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Frédéric Bastiat

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The Law^{**11}

The law perverted! And along with it all the collective forces of the nation! The law, I say, not only turned aside from its proper end, but made to pursue a directly contrary end! The law become the instrument, instead of the restrainer, of all kinds of cupidity! The law itself perpetrating the very iniquity that it is its function to punish! Certainly, if this is so, it is a serious matter, to which I should be allowed to call the attention of my fellow citizens. 2.1

We hold from God the gift that for us includes all other gifts: life—physical, intellectual, and moral life. 2.2

But life is not self-sustaining. He who gave it to us has left to us the responsibility of preserving it, of developing it, of perfecting it. 2.3

To that end, He has provided us with a collection of marvelous faculties; He has set us in the midst of a variety of resources. It is by the application of our faculties to these resources that the phenomenon of *assimilation*, of *appropriation*, is realized, by which life runs its appointed course. 2.4

Existence, faculties, assimilation—in other words, personality, liberty, property—that is what man is. 2.5

Of these three things one may say, without any demagogic quibbling, that they are anterior and superior to all human legislation. 2.6

It is not because men have passed laws that personality, liberty, and property exist. On the contrary, it is because personality, liberty, and property already exist that men make laws. 2.7

What, then, is law? As I have said elsewhere, it is the collective organization of the 2.8

individual's right to legitimate self-defense.

Each of us certainly gets from Nature, from God, the right to defend his person, his liberty, and his property, since they are the three elements constituting or sustaining life, elements which are mutually complementary and which cannot be understood without one another. For what are our faculties, if not an extension of our personality, and what is property, if not an extension of our faculties?

2.9

If each man has the right to defend, even by force, his person, his liberty, and his property, several men have the right to get together, come to an understanding, and organize a collective force to provide regularly for this defense.

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Collective right, then, has its principle, its *raison d'être*, its legitimate basis, in individual right; and the collective force can rationally have no other end, no other function, than that of the individual forces for which it substitutes.

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Thus, as an individual cannot legitimately use force against the person, liberty, or property of another individual, for the same reason collective force cannot legitimately be applied to destroy the person, liberty, and property of individuals or classes.

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For this perverse use of force would be, in the one case as in the other, in contradiction with our premises. Who will dare to say that force has been given to us, not to defend our rights, but to destroy the equal rights of our brothers? And if this is not true of the use of force by each individual, acting separately, how can it be true of the collective force, which is nothing but the organized union of the separate forces?

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Hence, if anything is self-evident, it is this: Law is the organization of the natural right to legitimate self-defense; it is the substitution of collective force for individual forces, to act in the sphere in which they have the right to act, to do what they have the right to do: to guarantee security of person, liberty, and property rights, to cause *justice* to reign over all.

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And if there existed a nation constituted on this basis, it seems to me that order would prevail there in fact as well as in theory. It seems to me that this nation would have the simplest, most economical, least burdensome, least disturbing, least officious, most just, and consequently most stable government that can be imagined, whatever its political form might be.

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For under such a regime, everyone would comprehend clearly that the full enjoyment of his life, as well as complete responsibility for it, was his and his alone. As long as his person was respected, his labor free, and the fruits of his labor guaranteed against all unjust encroachment, no one would have any quarrel with the state. When fortunate, we should not, it is true, have to thank it for our successes; but, when unfortunate, we should no more blame it for our reverses than our farmers would blame it for hail or frost. We should know it only by the inestimable benefit of *security*.

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It can further be affirmed that thanks to the nonintervention of the state in private affairs, wants and satisfactions would develop in their natural order. We should not see poor families seeking instruction in literature before they have bread. We should not see the city being populated at the expense of the country, or the country at the expense of the city. We should not see those great displacements of capital, of labor, and of population which are provoked by legislative measures, displacements that

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render the very sources of existence so uncertain and precarious, and thereby add so greatly to the responsibilities of the government.

Unfortunately, the law is by no means confined to its proper role. It is not only in indifferent and debatable matters that it has exceeded its legitimate function. It has done worse; it has acted in a way contrary to its own end; it has destroyed its own object: it has been employed in abolishing the justice which it was supposed to maintain, in effacing that limit between rights which it was its mission to respect; it has put the collective force at the service of those who desire to exploit, without risk and without scruple, the person, liberty, or property of others; it has converted plunder into a right, in order to protect it, and legitimate defense into a crime, in order to punish it.

How has this perversion of the law been accomplished? What have been the consequences of it?

The law has been perverted under the influence of two very different causes: unintelligent selfishness and false philanthropy.

Let us speak of the first cause.

Self-preservation and self-development are aspirations common to all men, so that, if each person enjoyed the free exercise of his faculties and the free disposition of their products, social progress would be continual, uninterrupted, and unending.

But there is another disposition that is also common among men. It is to live and to develop, when they can, at the expense of one another. This is no rash charge, nor is it an expression of a morose and pessimistic state of mind. History bears witness to its truth: its annals are filled with accounts of constant wars, mass migrations, acts of clerical despotism, the universality of slavery, commercial frauds, and monopolies.

This lamentable disposition springs from the very nature of man, from that primitive, universal, unconquerable feeling which impels him to seek his own well-being and to shun pain.

Man can live and enjoy life only by constant assimilation and appropriation, that is, by a constant application of his faculties to things, by labor. This is the origin of property.

But, in fact, he can live and enjoy life by assimilating and appropriating the product of the labor of his fellow man. This is the origin of plunder.

Now, labor being in itself painful, and man being naturally inclined to shun pain, it follows—history is there to prove it—that wherever plunder is less onerous than labor, it prevails; and neither religion nor morality can, in this case, prevent it from doing so.

When, then, does plunder stop? When it becomes more onerous and more dangerous than labor.

It is clearly evident that the object of the law should be to oppose this harmful tendency with the powerful obstacle of collective force, that it should side with property against plunder.

But the law is made, most often, by one man or by one class of men. And, since the law does not exist without sanction, without the support of a preponderant force, it

inevitably puts this force into the hands of those who legislate.

This unavoidable phenomenon, combined with the lamentable inclination that, as we have observed, exists in the heart of man, explains the almost universal perversion of the law. It is understandable how, instead of restraining injustice, the law becomes its instrument, indeed its most invincible instrument. It is understandable that, in proportion to the power of the legislator, and for his profit, the law destroys, in varying degree, among the rest of mankind, the rights of the person by way of slavery, liberty by way of oppression, property by way of plunder.

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It is in the nature of men to react against the iniquity of which they are the victims. When, therefore, plunder is organized by the law for the profit of the classes who make it, all the plundered classes seek, by peaceful or revolutionary means, to enter into the making of the laws. These classes, according to the degree of enlightenment they have achieved, can propose two different ends to themselves when they thus seek to attain their political rights: either they may wish to bring legal plunder to an end, or they may aim at getting their share of it.

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Woe to the nations in which the masses are dominated by this last thought when they, in their turn, seize the power to make the law!

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Until that time, legal plunder is exercised by the few against, the many, as it is among nations in which the right to legislate is concentrated in a few hands. But now it becomes universal, and an effort is made to redress the balance by means of universal plunder. Instead of being abolished, social injustice is made general. As soon as the disinherited classes have obtained their political rights, the first idea they seize upon is not to abolish plunder (this would suppose in them more wisdom than they can have), but to organize a system of reprisals against the other classes that is also injurious to themselves; as if, before justice reigns, a harsh retribution must strike all, some because of their iniquity, others because of their ignorance.

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No greater change nor any greater evil could be introduced into society than this: to convert the law into an instrument of plunder.

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What are the consequences of such a perversion of the law? Volumes would be required to describe all of them. Let us content ourselves with indicating the most important.

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The first is to efface from everyone's conscience the distinction between what is just and what is unjust.

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No society can exist if respect for the law does not to some extent prevail; but the surest way to have the laws respected is to make them respectable. When law and morality are in contradiction, the citizen finds himself in the cruel dilemma of either losing his moral sense or of losing respect for the law, two evils of which one is as great as the other, and between which it is difficult to choose.

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It is so much the nature of law to make justice prevail that law and justice are one and the same thing in the minds of the masses. We all have a strong disposition to regard what is legal as legitimate, to such an extent that there are very many who erroneously derive all justice from law. It suffices, then, that the law ordains and authorizes plunder to make plunder seem just and sacred to many consciences. Slavery, restraint of trade, and monopoly find defenders not only among those who profit from them but even among those who suffer from them. Try to raise a few doubts about the morality of these institutions. "You are," it will be said, "a

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dangerous innovator, a utopian, a theorist, a scorner of the laws; you are undermining the foundation upon which society rests." If you give a course in ethics or political economy, official organizations will be found making this petition to the government: "That economic science be taught henceforth *no longer* only from the point of view of free trade (of liberty, property, justice), as has been done up to now, but also and especially from the point of view of the facts and the legislation (contrary to liberty, property, and justice) which prevail in French industry.

"That in the chairs publicly endowed by the treasury, the professors strictly abstain from diminishing in the slightest degree the respect due to the *laws now in force*."**13

So that if a law exists which sanctions slavery or monopoly, oppression or spoliation, in any form whatever, one must not even speak about it; for how speak about it without undermining the respect that the law inspires? Moreover, ethics and political economy must be taught from the viewpoint of that law, that is, on the assumption that it must be just simply because it is the law.

Another result of this deplorable perversion of the law is to give to political passions and struggles, and indeed to the whole field of politics, an exaggerated importance.

I could prove this proposition in a thousand ways. I shall confine myself, by way of example, to connecting it with a subject that has recently occupied all minds: universal suffrage.

Whatever the disciples of Rousseau's school, who call themselves *very much advanced*, and whom I believe to be twenty centuries *behind the times*, may think of it, universal suffrage (taking this word in its strict sense) is not one of those sacred dogmas which it is a crime to examine or doubt.

Serious objections may be advanced against universal suffrage. First, the word *universal* conceals a gross sophism. There are thirty-six million inhabitants in France. For the right to suffrage to be *universal*, it must be granted to thirty-six million voters. In the most extensive electoral system, only nine million voters are eligible. Three out of four persons, then, are excluded, and what is more, they are excluded by the fourth. On what principle is this exclusion founded? On the principle of incapacity. Universal suffrage thus means: universal suffrage for those capable. There remains this question of fact: Who are the capable ones? Are age, sex, and criminal records the only signs by which incapacity can be recognized?

If we examine the question more closely, we very quickly perceive the reason why the right to suffrage rests on the presumption of capacity. The most extensive system differs in this respect from the most limited only in the evaluation of the signs whereby this capacity can be recognized. This constitutes a difference of degree, not of principle.

The reason is that the voter acts not only for himself, but for everyone.

If, as our republicans in the Greek and Roman style allege, the right of suffrage is every person's birthright, it would be unjust for adult males to prevent women and children from voting. Why prevent them? Because they are presumed to be incapable. And why is incapacity a cause for exclusion? Because it is not the voter alone who must bear the consequences of his vote; because each vote involves and affects the whole community; because the community clearly has the right to require some guarantees as to the acts on which its welfare and existence depend.

I know what the reply may be. I also know what the rejoinder could be. This is not the place for an exhaustive controversy on the subject. What I want to call attention to is that this very controversy (as well as most political questions), which agitates, arouses, and convulses nations, would lose almost all its importance if the law had always been what it should be.

In fact, if the law confined itself to safeguarding all persons, liberties, and property rights; if it were only the organization of the individual's right to legitimate self-defense, the obstacle, the check, the punishment opposed to all acts of oppression and plunder; is it likely that we citizens would argue very much about whether the suffrage should be more or less universal? Is it likely that such a dispute would endanger the greatest good, the public peace? Is it likely that the excluded classes would not peacefully await their turn? Is it likely that the favored classes would be so jealous of their privilege? And is it not clear that, the interests of all being identical and common, the vote of the enfranchised would cause no great inconvenience for the rest of the population?

But once let the disastrous principle be introduced that, under the pretext of organization, regulation, protection, or encouragement, the law can *take from some to give to others*, to draw off a part of the wealth acquired by all classes in order to increase that of one class, whether farmers or manufacturers or merchants or shipowners or artists or actors; then certainly, in that event, there is no class that does not demand, with good reason, to have a hand in making the laws; that does not vehemently claim its right to vote and to be considered eligible; that would not overthrow society rather than fail to obtain that right. Even beggars and tramps will prove to you that they have an incontestable right to vote. They will say to you: "We never buy wine, tobacco, or salt without paying a tax, and part of that tax is given by law, in bounties and subsidies, to men richer than we are. Others use the law to raise artificially the prices of bread, meat, iron, and cloth. Since everyone exploits the law to his own profit, we too want to do so. We desire to have it grant us the *right to public relief*, which is the poor man's share of the plunder. To this end we must become voters and legislators, so that we may organize the dole for our class in grand style, as you have organized protective tariffs in grand style for your class. Do not tell us that you will act on our behalf, that you will throw our way, as M. Mimerel^{*21} proposes, a sum of six hundred thousand francs, to keep us quiet and as a bone for us to gnaw on. We have other demands, and, in any case, we want to act for ourselves, as the other classes have acted for themselves!"

What can one reply to such an argument? Yes, so long as it is admitted in principle that the law may be diverted from its true mission, that it may violate property rights instead of guaranteeing them, each class will want to make the law, whether to defend itself against being plundered or to organize plunder for its own profit. Political questions will always be interlocutory, dominant, and absorbing; in a word, people will be continually pounding on the door of the legislature. The struggle will not be less bitter within it. To be convinced of this, it is hardly necessary to observe what goes on in the parliaments of France and England; it is enough to know what the issues are that are being debated there.

Is there any need to prove that this odious perversion of the law is a perpetual cause of hatred, discord, and even social disorder? Look at the United States. There is no country in the world where the law confines itself more rigorously to its proper role, which is to guarantee everyone's liberty and property. Accordingly, there is no

country in which the social order seems to rest on a more stable foundation. Nevertheless, even in the United States there are two questions, and only two, which, since it was founded, have several times put the political order in danger. And what are these two questions? The question of slavery and that of tariffs, that is, precisely the only two questions concerning which, contrary to the general spirit of this republic, the law has assumed a spoliative character. Slavery is a violation, sanctioned by law, of the rights of the person. Protective tariffs are a violation, perpetrated by the law, of the right to property; and certainly it is remarkable that in the midst of so many other disputes this twofold *legal scourge*, a sad heritage from the Old World, should be the only one that can and perhaps will lead to the dissolution of the Union. It is, in fact, impossible to imagine any graver situation in a society than one in which the law becomes an instrument of injustice. And if this fact gives rise to such dreadful consequences in the United States, where it is only exceptional, what must be its consequences in Europe, where it is a principle and a system?

M. de Montalembert,^{*22} adopting the thought expressed in a famous proclamation of M. Carlier,^{*23} said: "We must make war on socialism." And by socialism, we must take it that he means plunder, according to the definition of M. Charles Dupin.

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But what kind of plunder did he mean? For there are two kinds. There is *extralegal* plunder and *legal* plunder.

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As for extralegal plunder, such as theft or fraud, which is defined, provided for, and punished by the Penal Code, I do not think that we can, in all truth, decorate it with the name of socialism. It is not this that systematically menaces the foundations of society. Besides, the war against this type of plunder has not awaited the signal from M. de Montalembert or of M. Carlier. It has been waged since the beginning of the world; France had provided for it long before the February Revolution, long before the appearance of socialism, by a whole apparatus of courts, police, gendarmes, prisons, dungeons, and gallows. It is the law itself that carries on this war, and what would be desirable, to my mind, is that the law should always maintain this attitude toward plunder.

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But this is not the case. The law sometimes sides with the plunderer. Sometimes it commits plunder with its own hands, in order to spare the beneficiary shame, danger, and qualms of conscience. Sometimes it places this whole apparatus of courts, police, constabularies, and prisons at the service of the plunderer, and puts the plundered person, when he defends himself, in the prisoners' dock. In a word, there is *legal plunder*, and it is no doubt this that M. de Montalembert is talking about.

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This kind of plunder may be merely an exceptional blemish on a nation's legislation, in which case, the best thing to do, without too many tirades and jeremiads, is to eliminate it as soon as possible, despite the outcries of the vested interests. How is it to be recognized? Very simply. All we have to do is to see whether the law takes from some what belongs to them in order to give it to others to whom it does not belong. We must see whether the law performs, for the profit of one citizen and to the detriment of others, an act which that citizen could not perform himself without being guilty of a crime. Repeal such a law without delay. It is not only an iniquity in itself; it is a fertile source of iniquities, because it invites reprisals, and if you do not take care, what begins by being an exception tends to become general, to multiply itself, and to develop into a veritable system. No doubt the person benefited by the law will raise loud cries of protest; he will invoke his *acquired rights*. He will say

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that the state has an obligation to protect and encourage his industry; he will allege that it is good that the state should enrich him, because, when he is richer, he spends more and thus showers wages on the poor workers. Take care not to listen to this sophist, for it is precisely by the systematic elaboration of these arguments that *legal plunder* will itself be systematized.

This is, in fact, what has happened. The prevailing illusion of our age is that it is possible to enrich all classes at the expense of one another—to make plunder universal under the pretext of *organizing* it. Now, legal plunder can be committed in an infinite number of ways; hence, there are an infinite number of plans for organizing it: tariffs, protection, bonuses, subsidies, incentives, the progressive income tax, free education, the right to employment, the right to profit, the right to wages, the right to relief, the right to the tools of production, interest-free credit, etc., etc. And it is the aggregate of all these plans, in respect to what they have in common, legal plunder, that goes under the name of *socialism*.

Now, since socialism thus defined forms a body of doctrine, what war would you make on it, if not a war of doctrine? You find that doctrine false, absurd, abominable. Then refute it. This will be all the easier for you the more false, more absurd, more abominable the doctrine is. Above all, if you would be strong, begin by eliminating from your legislation all of the socialism that may have crept into it. The task is by no means a small one.

M. de Montalembert has been reproached with wanting to turn brute force against socialism. It is a charge of which he should be exonerated, for he has formally declared: "We must wage a war against socialism that is compatible with law, honor, and justice."

But how is it that M. de Montalembert does not perceive that he is placing himself in a vicious circle? You want to use the law to oppose socialism? But it is precisely socialism that invokes the law. It does not look for extralegal plunder, but for legal plunder. Socialism, like monopoly of all kinds, tries to make use of the law itself; and once it has the law on its side, how do you expect to turn the law against it? How do you expect to strike at it with your tribunals, your police, your prisons?

So, what do you do? You want to prevent socialists from having a hand in the making of the laws. You want to keep them from entering the legislature. You will not succeed, I venture to predict, while within the legislature laws are passed in accordance with the principle of legal plunder. Your idea is too iniquitous, too absurd.

This question of legal plunder must be decided once for all, and there are only three solutions:

That the few plunder the many.

That everybody plunders everybody else.

That nobody plunders anybody.

Partial plunder, universal plunder, absence of plunder—one must choose. The law can follow only one of these three possible courses.

Partial plunder is the system that prevailed as long as the electorate was partial, the system to which some wish to return in order to avoid the invasion of socialism.

Universal plunder is the system with which we have been threatened since the suffrage became *universal*, the masses having conceived the idea of legislating on the same principle as the legislators who preceded them.

Absence of plunder is the principle of justice, of peace, of order, of stability, of harmony, of good sense, which I shall proclaim with all the power (alas! so inadequate) of my lungs, until my last breath.*²⁴

2.71

And, in all sincerity, can anything more be asked of the law? Can the law, having force as a necessary sanction, be reasonably employed for anything else than safeguarding the rights of everyone? I question whether the law may be extended beyond this domain without turning it, and consequently without turning force, against human rights. And as this is the most disastrous, the most illogical social disturbance imaginable, we must recognize clearly that the true solution, so much sought after, of the social problem is comprised in these simple words: *The law is organized justice.*

2.72

Now, organizing justice by law, that is, by force, excludes the idea of organizing by law or by force any manifestation whatsoever of human activity: labor, charity, agriculture, commerce, industry, education, the fine arts, or religion; for one of these secondary organizations would inevitably destroy the essential organization. How, in fact, is one to imagine force encroaching on the liberty of the citizens without striking a blow at justice, and thus acting contrary to its proper object?

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Here I come into conflict with the most popular prejudices of our day. People not only want the law to be just; they also want it to be philanthropic. They are not satisfied that justice should guarantee to each citizen the free and inoffensive exercise of his faculties for his physical, intellectual, and moral development; they require of it that it should directly spread welfare, education, and morality throughout the country. This is the seductive aspect of socialism.

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But, I repeat, these two functions of the law contradict each other. We must choose between them. A citizen cannot at the same time be free and not free. M. de Lamartine wrote me one day: "Your doctrine is only the half of my program; you have stopped at liberty; I go on to fraternity." I answered him: "The second half of your program will destroy the first half." And, in fact, it is quite impossible for me to separate the word "fraternity" from the word "voluntary." It is quite impossible for me to conceive of fraternity as *legally* enforced, without liberty being *legally* destroyed, and justice being *legally* trampled underfoot.

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Legal plunder has two roots: One, as we have just seen, is in human selfishness; the other is in false philanthropy.

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Before going further, I believe I ought to explain what I mean by the word "plunder."*²⁵

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I do not use it, as is so often done, in a vague, indeterminate, approximate, or metaphorical sense; I use it in its precise, scientific sense, as expressing the idea opposed to that of property. When property is transferred without the consent of its owner and without compensation, whether by force or by fraud, from the one who possesses it to anyone who has not created it, I say that property rights have been violated, that plunder has been committed. I say that this is precisely what the law is supposed to suppress always and everywhere. If the law itself commits the act that it is supposed to suppress, I say that this is still plunder and, as far as society is

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concerned, plunder of an even graver kind. In this case, however, it is not the one that profits from the act of plunder who is responsible for it; it is the law, the legislator, society itself, and it is in this that the political danger consists.

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It is regrettable that this word "plunder" has an offensive connotation. I have tried in vain to find another, for I would not want at any time, and especially in these times, to add an irritating word to our dissensions. Accordingly, whether people believe me or not, I declare that I do not propose to disparage the motives or the morality of anyone. I am attacking an idea that I believe to be false, a system that seems to me unjust, yet so unintentionally unjust that each of us profits from it without wanting to and suffers from it without knowing it. One would have to write under the influence of partisan bias or fear to question the sincerity of those who advocate protectionism, socialism, or even communism, which are only three different stages of growth of one and the same plant. All that one can say is that plunder is more apparent in protectionism by virtue of its partiality^{**14} and in communism by virtue of its universality; from which it follows that of the three systems socialism is still the vaguest, the most indecisive, and consequently the most sincere.

In any case, to grant that legal plunder has one of its roots in false philanthropy is clearly to eliminate the question of motives from the discussion.

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This being understood, let us examine this popular aspiration, which seeks to realize the general welfare by way of general plunder, and let us see what it is worth, whence it comes, and whither it tends.

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The socialists ask us: "Since the law organizes justice, why should it not organize labor, education, and religion?"

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Why? Because it cannot organize labor, education, and religion without disorganizing justice.

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Do not forget that the law is force, and that, consequently, the domain of the law cannot legitimately extend beyond the legitimate domain of force.

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When law and force confine a man within the bounds of justice, they do not impose anything on him but a mere negation. They impose on him only the obligation to refrain from injuring others. They do not infringe on his personality or his liberty or his property. They merely safeguard the personality, the liberty, and the property of others. They stand on the defensive; they defend the equal right of all. They fulfill a mission whose harmlessness is evident, whose utility is palpable, and whose legitimacy is uncontested.

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This is so true that, as one of my friends remarked to me, to say that *the object of the law is to make justice prevail* is to use an expression that is not strictly exact. One should say: *The object of the law is to prevent injustice from prevailing*. In fact, it is not justice, but injustice, that has an existence of its own. The first results from the absence of the second.

2.86

But when the law, by the intervention of its necessary agent, force, imposes a system of labor, a method or a subject of education, a faith or a religion, its action on men is no longer negative, but positive. It substitutes the will of the legislator for their own will, the initiative of the legislator for their own initiative. They no longer have to take counsel together, to compare, to foresee; the law does all this for them. Intelligence becomes a useless accessory; they cease to be men; they lose their personality, their liberty, their property.

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Try to imagine a system of labor imposed by force that is not a violation of liberty; a transfer of wealth imposed by force that is not a violation of property rights. If you cannot do so, then you must agree that the law cannot organize labor and industry without organizing injustice. 2.88

When, from the depths of his study, a political theorist turns his gaze on society, he is struck by the spectacle of inequality that it presents. He groans at the sufferings that are the lot of so great a number of our brothers, sufferings which appear even sadder by their contrast with luxury and opulence. 2.89

He should perhaps ask himself whether the cause of such social conditions is not ancient acts of plunder, effected by way of conquest, and more recent acts of plunder, effected by the intervention of the law. He should ask himself whether, granted the aspiration of all men towards well-being and self-fulfillment, the reign of justice would not be enough to set the forces of progress into rapid motion and to realize the greatest amount of equality compatible with that individual responsibility which God has ordained as the just retribution for virtue and vice. 2.90

But the political theorist does not even dream of this. His thought is directed towards schemes, arrangements, legal or factitious organizations. He seeks for the remedy in the perpetuation and intensification of the very conditions that have produced the disease. 2.91

For are there any of these legal arrangements, aside from justice (which, as we have seen, is a mere negation), that do not involve the principle of plunder? 2.92

You say: "There are men who do not have any money," and you appeal to the law. But the law is not a breast that fills itself or whose lacteal veins draw substance from other sources than society. Nothing enters the public treasury for the benefit of a citizen or a class unless other citizens and other classes have been *forced* to put it there. If everyone draws out only the equivalent of what he has put in, your law, it is true, is not spoliative, but it does nothing for those who *do not have any money*; it does nothing to promote equality. It can be an instrument of equalization only in so far as it takes from some to give to others, and then it is an instrument of plunder. Examine, in this light, protective tariffs, subsidies, the right to profit, the right to employment, the right to public relief, the right to education, progressive taxation, interest-free credit, and public works. You will always find them based on legal plunder, organized injustice. 2.93

You say: "There are men who lack enlightenment," and you appeal to the law. But the law is not a torch spreading a light of its own near and far. It extends over a society where there are some who have knowledge and others who do not; some citizens who need to learn, and others who are willing to teach. It can do only one of two things: either let this type of transaction occur freely, i.e., allow this kind of need to be satisfied voluntarily, or apply coercion in this regard and take from some the wherewithal to pay teachers appointed to instruct others for nothing. But in the second case there cannot fail to be a violation of freedom and property rights, that is, legal plunder. 2.94

You say: "There are men who are lacking in morality or religion," and you appeal to the law. But the law is force, and need I point out what a violent and foolish undertaking it is to introduce force in these matters? 2.95

It would seem that the socialists, however complacent they may be about themselves, cannot help perceiving the monster of legal plunder that results from their schemes and efforts. But what do they do? They disguise plunder, cleverly concealing it from all eyes, even their own, under the seductive names of fraternity, solidarity, organization, and association. And because we do not ask so much of the law, because we require only justice from it, the socialists suppose that we reject fraternity, solidarity, organization, and association, and they throw in our faces the epithet *individualists*.

They should know, however, that what we reject is not natural, but forced organization.

It is not free association, but the forms of association that the socialists seek to impose on us.

It is not spontaneous fraternity, but legal fraternity.

It is not providential, but artificial solidarity, which is nothing but an unjust displacement of responsibility.

Socialism, like the ancient political ideology from which it emanates, confuses government with society. That is why, every time that we do not want a thing to be done by the government, the socialists conclude that we do not want that thing to be done at all. We are opposed to state education; hence, we are opposed to all education. We object to a state religion; hence, we do not want any religion at all. We are against an equality imposed by the state; hence, we are opposed to equality; etc., etc. It is as if they accused us of not wanting men to eat, because we oppose the cultivation of grain by the state.

How has the bizarre idea come to prevail in the political world that one can make the law produce what it does not contain: good in the positive sense, i.e., wealth, science, and religion?

Modern political theorists, particularly those of the socialist school, base their diverse doctrines on a common hypothesis, certainly the strangest, the most arrogant that could ever have entered a human brain.

They divide mankind into two parts. The commonality of men, with one exception, forms the first; the political theorist, all by himself, forms the second, and by far the most important.

In fact, they begin by supposing that men are endowed with neither motivation nor discernment; that they are devoid of initiative; that they are constituted of inert matter, of passive particles, of atoms without spontaneity, at the most a form of vegetation indifferent to its own mode of existence, susceptible of receiving from an external will and hand an infinite number of more or less symmetrical, artistic, and perfected forms.

Next, each of them supposes forthwith that he himself—under the title of organizer, discoverer, lawgiver, or founder—is that will and that hand, that universal mover, that creative power whose sublime mission it is to reunite into society those scattered materials which are men.

Starting from this assumption, just as every topiarist, according to his fancy, trims trees into pyramids, parasols, cubes, cones, vases, espaliers, distaffs, and fans, so

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every socialist, according to his caprice, prunes poor mankind into groups, series, centers, subcenters, cells, social workshops, harmonized, contrasted, etc., etc.

And just as the gardener needs axes, saws, pruning hooks, and shears to shape his trees, so the proponent of an artificially planned social order needs the forces that he can find only in the laws in order to organize his society: tariff laws, tax laws, relief laws, and education laws.

Indeed, so true is it that socialists consider mankind as raw material to be fitted into various social molds that if, by chance, they are not quite sure of the success of these arrangements, they demand at least a part of mankind as *raw material for experimentation*. We know how popular the idea of *experimenting with all systems* is with them, and one of their leaders has been known to demand seriously of the Constituent Assembly a local district with all its inhabitants on which to make his experiments.

It is thus that every inventor builds a small-scale model of his machine before making it full-scale. It is thus that the chemist sacrifices a few reagents, that the farmer sacrifices a few seeds in a corner of his field, to try out an idea.

But what an incommensurable distance there is between the gardener and his trees, between the inventor and his machine, between the chemist and his reagents, between the farmer and his seeds! The socialist believes in all sincerity that the same distance separates him from the rest of mankind.

We need not be astonished that the political theorists of the nineteenth century consider society as an artificial creation emanating from the genius of the lawgiver.

This idea, the effect of classical education, has dominated all the thinkers and great writers of our country.

All of them look upon the relations between mankind and the legislator as the same as those that exist between the clay and the potter.

Moreover, if they have consented to recognize in the heart of man a principle of action and in his intelligence a principle of discernment, they have thought this gift of God a baleful one, and that mankind, under the influence of these two impulses, tended inevitably towards its own degradation. In fact, they supposed that men, if left to their own inclinations, would concern themselves with religion only to end in atheism; with education, only to arrive at ignorance; with labor and trade, only to sink into poverty.

Fortunately, according to these same writers, there are a few men—the governors and lawgivers—who have received from heaven, not only for themselves, but for everyone else, opposite inclinations.

While mankind tends towards evil, they incline towards the good; while mankind marches into the darkness, they aspire towards enlightenment; while mankind is drawn towards vice, they are attracted by virtue. And, on this assumption, they call for force, so that it may put them in a position to substitute their own inclinations for those of the human race.

It suffices to open, almost at random, a book of philosophy, of politics, or of history, to see how strongly rooted in our country is this idea—the daughter of classical studies, and the mother of socialism—that mankind is merely inert matter, receiving from the power of the government life, organization, morality and wealth; or indeed,

what is worse still, that mankind itself tends towards its own degradation and is checked on this downward slope only by the mysterious hand of the legislator. Conventional classical thought everywhere shows us that behind passive society there is an occult power which—under the name of law or lawgiver, or referred to by means of that more convenient and vaguer expression, "they"—moves, animates, enriches, and edifies mankind.

Bossuet

One of the things that *they* [who?] impressed the most strongly on the minds of the Egyptians was the love of their country..... *It was not permitted* to be useless to the state; the law assigned each man his job, which was handed down from father to son. One could neither have two jobs nor change his occupation..... But there was one occupation which *had* to be common to all: the study of the laws and of wisdom. Ignorance of religion and of the national regulations was not excused under any circumstances. Besides, each profession had its district, which was assigned to it [by whom?]..... Among the good laws, the best was that everyone was taught [by whom?] to observe them..... Their men of science filled Egypt with marvelous inventions, and left them ignorant of virtually nothing that could render life easy and peaceful.

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Thus, men, according to Bossuet, derive nothing from themselves: patriotism, wealth, industry, wisdom, inventions, husbandry, the sciences—all come to them by the operation of laws or of kings. The people's part is only to *let things be done to them*. When Diodorus accuses the Egyptians of rejecting wrestling and music, Bossuet reproves him. How is that possible, he says, since these arts were invented by Trismegistus?

2.120

The same with the Persians:

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One of the first responsibilities *of the prince* was to make agriculture flourish..... As there were posts established for the conduct of armies, there were also some for overseeing agricultural work..... The respect that *was inspired* in the Persians for the royal authority verged on the excessive.

The Greeks, although very intelligent, were nonetheless so far unable to control their own destinies that of themselves, like horses and dogs, they would not have ventured upon even the simplest games. In classic thought it is always assumed that everything comes to the people from without, nothing from within.

2.122

The Greeks, naturally full of intelligence and of courage, *had been educated* in early times by the kings and colonists sent out from Egypt. It is from there that they learned physical exercises, *foot races*, and horse and chariot races..... But the best thing that the Egyptians had taught them was to become docile, to let themselves be formed by the laws for the public good.

2.123

Fénelon *26

Reared in the study and admiration of antiquity, and a witness to the power of Louis XIV, Fénelon could hardly avoid accepting the idea that man is passive, and that his misfortunes as well as his prosperity, his virtues as well as his vices, come to him by an external influence exerted on him by the law or by the one who makes it. Thus, in

2.124

his utopia, Salentum, he puts men, with all their interests, faculties, desires, and possessions, under the absolute discretion of the lawgiver. In any matter whatsoever, they never judge for themselves; it is always the prince who judges for them. The nation is only unformed matter of which the prince is the soul. In him resides all thought, all foresight, the principles of all organization, of all progress, and, consequently, all responsibility.

To prove this assertion, I should have to quote the whole tenth book of *Télémaque*. I refer the reader to it and content myself with citing a few passages taken at random from this celebrated work, to which, in every other respect, I am the first to do justice.

2.125

With that surprising credulity which is characteristic of the admirers of classical antiquity, Fénelon accepts, against the authority of reason and the historical facts, the view that the Egyptians were generally happy, and he attributes their felicity, not to their own wisdom, but to that of their kings.

2.126

We could not turn our eyes toward the two shores without perceiving rich cities, agreeably situated country houses, fields covered every year with a golden harvest, without ever lying fallow; meadows full of flocks; husbandmen bending under the weight of the fruits which the earth poured forth from its breast; shepherds who made all the enviring echoes repeat the sweet sounds of their flutes and their pipes. "Happy," said Mentor, ^{*28} "are the people who are ruled by a wise king."

Next, Mentor had me note the joy and abundance that pervaded the whole of Egypt, where twenty-two thousand cities could be counted; the excellence of the municipal administration; the justice administered in favor of the poor *against* the rich; the good education of children, who were accustomed to obedience, labor, sobriety, and the love of arts and letters; the scrupulous observance of all the ceremonies of religion; the unselfishness, the regard for honor, the fidelity to men, and the fear of the gods which every father inspired in his children. He never ceased admiring this good order. "Happy," he told me, "are the people whom a wise king rules in this way."

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Fénelon composes a still more seductive idyll on Crete. Then, he has Mentor add:

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All that you see in this wonderful island is the result of the laws of Minos. The education that he ordained for children makes the body healthy and strong. *They* accustom them from the first to a simple, frugal, and industrious life; *they* presume that all the pleasures of sense weaken the body and the mind; *they* offer them no other pleasure than that of being invincible by their virtue and of acquiring much glory..... Here *they* punish three vices that go unpunished among other peoples: ingratitude, dissimulation, and avarice. *They* never have any need to restrain pomp and soft living, for these are unknown in Crete..... *They* do not permit costly furnishings or ostentatious clothing or lavish feasts or gilded palaces.

It is thus that Mentor prepares his pupil to pound into dust, as in a mortar, and to manipulate, no doubt with the most philanthropic motives, the people of Ithaca, and, to carry greater conviction, he cites the example of Salentum.

2.129

This is how we get our first political ideas. We are taught to treat men almost as Olivier de Serres ^{*29} taught farmers to treat and mix the soil.

2.130

Montesquieu

To maintain the spirit of commerce, all the laws must favor it. These same laws, by their provisions, dividing fortunes in proportion as commerce increases them, must make the circumstances of every poor citizen sufficiently comfortable for him to be able to work like the others, and the circumstances of every rich citizen so moderate that he will need to work to maintain or improve them..... 2.131

In this way the laws dispose of all fortunes. 2.132

Although equality of wealth is the very essence of the democratic state, it is, nevertheless, so difficult to establish that it is not always expedient to aim at extreme exactitude in this regard. It suffices to reduce or fix the differences within certain limits, after which it will be the function of particular laws to equalize, so to speak, the remaining inequalities by the taxes that they impose on the rich and the relief that they grant to the poor..... 2.133

Here again it is by law, by force, that fortunes are to be equalized. 2.134

There were two kinds of republics in Greece. Some were military, like Sparta; the others were commercial, like Athens. In one type *they wanted* the citizens to be idle; in the other *they sought* to inculcate the love of labor. 2.135

I invite the reader's attention to the great genius these lawgivers must have had: in flying in the face of all accepted customs, in confounding all the virtues, they showed the world *their wisdom*. Lycurgus, in combining larceny with the spirit of justice, the harshest slavery with extreme liberty, the most atrocious sentiments with the greatest moderation, gave stability to his city. He seemed to be depriving it of all its resources, arts, commerce, money, and defenses; there was ambition, but no hope of being better off; there were natural affections, and yet no man there was either child or husband or father; even chastity was no longer regarded as respectable. *This is the way that Sparta was led to grandeur and glory.....* 2.136

The same extraordinary phenomenon seen in the institutions of Greece has been manifested *amidst the degeneracy and corruption of modern times*. A lawgiver, an upright man, has formed a people in whom honesty appears as natural as bravery among the Spartans. Mr. Penn is a true Lycurgus, and although the former has had peace as his object as the latter had war, they resemble each other in the peculiar direction in which they have led *their* people, in the influence that they have exercised over free men, in the prejudices that they have overcome, in the passions that they have subdued. 2.137

Paraguay can furnish us another example. To regard the pleasure of commanding as the only good thing in life is to wish to commit a crime against society; but it will always be admirable to *govern men in such a way as to make them happier.....* 2.138

Those who would like to have similar institutions will set up a regime in which property is communally owned, as in Plato's republic, and in which there will be the respect that he demanded for the gods and the separation of the natives from foreigners for the preservation of morality, with the state, not the citizens, engaging in commerce; they will give us our arts without our luxury and will satisfy our needs rather than our desires. 2.139

The unthinking masses, in their infatuation, may cry out: "It is Montesquieu who said it; hence, it is magnificent! It is sublime!" I shall have the courage of my convictions and am not afraid to say: 2.140

What! you have the cheek to call that beautiful!

But it is frightful! Abominable! And these citations, which I could multiply, show that, according to Montesquieu, men's persons, their liberties, their property, the whole of mankind, are only raw materials for the lawgiver to exercise his sagacity on. 2.141

Rousseau

Although this political theorist, the supreme authority of democrats, founds the edifice of society on the *general will*, no one has accepted as completely as he the hypothesis of the entire passivity of the human race in the hands of the lawgiver. 2.142

If it be true that a great prince is a rarity, what, then, is to be said of a great lawgiver? The first has only to follow the model that the other constructs. *The latter is the artificer who invents the machine*; the former is only the operator who turns it on and runs it. 2.143

And what are men in all this? The machine that is turned on and that runs, or rather the raw material of which the machine is made! 2.144

Thus, the same relations exist between the lawgiver and the prince as between the agronomist and the farmer, and between the prince and his subjects as between the farmer and the soil. At what a height above mankind, then, is the political theorist placed, for he rules the legislators themselves and teaches them their profession in these imperative terms: 2.145

Do you want to give stability to the state? Bring the extremes as closely together as possible. Do not allow either rich men or beggars. 2.146

Is the soil too unfruitful or sterile, or the country too small for the inhabitants? Then *turn* to industry and the arts for the products that you may exchange for the provisions that you lack..... Do you have good soil, and *do you lack* inhabitants? Give all your attention to agriculture, which increases the population, and *banish* the arts, which can serve only to depopulate the country..... If you occupy extensive and accessible coastal areas, *cover the sea* with ships, and you will have a brilliant but short existence. Does the sea off your coasts break only upon inaccessible rocks? Then *remain barbarians* and fish eaters; you will live more peacefully, perhaps better, and surely more happily than as seafarers. In a word, besides having to take account of the maxims common to all, every nation lives in circumstances that are distinctively its own and that render its legislation appropriate to it alone. Accordingly, at one time the Hebrews, and recently the Arabs, had religion as their principal object; the Athenians, letters; Carthage and Tyre, commerce; Rhodes, seafaring; Sparta, war; and Rome, virtue. The author of *The Spirit of the Laws* has shown by what art *the lawgiver directs education towards each of these objects*..... But if the lawgiver, mistaking his object, adopts a principle different from what comes naturally to his people, if one tends toward slavery and the other toward liberty; one toward wealth, the other toward population; one toward peace, the other toward conquests; the laws will gradually be enfeebled, the constitution will be undermined, and the state will be in continual agitation until it is destroyed or changed, until invincible Nature has regained control. 2.147

But if Nature is so invincible as to *regain* control, why does not Rousseau admit that it did not need the lawgiver to *gain* this control in the first place? Why does he not admit that men, acting on their own initiative, *will turn* of themselves toward 2.148

agriculture if the soil is fertile, toward commerce if the coastline is extensive and accessible, without the interference of a Lycurgus, a Solon, or a Rousseau, *who might very well be mistaken?*

In any case, we see what a terrible responsibility Rousseau has laid on the inventors, founders, leaders, lawgivers, and manipulators of societies. Consequently, he demands much of them.

2.149

Whoever ventures to undertake the founding of a nation should feel himself capable of changing human nature, so to speak, of transforming each individual, who by himself is a perfect and separate whole, into a part of a greater whole, from which that individual receives all or part of his life and his being; of changing the constitution of man in order to fortify it; of substituting a partial and moral existence for the physical and independent existence that we have all received from Nature. In a word, he must be able to deprive man of his own powers in order to give him those that are foreign to him.....

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Poor human race! What would the disciples of Rousseau do to your dignity?

2.151

Raynal^{*31}

Climate, that is, the air and the soil, constitutes the primary guiding principle of the lawgiver. *His* resources dictate his duties. He must first consider *his* location. A people situated on the seacoast will have laws relating to navigation.... If the colony is brought inland, a legislator must take into account both the type and the degree of fertility of the soil.....

2.152

It is above all in the distribution of property that the wisdom of his legislation will be manifested. In general, and in all the countries of the world, when a colony is founded, land must be given to all the men, that is, a sufficient amount to each for the support of a family.....

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On an uninhabited island that *you plan to people* with children, *you* would have only to let the seed of truth blossom in the development of their reason..... But when *you settle adults* in a new country, your skill consists in *allowing them to keep only* those of their old harmful opinions and customs that cannot be cured or corrected. If you wish to prevent them from being transmitted to posterity, *you* must protect the second generation by educating the children in common, public schools. A prince, a legislator, ought never to establish a colony without sending along wise men for the instruction of the youth.... In a new colony, all facilities are available to the precautions of the lawgiver who proposes to *refine the manners and the morals of the people*. If he has genius and virtue, the lands and the men that he will have *at his disposal* will inspire his soul with a plan of society that a writer could sketch only in a vague way and on the basis of unstable hypotheses, which vary and are complicated by an infinite number of circumstances too difficult to foresee and combine.....

2.154

Does it not seem that we are listening to a professor of agriculture lecturing to his students? Climate constitutes the guiding principle of the farmer. *His* resources dictate *his* duties. He must first consider *his* location. If it is on clayey soil, he must act in such and such a manner. If it is sandy, he must handle it in another way. All facilities are available to the farmer who wishes to clear and improve his land. If he has ability, the fertilizers that he finds *at hand* will inspire him with a plan of operation that a professor can sketch only in a vague way and on the basis of unstable hypotheses, which vary and are complicated by an infinite number of

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circumstances too difficult to foresee and combine.

But, sublime writers, kindly deign to remember sometimes that this clay, this sand, this dunghheap, of which you dispose so arbitrarily, is composed of men, your equals, intelligent and free beings like you, who have received from God, like you, the power to see, to plan, to think, and to judge for themselves!

2.156

Mably^{*32}

He imagines a country whose laws have, in the course of time, fallen into desuetude, and whose security has been neglected, and he goes on thus:

2.157

In these circumstances, people must be convinced that the springs of government have been relaxed..... *Give them* a new tension [it is the reader whom Mably is addressing], and the malady will be cured..... Think less of punishing faults than of encouraging the virtues *of which you have need*. By this method, you will *restore* the vigor of youth to *your republic*. It is because they have not known this that free peoples have lost their liberty! But if the progress of the malady is such that ordinary magistrates cannot remedy it efficaciously, *have recourse* to an extraordinary magistracy, whose term will be short and whose power will be considerable. The imagination of the citizens needs at such a time to be stirred.....

And there are twenty volumes all in this vein.

2.158

There was a time when, under the influence of such teachings, which constitute the basis of classical education, everyone wanted to place himself outside and above humanity, in order to manage it, organize it, and educate it in his own way.

2.159

Condillac^{*33}

Build, my lord, on the model of Lycurgus or Solon. Before reading further, amuse yourself by giving laws to some savage tribe in America or Africa. Settle these nomads in fixed abodes; teach them to tend flocks; seek to develop the social qualities that Nature has implanted in them..... Order them to begin to practice the duties of humanity..... Resort to punishments to poison the pleasures of sensual indulgence; and you will see these savages, with every article of your legislation, lose a vice and gain a virtue.

2.160

All nations have had laws. But few among them have been happy. What is the reason for this? It is that the lawgivers have nearly always been unaware of the fact that the object of society is to unite families by a common interest.

2.161

The impartiality of the laws consists in two things: in establishing equality in the property and in the dignity of the citizens..... In so far as your laws establish a greater equality, they will become dearer to every citizen..... How can avarice, ambition, sensuality, laziness, idleness, envy, hatred, or jealousy agitate men equal in wealth and in dignity and to whom the laws allow no hope of disturbing this equality? [An idyllic passage follows.]

2.162

What you have been told concerning the Spartan republic should throw much light on this question. No other state has ever had laws more in accordance with the order of Nature or of equality.^{**15}

2.163

It is not surprising that the seventeenth and eighteenth centuries considered the human race as inert matter, waiting to receive everything—form, figure, impulse, movement, and life—from a great prince, a great lawgiver, a great genius. These centuries were nourished on the study of antiquity, and antiquity offers us, in fact, everywhere, in Egypt, in Persia, in Greece, in Rome, the spectacle of a few men manipulating as they liked a mass of mankind enslaved by force or imposture. What does this prove? That, because man and society are capable of improvement, there must necessarily be more error, ignorance, despotism, slavery, and superstition in the earliest periods of history. The error of the writers that I have cited is not that they established the historical facts about antiquity, but that they held it up as a model for the admiration and imitation of future generations. Their error consists in admitting, with an inconceivable absence of critical judgment, and with a blind faith in a childish *conventionality*, what is inadmissible, namely, the grandeur, dignity, morality, and well-being of these artificial societies of the ancient world. They failed to realize that it takes time for enlightenment to be produced and propagated, and that, in so far as enlightenment is achieved, right no longer needs to be maintained by might, and society regains possession of itself.

And in fact, what is the political trend that we are witnessing today in world affairs? It is nothing more nor less than the instinctive striving of all nations toward liberty. ^{**16} And what is this liberty, whose name alone has the power to stir all hearts and set the world to shaking, but the combination of all liberties—freedom of conscience, of education, of association, of the press, of movement, of labor, of exchange; in other words, the freedom of everyone to use all his faculties in a peaceful way; in still other words, the destruction of all forms of despotism, even of legal despotism, and the restriction of the law to its sole rational function, that is, of regulating the right of the individual to legitimate self-defense and of repressing injustice?

This tendency of the human race, it must be admitted, is greatly thwarted, particularly in our country, by the lamentable disposition—the effect of classical education—common to all political theorists of placing themselves outside humanity in order to arrange it, organize it, and educate it in whatever way they please.

For while society is struggling to achieve liberty, the great men who have put themselves at its head, imbued with the principles of the seventeenth and eighteenth centuries, think only of restraining it under the philanthropic despotism of their artificial social orders and of making it bear docilely—to use Rousseau's expression—the yoke of the public welfare as they have imagined it.

This was clearly evident in 1789. Hardly was the old legal regime destroyed than the leaders of the Revolution busied themselves with imposing upon the new society other artificial arrangements, always starting from the same premise: the omnipotence of the law.

Saint-Just ^{*34}

The lawgiver holds the future in his hands. It is for him to *will the good* of mankind. It is for him to make men *what he wants* them to be.

The function of government is to direct the physical and moral forces of the nation toward the ends for which it was founded.

2.170

Billaud-Varenne^{*35}

A people to whom liberty is to be restored *must be* re-created. Since old prejudices *must be* destroyed, old customs changed, depraved inclinations corrected, superfluous wants restrained, inveterate vices eradicated; what is needed is strong action, a violent impulse..... Citizens, the inflexible austerity of Lycurgus became at Sparta the unshakable foundation of the republic; the weak and overtrusting character of Solon plunged Athens back into slavery. This parallel comprises the whole science of government.

2.171

Lepéletier^{*36}

Considering the extent to which the human race has been degraded, I am convinced of the necessity of undertaking a complete regeneration and, if I may so express myself, of creating a new people.

2.172

You see, men are nothing but raw materials. It is not for them to *will the good*; they are incapable of it; it is for the lawgiver, according to Saint-Just. Men are only what *he* (the lawgiver) *wills* them to be.

2.173

According to Robespierre, who copies Rousseau literally, the lawgiver begins by *determining the national goal*. Then, the government has only to direct all *physical and moral forces* towards this end. The nation itself always remains passive in all this, and Billaud-Varenne teaches us that it should have only those prejudices, customs, inclinations, and wants that the lawgiver authorizes it to have. He goes so far as to say that the inflexible austerity of one man is the foundation of the republic.

2.174

As we have seen, where evil is so great that ordinary magistrates cannot remedy it, Mably advises dictatorship to promote virtue. "*Have recourse*," says he, "to an extraordinary magistracy, whose term will be short and whose power will be considerable. The imagination of the citizens needs to be stirred."

2.175

This doctrine has not been forgotten. Listen to Robespierre:

2.176

The principle of republican government is virtue, and the means needed to establish it is terror. We wish to substitute in our country morality for selfishness, honesty for honor, principles for customs, duties for proprieties, the rule of reason for the tyranny of fashion, contempt of vice for contempt of misfortune, pride for insolence, greatness of soul for vanity, love of glory for love of money, good people for good society, merit for intrigue, genius for wit, truth for ostentation, the charm of happiness for the tedium of sensuality, the greatness of man for the pettiness of the great, a magnanimous, powerful, happy people for an amiable, frivolous, wretched people; that is, all the virtues and all the miracles of a republic for all the vices and all the follies of a monarchy.

At what a height above the rest of mankind Robespierre here places himself! And note the arrogance with which he speaks. He does not confine himself to expressing the wish for a great renovation of the human heart; he does not even expect such a result from a regular government. No, he wants to bring it to pass himself, and by means of terror. The purpose of the speech from which this childish mass of labored antitheses is taken was to set forth the *moral principles that should guide a revolutionary government*. Note that when Robespierre demands a dictatorship, it is not only to repel a foreign invader or to crush internal factions; it is, rather, to make his own moral principles prevail by means of terror and prior to action under the Constitution. His demand comes to nothing less than the authority to extirpate from the country, by means of terror, *selfishness, honor, customs, propriety, fashion, vanity, the love of money, good society, intrigue, wit, sensuality, and poverty*. It is only after he, Robespierre, will have accomplished these *miracles*—as he rightly calls them—that he will permit the laws to regain their sway. Oh, you wretches! You who believe yourselves so great! You who regard mankind as so inconsiderable! You want to reform everything! Reform yourselves first! This will be enough of a task for you.

Still, in general, these distinguished reformers, lawgivers, and political theorists do not ask to exercise an immediate despotism over mankind. No, they are much too moderate and philanthropic for that. They demand only the despotism, absolutism, and omnipotence of the law. They aspire only to make the law.

In order to show how universal this strange disposition has been among French intellectuals, not only should I have to copy all the works of Mably, of Raynal, of Rousseau, of Fénelon, and long extracts from Bossuet and Montesquieu, but it would also be necessary for me to reproduce the complete verbatim report of the proceedings of the Convention. I have no intention of doing any such thing. The reader may refer to this literature for himself.

It is not at all surprising that this idea should have well suited Napoleon. He embraced it with ardor and put it energetically into practice. Considering himself as a chemist, he saw in Europe only material for experiments. But soon that material proved itself a powerful reagent. More than half disabused, Bonaparte at St. Helena appeared to recognize that there was some initiative in people, and he showed himself less hostile to liberty. However, this did not prevent him from giving this lesson to his son in his will: "To govern is to promote morality, education, and welfare."

Is it necessary, after all this, to show, by meticulous citations the sources from which Morelly,^{*37} Babeuf,^{*38} Owen,^{*39} Saint-Simon, and Fourier derive their doctrines? I shall confine myself to submitting to the reader a few extracts from the book of Louis Blanc^{*40} on the organization of labor.

"In our plan, the motive force of society is the government."

In what does this motive force which the government gives to society consist? In imposing upon it the *plan* of M. Louis Blanc.

On the other hand, society is nothing more nor less than the human race.

Hence, by definition, the human race is to receive its motive force from M. Louis Blanc.

It is free to do as it likes, it will be said. Undoubtedly, the human race is free to

follow anybody's *advice*. But this is not the way in which M. Louis Blanc understands the matter. He intends his plan to be converted into *law* and consequently imposed forcibly by an exercise of power.

In our plan, the state merely gives to labor a set of laws [*please excuse it*], in virtue of which industrial activity can and must be carried on *in complete liberty*. It [the state] merely places society on a declivity [*that is all*] so that, once there, it descends solely by force of circumstances and by the natural operation of the *established mechanism*.

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But what is this declivity? The one prescribed by M. Louis Blanc. Does it not lead into an abyss? No, it leads to happiness. How, then, is it that society does not spontaneously place itself there? Because it does not know what it wants and because it needs a *motive force*. Who will give it this motive force? The government. And who will give the motive force to the government? The inventor of the mechanism, M. Louis Blanc.

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We never emerge from this circle—mankind passive, and a great man who moves it through the intervention of the law.

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Once on this declivity, will society at least enjoy some measure of liberty? Undoubtedly. And what is liberty?

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Let us say it once for all: liberty consists not only in the *right* granted, but also in the *power* given to man to exercise and develop his faculties, under the rule of justice and the protection of the law.

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And this is no empty distinction: its meaning is profound; its consequences are immense. For once it is granted that man, to be truly free, must have the *power* to exercise and develop his faculties, it follows that society owes to each of its members a suitable education, without which the human mind *cannot* develop, and the tools of production, without which human industry *cannot* be carried on. Now, by whose intervention will society give to each of its members a suitable education and the necessary tools of production, if not by that of the state?

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Thus, freedom is power. In what does this *power* consist? In possessing education and the tools of production. Who *will provide* the education and the tools of production? Society, which *owes* them. By whose intervention will society give the tools of production to those who do not have them? By *the intervention of the state*. From whom will the state take them?

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It is for the reader to make the reply and to see where all this tends.

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One of the strangest phenomena of our time, and one which will probably astonish our descendants, is that the doctrine that is based on this triple hypothesis—the fundamental inertia of mankind, the omnipotence of the law, and the infallibility of the lawgiver—should be the sacred symbol of the party that proclaims itself alone democratic.

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It is true that it also calls itself *social*.

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In so far as it is democratic, it has an unlimited faith in mankind.

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In so far as it is *social*, it treats mankind as no better than mud.

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If political rights are in question, if it is a case of choosing a legislator from their midst, oh, then, according to him, the people are full of a native wisdom; they are

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endowed with an admirable intuition; *their will is always right; the general will cannot be wrong*. The suffrage cannot be too universal. No one owes society any guarantee of his electoral competence. His will and capacity to choose wisely are always taken for granted. Can the people be mistaken? Are we not living in the age of enlightenment? Are the people to be kept eternally under guardianship? Have they not given enough proofs of their intelligence and wisdom? Have they not attained their maturity? Are they not able to judge for themselves? Do they not know their own best interests? Is there a man or a class that will dare to claim the right to act as a substitute for the people and to decide and to act for them? No, no, the people want to be *free*, and they shall be. They want to direct their own affairs, and they shall direct them.

But once the legislator is elected and freed from his campaign promises, oh, then his language changes! The nation returns to passivity, to inertia, to nothingness, and the legislator takes on the character of omnipotence. His the invention, his the direction, his the impulsion, his the organization. Mankind has nothing to do but to let things be done to it; the hour of despotism has arrived. And note that this is inevitable; for the people, a short time ago so enlightened, so moral, so perfect, no longer have any natural inclinations, or what they do have lead only to degradation. And you want to let them keep a little of their freedom! Do you not know that, according to M. Considérant,^{*41} *freedom leads inevitably to monopoly*? Do you not know that freedom means competition, and that competition, according to M. Louis Blanc, is a *system of extermination for the common people, and a cause of ruin for the businessman*? For evidence that the freer nations are, the closer they are to destruction and ruination, should we not look at Switzerland, Holland, England, and the United States? Do you not know that, again according to M. Louis Blanc, *competition leads to monopoly*, and that, *for the same reason, low costs lead to high prices? That competition tends to exhaust the sources of consumption and pushes production into a destructive activity? That competition forces production to increase and consumption to decrease?* Whence it follows that free peoples produce in order not to consume—that *liberty means both oppression and madness*, and that M. Louis Blanc simply must step in and set matters straight?

What further freedom should be left to them? Should it be freedom of conscience? But they would all profit from the opportunity by becoming atheists. Freedom of education? But fathers would be eager to pay professors to teach their children immorality and error; besides, if we are to believe M. Thiers, if there were freedom of education, it would cease to be national, and we should teach our children the ideas of the Turks or the Hindus; instead, thanks to the legal despotism of the university, they have the good fortune to be taught the noble ideas of the Romans. Freedom of labor? But that is competition, which has the result of leaving all the products unconsumed, of exterminating the common people, and of ruining the businessman. Free trade? But it is well known—the protectionists have demonstrated it *ad nauseam*—that a man is ruined when he trades freely, and that, to enrich himself, he must trade without freedom. Freedom of association? But, according to the socialist doctrine, freedom and association are mutually exclusive, since one aims precisely at depriving men of their freedom only in order to force them to associate.

You see clearly, then, that the social democrats cannot, in good conscience, allow mankind any liberty, since man by his very nature—unless these gentlemen set things aright—is prone to degeneration and demoralization of every kind.

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The question remains, in that case, why they clamor so loudly for universal suffrage.

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The demands of the socialists raise another question, which I have often addressed to them, and to which, as far as I know, they have never replied. Since the natural inclinations of mankind are so evil that its liberty must be taken away, how is it that the inclinations of the socialists are good? Are not the legislators and their agents part of the human race? Do they believe themselves molded from another clay than the rest of mankind? They say that society, left to itself, heads inevitably for destruction because its instincts are perverse. They demand the power to stop mankind from sliding down this fatal declivity and to impose a better direction on it. If, then, they have received from heaven intelligence and virtues that place them beyond and above mankind, let them show their credentials. They want to be *shepherds*, and they want us to be their *sheep*. This arrangement presupposes in them a natural superiority, a claim that we have every right to require them to establish before we go any further.

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Note that I am not contesting their right to invent social orders, to disseminate their proposals, to advise their adoption, and to experiment with them on themselves, at their own expense and risk; but I do indeed contest their right to impose them on us by law, that is, by the use of the police force and public funds.

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I demand that the Cabetists,^{*42} the Fourierists, the Proudhonians,^{*43} the classicists, and the protectionists renounce, not their particular ideas, but the idea, which is common to them all, of subjecting us forcibly to their groups and phalanxes, to their social workshops, to their free-credit banks, to their Greco-Roman morality, to their commercial restrictions. What I demand of them is to grant us the right to judge their plans and not to join in them, directly or indirectly, if we find that they hurt our interests or are repugnant to our consciences.

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For their demand to resort to taxation and the coercive power of the government, besides being oppressive and spoliative, also implies the fatal presupposition that the planner of the social order is infallible and that all the rest of mankind are incompetent.

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And if mankind is incompetent to judge for itself, how, then, can they presume to speak to us of universal suffrage?

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This contradiction in ideas is, unfortunately, reflected in historical fact; and while the French people have been in advance of all other nations in the conquest of their rights, or rather of their political guarantees, they have nonetheless remained the most governed, regimented, administered, imposed upon, shackled, and exploited of all.

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France is also, and necessarily, the one nation in which revolutions are most likely to occur.

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Once we start from this idea, accepted by all our political theorists, and so energetically expressed by M. Louis Blanc in these words: "The motive force of society is the government"; once men consider themselves as sentient, but passive, incapable of improving themselves morally or materially by their own intelligence and energy, and reduced to expecting everything from the law; in a word, when they admit that their relation to the state is that of a flock of sheep to the shepherd, it is clear that the responsibility of the government is immense. Good and evil, virtue and vice, equality and inequality, wealth and poverty, all proceed from it. It is entrusted with everything, it undertakes everything, it does everything; hence, it is responsible

for everything. If we are happy, it has every right to claim our gratitude; but if we are wretched, it alone is to blame. Does it not dispose in principle of our persons and our property? Is not the law omnipotent? In creating a monopoly of education, it has undertaken to fulfill the hopes of fathers of families who have been deprived of their liberty; and if these hopes are deceived, whose fault is it? In regulating industry, it has undertaken to make it prosper; otherwise it would have been absurd to deprive it of its liberty, and if industry suffers, whose fault is it? In upsetting the balance of trade by the operation of tariffs, the state has undertaken to make trade flourish; and if, far from flourishing, it falls off, whose fault is it? In granting the shipping industry protection in exchange for its liberty, it has undertaken to render this industry profitable; and if it becomes unprofitable, whose fault is it?

Thus, there is not a single ill afflicting the nation for which the government has not voluntarily made itself responsible. Is it astonishing, then, that each little twinge should be a cause of revolution? 2.212

And what remedy is proposed? To enlarge the domain of the law indefinitely, that is, the responsibility of the government. 2.213

But if the government undertakes to raise and to regulate wages, and cannot do so; if it undertakes to assist all the unfortunate, and cannot do so; if it undertakes to assure pensions to all workers, and cannot do so; if it undertakes to provide workers with the tools of production, and cannot do so; if it undertakes to make interest-free credit available to all those clamoring for loans, and cannot do so; if, in words that we regret to note were written by M. de Lamartine, "the state assumes the task of enlightening, developing, increasing, strengthening, spiritualizing, and sanctifying the soul of the people," and if it fails; is it not evident that after each disappointment (alas, only too probable!), there will be a no less inevitable revolution? 2.214

Reverting to my subject, I declare: Just at the dividing line between economic science and political science, ^{**17} an important question presents itself. It is this: 2.215

What is law? What should it be? What is the extent of its jurisdiction? What are its limits? Where, in consequence, do the prerogatives of the legislator stop? 2.216

I do not hesitate to reply: *The law is collective force organized to oppose injustice.* To put it briefly: *Law is justice.* 2.217

It is not true that the legislator has an absolute power over our persons and our property, since they pre-exist him, and his task is to surround them with guarantees. 2.218

It is not true that the function of the law is to regulate our consciences, our ideas, our wills, our education, our opinions, our work, our trade, our talents, our recreation. 2.219

Its function is to prevent the rights of one person from interfering with the rights of another in any of these matters. 2.220

Because it has force as its necessary sanction, the law can have as its legitimate domain only the legitimate domain of force, namely, justice. 2.221

And as each individual has the right to use force only for legitimate self-defense, collective force, which is only the union of individual forces, cannot rationally be applied for any other end. 2.222

The law, then, is solely the organization of the pre-existing individual right to legitimate self-defense. 2.223

Law is justice. 2.224

It is false to say that it may oppress man's person or plunder his property even for a philanthropic end, for its function is to protect both person and property. 2.225

And let it not be said that it can at least be philanthropic, provided it abstains from all oppression and all plunder; for that is self-contradictory. The law cannot fail to act on our persons or our property; if it does not guarantee them, it violates personal liberty and the right to property by the mere fact that it acts, by the mere fact that it exists. 2.226

Law is justice. 2.227

This is something clear, simple, perfectly defined and delimited, accessible to every intelligence, visible to every eye, for justice is a fixed, immutable, unalterable quantity that admits of neither *more* nor *less*. 2.228

If you go beyond this, and make the law religious, fraternal, egalitarian, philanthropic, industrial, literary, or artistic, you will be immediately lost in vagueness and uncertainty, on unknown territory, in a utopia imposed by force or, worse still, amidst the multitude of utopias struggling to gain possession of the law and to impose themselves upon you; for fraternity and philanthropy have no fixed limits, like justice. Where will you draw the line? Where will the law draw the line? Someone like M. de Saint-Cricq^{*44} would extend his philanthropy only to certain industrial classes and would demand that the law *regulate the consumers so as to favor the producers*. Another, like M. Considérant, champions the cause of the workers and demands for them from the law an *assured minimum of clothing, housing, food, and all other necessities of life*. A third, M. Louis Blanc, will say, quite rightly, that this is nothing but a rough sketch of what fraternity should be, and that the law should provide everyone with the tools of production and the facilities for education. A fourth will note that such an arrangement still leaves room for inequality, and that the law should introduce luxury, literature, and the arts into the most remote hamlets. You will thus be led directly to *communism*, or rather legislation will be, what it is already: the battlefield of all kinds of wild dreams and unbridled greed. 2.229

The law is justice. 2.230

If we accept this definition, we can conceive of a government that is simple and stable. And I defy anyone to tell me whence could come the idea of a revolution, of an insurrection, of even a riot against a public police force limited to repressing injustice. Under such a regime there would be greater prosperity, the prosperity would be more equally distributed, and as for the inescapable sufferings of humanity, no one would dream of blaming them on the government, which would have as little to do with them as it has with variations in the temperature. Have the people ever been seen to revolt against the Court of Appeals, or break into the chambers of a justice of the peace to demand minimum wages, interest-free credit, tools of production, protective tariffs, or government workshops? They know well that these projects are outside the jurisdiction of the magistrate, and they would likewise learn that they are beyond the jurisdiction of the law. 2.231

But base the law on the principle of fraternity, proclaim that everything good and everything bad derive from it, that it is responsible for all individual ills, all social inequality, and you will open the door to an endless series of complaints, 2.232

resentments, disturbances, and revolutions.

Law is justice.

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And it would indeed be strange that it should justly be anything else! Is not justice right? Are not rights equal? By what right, then, may the law intervene to make me submit to the social order planned by Messrs. Mimerel, de Melun,^{*45} Thiers,^{*46} or Louis Blanc, rather than make these gentlemen submit to my plans? Is it to be supposed that I have not received from Nature enough imagination to invent a utopia too? Is it the role of the law to make a choice between so many idle fancies and to put the public police force at the service of one of them?

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Law is justice.

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And let it not be said, as is done incessantly, that thus conceived, the law, being atheistic, individualistic, and pitiless, would make mankind in its own image. This is an absurd inference, well worthy of that infatuation with government which sees mankind as but the creature of the law.

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Because we shall be free, does it follow that we shall cease to act? Because we shall not receive our motive power from the law, does it follow that we shall be devoid of motive power? Because the law will confine itself to guaranteeing us the free exercise of our faculties, does it follow that our faculties will be paralyzed? Because the law will not impose upon us forms of religion, modes of association, methods of education, rules for labor, regulations of trade, or plans for charity, does it follow that we shall forthwith plunge into atheism, isolation, ignorance, poverty, and selfishness? Does it follow that we shall no longer be able to recognize the power and goodness of God, to associate with one another, to aid one another, to love and succour our unfortunate brethren, to study the secrets of Nature, and to aspire to perfect ourselves?

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Law is justice.

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And it is under the law of justice, under the rule of right, under the influence of liberty, security, stability, and responsibility, that every man will attain to the full worth and dignity of his being, and that mankind will achieve, in a calm and orderly way—slowly, no doubt, but surely—the progress to which it is destined.

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It seems to me that reason is on my side; for whatever question I submit to theoretical consideration, whether it be religious, philosophical, political, or economic; whether it has to do with well-being, morality, equality, right, justice, progress, responsibility, solidarity, property, labor, trade, capital, wages, taxes, population, credit, or government; at whatever point on the scientific horizon I may begin my investigations, they invariably reach the same conclusion: The solution of the social problem lies in liberty.

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And is not experience also on my side? Look at the condition of the world today. Which nations are the happiest, most moral, and most peaceful? Those among which the law intervenes the least in private activity; where the government makes itself felt the least; where individuality has the most scope, and public opinion the greatest influence; where the administrative apparatus is the least ramified and the least complicated, the taxes the least heavy and the least unequal, popular discontent the least aroused and the least justifiable; where the responsibility of individuals and of classes is the most active, and where, consequently, if the prevailing morality is not perfect, it tends inevitably to be improved; where transactions, agreements, and

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associations are the least restricted; where labor, capital, and population are least subject to artificial displacement; where mankind follows most nearly its own inclinations; where the thought of God is most prevalent; those, in a word, which approach most nearly this solution: Within the limits of equity, everything is to be accomplished through the free and perfectible initiative of man; nothing is to be achieved by law or by force save universal justice.

This must be said: There are too many "great" men in the world; there are too many legislators, planners, founders of societies, leaders of nations, fathers of their country, etc., etc. Too many people place themselves above mankind in order to guide its footsteps; too many people make a career of being concerned with mankind.

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I shall be told: You yourself are certainly very much concerned with it.

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That is true. But it must be admitted that I am concerned in an entirely different sense and with an altogether different object in view, and if I take my place among the reformers, it is only to make them take their hands off mankind.

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I concern myself with mankind not as Vaucanson^{*47} did with his automaton, but as a physiologist does with the human organism: in order to study it and marvel at it.

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I am concerned with it in the spirit which animated a celebrated traveler.

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He arrived in the midst of a savage tribe. A child had just been born, and a crowd of diviners, sorcerers, and quacks armed with rings, hooks, and straps surrounded it. One said: "This child will never smell the perfume of a pipe if I do not stretch his nostrils." Another said: "He will be deprived of the sense of hearing if I do not make his ears come down to his shoulders." A third: "He will not see the light of the sun if I do not give his eyes an oblique slant." A fourth: "He will never stand erect if I do not bend his legs." A fifth: "He will not be able to think if I do not flatten his skull."

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"Stop!" said the traveler. "What God does He does well. Don't pretend to know more than He does; and since He has given organs to this frail creature, let the organs develop and be strengthened by exercise, trial and error, experience, and freedom."

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God has endowed mankind also with all that it needs to accomplish its destiny. There is a providential social physiology, as there is a providential individual physiology. Social organs too are so constituted as to develop harmoniously in the open air of liberty. Away, then, with the quacks and the planners! Away with their rings, their chains, their hooks, their pincers! Away with their artificial methods! Away with their social workshop, their phalanstery, their statism, their centralization, their tariffs, their universities, their state religion, their interest-free credit or bank monopolies, their regulations, their restrictions, their moralization, and their equalization by taxation! And after vainly inflicting so many systems on the body politic, let us end where we should have begun. Let us cast out all artificial systems and give freedom a chance—freedom, which is an act of faith in God and in His handiwork.

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The cuneiform inscription in the logo is the earliest-known written appearance of the word "freedom" (amagi), or "liberty." It is taken from a clay document written about 2300 B.C. in the Sumerian city-state of Lagash

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