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THE INDIVIDUAL AND THE SOCIETY: A NEEDED REEXAMINATION OF SOCIAL LEGISLATION AND POLICY

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Abstract

The pervasive and often destructive effect of ill-planned social policy (or the lack of effective social policy) is evident in terms of increasing societal dysfunctionality and lowered quality of life for most people. Almost all social interventions involve a variety of rights in conflict. Actions by the government to support or protect any one group must necessarily be at the expense of others. In the defense of the rights of individuals and groups the social objectives and social effects of such interventions have been generally ignored. The problems of design of social policy derive from one-sided or parochial views of multi-dimensional issues, based upon divergent value and social system orientations. The war of "all against each" is evident in the strains of social dilemma. The critical question of whether a society can deprive a person of life or liberty in the name of treatment, whether it can legitimately withdraw the liberty it has conferred for reasons of protecting itself against social immaturity underlie much of the ineffectiveness of social policy. The problem of how to deal with all equally despite the divergent levels of social maturity has, as yet, not been resolved by social planners. The true assignment of social policy, which is to balance the rights of the individual with the rights of others has yet to be successfully undertaken. Yet any society regardless of the degree of its operative components will eventually have to deal with the problems of limited resources, waste disposal, crowding and distribution of products and rewards in a manner which will not negate its own productivity.

To do this with maximal effectiveness, such a policy must utilize the motivation of individuals to carry out the desired policy without the concurrent provision of a huge governmental mechanism. It must not restrict massive portions of the population from generally benign or useful activity in order to restrict a relative few from undesired activity. It must not interfere with the development of productive, contributing future citizenry in attempts to save the current groups of weak, needy or powerless. It must utilize a minimum of government intervention at a crucial point of entry in the social structure to secure maximal social effect. It must utilize the cultural patterns of the population to reinforce the effect of its policy rather than to oppose it. Finally it must make it easier rather than more difficult for the socially productive individual to live and serve himself in a manner which supports policy.

If the society is to survive without having to undergo transformation into a police state or anarchy greater efforts, ingenuity, thought and resources will have to be devoted to the design of more effective social policy.

Social policy is an "elephant" of a problem. Social policy planners each seem to have different meanings for social policy dependent upon their particular perceptions. Some see the critical issue in social policy as the provision of resources to all with realistic needs. Others view the critical issue as the provision of resources to all who experience relative deprivation, regardless of how adquately their basic needs are met. Some view the function of social policy as the equalization of income between the well-to-do and the poor. Still others view social policy as a necessary "modus operandi" by which the important values of society are maintained and by which the workers and builders of the society are motivated.

The reason why there is such a divergence of views about the purposes of social policy is that the formulators of social policy have divergent value and social system orientations. The values at variance relate to issues of priority in relation to economic justice, rights of humans, rights of property, freedom to move economically upward, family security, economic equality, and equality of opportunity. Similarly the views of how society should be structured and the evaluations of contemporary society are severly at variance. Some social policy planners, for example, view the present social system as one which is relatively functional and just for most of its members. Such "consensus" viewers see social policy as a means of making the system even more efficient and functional and as a means of providing those who fall out of the system with means of resolving their difficulties. Those who view the society as a "jungle" where the weak become victims of the powerful (presumably through no fault of their own) view the purpose of social policy to be that of redressing the imbalance of power between the "scavengers" and "victims." Some others who share the view of society as a jungle conceive of the purpose of social policy from a Marxian orientation. For such planners social policy is to be used to weaken the society of the powerful in order that it may be restructured into one designed along socialist or communist lines.

In view of the diversity of value priorities and perceptions of the appropriate social structure, it is no wonder that there is such diversity in social policy proposals.

Ralph Waldo Emerson, in his book on Self Reliance said that "Society is a joint stock company in which the members agree, for the better securing of his bread to each shareholder, to surrender the liberty and culture of the later." George Orwell in his work describing a socialist or communist utopia, 1984, indicated that where each is provided with a minimal degree of food, housing and security by the society a "trade-off" occurs in the form of a loss of individual liberty and opportunity. Other works point up the reverse of this trade off relationship. The provision

of unlimited economic opportunity to all is usually accompanied by hunger and insecurity for many. Thus, as Ralph Waldo Emerson put it "Society everywhere is in conspiracy against the manhood of every one of its members." Emerson's point is that there is a dichotomy of opposing interests between each individual and the society.

The issue of opposing interests comes to the forefront whenever a person who may be considered dangerous to others is either restrained at the expense of his right to be free or permitted to remain at large as a hazard to the rights of others. The issue becomes urgent whenever a corporation builds an industrial plant in the legitimate exercise of its right to seek a profit at the expense of impacted populations. The issue underlies the problems of habitual drug abusers whose addiction drives them into a violation of the rights and safety of others. The issue becomes paramount when a juvenile offender's rights to be dealt with in his home community are at variance with the rights of others to live their lives without the harassment of malicious mischief. The issue became particularly important when the rights of the poor to enjoy a minimum of financial support are juxtaposed with the right of middle income wage and salary workers to enjoy the fruits of the major portion of their earnings. The issue is apparent in discussion of residential desegregation which is the foundation of school segregation problems. In this, the obvious solution of locating the poor in middle-class districts requires that the rights of the poor for reasonably liveable housing in safe neighborhoods be weighed against the rights of middle-class property owners to be free to protect the value of their property. The conflict of rights issue comes into focus when unmarried mothers with children identified as neglected, abused, dependent and delinquent continue to conceive additional progeny, and when such mothers are themselves the products of neglected, abused, dependent and delinquent mothers. The rights of a mother to conceive additional problem children for society to deal with must be examined in relation to the rights of others in a society unfettered by such problems and costs. The rights of the aged and infirm to enjoy the fruits of retirement at a reasonable standard of living are juxtaposed with the rights of younger people to enjoy the fruits of their labors and to save for their own retirement without being unduly taxed for the support of those aged who did not make adequate provision to retirement. The man who leaves a family with young children to become dependent on public welfare in order to establish a new family with another woman may have the moral and legal right to seek this type of social and emotional renewal; this right, however, comes into conflict with the rights of others who bear long-term support costs for the family left behind.

Only recently have these "rights in conflict" become apparent in our society. In prior decades, with a growing gross national product, seemingly limitless natural resources and an increasing production technology

were available. Almost everyone assumed that there would be enough resources and enough rights for everyone. A society with a seemingly limitless bank account and with a continuing cornucopia of opportunities for all was a society which could provide for the comfort of all. Recent economic and industrial developments have brought about a denouement of this viewpoint. It is now apparent that the "spaceship earth" will have only a finite supply of accomodations and rations. These material limitations mean that there is also a limit to the rights which can be shared in the society. The rights of some can be expanded, beyond a specific point, only at the expense of others. In a sense, the sharing of goods, services, space and the freedom to be left alone occurs in a "zero-sum game" in which individuals and groups compete for a division of available rights. It is now quite evident that the creation of a welfare state is only possible at the expense of the individual rights of many.

Present social policy tends to permit individual action and to preserve the rights of the individual to take action, even though irresponsible actions may ultimately be a cost to the society and its members. When individual action is impulsive and planless in nature, it represents the irresponsible exercise of a legal right at a cost to others who are both planful and responsible.

Such costs to society for individual impulsive activity, irresponsibility or incompetent personal planning include:

(1) Financial support of unmarried mothers by Aid to Families with Dependent Children

(2) State and federally subsidized abortion.

(In the above two instances state and federal funds are used to deal with the consequences of sexual relationships which were carried out within the rights of the individuals, but without regard to the social consequences.)

(3) Juvenile Crime. To the extent that society accepts a responsibility to treat young offenders differently than adult offenders, this is a special cost to society to make up for the failure of parents to responsibly control their children.

(4) Adult Crime. To the extent that the rights of accused criminal offenders are preserved, these efforts are at a cost to others.

(5) Illegal immigration. Where public welfare, medical and hospital care and other services and supports are provided to aliens, these are at a cost to the legal residents of the country.

(6) Chemically-polluting industrial plants. Where these are permitted to occur, or where delays for compliance are granted or where governmental loans or grants are provided to make anti-pollution changes, these are a cost to the society as well as the affected citizens.

Because of national emphasis, laws protect the neighborhood against those who collect inflammable materials but not against those who collect (or create) potentially dangerous, dependent, destructive or explosive children and conditions.

Underlying this individual-rights-versus-social-control dilemma is a difficult question: at what point can a person be considered mature enough to be responsible for his actions and entitled to autonomous rights? In the early years of the Republic, only individuals of property were deemed to be adequately responsible to be accorded rights as individuals and as electors. Others were viewed as "protected individuals," to be supervised and controlled by "the propertied." With the growth of industry and expanded urbanization, factors other than property ownership were also seen as dependable indicies of responsible social behavior. The married adult in a stable family relationship, for example, was viewed as a person who might reasonably be expected to act carefully, planfully and responsibly.

The duality between the individual's rights to live as he wishes, and his responsibility not to interfere with the rights of others has been recognized for a long time. The young and the mentally ill have traditionally been provided with a limited protection from the invasion of their rights while they are presumably in the process of developing the maturity required for autonomy. Welfare clients and criminals have traditionally been viewed as "marginals" in the continuum between dependent incompetency and responsible competency.

Thus a series of critical questions are posed by this issue:

(1) Can a society legitimately deprive a person of life or liberty in the name of treatment or societal welfare?

(2) Can a society legitimately take back the liberty it has conferred, for a time, in order to bring that person up to minimal levels of maturity and self-control?

(3) Can a society ignore the "clear and present" dangers of immature persons who interfere with the functioning of society and who burden the society financially or produce further financial burdeners?

The basic rights of an individual are clearly delineated in the Constitution of the United States and particularly in the Bill of Rights. To deprive any individual of such rights, for the benefit of the common good, no matter how great that benefit, is to crack the democratic structure. Depriving any one individual of his rights becomes a precedent for the deprivation of rights of all. Thus the establishment of controls on some individuals, unless these controls are carefully defined and clearly related to open opportunities for all, can become the basis for an oppressive society dedicated to the perpetuation of inequality and special privilege.

In order that we may better understand the necessity for social control as a concomitant to the insuring of individual rights, it is important to examine the social objectives which must operate concurrently with the legal objectives of social legislation.

LEGAL CIVIL RIGHTS OBJECTIVES	SOCIAL OBJECTIVES	
	In Behalf of the Individual (Individual Rights)	In Behalf of Society (Social Control)
General To insure the rights of the individual (autonomy)	To insure that the individual will have an opportunity to develop as a person (so that he may grow to the point of autonomy).	To insure that the individual will be constrained to consider the rights of others and to carry out his responsibility to others (as a member of society).
Juvenile Court To insure that rights of the juvenile are not infringed.	To insure that the individual juvenile will be protected from elements which will prevent his development and will be directed to a socially meaningful life with full opportunities in the society.	To insure that the individual juvenile will be constrained from interfering with rights of others and be guided into life paths which will support his share of social responsibility.

LEGAL CIVIL RIGHTS OBJECTIVES	SOCIAL OBJECTIVES	
	In Behalf of the Individual (Individual Rights)	In Behalf of Society (Social Control)
Criminal Court To insure that the rights of the accused are not infringed.	To insure that the convicted shall be redirected to an eventual existence as a free and self-respecting member of society.	To insure that the convicted shall not continue to interfere with "good order" and the rights of others.
Public Welfare To insure that the individual shall not be deprived of a minimum of life support.	To insure that the individual will be directed toward a maximum of eventual self-support and self-responsibility and provided with opportunities to become free from poverty.	To insure that the client will not be dependent upon the efforts of others if it is possible for him to be self-sufficient and a contributor.
Mental Health Commitment Law To insure that the rights of the patient shall not be infringed.	To insure that the patient will be provided with opportunities to become free from mental illness and mental dysfunction, and that he shall be prevented from destroying his own life chances, for his own sake.	To insure that the patient shall not be a danger to others and that every effort shall be made to make him self-sufficient and enabled to share the societal responsibilities.

Thus social legislation and policy issues go beyond the general objectives of civil rights law. Civil rights law is utilized to protect the individual against oppression by the society. The thrust of social legislation, on the other hand is twofold:

(1) to protect the individual's opportunities to develop and grow into an autonomous and responsible person and

(2) to protect the society from the individual who has not yet achieved an adequate level of social responsibility.

to be an onerous and perhaps unnecessary burden, merely for the purpose of ensuring the responsible behavior of a few. The establishment of such constraints on each individual for the benefit of his fellows may leave the individual with so few rights and options that the society may become an ant-hill rather than a democracy. When the constraints on individuals become so numerous and burdensome as to leave them with too few personal options, the mass of the population can be expected to become amnomic. In such a condition people have no control over their destiny, and their behavior can be expected to become even less responsible. Thus the over-control of a society for the sake of protecting "others" can be expected, in time, to produce a society which protects none . In such a society the "criminals" are so controlled that "victims" are protected, but in the process, so many have to be controlled that no one's life or autonomy is enhanced. Similarly, a society which supports people who might have otherwise supported themselves does a poor job of supporting them. Such a society also inflicts an unchosen poverty on the progeny of the "beneficiaries," and an increasing welfare and social control cost on all. Most people would call inhumane any society which supported only the "winners," and which encouraged competition without regard for the welfare of those who failed. But a society which over-protects those who are not supporting themselves finally does encroach on the rights of self-supporting people, and probably interferes with most people's ability and motivation to proceed on their own.

Therefore, it is necessary to establish a balance between these two extremes. Social legislation thus must be designed to encourage independence, achievement, and success in order to deal with the causes of failure and dependence. Medical and health delivery systems must be designed within the public welfare in order to prevent the additional poverty caused by expensive, debilitating and employment-preventing illness. Legal services programs must be provided for poor people in order to help prevent the additional poverty caused by unprotected legal hazards. Special employment training programs for the poor are similarly appropriate.

The establishment of such "adjunct" services is not, in itself, sufficient to create and maintain the necessary balance between the rights of the individual in need of service and the rights of the "others" who are levied upon to support such services. Some services may, in fact, encourage individual dependence at the expense of the "others." Why, for example, should be taxpayer be responsible to provide for medical and hospital insurance, at great sacrifice to himself and his family, and then also have to provide medical and hospital care for those who did not enroll in an insurance program but spent their money elsewhere? Similar inconsistencies in "equalizer" provisions can be found in many programs. Subsidized social insurance (rather than public aid) denies the principle of individual responsibility and blurrs the distinction between those who "do for themselves" and "those who don't." By converting from public aid programs (whose very nature distinguishes the dependent recipient from the

The conflict between civil rights and social control is not new. A society which promotes civil rights at the expense of social control can be oppressive as a society controlled by "Big Brother." The "anti-Utopia" of 1984 can probably be no more oppressive than one where the rights of individuals to act on others is unconstrained. The provision of strong safeguards and supports for the individual without protection of the society may be destructive in the long run. A society of support and permissiveness for all will not remain a society for long.

Thus it is clear that the ideal citizen of a well-run society is one who is socially responsible as well as autonomous and jealous of his rights. But not all citizens are socially responsible. The socially responsible and competent citizen is outnumbered by others who range from the potentially responsible to the animal-like sociopath. If some legal device were available to control the not-yet-responsible in a condition under a "parens patriae" institution, (such as the conservator of the mentally ill or the guardian for for the minor), there might be a way of resolving the issue. The facts, however, are that any adult,. unless otherwise proven to be mentally ill or convicted of crime, cannot be deprived of his rights--and even of those rights which contravene the welfare and rights of the society. Thus the question is: How can a society maintain the required level of individual maturity and self-control necessary for free citizenship even as the complications and demands of industrial life proliferate?

Etzioni (1975) indicates that one very important reason for the existence of the state is "to balance the rights of an individual with the rights of others." In his view, the lack of government control, where the rights of others are involved, encourages individual irresponsibility. In the case of mandated seat belts, for example, the state acted to preserve the interests of society by minimizing the number of dependent and maimed accident victims and by preserving the physical capabilities, self-maintenance and tax-paying competence of its citizens. According to Etzioni it is important to lay to rest "the simplistic notion of horse and buggy individualism" and to finally arrive at an understanding of "the interlocking society." Otherwise, he asks, "should each individual be free to decide how to dispose of his garbage, to rely on private versus public transportation, to give birth and then dump the child on public institutions...and so on"? In his view, the issue is not between individual rights and judgments and "a mysterious, ill-defined, 'common good'" but is between the individual rights of "an acting individual" and all others "who are in his way or pay his way."

To legislate a balance between an individual's rights and the rights of his fellow citizens is not easy. All individuals are not equally responsible or irresponsible. To establish restraints on all may prove

independent taxpayer-donors) to subsidized social insurance programs (which supposedly treat all citizens equally) the government escapes having to face an important issue. That issue is--"Are the recipients developing the self-control and responsible autonomy to become constructive, self-supporting members of society"? Public aid in the quise of subsidized social insurance also confuses the recipients, who may begin to think that "aid" is now an inherited "right."

The key to the problem apparently lies in the differential levels of internalized self-control and social responsibility. In a society of "angels" it would be easy to design social policy but in such a society social policy would not be necessary. In a society of feral children, social controls would have to be highly structured and provided in depth--at least until the children had developed some of their own (internalized) social controls. The problem is that we have written social legislation without recognizing that not all people are equally ready for autonomy and self-control. In the design of social policy, social development concepts must necessarily be considered. The rights of civilized citizens to act cannot be equated with the rights of those individuals who are not yet responsible. The humanistic model of the uniqueness of each individual, of the intrinsic worth of each and of his inherent potentiality for good, underlies that element in the law which encourages the individual's rights to be left alone and to develop according to his own standards. There is another model which is more useful and realistic for social planning purposes. This model views the individual initially as an unorganized collection of wants without internal controls. This model views an individual as able to develop without harm to himself and others only if external constraints are initially provided, coupled with consensual validation from others when he performs socially responsible behavior. In the view of formal law, a criminal violation is a matter of concern only until the criminal has "paid his debt" by fines, imprisonment or other penalty, following which he can be considered an equal citizen again. But under more realistic conceptualizations of social development, (under sociological jurisprudence), a criminal is viewed as one who is not yet socialized. A prison sentence or payment of a penalty does not necessarily prove that an individual has become responsible.

Under formal law all men and women are equal. Under sociological jurisprudence some are more civilized than others. To provide automatic equality for all under such conditions can realistically spell automatically unequal and unfavorable treatment of those who are civilized, for the benefit of those who are not.

This dilemma has been resolved in some instances by legal mechanisms. The untrained, incompetent driver is prohibited from endangering the lives of others. If he wishes to drive an automobile (which might be

otherwise considered a civil right, especially in localities without public transport) he must first prove himself a competent driver and show an adequate level of social responsibility in his handling of an automobile. If a person wishes to drive a more complicated vehicle, such as a bus, which presents even greater danger to others, he must pass even more stringent requirements. So his right to work and to earn a livelihood as a truck or bus driver is outweighed by the rights of others who may be harmed if he drives with insufficient skill or in a socially irresponsible manner. Similarily, the right of a person to drive while intoxicated or drugged is not considered primary when compared with the right of others who might be harmed by such a driver. These are examples of laws which do protect the responsible by controlling the irresponsible.

The law has also entered into the right of a person to irresponsibly injure himself. The logic used here is that the society also has an investment and concern for the well-being of the individual. For example, the law requiring all cars to have safety belts invaded the driver's rights, for the sake of the driver's safety. Similar legislation prohibits the ingestion of unsafe drugs despite the fact that some people would like to experiment with them. Persons are restricted from patronizing untested and therefore unqualified medical practitioners despite the fact that they may be willing to be so treated. Societal rights in such instances are considered to override the right of the individual to do as he pleases with his own body, if it is considered that such an action may be irresponsible or destructive to himself or others.

In addition, society protects children. Thus, the right of a parent to control and deal with his children is similarly overridden by the right of the society to protect the child from physical harm or deprivation. The society, which would have the duty of caring for a deprived, misguided, or abused child after the damage has been done, is permitted to override the parent's rights in advance in order to prevent such harm. The society thus has the right to intervene in situations which will damage a child (an exercise of the right to protect the helpless), or which will create a potentially dangerous or expensive problem.

The society currently has the right to protect those who are not able to protect themselves, to constrain those who behave in a potentially self-destructive manner, to constrain those whose behavior may be potentially damaging to others and to constrain those who create difficult problems with which the society must deal. The principle already exists. It is only a matter of definition and clarification to move from the requirement of a driver's license for socially responsible automobile operation to a parentage license for socially responsible child-rearing. We present this possibility not as a proposal but as a hypothetical alternative and an exercise in analysis of individual rights versus communal concerns.

The hypothetical reasons for the licensing of parenting have already been presented in terms of protecting the child, his life chances and his potential as a contributor rather than a disturber of the society.

In the area of execution of such a parenting control, too little is known about the differences between successful and unsuccessful parenting. We already have a model of the product sought, in that the child shall grow up to be responsible for self, socially responsible, not self-destructive and to make future social and financial contributions to society. We already have models of the products to be avoided--people who are self-destructive, destructive to others, parasitic and non-contributing. The anti-models are the sick, the lazy, the incompetent, the dependent, the mentally-ill and the criminal. Although these models are available, we do not know with certainty how parenting affects the product. All that is known is that certain types of middle-class families produce more socially responsible products than others, and that certain types of poverty families produce less antisocial or dependent products than others. The one-parent family, particularly those which are female-headed, probably produces more dependent or antisocial products than the two-parent family. Probably the child who comes from a stable two-parent, self-responsible family has greater chances to become a productive, self-responsible person than the child of a broken family, a family of marginal stability or a one-parent "never-married" home.

It probably does not matter whether the parenting failures are due to the innate qualities of these families, to the cultural effects of such families, or to an interaction of the culture and the family weaknesses. What is important is that some families produce more "successes," and others produce more "failures," (in relation to socially responsible children). Thus society may, in time, find itself having to encourage parenting by those most likely to produce "successes" and to discourage those most likely to produce "failures."

The other reason for caution in regard to the licensing of parenting lies in the realm of the impact of such restrictions upon the general shape of the society. If such licensing were to become law, how could the society and its citizens be assured that the regulations would not be so written and executed as to constitute a legalized form of genocide? How could the citizens of a society be sure that otherwise competent people might not be denied parenthood because of their political or religious views? How could the society and its citizens be assured that the right to propagate is not used to create an "elite" which may be anti-democratic and doomed to failure by genetic inbreeding? Aside from these concerns, the problem of licensing breeding and parenting is a matter quite different from the licensing of automobile driving. The latter relates to the right to participate actively in an industrial development which is relatively new in man's history. The former relates to practices which have been freely and

often irresponsibly exercised since the birth of mankind. The problem is that the size, nature and values of society have changed considerably over these centuries but man and his parenting practices have changed little (see Etzioni 1972).

The dilemma between individual rights and the rights of society is directly tied to social change in that the society has changed, while the changes in man have not kept pace with such social changes. Whether or not men will move toward the kind of social legislation which emphasizes social control at the expense of individual rights, or will continue to emphasize individual rights at the expense of the rights of all, is unknown. In either case the potential for social unrest and for a decrease in the quality of life is predictable. Only if society succeeds in sharpening social science knowledge as a mechanism for use in social legislation and policy-making, can we avoid the katatopias of anarchy or big-brotherism. The search for a balance between these two extremes becomes more urgent.

Thus the problem in social legislation and policy is one of providing social control for those who need it, of encouraging the development of self-control, and of protecting the individual rights of the socially responsible. To develop such social policy may be a difficult and onerous task. But not to do so is equivalent to yielding in the struggle against anarchy or "big-brother."

It is helpful to examine the assumptions of social policy generally, as well as to study the specific assumptions which underlay each social policy proposal. Social policy generally carries a number of foundation assumptions which are not, at the outset, clearly apparent to the uninitiated. Rein (p. 5) states that "a compelling case can be made to define social policy as planning for social externalities, redistribution and equitable distribution of social benefits." As such, social policy places a higher value on planning rather than on the self-controls provided by the free economic marketplace. It places a higher emphasis on distributing goods and services equitably to the population than it does on rewarding the producers of such goods and services. It favors that ideal of community, described by Lichtman (p. 27), in which "men (are) organized, not for their private advantages but for their mutual well-being." Social policy, as defined by Rein, and as presented by Schorr and Baumheier, Rosenthal, Rohrlick, Rosen, Hirschfield, and Lichtenberg assumes that human values should be juxtaposed against the property values and profit motives in the formation of socio-economic distribution. Some policy proponents go beyond this juxtaposition and emphasize equity (equal distribution) as a replacement for self-interest in the operations of the marketplace.

Other policy positions contain counterpart assumptions. The Principle of Lesser Eligibility which, in prior years, was bound into the public welfare structure, assumed the necessity of protecting the free enterprise system. Similarly, minimum-guaranteed-income proposals, to the degree that they provide for a reasonably adequate income floor, assumes a welfare state in which economics is dominated by social needs. Lichtman describes such a society, in which "social wealth is distributed in response to need in accordance with a principle of equality...The community's surplus will exist not in the form of private profit but as a social fund... the people will first deduct from that fund a sum necessary to care for its social needs..."

Bell (1972) makes the point that much of American social policy, until recent years, emphasized equality of opportunity within a competitive industrial society, with rewards distributed according to an individual's performance and merits. Only in recent years has there been a shift toward "equality of result" rather than "equality of opportunity." Bell indicates that "populist" programs of affirmative action, and pressures for open admission (against intelligence tests and credentials), are a move from anti-discrimination and proven competency to a form of "selective representation," which ignores certain ethnic and biological groups in favor of others. Bell points out the hidden assumption of these policies--that people are to be judged not as individuals but as ethnic or sexual-category members, "a person is to be 'reduced' to a single overriding attribute as the prerequisite for a place in society." By such programs and policies we redefine equality, from meritocracy and equality of opportunity to "ethnocracy" and sexocracy." Bell indicates that the inequities and dysfunctionalities of such a system can hardly be considered "just," if "equality is possible only through an eclipse of self" and a merger of individuals into their ethnic and sexual categories. If submergence or the eclipse of self is the only way to gain security or advancement for the individual then Bell questions the worth of such justice.

Milner highlights a similar case of "hidden assumptions" in social policies. He indicates that there are two conflicting public pressures in the society.

(1) A constant and passionate emphasis on providing everyone in the population an <u>opportunity</u> to "get ahead" and

(2) The repeated installation of programs and policies which proport to bring social reality closer to actual equality.

Conflicts,he believes, arise out of the fact that "only when the rewards of a society are known to be distributed in an unequal fashion does it make sense to be concerned about everyone having a fair chance to compete

for prizes."

Bell (1973) states that "the chief problem of the emerging post-industrial society is the conflict generated by a meritocratic principle which is central to the allocation of position in the ...society. Thus the tension between populism and elitism."

Without some form of elitism the productive efficiency and capacity of the society is endangered. This has been proven not only in Capitalist countries but in Communist and Socialist countries as well. A populist society encounters severe problems in terms of productivity, efficiency of distribution, and finally, even in terms of justice for all. Populism can be purchased only at the expense of inefficiency and at a severe cost to the rights of individuals to be different. Many a proponent of populism would shrink from the movement if he could see the effects that populist regulation would have on his own deviancy.

As has been noted previously, the emphasis on equal opportunity is quite consistent with a competitive capitalist society. In fact, the presence of an equal opportunity structure can motivate people to strive for maximal rewards and, in the process, can improve the quality and quantity of work done. Similarly, to emphasize "delivered equality" one must assume either a socialist state or a welfare state, where each is served according to his "needs" rather than according to his contributions to the society. So "delivered equality" can be viewed as inimicable to a competitive capitalist society because individuals would not be motivated to improve the quantity and quality of their work if the rewards were not commensurate with their activity. Similarly, the provision of both "equality of opportunity" and "delivered equality" concurrently in a society causes confusion and disorder, because workers receive inconsistent signals about what is expected of them.

According to Milner, a similar difficulty occurs in work motivation and performance when a status inflation develops in the society. This comes about when the workers who have earned places on the "status ladder" are disturbed by injections of "delivered equality" given to the lower status levels of the population. As others are given "a boost upward" toward them, "middle people" seek to climb higher and away from the masses. Such additional heights are usually achieved not by added work efforts but by increased unionization, credentialization and professionalization. This leaves the lower status population still at the lower rungs of the ladder, and more frustrated. In reality, no real redistribution of status is achieved. Milner suggests that planners should carefully examine the conflicting approaches, "equality of opportunity" and "delivered equality," before launching any further policy measures.

Bell (1972) gives a thorough outline of the political faults in a policy of "delivered opportunities." Opportunity is simply not the only factor in success. The qualities of capacity and motivation are crucial. When people fail to achieve "delivered equality" it may be because they lack the capacity for success in the particular field of endeavor or that they lack interest and motivation. It is true that equality of opportunity is not yet a secured condition in the society, but a policy of "delivered equality" is hardly an effective antidote for faults in the opportunity structure. The "delivered equality" approach does not provide for differences in capacity and motivation.

It is important here to discuss the society's ability to provide "delivered equality" of goods and services at a "comfortable level." (Equality presumably should eliminate not only the gap in the level of living between the poor and everyone else, but also eliminate the status gaps between the two groups.) Okun maintains that the current distribution system permits the "really big winners" to feed their household pets better than the "losers" can feed their children. If the current distribution system were permitted to continue without external constraints, the result "would sweep away all other values and establish a vending machine society." Okun predicts that "any realistic version" of socialist-type redistribution of American goods and services would only achieve "a small improvement in equality at a significant worsening of productive efficiency." So, Okun concludes that the best policy for redistribution is one of improving opportunities (rather than delivered equality) for the poor. This plan would retain those system mechanisms which keep the economy producing efficiently. Okun thus believes we should retain the competitive capitalist economy while preventing the system from "legislating life and death" matters, particularly for the poor. The underlying purpose of Okun's proposals is not, he claims, to bring down the affluent by taxation, but rather to "raise up" the poor from the deprivation which limits their life chances and makes them a problem for the society.

The social policy underlying every historical period has had underlying assumptions which corresponded to the basic social organization concepts held by the planners. It is helpful to consider each of the periods of social organization in the history of man and then to examine the underlying policies and assumptions of each.

TABLE II

Form of Society	Basic Social Policy of the Period	Underlying Assumptions of the Social Policy
The Tribal Society	The tribal society "earned for its own." Because of symbiotic multi-dimensional social interactions, everyone did his best (cont. next pg.)	The emphasis was on tribal survival, and it was assumed that all would survive or all would succumb.

Form of Society	Basic Social Policy of the Period	Underlying Assumptions of the Social Policy
The Tribal Society	for the tribe because it was expected of him, and everyone shared in tribal benefits because of his membership and tribal ties.	
The Feudal Society	The combination of Fealty and "Noblesse Oblige" theoretically meant that no one would be allowed to starve or "go without."	The landlord who ignored his responsibilites to his serfs put himself in danger of losing their support in a time of need. Theoretically, he and they owed something to each other.
The Gesellschaft Society	A highly individualistic society. Everyone took care of himself and his own family. Each person had to provide for his own social policy. Those who didn't were expected to succumb. Survival of the fittest was accepted policy.	Theoretically the open economic marketplace provided everyone who wanted to survive or prosper with opportunities for self-dependence.
The Corporate or Technological Society	For those who "belong" in the corporate families, there is a social policy of various benefits. For others, there is public welfare at a lower level of sustenance.	Those who "fit in" are provided for because of their merits or "memberships." Those who don't can try harder or bring their children up for possible inclusion by education and training.
The Macro-Corporate Society	Provisions are made for those who can retain their place in the macro-corporate structure. Benefits are proportionate to level of status achieved and retained. For others not accepted by the structure or not retained, public assistance is granted on the basis of family size and circumstances, in a formula not related to the macro-corporate employment structure.	The social policy assumes an apartheid pattern with benefits to "belongers" and assistance to others.

Thus it can be seen that the thrust of social involvement for the individual has moved from membership-and-support-as-a-right;to membership-and-support-only as an-earned-benefit either as achieved by the individual or conferred upon him by his parents. The problem has developed in the move from the Geselischaft (where it was every man for himself) to the corporate or macrocorporate condition where those who can "make it" into the structure and who can maintain their eligibility as members of the structure can provide much more support and opportunity for themselves and their children than others.

According to Ellul, the drift away from the gesellschaft to the technological society alleviated some of the hardships of a supply-and-demand labor market. This followed the development of industrial unions and monopoly capitalism along with industrialization, elimination of child labor, improvements in worker safety, and generally improved working conditions. This change is irreversible in direction. "Urban industrial civilization spreads literacy, increases longevity, raises the standard of living--while it packs people into cities that are neither governable nor habitable." Weber, in his essay on "Budgetary Management and Profit-Making" pointed to the growing separation in industry between ownership and management. This separation became increasingly marked with the expansions of stock arrangements and mechanisms of funding large enterprises. Similarly, a new managerial structure and pyramid was established which de-emphasized individual leadership and placed greater emphasis on corporate teamwork at most levels. Along with these changes, occured a change in the "way of life" of the "managerial team." Previously capital was carefully gathered and preserved for further undertakings by the family concern or partnership. With expansion, industrialization, and separation of ownership from management, companies began to use their affluence to enhance their "corporate image" and to increase their control over upper echelon personnel. Veblen's commentary on the slackening of acquisition and accumulation (the decline of the practice of reinvesting in the business), and the use of consumption as a method of attaining and maintaining "respectability" is particularly applicable to macro-corporate policy. Similarly, the involvement of the "corporate man's" family as a factor in his corporate advancement and status clearly set the stage for suburban life separated by distance, as well as status, from other levels of employees.

With increasing industrialization, conglomeration, automation, cybernation and narrowly centralized funding, a new phase in corporate development has evolved. At some point the corporation becomes what Scott Buchanan calls "the collective bidder, not only of the machines and the factories, but also of the craft guild, the factor company, and the giant corporation itself. By contracts, licenses, and franchises that attach to chartered bodies for the buying of raw materials, the selling of products and the hiring of workers and managers, we all contract ourselves into

the technological system. We have become socialized into the building process, and we are not sure whether we are masters or slaves of the resulting organization." Buchanan thus believes that the corporation has the design of an amoeba but the size of a whale, with a confused collection of fissions and fusions in place of differentiated organs. As pointed out, the parts of corporations often have strong oligarchic controls but weak interconnections.

As long as each subdivision provides profit and growth, the practice is to allow it to develop almost autonomously. Ferry indicates a "sense of irresponsibility and anonymity that goes with working in large organizations. He also describes the macro-corporations as "a riskless and seemingly eternal organization, dominating the public (by means of mass media and other mechanisms) and (the) personal lives of thousands of people and institutions, possessing the power to tax and make other political decisions, and devoted to the welfare of its constituents..." Ferry says that this set up fits the definition of a sovereign government. Employees, stockholders, the public and even various levels of the management have little involvement in the direction of the "colossus." Thus, Ferry seems justified in describing the shift from individual possessory holdings to power systems, not as a result of "villiany of conspiring men, but as an evolvement of institutional, social and economic development." In recent years the sweep has escalated to the point where it is almost impossible to disentangle the interconnections between macro-corporations, governmental departments, control commissions and other institutions. A macro-corporation may be interlocked in a tryst with a defense production program from which it could not economically withdraw, despite the irrationality of participating in an escalating international arms production race. Corporations suffer this same inability to direct themselves when faced with the need to control their pollution, and other practices which may be profitable for the corporation but harmful to everyone including the corporation's corporate owners and personnel. Some corporations have reached the point of having to revise their "omnipotent protective parent" images, and many companies in recent years have "disengaged" themselves from long term employees because of the shrinking of the corporate cornucopia. Unlike the governmental bodies it resembles, the macro-corporation must always obey the rule of profit--namely that deficits may not be incurred in behalf of its retainers.

Thus the situation of the rapidly expanding society with extensive opportunities of reward for all, and with protective enclaves for loyal and long-time corporate workers has given way to a more constrained scene. Cochran indicates that "as the industrial economy grew and expanded in the nineteenth century, the economic rewards were practically unlimited for the few who found their way to the top, but too many remained at the bottom." Although employment opportunities continue to rise, it is at the distributive level, rather than at the productive level, that society's problems

become increasingly apparent. For people to be able to buy goods, they must be either employed or subsidized. According to Cochran's calculations, the net effect of the "progressive" income tax is quite regressive, burdening most the lower and middle income taxpayers. This fact, added to the trend of increasing local taxes, worsens the regressive nature of total taxation. Thus, increasing segments of the massive middle class (referred to by Drucker) are hurt by inflation, under- and un-employment and regressive tax increases.

This problem is not limited to the United States. Continued economic reports for all nations, both East and West have shown an increased gap between the styles of life of the top fifteen percent and the bottom fifteen percent of the population. Similarly the increased use of modern methods in most countries where manpower costs have been structurally supported has encouraged the elimination of the unskilled and has led to more sparing use of skilled labor. The thrust of this is to increase production by machines and to decrease the labor force. More and more men become vulnerable. All of this is unplanned. Michael Harrington referred to the current era as "The Accidental Century." A decade previously, Gunnar Myrdal described the industrial nations: "blind but groping for planned socio-economic development." Efforts to make coherent plans were hindered by the macro-corporate entities which dominated the political scene. Thus corporate economic growth conflicts with rational, national and international survival, but the corporate organization is as helpless in planning for societal needs as is its predecessor, the individual nation. Both corporations and nations resist change, particularly if such change is directed toward societal rather than corporate purposes. Etzioni indicates that resistance to change may be expected to be high in a society where the means of control utilized are coercive, and considerably lower where the means of control are utilitarian or even normative. From the analysis presented, our society appears to be "headed" for a condition of inauthenticity for geometrically increasing masses of its population. In such an event, we cannot expect normative support from the population segments under greatest stress. Given a programmed supportive maintenance plan, a "quid-pro-quo" variation of utilitarian support might be expected from most of the levels of the population. However, we cannot expect support from people who have been excluded or self-excluded from the centers of power in the past.

In order to understand the social welfare needs of the excluded population it is necessary to examine the extent to which welfare services formerly carried out within the generic social structure are now available to vast elements of the population only at high cost to the society.

Emergency welfare assistance, care of the aged, care of the sick, day care of children, juvenile control, energency shelter, long term welfare of the disabled, blind and mentally ill and retarded and social advice have

all been services originally provided by the tribe, then the extended family and now finally by the government. As people in small nuclear families are able to do less and less for their own care, particularly among the poor, more and more responsibility and cost falls upon government. As government costs rise, the individual has less opportunity to choose what type of services he will accept, under what conditions and under what circumstances. Each relinquishment of self-care and responsibility for self-care carries with it an equal loss of meaningful decision-making. Both the poor and the middle class who find themselves with fewer "built-in" family resources are thus compelled to use packages of services which the government provides on a "ready made" "mass production" basis. As the number of options in the choice of such services decrease, general alienation increases.

In a society with escalating alienation, the presence of a large and growing body of the population which is separate, distant, and even more alienated than the mass, is a matter of serious concern. The fact that such a sub-population is held at a "safe" social distance by a variety of social benefits and assistances does not make the potential conflict of cultures less serious. The financial and social cost of public assistance causes further resentment of the non-participant beneficiary population.

In a society where the myth that "Happiness is Having the Lion's Share" (see Janet Chase) is still quite prevalent, the middle class begins to resist paying high taxes for escalating arms races, industrial subsidies, welfare services, and grants. As Bell (1973) puts it, "each man is free to pursue his own interest, but in the post-industrial society,...collective regulation, (taxation and) coercion" leave the individual with a sense of impotence and frustration. If, as Chase puts it, "people with growing bank accounts are...happier because they control their own destinies..." then the heavily-taxed middle-class and the barely-surviving poor are both less able to control their destinies or to achieve a reasonable level of happiness in the contemporary period.

Despite the fact that each corporation or conglomerate operates with a separate set of financial records and operates for its own profit purposes, the resources and needs of the society are generically related to the whole. Even in nineteenth-century England the indivisibility of the community was a fact of life, according to Hardin. The commons were public grazing lands, open to all without government involvement or regulation. As long as the population was small, and as long as the number of animals needed by individuals in the population for self-sufficiency was small, there was no problem. But the resources of the community were finite, and the commons had a limit in terms of the number of animals which could be efficiently grazed on them. When the finite level was reached, additional

sheep might add to the gain of an individual herdsman but only at a cost to the other owners. It would be foolish for any individual herdsman to hesitate to add to his flock out of concern for communal overgrazing. Because of this the commons system finally failed.

Similarly a society which depends for its productivity on a congery of corporations and conglomerates which operate without concern for the way in which the finite resources of the society are used and for the way in which wastes are disposed of, is a society with problems similar to that of the English "commons" village. What will the society do when the finite limits are reached? A society which is dominated, to all intents and purposes, by the interests of corporations and conglomerates without concern for the "human wastes" which are irrelevant or incidental to the productive system, is merely accumulating problems which become greater and more aggravated with each year of postponed planning for, and resolution of, the problem.

All elements of a society are more deeply interrelated in 1977 than they were in the early nineteenth century. The foreign and domestic concerns of a modern society are so interrelated that one can hardly deal with domestic welfare problems without taking into account the foreign policy of the society. Paul Goodman (1966) stated that "our foreign and domestic system is all of one piece..." Any society, regardless of the degree of integration of its operative components will eventually have to deal with the problems of limited resources, waste-disposal, crowding, and distribution of products and rewards.

A society of the complexity of ours must decide which societal foundational models it seeks, before planning and building further welfare projects. If the society is designed for conflict, then our contemporary array of counteracting programs are appropriate. If it is designed for consensus, then the model of the consensus chosen must be defined before welfare and social control policy is constructed around it. If the society expects "fair" exchanges between all peoples, then not welfare, but contributory participation programs are desired.

It must be remembered that an alienating and controlling society makes of man either a passive object or a rebellious problem for the society. In the first instance, man has to be planned for, cared for, taken care of, and provided for. A passive individual solves few problems for himself and when he does, his coping mechanisms are hardly likely to be supportive of the social policy of the society or to be useful in preparing him for expanded responsibility and involvement in the mainstream activity of the society. Rebellious man has to be controlled by the society. The social costs of a "providing state" or a "police state" are both hardly worth consideration as permanent alternatives.

When massive forces of alienation and control emanate from the macro-corporate nature of the society these present the society with such problems of social control and management of the alienated populations that parallel mechanisms of social provision and control must necessarily be established by the society. Much of the necessity for complex social policy formulation and legislation derives from the international halls where decisions are made affecting massive populations who have no voice or entry into the chambers. As macro-corporate industry expands its profits and its power grows, governmental social legislation, provision and control must expand to serve the problem populations left behind. Such massive governmental involvements increasingly approach a point of diminishing effectiveness. As the size of "target populations-at-risk" increase, the degree of effectiveness of applications in social legislation and policy diminishes.

It must be remembered that social legislation and policy for maximal effectiveness must at least approach, if not meet, a number of conditions. These include:

1. Utilize the motivations of individuals to carry out the desired social policy, by the ways it provides for and controls the automatic rewards and disincentives of the marketplace.

2. Does not require a huge mechanism of government to carry out the policy because most of the controls are built into the mechanisms of daily activity in the population.

3. Does not restrict massive portions of the population from generally benign or useful activities in its attempt to restrict a relative few from destructive or harmful activities.

4. Does not interfere with the development of productive, contributing citizens for future generations in its attempts to serve the weak, needy or powerless at a current time. Thus, it must avoid destruction of productive family life in the long run in its attempts to meet short range objectives.

5. Utilizes a minimum of government involvement at a crucial point of entry in the social structure in order to secure a maximum effect in terms of desired social policy.

6. Utilizes the cultural patterns of the population to reinforce the effect of its policies rather than to oppose them.

7. Makes it easier, rather than more difficult for the average individual to live and serve himself and his family in such a manner that he supports rather than opposes the established social policy.

In general, much of the pressure for expansion of social policy derives from the impermeability of the macro-corporate society. If the problem of opportunity for social mobility were resolved, the pressures for provision and control would be lessened considerably. Etzioni believes that this can be achieved in "the active society" but neither he, nor anyone else, has so far indicated how such a society can be effected, let alone the probabilities of how it could be attained. Barring the accomplishment of an active society, it appears that the macro-corporate society will be with us indefinitely. If this is so then we can expect continued pressure for societal interventions, for continued tinkering with the social structure and social processes and for continued involvement in governmental activities which represent a variety of value positions ranging from romantic naivity to repressive behavioristic utilitarianism. In any case, in view of the pressures and expected problems, the continued development of massive governmental programs is predictable. The impermeable nature of macro-corporate society, along with the democratic ideals of the society, is bound to provide continued stimuli for both programs to seek insurance of equal opportunity as well as "delivered equality." As programs of the latter type expand these can predictably be expected to operate in a manner which further "constipates" the permeability mechanisms of the society. Thus we can expect that macro-corporatism plus "delivered equality" programs will, in time, lead to the development of two distinct societies, with periodic injections of quotas of the disinherited into the macro-society and with a gradual abandonment and discard of the opportunity mechanisms in the social structure. If this is the model of the society desired by the people in a democracy, then it should be clearly spelled out for them as a choice. To drift, unplanlessly between the currents of the massive macro-corporate icebergs and the equally massive governmental social intervention programs without a map, a plan or a destination seems suicidal for the society. If the society is to survive without having to undergo transformation into a police state or an "anything goes" jungle, greater efforts, ingenuity thought, and resources will necessarily have to be devoted to social policies and legislative programs of American society.

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