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The State of Spencer

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They should not, however, identify themselves with these allies. The alliance is not a matter of faith but of hope. But hope may or may not be realized and is a slender reed most unlikely to make martyrs. Alliance with Marxism is likely to lead to the most complete oppression known to man and to inaugurate Soviet hegemony over the whole world.

— Reviewed by René Williamson

The State of Spencer

The Man Versus the State, by Herbert Spencer; with a Foreword by Eric Mack, Indianapolis: Liberty Fund, Inc., 1981. xxxii + 531 pp. \$13.00.

BEFORE ANY WORDS of title or content, the book begins with a photographic portrait of Spencer. He appears severe, smug, and slightly sad—as if he is about to chastise you for some distasteful breach of moral conduct. The portrait accurately forewarns the reader of the tone of the words that follow. Spencer's essays read like secular sermons on the common theme that the road to hell on earth is paved with the good intentions of those who seek to expand the state.

The original edition of *The Man Versus the State* had contained four essays written by Spencer in 1884 along with a preface and postscript. In addition to these, the Liberty Fund edition includes six published over the nearly fifty-year period from 1843 to 1891. Reprints of classic works always make life easier for scholars whose aim is to trace intellectual influence in the history of thought. Only rarely, however, will such reprints be worth the attention of modern readers interested in learning the truth concerning the author's subject. The reason is that even if a classic is not part of the current

intellectual mainstream, those who write in the eddies of thought usually will have incorporated into their own work, in clearer and more cogent form, the best that the classic had to offer. Before opining on whether Spencer's essays are an exception to the rule, the first duty of a review must be performed: a summary of the substance of the book.

In "The New Toryism" Spencer argues that the liberals of his day were abandoning their earlier skepticism of government in order to expand the government to promote public welfare. The slippery slope is described in "The Comming Slavery," upon which well-meaning liberals through the extension of government create forces that inevitably produce socialism and slavery. The chapter contains a passage, cited by Hospers and Nozick, in which Spencer eloquently argues that slavery is no less slavery when the master is the community rather than a single person. He also suggests that slavery admits of degrees depending on the percentage of his time the slave is forced to work for others. The disastrous results of well-intentioned but ill-formed legislation are detailed in "The Sins of Legislators." "The Great Political Superstition" is the belief that a legislature through election by the people is endowed with unlimited right to regulate the people. Spencer criticizes the social contract theory of Hobbes by denying that the rights of the majority arise from a hypothetical social contract. Rather the rights arise from "the agreement into which citizens would now enter with practical unanimity. . . ." Spencer further believed that only in matters of mutual defense would everyone agree that the majority should have power over the minority. (The Quakers, Spencer thought, were dying out and so could safely be ignored.) The thesis of "The Proper Sphere of Government" is "that the administration of justice is the sole duty of the state." The thesis is defended partly by the example of primitive societies, but mainly by citing the ill effects of the extension of the state beyond the night-watchman function. In "Over-Legislation"

Spencer argues that the fallibility of our judgments about what is best should lead us to pause before coercing others for their own good. He supports his argument by explaining the undesired consequence of particular well-intentioned legislative enactments. In "Representative Government—What is it Good For?" Spencer answers that the increased specialization that accompanies social evolution results in government becoming increasingly able to perform its function of providing justice and increasingly unable to perform other functions. "The Social Organism" and "Specialized Administration" present an extended analogy relating human society to an individual organism. The slippery slope argument is briefly reiterated in "From Freedom to Bondage."

Perhaps the most engaging part of Spencer's essays are the illustrations of the "Peltzman Principle" that the benefits of government action are more than outweighed by unforeseen harms. Spencer's examples, although a century old, seem fresh because they are unfamiliar. The Nottingham Enclosure Act of 1845, for instance, was intended to improve the life of workers by regulating the structure of houses that could be built and the size of yards that had to be attached to them. As a result, working-class houses could not be built at a price that would make them competitive with already existing houses. Spencer reports that if the Act had not passed, 10,000 more people would have been living in new homes. A second example is Spencer's account of a Mercantile Marine Act that required that captains be given examinations in order to certify their competence. The result was to certify "the superficially-clever and unpractised men" and to reject "many of the long-tried and most trustworthy." The bottom line was that the ratio of shipwrecks increased. Take, as a final example, government fare ceilings on cabs. Spencer relates that in 1853 cab fares were regulated while omnibus fares were not. During a then recent severe snowstorm the omnibuses added horses, raised the

fare, and continued service. The cabs, under a fare ceiling, stopped service.

Adumbrationists will delight in reading Spencer's discussion of the effects of extending the franchise (public choice) and how, after government has been extended beyond the administration of justice, interest groups will lobby for further extensions (the "capture" theory of government regulation). He states the now-familiar argument that a small group, each of whom has much to gain by government action, will usually succeed over a much larger group, each of whom has only a little to lose.

Spencer's work is tendentious in the bad sense that he is more concerned with where an argument is going than he is in whether it arrives there validly. Perhaps the most common examples would be Spencer's references to primitive societies. As in the inductions part of Spencer's *Principles of Ethics*, if a practice is found in primitive societies, but not in modern ones, this will serve as "evidence" of the naturalness of the practice if Spencer approves of the practice or else as "evidence" of its barbarity if Spencer does not approve. Or, again, Spencer, the atheist who used to amuse himself on Sunday mornings by walking in a direction opposite the flow of churchgoers, argues that the poverty of children that results from parental neglect is justifiable by the biblical edict that "the sins of the wicked shall be visited upon the children to the third and fourth generation." When the government sets up a system of "payments by results" in education, Spencer criticizes it on the grounds that the competition injures the health of the teachers. Yet elsewhere he argues that progress of the species can only occur in a *laissez-faire* regime where the unfit are weeded out.

A fair-minded person who has only read Spencer's *The Principles of Ethics* might conclude that the association of Spencer's name with the phrase "survival of the fittest" was a misleading caricature. In *The Man Versus the State*, however, the caricature seems more life-like. In arguing

that the social organism would be healthier if the weak, the stupid, and the immoral were weeded out, Spencer fails to answer the key question: why should anyone (especially the unfit) care about the health of the "social organism"? The social organism analogy is both unsound as argument and ineffective as rhetoric. The differences between individual organism and society are too great for information on the workings of one to be an accurate guide to the workings of the other. Rhetorically, the analogy also fails, as Eric Mack[®] notes in the Foreword by citing Huxley's use of the analogy to justify the regulatory activity of Parliament.

The key question, raised but not answered early in this review, is whether modern seekers of truth on the State would be spending their time wisely by reading Spencer. My own view is that their time would be better spent reading the best works of contemporary libertarians, such as Hayek, Nozick, Rand, and Friedman. With the passage of time the philosophical arguments of Spencer that were basically sound have been expressed with greater rigor and consistency. The advance of economic science has also provided modern writers with powerful tools of analysis that were not available in Spencer's time. But probably the most important advantage of modern writers is the evidence that has accumulated of the effects of State action.

Rather than conclude on a negative note, mention should be made of some of the praiseworthy features of the volume. Mack's brief Foreword provides useful background information and is refreshingly critical in contrast to the effusive praise found in forewords to other reprints. A Liberty Fund reprint is always a pleasure to hold (if not necessarily to read): the binding is strong, the paper thick, the typeface large and crisp. The ultimate touch of class is the blue ribbon secured in the binding at one end for use as a bookmark.