see in society only a creature of the mind, or rather, an abstract name serving to designate a

> collection of men. . . . To the true economist, society is a living being, endowed with an intelligence and an activity of its own, governed by special laws discoverable by observation alone, and whose existence is manifested, not under a material aspect, but by the close concert and mutual interdependence of all its members. Therefore, when we give a name to the social being, an organic and synthetic unit, our language is in reality not in the least metaphorical. In the eyes of anyone who has reflected upon the laws of labor and exchange the reality, I had almost said the personality, of the collective man is as certain as the reality and the personality of the individual man. The only difference is that the latter appears to the senses as an organism whose parts are in a state of material coherence, which is not true of society. But intelligence, spontaneity, development, life, all that constitutes in the highest degree the reality of being, is as essential to society as to man: and hence it is that the government of societies is a *science*—that is, a study of natural relations—and not an *art*—that is, good pleasure and absolutism. Hence it is, finally, that every society declines the moment it falls into the hands of the ideologists.[35]

[35] [Pierre-Joseph Proudhon, *System of Economical Contradiction,* trans. Benjamin R. Tucker (Boston: Benjamin R. Tucker, 1888) 114–15.]

If I were to single out the writings of two men who have helped me, I would name Proudhon and Maitland. I regard Proudhon as the greatest economic mind of the last century. Houston Chamberlain, in his book on Richard Wagner, speaks of Proudhon as "one of the most acute minds of the century, on whom by some inconceivable paradox the dreaded title of anarchist has been bestowed, after his having demonstrated the complete anarchy of the *present* order of things, and recognized in our constitutions, the legalization of chaos." Proudhon understood by a revolution, adds Chamberlain, "not the building up of a new order by violent means, but the end of anarchy."[36] Maitland aided me in seeing more vividly the hierarchical view of the State, its continuance as the dominant force, and the danger to social peace that lurks in it. I find his idea of the impeccability of the State exemplified in the news of the Beef Trust trial at Chicago, which discloses a clear avoidance on the part of the government to get at the whole truth of the matter. Here is a group of men doing business, through a working unity, over the entire country (a previously unheard of thing), yet the facts are handled from the individualist viewpoint strictly, as though they were merely looking into the affairs of a village grocer. But how can the government pursue the truth if the inherited fiction that all power is concentrated in the Washington organ is to be maintained? In a little book by H. A. L. Fisher, which you have probably seen, there is a fac simile [*sic*] of a page of Maitland's manuscript containing this sentence: "It seems possible that we may easily overestimate the creative power of lawyers, and courts and legislators."[37] Looking through my notes I find this from Maitland: "The set of thoughts about Law and Sovereignty into which Englishmen were lectured by John Austin

[36] [Houston S. Chamberlain, *Richard Wagner*, trans. G. Ainslie Hight (London: J. M. Dent, 1897), 140.]

[37] [Herbert A. L. Fisher, *Frederick William Maitland* (Cambridge: Cambridge University Press, 1910).]

appears to Dr. Gierke as a past age. For him Sovereignty is an attribute, not of some part of the State, but of the *Gesammtperson*, the whole organized community. For him it is as impossible to make the State logically prior to law (*recht*) as to make law logically prior to the State, since each exists in, for and by the other."[38] John Morley wrote somewhere that the man who is carrying forward a difficult work, an impossible if you please—something never done before—must have a little triumph now and then to keep him in heart. Such a victory came to me through Maitland's writings. I have looked at his letters to friends, so far as they have been published, to see if he did not divulge in them, touching the present conflict of the social forces, something not contained in his more formal writings, but I do not find much. He could not cross over, so to speak, and become the law-finder or law-speaker of the Industrial State; to prompt that close contact with the American environment would have been necessary. But Maitland broke in thought with the past, liberated as he had been by his historical studies. He was brought to see that things are, as never before since the invention of gunpowder, in a flux that is full of portent for the future.

[38] [Otto Gierke, *Political Theories of the Middle Age*, trans. William F. Maitland (Cambridge: Cambridge University Press, 1900), xliii.]