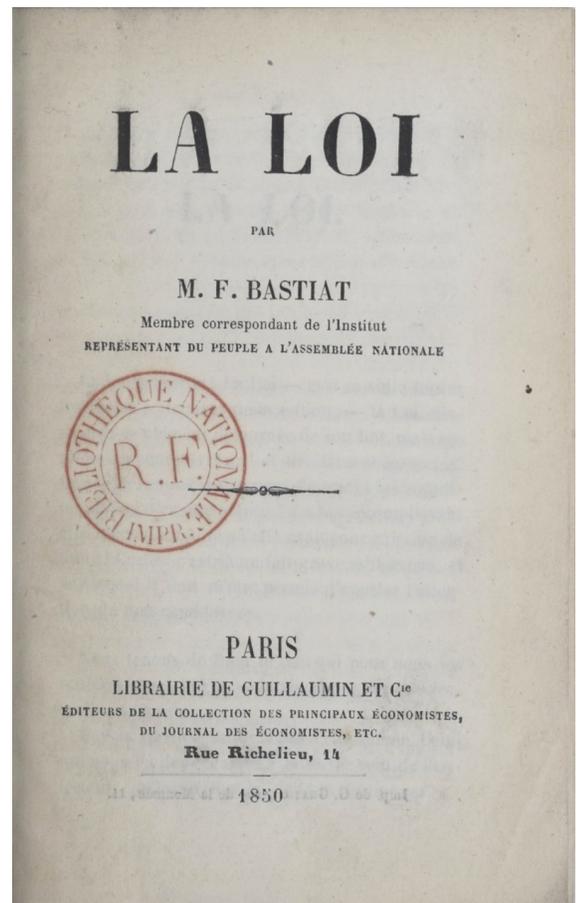


Frédéric Bastiat, *The Law* (June 1850)
Revised edition.



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The Law (June 1850) (revised ed.)

SOURCE

T.258 (1850.06) *The Law* (La Loi). FB wrote this while in Mugron in June 1850; also published as a pamphlet, *La Loi par M. Frédéric Bastiat. Membre correspondant de l'Institut. Représentant du peuple à l'Assemblée Nationale*, (The Law) (Paris: Guillaumin, 1850). 80 pp. [OC4, pp. 342-93] [CW2.9, pp. 107-46]

This translation originally appeared in volume 2 of Liberty Fund's *Collected Works of Frédéric Bastiat* (2012) translated by Dennis O'Keeffe and edited by Jacques de Guenin, pp. 107-46. <http://oll.libertyfund.org/titles/2450#lf1573-02_label_197>.

It has been extensively revised by David M. Hart to make it more consistent with our editorial practices as established in vols. 3, 4, and 5, namely:

- there are additional notes to explain the political and intellectual context in which he was writing
- all quotations of other authors used by Bastiat have been located and referenced
- there are cross-references to other works by Bastiat where he makes similar arguments
- key words and concepts which are part of his economic and political theory have been flagged
- the translation has been compared to the two earlier translations (that by Wells in 1853 and by FEE in 1964) and the differences noted
- the translation has been revised to correct some errors

GREAT QUOTES

It is not because men have enacted laws that personhood, freedom, and property exist. On the contrary, it is because personhood, freedom, and property are already in existence that men enact laws.

What is the law, then? As I have said elsewhere, it is the collective organization of the individual right of legitimate (self) defense.

Thus, since the (use of) force by an individual cannot legitimately be used against the person, freedom, or property of another individual, by the same argument, the common force cannot legitimately be used to destroy the person, freedom, or property of either individuals or classes.

It (the law) has placed the public coercive force at the disposal of those who wish to exploit the person, freedom, or the property of others without risk (to themselves) and without any scruples, it has converted plunder into (a) right in order to protect it and (converted) legitimate (self) defense into (a) crime in order to punish it.

It is in the nature of men to react against the injustice of which they are the victims. Therefore when plunder is organized by law for the profit of the classes that make it, all the plundered classes attempt to have a say in the making of the laws, by either peaceful or revolutionary means. Depending on the level of enlightenment which they have attained, these classes may set themselves two very different aims when they seek their political rights in this way; they may either wish to stop legal plunder or they may aspire to take part in it.

For there are two forms. There is *extra-legal plunder (plunder outside the law)* and *legal plunder*.

How do we recognize it (legal plunder)? It is easy; we need to see whether the law takes what belongs to some (people) and gives it to others to whom it does not belong. We need to see whether the law carries out an act that a citizen cannot carry out himself without committing a crime, for the benefit of one citizen and at the expense of others. Move quickly to repeal a law like this; it is not only an injustice, it is a fruitful source of (additional) injustices, for it generates reprisals, and if you are not careful an exceptional act will become widespread, more frequent, and (become) part of a system (of governing). Doubtless, those who benefit from it will make a loud outcry; they will invoke (the) *rights they have already acquired*. They will say that the state owes their particular industry protection and support. They will claim that it is a good thing for the state to make them richer because, since they are richer, they spend more and thus rain down wages on their poor workers. Be careful not to listen to these sophists for it is exactly through the systematization of these arguments that *legal plunder* becomes systematized.

This is what has happened. The illusion of the day is to make all classes richer at each other's expense; this is generalizing plunder on the pretext of *organizing* it. Well, legal plunder can be carried out in an infinite number of ways. This gives rise to an infinite number of plans for organizing it, through tariffs, protectionism, privileges, subsidies, incentives, progressive taxation, free education, the right to work (a job), the right to a (guaranteed) profit, the right to a wage, the right to public assistance, the right to (be given) tools for work, free credit, etc. And it is the combination of all of these plans, insofar as they have legal plunder in common, which is given the name of socialism.

It is absolutely necessary for this question of legal plunder to be settled and there are just three alternatives:

That the few plunders the many;

That everyone plunders everyone else;

That nobody plunders anybody.

(So you have to choose between) partial plunder, universal plunder, and the absence of plunder. The law can pursue only one of these three alternatives.

Partial plunder – this is the system that prevailed for as long as the electorate was *partial* and is the system to which people return to avoid the invasion of socialism.

Universal plunder – this is the system that threatened us when the electorate became *universal* with the masses having conceived the idea of making laws along the same lines as their legislative predecessors.

Absence of plunder – this is the principle of justice, peace, order, stability, conciliation, and common sense that I will proclaim with all my strength, which is, alas, very inadequate, and with my lungs until my final breath.

When a portion of wealth passes from the person who has acquired it, without his consent and without compensation, to someone who has not created it, whether this is by force or fraud, I say that there has been a violation of property (rights) and that there has been (an act of) plunder. I say that it is this that the law should be repressing justly everywhere and always. That if the law is carrying out the very act that it should be repressing, I say that there is plunder nonetheless and even, socially speaking, with (even) worse consequences. Only in this case it is not the person who benefits from the plunder that is responsible for it, it is the law, the legislator, or society, and that is what constitutes the political danger.

Modern political writers, particularly those of the socialist school, base their various theories on a common, and definitely the strangest and most arrogant, hypothesis that the human brain has ever devised.

They divide humanity into two parts. All men, minus one, form the first (part) and the political writer, all on his own, forms the second and by far the most important part.

And what is “Freedom,” this word that has the power of making all hearts beat faster and causing agitation around the world, if it is not the sum of all freedoms? — freedom of conscience, teaching, and association, freedom of the press, freedom to travel, work, and trade, in other words, the free exercise of all harmless faculties

by all men. And, in still other terms, isn't (freedom) the destruction of all despotic regimes, even legal despotism, and the reduction of the law to its sole rational function which is to regulate the individual right of legitimate (self) defense or to punish injustice?

The pretensions of the organizers raise another question, which I have often asked them and to which, as far as I know, they have never replied. Since the natural tendencies of man are sufficiently bad for their freedom to have to be removed, how is it that those (tendencies) of the organizers are good? Are the legislators and their agents not part of the human race? Do they think they are formed from a different clay from the rest of mankind? They state that society, if left to itself, rushes inexorably toward the abyss because its instincts are perverse. They claim to be able to stop it on this slope and redirect it to a better goal. They have therefore received from heaven a level of intelligence and (a set of) virtues that place them outside and above humanity; let them show the justification for this. They wish to be *shepherds* and want us to be *sheep*. This arrangement assumes that they have superior natures, and we have every right to demand prior proof of this.

What is the law? What ought it to be? What domain does it cover? What are its limits? Consequently, where do the functions of the legislator cease?

I have no hesitation in replying: *the law is the public use of force organized to prevent injustice* and, in short, the law is justice.

It is not true that the legislator should have absolute power over our persons and property, since they existed before him and his task is to provide them with protection.

It is not true that the function of the law should be to rule over our consciences, our ideas, our will, our education, our feelings, our work, our trade, our talents, and our pleasures.

Its function is to ensure that in none of these areas does the right of one person usurp the right of another.

Because it wields the necessary sanction of (the use of) force, the law can have as its legitimate domain only the legitimate domain (which) (the use of) force (has), namely, that (of) justice.

And as each individual has the right to resort to (the use of) force only in the case of legitimate (self) defense, the collective (use of) force, which is just the joining together of the (use of) force by individuals, cannot reasonably be used for another aim or purpose.

Therefore, the law is solely the organization of the pre-existing individual right of legitimate (self)-defense.

(The) solution (to the social problem): within the limits of of the law, everything (is to be achieved) through man's free and perfectible spontaneous action; (and) nothing (done) by the law or by (the use of) force other than universal justice.

It has to be said: there are too many "great men" in the world. There are too many legislators, organizers, founders of societies, supervisors of peoples, fathers of nations, etc. Too many people put themselves above humanity in order to rule it and too many people make it their job busying themselves with (doing that).

THE TEXT

The law perverted?¹ The law-and, in its train, all the coercive powers² of the nation - the law, I repeat, not only turned aside from its purpose but used to pursue a purpose diametrically opposed to it! The law turned into a tool of all forms of greed instead of being a check on them! The law itself perpetrating the injustice it was intended to punish! This is certainly a serious matter if it is true, and one to which I must be allowed to draw the attention of my fellow citizens.

We hold from God³ the gift that encompasses them all: Life — physical, intellectual, and moral life.

However, life is not self-supporting. He who has given it to us⁴ has left us the job of looking after it, developing it, and perfecting it.

To do this, He has provided us with a set of exceptional faculties and immersed us in a milieu of diverse elements. It is through the application of our faculties to

¹ Bastiat uses the word “pervertie” which could mean “perverted” or “corrupted.” Further on in the text Bastiat uses a key word “la perturbation” which FEE translated as “perversion” which we believe misses the important role the concept of “la perturbation” (disturbance) plays in Bastiat’s broader theory about the causes of “harmony” and “disharmony.”

² Throughout the essay Bastiat uses terms such as “la force collective,” “la force publique,” or “la Force commune” to refer to the coercive powers of the state. Here, we have trans. it as “the collective or common or public use of force”.

³ In the French version of “The Law” Bastiat uses the word “dieu” (god) 12 times. There are also references to “He” (2), “the gods” (2), and “providence” or “providential” (3). He refers to “nature” 16 times (not counting “natural” or “naturally.”) The FEE translator inserted 5 references to “god” which were not in the original - 2 in the subtitles he inserted, and 3 in the text itself. He also translated one use of the word “providence” as “God” and one reference to “celui” (he who) as “The Creator.” We indicate in the footnotes where these changes occur.

⁴ Bastiat says “Celui qui nous l’a donnée” (He who has given it to us) which FEE translated as “The Creator.”

these elements that the phenomena of *assimilation*⁵ and *appropriation* take place, through which life proceeds along the path allocated to it.

Existence, one's faculties, and assimilation – in other words, personhood⁶, freedom, and property – this is man in a nutshell.

It may be said that these three things,⁷ leaving aside any demagogical hair-splitting, are prior to and superior to all human legislation.

It is not because men have enacted laws that personhood, freedom, and property exist. On the contrary, it is because personhood, freedom, and property are already in existence that men enact laws.

What is the law, then? As I have said elsewhere, it is the collective organization of the individual right of legitimate (self) defense.

Each of us certainly holds from nature, from God,⁸ the right to defend our person, our freedom, and our property, since these are the three elements that constitute or preserve life, elements that are mutually complementary and which cannot be understood independently of one another. For what are our faculties if

⁵ By “assimilation” Bastiat seems to mean the process by which the body has to absorb or “assimilate” directly the food, water, and air it needs in order to survive. He contrasts this with “appropriation” or the turning of other things into property which are also needed for survival. FEE translates “l’assimilation et l’appropriation” as “we convert them (natural resources) into products, and use them.”

⁶ Bastiat uses both the word “personne” and “personnalité” frequently throughout the essay. We have translated “personne” as “person”; and “personnalité” as “personality,” “individuality,” or “person” depending upon the context. FEE translated “personnalité” as “individuality”. Bastiat uses the trio of terms “Personnalité, Liberté, Propriété” throughout the pamphlet.

⁷ Bastiat states “ces trois choses” which FEE translated as “these three gifts from God.”

⁸ Bastiat says “Chacun de nous tient certainement de la nature, de Dieu, le droit de défendre sa Personne ...” which FEE says “each of us has a natural right - from God”. This changes the meaning from, “this right to self defence comes from nature (first) and then from God” to “this natural right to self defence comes from God (alone).”

not an extension of our person, and what is property if not an extension of our faculties?⁹

If each person has the right to defend, even by force, his person, his freedom, and his property, several people have the right to get together, reach an agreement, and organize a common (use of coercive) force in order to provide for this defense in a regular manner.

The collective right therefore roots its principle, its *raison d'être*, and its legitimacy in the individual's right, and the common force cannot rationally have any other aim or purpose than did the (use of) force by isolated individuals for which it is a substitute.

Thus, since the (use of) force by an individual cannot legitimately be used against the person, freedom, or property of another individual, by the same argument, the common force cannot legitimately be used to destroy the person, freedom, or property of either individuals or classes.

This is because this perversion of the (use of) force would in either case be a contradiction of our premises. Who would dare to say that we were given the (use of) force not to defend our rights, but to destroy the equal rights of our fellows? And if this is not true for each individual use of force acting in isolation, how can it be true for this collective use of force, which is nothing other than the organized combination of the (use of) force by isolated individuals?

Therefore, if there is one thing that is clear, it is this: the law is the organization of the natural right of legitimate (self) defense. It is the substitution of the collective use of force for that of individuals, in order to enable (people) to act within the sphere where they have the right to act, in order to protect their persons, liberties, and properties, in order to preserve each person's rights, and in order to ensure the reign of justice over us all.

⁹ Shortly before this essay was written Louis Leclerc presented similar ideas about property being an extension of the self (or "le Moi" as he termed it). This essay had a big impact on Gustave de Molinari and fits in quite closely with what Bastiat is arguing here. See Louis Leclerc, "Simple observation sur le droit de propriété," (Some Simple Observations on the Rights of Property) *JDE*, vol. 21, no. 90, 15 October 1848, pp. 304-305.

And if there were a nation constituted on this basis, I consider that order would prevail there both in deeds as well as in thoughts. I consider that this nation would have the simplest, the most economical, the least burdensome, the least felt, the least harmful, the most just and hence, the most stable government imaginable, whatever its political form might be.

For, under such a regime, each person would fully understand that he could enjoy the full richness that his existence offered, as well as being fully responsible for it. Provided that each person was respected, work was free, and the fruits of work protected against any unjust infringement, no one would have any cause to take issue with the state. When we were successful, we would not, it is true, have to thank (the state) for our success; however, should we be unsuccessful, we would no more blame this setback on the state than our farmers would blame it for hail and frost. Its only effect on us would be the inestimable benefit of *security*.

We can also argue that, thanks to the non-intervention of the state in private affairs, needs and the satisfaction of those needs¹⁰ would develop in their natural order. We would not see poor families seeking literary education before they had bread. We would not see towns growing in population at the expense of the countryside or the countryside at the expense of towns. We would not see those large displacements of capital, labor, or populations triggered by legislation,¹¹

¹⁰ The relationship between “Besoins, Efforts, Satisfactions” (Needs, Efforts, and Satisfactions) is central to his economic theory and it is explained in chapter 2 in EH.

¹¹ To account for the fact that the free market was not always able to create a "harmonious" social order Bastiat developed a theory of "disturbing factors," which included things such as wars, the imposition of slavery, organised plunder by the state or the church, tariffs and other government interventions in the economy. Among the disturbing factors was "le déplacement" (displacement, dislocation) of capital and labor caused by government intervention such as a tariff which distorted the French economy by causing new factories to be built within the country which would otherwise not have been built if there had been free trade. See the unfinished chapter XVIII on "Disturbing Factors" in EH2 and “Disturbing and Restorative Factors” in *Further Aspects of Bastiat’s Thought*, CW4 (forthcoming).

displacements that render the very sources of (our) existence so uncertain and precarious and which, to a very great degree, increase the demand for the government to be responsible (for it).

Unfortunately, the law is far from being limited to its proper role. Even when it has gone beyond (its proper role) it is not only in some inconsequential and debatable areas. It has done worse: it has acted contrary to its own end, it has destroyed its own purpose, it has been used to crush the reign of justice which it should have put into place, and to wipe out the boundaries between these rights that its function was to uphold. It has placed the public coercive force at the disposal of those who wish to exploit the person, freedom, or the property of others without risk (to themselves) and without any scruples, it has converted plunder into (a) right in order to protect it and (converted) legitimate (self) defense into (a) crime in order to punish it.

How has this perversion of the law come about? What have its consequences been?

The law has become perverted under the influence of two very different causes: unthinking egoism and false philanthropy.¹²

Let us take the first of these.

Self-preservation and development is an aspiration common to all men to the extent that if each person enjoyed the free exercise of his faculties and the free disposal of his products, social progress would be constant, uninterrupted, and unailing.

However, there is another tendency in mankind that is just as common. That is to live and grow, when they can, at the expense of others. This is not a rash accusation from someone with a bitter and pessimistic turn of mind. History gives examples of this through the constant wars, migrations of populations, oppression

¹² Bastiat planned to have a chapter on “la fausse philanthropie” in the complete version of EH. See the sketch of his plan at the end of his conclusion to the 1850 edition of EH which was inserted by his editor Prosper Paillottet in the second, expanded edition in July 1851.

by priests,¹³ the universality of slavery, industrial fraud, and monopolies with which its annals are filled.¹⁴

This disastrous tendency arises from the very constitution of man, in the primitive, universal, and overwhelming sentiment that drives him toward well-being and makes him flee suffering.

Man can live and enjoy life only by a perpetual (process) of the assimilation and appropriation (of the things around him), that is to say, by a constant application of his faculties to (these) things, or by work. From this comes property.

¹³ Bastiat uses the phrase “les oppressions sacerdotales” (oppression by priests) which FEE translates as “religious persecutions” which has a more general meaning. It is difficult to determine how religious Bastiat was. We know he had a "crisis of faith" when he was 19 and probably was not a practicing Catholic for most of his life. He reveals this in two letters to his friend Victor Calmètes in September and October 1820. See letters 4 and 5 in CW1, pp. 13-14. He refers to "God" many times in his writings, but also to "Providence" which suggest a deistic perspective. He is often very hostile to the plunderous and fraudulent behaviour of the Church as this expression “les oppressions sacerdotales” (oppression by priests) here demonstrates. It should be seen alongside his critique of "theocratic plunder" and "theocratic fraud" in ES (ES2 1. “The Physiology of Plunder,” CW2, pp. 114 ff.) and his idea of "theocratic sophisms" which used to delude the people (Conclusion to ES1, CW2, p. 110). In the conclusion to EH1 (written in late 1849 and published in January 1850) he talks about "l'exploitation des théocraties sacerdotales" (the exploitation by priestly theocracies), "spoliateurs de tous costumes et de toutes dénominations" (plunders (who wear) all kinds of robes and (who come from) all kinds of denominations), and who impose on people "l'esclavage mental" (mental slavery). However, as he approached his death he does seem to refer to God more frequently in his last writings and he did accept the last rites on his deathbed from his cousin who was a priest.

¹⁴ Bastiat planned to write a History of Plunder after he had finished writing Economic Harmonies. He sketched out the plan of the book in “The Physiology of Plunder” and it would deal in chronological order with plunder, war, slavery, theocracy, monopoly, governmental exploitation, and false fraternity or communism. See Section 4 "The Unfinished Treatises: The Social and Economic Harmonies and The History of Plunder (1850–51)" of the *Readers Guide to the Works of Frédéric Bastiat (1801-1850)* <<http://oll.libertyfund.org/pages/fb-readersguide#unfinishedtreatises>>.

However, in practice, he can live and enjoy life by assimilating or appropriating to himself the product of the faculties of his fellow men. From this comes plunder.

Well, since work is in itself a source of pain and since man by his nature is inclined to avoid pain, it follows, and history is there to prove it, that wherever plunder is less onerous than work, it triumphs over it. This happens without religion or morality in this instance being able to stop it.¹⁵

When, then, will plunder cease? When it becomes more onerous or more dangerous than work.

It is very clear that the law ought to have as its goal the use of the public coercive force as a powerful obstacle to this disastrous tendency, and that it has to be on the side of property against plunder.

But the law is, in the majority of cases, made by one man or a class of men. And since the law has no existence without the sanction or support of an overwhelming (coercive) force, the very probable result is that this force is finally placed in the hands of those who make the laws.¹⁶

This inevitable phenomenon, combined with the disastrous tendency we have noted in men's hearts, explains the almost universal perversion of the law. It can be seen how, instead of being a check on injustice, the law becomes a tool and the most invincible tool of injustice. One can see that, depending on the power of the legislator who profits from it, the law destroys to various degrees the rest of mankind's personhood by slavery, freedom by oppression, and property by plunder.

It is in the nature of men to react against the injustice of which they are the victims. Therefore when plunder is organized by law for the profit of the classes

¹⁵ As Bastiat noted in "The Two Moral Philosophies" (ES2 2, CW2, p134) "religious moral philosophy" which appealed to the plunderers' conscience was insufficient to end plundering. It also required "economic moral philosophy" which appealed to the victims and encouraged them to resist those who were plundering them.

¹⁶ He even went so far as to describe the Chamber of Deputies which passed legislation benefiting one class at the expense of another as "la grande fabrique de lois" (the great law factory). See, VII. "Trade Restrictions" in WSWNS, CW3, p. 428.

that make it, all the plundered classes attempt to have a say in the making of the laws, by either peaceful or revolutionary means. Depending on the level of enlightenment which they have attained, these classes may set themselves two very different aims when they seek their political rights in this way; they may either wish to stop legal plunder¹⁷ or they may aspire to take part in it.

Woe and misery three times over to any nation in which this last thought dominates the masses when they in turn seize control of the legislative power!

Up to now, legal plunder has been exercised by the minority over the majority as can be seen in those nations in which the right to pass laws is concentrated in

¹⁷ Central to this essay is Bastiat's idea of "la spoliation légale" (legal plunder, or plunder sanctioned by the law) to which he contrasts "la spoliation extra-légale" (extra-legal plunder, or plunder which takes outside of the law). The latter term is translated by "illegal plunder." He first used this concept in his long introduction to his book on *Cobden and the League* (1845) before he moved to Paris with the slightly different phrase "la spoliation légalement exercée" (plunder carried out legally). His next use of a similar term was "une spoliation permanente et légale" (permanent and legal plunder) which appeared in "À monsieur le rédacteur du *Courrier Français*" (To the Editor of the *Courrier français*) *Courrier français*, 11 April 1846. His first use of the term "legal plunder" was in May 1847 in an essay he wrote for the free trade magazine he edited "Subsistances" (Subsistence Farming), *Le Libre-Échange*, 8 May 1847 and then regularly after the appearance of his article "Justice et fraternité" (Justice and Fraternity), *JDE*, 15 June 1848.

just a few hands.¹⁸ However, it has now become universal and equilibrium is being sought in universal plunder.¹⁹ Instead of the injustice existing in society being rooted out, it has become generalized. As soon as the (politically) disinherited classes recover their political rights, their first thought is not to rid themselves of plunder (that would suppose that they had a (level of) enlightenment that they cannot have) but to organize a system of reprisals against the other classes and (ultimately) to their own detriment, as though it were necessary for a cruel retribution to strike them all, some for their injustice and others for their ignorance,²⁰ before the reign of justice (can be) established.

¹⁸ Bastiat coined the term "la classe électorale" (the electoral or voting class) to describe those who controlled the Chamber of Deputies. See, ES3 6 "The People and the Bourgeoisie," CW2, p. 286. Under the July Monarchy (1830-1848) the right to vote was limited to the wealthiest tax-payers who paid a certain amount in direct tax. Towards the end of the July Monarchy this group numbered about 240,000 individuals or about 5% of the population. Bastiat termed them "la classe électorale" (the electoral or voting class)). After the February 1848 Revolution universal manhood suffrage (men over the age of 21) was introduced for the April 1848 elections at which 7.8 million people participated (or 84% of registered voters). In the May 1849 election there were 9.9 million registered voters. By contrast, in England restrictions on voter eligibility were determined by the value of land one owned. The First Reform Bill of 1832 increased the size of the electorate from 435,000 to 652,000 out of a total population of 13 million.

¹⁹ He first used the term "la spoliation universelle" (universal plunder) the previous month in his essay "Spoliation et loi" (Plunder and Law), JDE, 15 May 1850 (see CW2, p. 275.) In his essay "The State" (June, September 1848) he phrased this slightly differently as "le pillage réciproque" (reciprocal pillage) which he noted "il n'en est pas moins criminel parce qu'il s'exécute légalement et avec ordre" (that it is no less criminal because it is carried out legally and in an orderly manner). Also note his definition of the state: "c'est la grande fiction à travers laquelle tout le monde s'efforce de vivre aux dépens de tout le monde" (it is the great fiction by which everyone endeavors to live at the expense of everyone else), in CW2, p. 97.

²⁰ Bastiat states "les unes à cause de leur iniquité, les autres à cause de leur ignorance" which FEE translates as "some for their evilness, and some for their lack of understanding."

No greater change or misfortune could therefore be introduced into society than this: to have a law that has been converted into an instrument of plunder.

What are the consequences of such (a) disturbance?²¹ Volumes would be needed to describe them all.²² Let us content ourselves with pointing out the most striking.

The first is to erase from people's consciences the notion of what is just and what is unjust.

No society can exist if respect for the law does not prevail to some degree, but the surest means of ensuring that laws are respected is for them to be worthy of respect. When law and morality contradict one another, citizens find themselves in the cruel quandary of either losing their notion of morality or losing respect for the law, two misfortunes that are as great as each other and between which it is difficult to choose.

It is so deeply ingrained in the nature of law to ensure that justice reigns, that law and justice are inseparable in the eyes of the masses. We all have a strong inclination to consider what is legal to (also) be legitimate, to the extent that many people mistakenly consider all justice stems from the law. It is therefore enough for the law to order and sanction plunder for plunder to appear just and sacred in the consciences of many. Slavery, (trade) restrictions, and monopoly find their defenders not only in those who benefit from them but even in those who suffer

²¹ Here for the first time in this essay he uses the term “la perturbation” (disturbance) which is part of his theory of disturbing factors (les causes perturbatrice) which he used to explain why “economic harmony” was not more widespread. It was because violence and plunder constantly intervened to disrupt the natural harmonizing process of the free market. See the note above about “displacement”. For some reason both Wells and FEE translated this as “perversion.”

²² Bastiat intended to write such as volume after he had finished *Economic Harmonies*.

from them.²³ Try to sow a few seeds of doubt about the morality of these institutions and you will be told “You are a dangerous innovator, a utopian,²⁴ a theorist, and a despiser of laws; you are undermining the base on which society is built.” Do you teach courses on moral theory or political economy? Official bodies will be found to express the following resolution to the government:

“That such subjects should be taught in the future *no longer* from the sole point of view of free trade (of freedom, property and justice), as it has been done so far, but also and above all from the point of view of the facts and the legislation (contrary to freedom, property, and justice) which govern economic life in France.

That in the chairs in public universities whose salaries are paid for by the Treasury,²⁵ the professor should rigorously refrain from undermining in the slightest the respect due to the *laws in force*, etc.”²⁶

So that if there is a law that sanctions slavery or monopoly, oppression, or plunder in any form, it cannot even be mentioned, since how can it be discussed without this undermining the respect it inspires? What is more, it will be mandatory

²³ The purpose of his series of short essays called the "economic sophisms" was to expose the deceptive and false arguments ("les sophismes" or sophistical arguments) put forward by protectionists and others to justify government legislation in their favour. Unfortunately, too many people behaved like "les dupes" (dupes) and accepted these arguments at face value. See “Bastiat on Enlightening the ‘Dupes’ about the Nature of Plunder,” in the Introduction to CW3, pp. lv-lviii.

²⁴ See his economic sophism ES2 11 "The Utopian" in which Bastiat is temporarily put in charge of the government and is able to introduce all his proposed reforms. CW3, pp. 187-98.

²⁵ During the first few months of the revolution after February 1848, Bastiat's friend and colleague Michel Chevalier was sacked from his Chair in Political Economy at the University of Paris because the incoming government disagreed with his free market and free trade ideas. His chair was broken up into 5 separate positions which would teach "applied economics" more useful to bureaucrats and technocrats. After considerable lobbying on his behalf by the Political Economy Society, Chevalier was reinstated in November 1848.

²⁶ (Bastiat's note) The General Council for manufacturing, agriculture and commerce. (Session on 6 May 1850.)

to teach moral theory and political economy from the point of view of this law, that is to say on the premise that it is just merely because it is the law.

Another effect of this deplorable perversion of the law is that it gives an exaggerated importance to political passions and conflicts and to politics itself in general.

I could prove this proposition in a thousand ways. I will limit myself to comparing it, as an example, with a subject that has recently been in minds of all, that is universal suffrage.²⁷

Whatever the disciples of the Rousseau school think, those who say that they are *very advanced* and whom I believe to be *backward* by twenty centuries, *universal suffrage* (taking this word in its strictest sense) is not one of those sacred dogmas the examination or even doubting of which are crimes.

Major objections may be made to it.

First of all, the word *universal* hides a crude sophism.²⁸ There are in France thirty-six million inhabitants. In order for the right of suffrage to be *universal* it would have to be recognized for thirty-six million voters. The most generous account recognizes only nine million. Three out of four people are therefore

²⁷ In early 1850 there were plans to reduce the suffrage by requiring more strict residency requirements for would-be voters. Bastiat had considerable experience with elections as he was elected twice to represent his district of Les Landes. He was elected to the Constituent Assembly in the election of 23 April 1848 to represent the département of Les Landes. He served on the Comité des finances (Finance Committee) and was elected 8 times as vice-president of the committee (such was the regard of his colleagues for his economic knowledge) and he made periodic reports to the Chamber on Finance Committee matters. In the election of 13-14 May 1849 for the Legislative Assembly 6.7 million men voted (out of 9.9 million registered voters). Bastiat was elected to the Legislative Assembly again to represent the département of Les Landes.

²⁸ In addition to his better known "economic sophisms" Bastiat also wrote several "political sophisms" on voting, elections, the nature of political representation, and the state. See, "Bastiat's Political Sophisms," in the Introduction to CW3, pp. lxvii-lxviii.

excluded, and what is more, they are excluded by the fourth. On what basis is this exclusion founded? On the principle of incapacity. Universal suffrage means the universal suffrage of those (who are) capable. There remains this practical question: who is capable? Are age, sex, and criminal record the only signs from which we can recognize incapacity?

If we look closely, we quickly see the reason the right to vote rests on the presumption of capacity, since the widest system differs in this respect from the most restricted system only by the appreciation of the signs from which this capacity can be recognized, which does not constitute a difference of principle but of degree.

This reason is that the voter does not demand (things) for himself but for everybody.

If, as republicans of a Greek and Roman bent claim, the right to vote was granted to us with life, it would be unjust for adults to prevent women and children from voting. Why should they be prevented from doing so? Because they are deemed to be incapable. And why is incapacity a reason for exclusion? Because the voter is not alone when given responsibility for his vote; because each vote commits and affects the entire community; because the community has the perfect right to demand a few guarantees with regard to the acts on which their well-being and existence depend.

I know what a possible answer might be. I also know what a possible reply to it might be. This is not the place to settle a controversy of this nature. What I want to draw attention to is that this controversy (as well as most political questions), one that so agitates whole nations, inflaming them and causing such distress, would lose almost all its importance if the law had always been what it ought to have been.

In fact, if the law limited itself to ensuring that all persons, freedoms, and properties were respected, if it were merely the organization of the individual right of legitimate (self) defense, the obstacle, check, and punishment that opposed all forms of oppression and plunder, would you believe that we would argue much, as citizens, as to whether suffrage was more or less universal? Do you believe that it would call into question the greatest of our benefits, public peace? Do you believe that the excluded classes would not wait patiently for their turn? Do you believe

that the classes allowed (to vote) would guard their privilege jealously? And is it not clear that, since self-interest is identical and common (to all), some would take action without very much inconvenience on behalf of the others?

But if this fatal principle were to be introduced, if, on the pretext of (providing) organization, regulation, protection, and support, the law *were able to take from some to give to others*, to take some of the wealth acquired by all classes and to increase (the wealth) of one class, which at one time might be the farmers, or at another time manufacturers, traders, ship owners, artists, or actors, then, to be sure, in this case, there is no class that will not claim with reason that it too should get control of the law, that will not vehemently demand the right to vote and the right to stand for election, and that will not overthrow society rather than not obtain it. Beggars and vagabonds themselves will prove to you that they have incontestable rights to it. They will say to you:

“We never buy wine, tobacco, or salt without paying the tax²⁹ and part of this tax is given by law as privileges and subsidies to men that are richer than us. Others use the law to raise the price of bread, meat, iron, and cloth artificially. Since each one exploits the law to his advantage, we want to exploit it too. We want it to enact the *right to public assistance*, which is the share of plunder for the poor. To do this, we have to be voters and legislators in order to organize widespread alms for our class, just as you have organized widespread protectionism for yours. Do not tell us that you will provide our share and that, in accordance with M.

²⁹ Indirect taxes were levied on drink, salt, sugar, tobacco, gun powder, and other goods. According to the budget for 1848 the government raised fr. 307.9 million in indirect taxes which represented 22.4% of its total revenue of fr. 1.37 billion. Bastiat's idea of an ideal tax system was to replace indirect taxes which fell most heavily on the poor with low income tax on everybody and a 5% "fiscal" tariff rate. He thought indirect taxes were a "trick" or a "hoax" on the poor. See "A Hoax," *Jacques Bonhomme*, 15-18 June 1848), in CW4 (forthcoming).

Mimerel's proposal,³⁰ you will throw us the sum of 600,000 francs to keep us quiet and as a bone to gnaw. We have other claims, and in any case we wish to decide for ourselves, just as the other classes have decided for themselves!"

What can we say in reply to this argument? Yes, as long as the accepted principle is that the law can be diverted from its proper mission, that it can violate property instead of protecting it, each class will want to make the law, either to defend itself against plunder or to organize it for its own benefit. The political question will always be harmful, predominating, and all-absorbing, in a word, people will be beating on the door of the Legislative Palace.³¹ The conflict will be no less bitter within it. To be convinced of this it is scarcely necessary to look at what is going on in the debating Chambers in France and England; all you need to know is how the question is being put.

Is there any need to prove that this odious perversion of the law is a constant source of hatred and discord, which may go so far as to cause social

³⁰ Auguste Pierre Mimerel de Roubaix (1786-1872) was a textile manufacturer and politician from Roubaix who was a vigorous advocate of protectionism. In October 1846 he was instrumental in organizing the regional committees to form a national body based in Paris known as the "Association pour la défense du travail national" (Association for the Defense of National Employment). The latter was formed to oppose the French Free Trade Association, in which Bastiat played a crucial role, which became a national body on 10 May, 1846.

³¹ The National Assembly sat in the Palais Bourbon. It was built by Louis XIV in 1722 for his daughter Louise Françoise. It is located on the Quai d'Orsay in Paris. It was confiscated during the revolution (1791) and has been the location for the Chamber of Deputies since the Restoration. Bastiat uses this term in a mocking way.

disorganisation?³² Just look at the United States. This is (the) one country in the world in which the law most faithfully fulfills its role to uphold the freedom and property of each person. It is therefore the one country in the world in which social order appears to be based on the most stable foundations. However, within the United States itself there are two questions, and only two questions, which have threatened political order from the outset. What are these two questions? Slavery and tariffs,³³ that is to say, precisely the only two questions in which, contrary to the general spirit of that republic, the law has taken on the character of a plunderer. Slavery is a violation, sanctioned by the law, of the rights of the person. Protectionism is a violation, perpetrated by the law, of the right of property, and certainly it is very remarkable that, in the middle of so many other discussions, this twin *legal scourge*, a sorry inheritance from the old world, is the only one that may lead and perhaps will lead to the break up of the Union. Indeed, no more significant fact can be imagined within society than this: *The law has become an*

³² Here Bastiat is getting back at the socialists who agitated for state support for their plans “to organise” French society along socialist lines, as argued by Louis Blanc in *Organisation du travail* (1839) which he discusses below. The words “Association” and “Organisation” were two key words used by socialists like Victor Considerant and Louis Blanc to describe how they would like to see industry and labor organized in a socialist system: the “organisation of labour” by the state into “national or social workshops,” and the association of workers into cooperative living and working arrangements as opposed to private property, wages, and exchanges on the free market. Bastiat frequently argued that the economists also believed in “association” and “organization” as long as it was done voluntarily. Here he is arguing that the socialists’ schemes will in fact lead to “disorganisation” on a massive scale.

³³ In the U.S., in 1832 the Protectionist Tariff imposed an average rate of 33%; the Compromise Tariff of 1833 intended to lower rates to a flat 20%; and the 1846 Tariff created 4 tariff schedules for goods which imposed 100%, 40%, 30%, or 20% depending upon the particular kind of good. The average rate in the U.S. in 1849 was about 23% and in 1890 about 40%. France had an average rate of about 12% in 1836 and it was still around 11% in 1848 before it began to drop steadily reaching 5% in 1857, then spiking briefly to 7.5% in 1858, and dropping steadily again to about 1.5% in 1870 (the Anglo-French Free Trade Treaty was signed in 1860), before again moving steadily upwards to about 8% in 1893. In 1849 the rates were about 6% in Britain and 10% in France.

instrument of injustice. And if this fact leads to such momentous consequences in the United States, where it is just an exception, what will it lead to in this Europe of ours, where it is a principle, a system (of government)?

M. de Montalembert,³⁴ referring to the reasoning behind a famous proclamation by M. Carlier, said “We must make war on socialism.”³⁵ - And by socialism, according to the definition by M. Charles Dupin,³⁶ we have to understand that he meant plunder.

But what form of plunder does he mean? For there are two forms. There is *extra-legal plunder*³⁷ (*plunder outside the law*) and *legal plunder*.³⁸

³⁴ Charles Forbes, comte de Montalembert (1810-70) was a liberal Catholic who supported a free, Catholic alternative to the state monopoly of education and was arrested and fined for his activities. During the 1848 revolution he was elected to the Constituent Assembly as a moderate republican. He is known for his work *Des devoirs des Catholiques sur la question de la liberté de l'enseignement* (1843).

³⁵ Possibly Pierre Carlier (1794-1858) who was the Chief of Police during the revolutions of 1830 and 1848. He was made Prefect of the Police in Paris in November 1849 and in February 1850 ordered the uprooting of all the liberty trees which had been planed during the Revolution of 1848. He helped Louis Napoléon plan his coup d'état in December 1851.

³⁶ Charles Dupin (1784-1873) was a naval engineer who later became Minister of the Navy. He taught mathematics at the Conservatoire national des arts et métiers and also ran courses for ordinary working people. He served in the Constituent and then the National Assemblies during the Second Republic. Bastiat may be referring to a passage in Dupin's *Conseils adressés aux ouvriers parisiens* (Paris: Firmin-Didot frères, 1840), pp. 5-6. Here he called the socialist ideal of equality "an equality in name only, a deceitful and bestial equality where you count workers by the number of their heads and not by the number of their minds; where you pay according to the number of their arms and not the strength of their arms; where you count for nothing the dexterity of the hands used by the skilled worker, nor for the dexterity of the ideas used by the skilled industrialist."

³⁷ By “extra-legal” Bastiat means “plunder which takes place outside the law”, that is without the sanction of the law.

³⁸ Bastiat’s use of the term “la spoliation extra-légale” (extra-legal plunder) appeared much later than “legal plunder,” for the first time in the article “Justice et fraternité” (Justice and Fraternity), JDE, 15 June 1848. See CW2, pp. 60-81.

As for extra-legal plunder, which we call theft or fraud and which is defined, provided for, and punished by the Penal Code, I really do not think this (extra-legal plunder) can be adorned with the name of socialism. It is not this that systematically threatens the very foundations of society. Besides, the war against this sort of plunder has not waited for a signal from M. de Montalembert or M. Carlier. It has been waged since the beginning of time. France had been waging (this war) a long time before the February revolution, long before the appearance of socialism, by a whole apparatus³⁹ of magistrates, police, gendarmes, prisons, convict settlements, and scaffolds. It is the law itself that wages this war, and what we should be hoping for, in my opinion, is that the law will always retain this attitude with regard to plunder.

But this is not the case. Sometimes the law takes the side of plunder. Sometimes it carries it out with its own hands, in order to spare the blushes of, the risks to, and the scruples of its beneficiary.⁴⁰ Sometimes it mobilizes this whole apparatus of magistrates, police, gendarmes, and prisons to serve the plunderer and treats the plundered, who defends himself, as a criminal. In a word, there is *legal plunder* and it is doubtless to this that M. de Montalembert is referring.

This plunder may be just an exceptional stain on the legislation of a nation and, in this case, the best thing to do, without undue oratory and lamentation, is to remove it as quickly as possible, in spite of the outcry from the interested parties. How do we recognize it? It is easy; we need to see whether the law takes what belongs to some (people) and gives it to others to whom it does not belong. We need

³⁹ Bastiat uses the term "l'appareil" (apparatus) to describe two different sets of bureaucratic and social structures. The "apparatus of the state" (the legal system and the military) and the "apparatus of commerce and exchange." See "The 'Apparatus' or Structure of Exchange" in *Further Aspects of Bastiat's Thought*, CW4 (forthcoming).

⁴⁰ He gives two examples of how those seeking benefits from the state at taxpayer or consumer expense should really use force with their own hands instead of hiding behind "the great law factory" to do their dirty work for them. See the story of M. Prohibant, an iron manufacturer, using his own coercive force to block iron imports from Belgium instead of going to the Chamber, in VII. "Trade Restrictions" in WSWNS, CW3, p. 428. And another similar story "Plunder and the Law" (May 1850), in CW2, p. 269.

to see whether the law carries out an act that a citizen cannot carry out himself without committing a crime, for the benefit of one citizen and at the expense of others. Move quickly to repeal a law like this; it is not only an injustice, it is a fruitful source of (additional) injustices, for it generates reprisals, and if you are not careful an exceptional act will become widespread, more frequent, and (become) part of a system (of governing). Doubtless, those who benefit from it will make a loud outcry; they will invoke (the) *rights they have already acquired*. They will say that the state owes their particular industry protection and support. They will claim that it is a good thing for the state to make them richer because, since they are richer, they spend more and thus rain down wages on their poor workers.⁴¹ Be careful not to listen to these sophists for it is exactly through the systematization of these arguments that *legal plunder* becomes systematized.

This is what has happened. The illusion of the day is to make all classes richer at each other's expense; this is generalizing plunder on the pretext of *organizing* it. Well, legal plunder can be carried out in an infinite number of ways. This gives rise to an infinite number of plans for organizing it, through tariffs, protectionism, privileges, subsidies, incentives, progressive taxation, free education, the right to

⁴¹ Bastiat is referring to an argument commonly used by protectionists to justify their privileges by arguing that the benefits they received from tariff protection will inevitably "trickle down" to other workers in society as those protected individuals spend their wages and profits. He called this "le sophisme des ricochets" (the sophism of the ricochet effect). See "The Sophism Bastiat never wrote: The Sophism of the Ricochet Effect" in *Further Aspects of Bastiat's Thought*, in CW3, pp. 457-61.

work (a job),⁴² the right to a (guaranteed) profit, the right to a wage, the right to public assistance, the right to (be given) tools for work, free credit,⁴³ etc. And it is the combination of all of these plans, insofar as they have legal plunder in common, which is given the name of socialism.⁴⁴

⁴² A major political battle was fought between the economists and the socialists over the summer of 1848 over the idea of "le droit au travail" (the right to a job). The right to a job (paid for by tax payers if need be) was a key platform of the socialists like Louis Blanc who tried to implement it in the national Workshops he set up in the wake of the February Revolution. Bastiat opposed this vigorously in the Chamber as the Vice-president of the Finance Committee. The free market politicians in the Chamber tried to stop the socialists inserting a clause in the new constitution to this effect over the summer of 1848, and they were eventually successful. Their preferred alternative was "la liberté du travail" (the liberty of working). See "The Right to Work vs. the Right or Freedom of Working," in *Bastiat's Political Writings: Anecdotes and Reflections*, in CW1, pp. 410-12.

⁴³ Another political battle was fought between Bastiat and the anarchist socialist Proudhon who tried to get the Provisional Government to set up "Peoples Banks" which would issue free credit to workers to set up their own businesses. The two had an extended debate on this question at the end of 1849 which was published as *Gratuité du crédit. Discussion entre M. Fr. Bastiat et M. Proudhon* (Free Credit. A Discussion between M. Fr. Bastiat and M. Proudhon) (Paris: Guillaumin, 1850) which will appear in CW4 (forthcoming).

⁴⁴ Among the many descriptions of socialism Bastiat gave this one is apt: "In brief, socialism has come to put into practice the theory of plunder." In "Spoliation et loi" (Plunder and Law) JDE, 15 May 1850. See CW2, p. 273. In the last two years of his life wrote a dozen anti-socialist pamphlets, the last of which was "The Law" (June 1850). His most extended discussions of socialism can be found in *Free Credit* (1850) in CW4 (forthcoming), *Baccalaureate and Socialism* (1850) in CW2, pp. 185-234, and "Plunder and Law" (May 1850) in CW2, pp. 266-76. See "Bastiat's Anti-socialist Pamphlets, or "Mister Bastiat's Little Pamphlets" in Further Aspects of Bastiat's Thought, CW4 (forthcoming).

Now, what kind of war do you wish to wage against socialism, thus defined as forming a body of ideas, if not a war of ideas?⁴⁵ Do you find this idea wrong, absurd or revolting? Refute it. This will be all the easier the more erroneous, absurd, or revolting (the idea) is. Above all, if you wish to be strong, start by rooting out from your legislation everything relating to socialism that has managed to creep into it – no small task.⁴⁶

M. de Montalembert has been criticised for wanting to use brute force against socialism.⁴⁷ This is a criticism from which he should be cleared, since he formally

⁴⁵ In his first book on *Cobden and the League* (1845) he realised that the "war of ideas," in this case against protectionism, would be a long one. He carefully studied the strategies used by the English Anti-Corn Law League and thought about how to apply them to the conditions in France. He believed radical change would only occur "par une révolution lente et pénible, paisiblement accomplie dans les esprits" (by means of a slow and difficult revolution, (which will be) peacefully achieved in the minds (of men)). In *Cobden and the League*, CW6 (forthcoming). He also realised that the same could be said about the war of ideas against socialism and communism which replaced the war against protectionism after the February 1848 Revolution.

⁴⁶ In his pamphlet "Protectionism and Communism" (Jan. 1849) he accused the protectionists of using the same methods to get benefits from the state as the communists planned to do; and in *Baccalaureate and Socialism* (early 1850) he accused the conservatives who wanted to keep the old education system based on the teaching of Latin of spreading the values of slave owners and plunderers which encouraged the youth of France to move closer to communist ideology. See "Protectionism and Communism" (Jan. 1849), in CW2, pp. 235-65, and *Baccalaureate and Socialism* (early 1850), in CW2, pp. 185-234.

⁴⁷ During the June Days uprising in 1848 (23-26 June) the Constituent Assembly authorised General Cavaignac to use the army to crush the rebellion which had sprung up to oppose the closing of Blanc's National Workshops. Artillery was used to break up the hundreds of street barricades which had been erected throughout Paris resulting in the deaths of hundreds perhaps thousands of people. He then declared martial law which remained in effect until October. Bastiat said in a letter he was an eye-witness to this activity. See Letter 104 "To Julie Marsan" (29 June, 1848), CW1, pp. 156-57.

stated, "The war against socialism should be in accordance with the law, honor, and justice."⁴⁸

But can't M. de Montalembert see that he has placed himself in a vicious circle? Do you want to oppose socialism by means of the law? But it is precisely socialism that calls upon the law. It does not aim to carry out extra-legal plunder, but legal plunder. It is the law that it intends to make it into a tool, like monopolists of all kinds, and once it has the law on its side, how do you hope to turn the law against it? How do you hope to bring it under the control of your courts, your gendarmes, or your prisons?

So what do you do? You want to prevent (socialists) from having any say in making laws.⁴⁹ You want to keep (socialism) out of the Legislative Palace. I dare to predict that you will never succeed in this, while laws are being passed inside it (based) on the principle of legal plunder. It is too unjust and too absurd.

It is absolutely necessary for this question of legal plunder to be settled and there are just three alternatives:

That the few plunders the many;

That everyone plunders everyone else;

That nobody plunders anybody.

⁴⁸ In a speech to the Legislative Assembly in May 1850 he stated: "Je vous demande, Messieurs, si, en présence de ce progrès flagrant du socialisme, vous voulez rester impuissants et silencieux, si vous ne voulez apporter aucun remède au progrès du mal tel que je viens de vous le signaler par cet exemple éclatant, je le répète et je le constate, incontesté. Eh bien, non! Quant à moi, je soutiens que vous ne le devez pas, et je suis sûr que vous ne le voudrez pas. Il faut donc faire, à ce mal qui croît tous les jours, la guerre la plus énergique, la guerre que permet la Constitution, par tous les moyens que ne réprouvent pas la justice, l'honneur et les lois qui nous gouvernent." See "Discours sur la Réforme électorale" (Assemblée Nationale Législative. Séance du 22 mai 1850), pp. 427-53, in *Oeuvres de M. le Comte de Montalembert* (Paris: Lecoffre, 1860), Volume 3, p. 440.

⁴⁹ See Bastiat's speech on "'On the Allocation of the Land Tax in the Department of Les Landes" (July 1844), CW4 (forthcoming) to his Local General Council on how local workers might turn to revolution if they did not get political representation and a more equal tax burden.

(So you have to choose between) partial plunder, universal plunder, and the absence of plunder.⁵⁰ The law can pursue only one of these three alternatives.

Partial plunder – this is the system that prevailed for as long as the electorate was *partial*⁵¹ and is the system to which people return to avoid the invasion of socialism.

Universal plunder – this is the system that threatened us when the electorate became *universal*⁵² with the masses having conceived the idea of making laws along the same lines as their legislative predecessors.

Absence of plunder – this is the principle of justice, peace, order, stability, conciliation, and common sense that I will proclaim with all my strength, which is, alas, very inadequate, and with my lungs until my final breath.⁵³

And in all sincerity, can anything else be asked of the law? Can the law, with force as its necessary sanction, be reasonably employed for anything other than ensuring everyone their right? I challenge anyone to cause it to step outside this sphere without turning it upside down it and consequently without turning the use of force against (what is) right. As this would be the most disastrous, the most

⁵⁰ He had begun making the distinction between “la Spoliation partielle” (partial plunder) and “la Spoliation universelle” (universal plunder) only the previous month in his article “Plunder and Law,” JDE, 15 May 1850, in CW2, pp. 266-76.

⁵¹ By this he meant a political system dominated by a very limited franchise, or what he called “la classe électorale.” See note above.

⁵² With the re-introduction of universal manhood in the Second Republic in February 1848. Elsewhere he talked about “reciprocal” or “mutual” plunder or theft, as in his essay “The State” (September 1848) where he warned of the danger of the coercive power of the state being use as “un instrument d’oppression et de spoliation réciproque” (an instrument of reciprocal oppression and plunder), CW2, p. 104.

⁵³ This is a reference to his fast failing health. His throat condition (possibly cancer not tuberculosis) would kill him six months after this essay was written (Christmas Eve 1850).

illogical social disturbance imaginable,⁵⁴ we really have to acknowledge that the true solution of the social problem, so long sought after, is encapsulated in these simple words: *Law is organized Justice*.

Well, we should note this clearly: to organize justice by (means of the) law, that is to say, by (the use of coercive) force, excludes the idea of organizing by law or by (the use of) force any expression of human activity: (such as) labor, charity, agriculture, trade, industry, education, the fine arts, or religion, for it is impossible for any of these secondary organizations (organised by force in this way) not to destroy the (primary and) essential organization (which is society itself). In effect, how can we imagine (the use of) force impinging on the freedom of citizens without undermining justice or acting against its own purpose?

Here I am coming up against the most popular preconception of our age. Not only do we want the law to be just, we also want it to be philanthropic. We are not content for it to guarantee each citizen the free and harmless exercise of his faculties as they apply to his physical, intellectual, and moral development; we require it to spread well-being, education, and morality directly across the nation. This is the seductive side of socialism.

However, I repeat, these two tasks of the law are contradictory. A choice has to be made. A citizen cannot simultaneously be free and not free. M. de Lamartine⁵⁵

⁵⁴ The phrase “la plus illogique perturbation sociale” is his second use in this essay of the word “la perturbation” (disturbance or disruption) which is caused by government intervention. For some reason both FEE and Wells translated this as “perversion.” See note above on “Disturbing Factors.”

⁵⁵ Alphonse de Lamartine (1790–1869) was a poet and statesman and as an immensely popular romantic poet, he used his talent to promote liberal ideas. Lamartine was elected Deputy representing Nord (1833-37), Saône et Loire (1837-Feb. 1848), Bouches-du-Rhône (April 1848-May 1849), and Saône et Loire (July 1849- Dec. 1851). During the campaign for free trade organised by the French Free Trade Association between 1846 and 1847 Lamartine often spoke at their large public meetings and was a big draw card. He was a member of the Provisional Government in February 1848 (offering Bastiat a position in the government, which he declined) and Minister of Foreign Affairs in June 1848. After he lost the presidential elections of December 1848 against Louis-Napoléon, he gradually retired from political life and went back to writing.

wrote to me one day “Your doctrine is only half of my program. You have stopped at freedom, I have reached fraternity.”⁵⁶ I replied to him “the second half of your program will destroy the first.” And in effect it is totally impossible for me to separate the word *fraternity* from the word *voluntary*. It is impossible for me to conceive (of) a fraternity that is coerced *by law* without freedom being destroyed *by law*, and justice trampled underfoot *by law*.⁵⁷

Legal plunder is rooted in two things; the first, we have seen, is in human selfishness, the other in false philanthropy.

Before going any further, I think I have to explain what I mean by the word plunder.

I do not take it to mean, as is only too often the case, something that is vague, undetermined, approximate, or metaphorical; I am using it in its properly scientific meaning, and as expressing the opposite idea to that of (the right to) property. When a portion of wealth passes from the person who has acquired it, without his consent and without compensation, to someone who has not created it, whether this is by force or fraud, I say that there has been a violation of property (rights) and that there has been (an act of) plunder. I say that it is this that the law should be repressing justly everywhere and always. That if the law is carrying out the very act that it should be repressing, I say that there is plunder nonetheless and even, socially speaking, with (even) worse consequences. Only in this case it is not the person who benefits from the plunder that is responsible for it, it is the law, the legislator, or society, and that is what constitutes the political danger.

⁵⁶ We do not have this letter, but there a similar one, Letter 25 To Lamartine (7 March 1845), in CW1, p. 56-57. Bastiat wrote two public letters to Lamartine criticising him for his stand on the right to job (which was a socialist demand) and price controls on food during periods of food shortage. See "Letter from an Economist to M. de Lamartine. On the occasion of his article entitled: *The Right to a Job*," *JDE*, February 1845, and "Second Letter to M. de Lamartine (on price controls on food)," *JDE*, Oct. 1846. Both in CW4 (forthcoming).

⁵⁷ Bastiat discusses his views on fraternity and how they differed from that of the socialists in more detail in two of his pamphlets published in June 1848: "Justice and Fraternity" (*JDE*, 15 June 1848), in CW2, pp. 60-81; and "Individualism and Fraternity" (c. June 1848), in CW2, pp. 82-92.

It is unfortunate that this word has offensive overtones.⁵⁸ I have tried in vain to find another, for at no time and still less today do I wish to cast an irritating word into the cauldron of our disagreements. For this reason, whether you believe it or not, I declare that I do not intend to question either the intentions or the morality of anyone whomsoever. I am attacking an idea that I consider to be false and a practice that appears to me to be unjust, and all this is so far beyond our intentions that each of us takes advantage of it unwittingly and suffers from it unknowingly. One would have to write under the influence of party spirit or out of fear, to cast doubt on the sincerity of (those who defend) protectionism, socialism, or even communism which are only one and the same plant at three different stages of its development.⁵⁹ All that could be said is that plunder is more visible in protectionism⁶⁰ because of its partiality, and in communism because of its

⁵⁸ In early 1846 Bastiat decided that it was time to use "brutal" (brutal, violent, rough, harsh) language instead of euphemisms in the battle against the protectionists. He used the word "theft" to describe the policy of giving subsidies to industry at taxpayer expense, and gave a similar apology to the reader as he does here. See ES2 9 "Theft by Subsidy" (JDE, January 1846), in CW3, p. 170.

⁵⁹ Bastiat devoted a section at the end of Chap. X "Private Property and Community" in EH1 to attacking communism. He defined this as a new kind of plunder, "la spoliation systématique" (systematic plunder), as "Communism is based on systematic plunder, since it consists in handing over to one person the labor of another with no compensation." During 1850 he wrote two pamphlets pointing out to conservatives that their policies were "communist" in their effects: to conservative supporters of teaching Latin in the schools he argued in *Baccalaureate and Socialism* (early 1850) (CW2, pp. 185-234) that "classical conventionalism" was preparing the minds of young people for socialism or worse; and to conservative supporters of protectionism in "Protectionism and Communism" (Jan. 1849) (CW2, pp. 235-65) that they were using the same methods to benefit themselves as the socialists intended to do for the working class.

⁶⁰ (Bastiat's note) If in France protection were granted only to a single class, for example to ironmasters, it would be so absurdly plunderous that it would be impossible to maintain it. For this reason, we see all the protected industries forming leagues, making common cause, and even recruiting each other to the extent that they appear to be embracing the whole of *national labor*. They feel instinctively that plunder is concealed by being generalized.

universality. From this it follows that of the three systems socialism is still the most vague, indecisive, and consequently the most sincere.

Be that as it may, agreeing that legal plunder has one of its roots in false philanthropy is obviously to exonerate its intentions.

This being understood, let us examine the value, the origin, and the end result of this popular yearning which wants to achieve the general good by means of general plunder.

Socialists tell us, "Since the law organizes justice, why should it not also organize labor, education, or religion?"

Why? Because it could not organize labor, education, or religion without disorganizing justice.

Note therefore that law is (the use of) force, and that consequently the domain of the law cannot legitimately exceed the legitimate domain of (the use of) force.

When the law and (the use of) force hold a man in accordance with justice, they impose on him nothing other than pure negation. They impose only an abstention from causing harm. They do not interfere with his person, his freedom, or his property. All they do is safeguard the person, freedom, and property of others. They remain on the defensive; they defend the equal rights of all. They carry out a function whose harmlessness is obvious, whose usefulness is palpable, and whose legitimacy is uncontested.

This is so true that, as one of my friends brought to my notice, to say that *the aim of the law is to ensure the reign of justice* is to use an expression that is not strictly true. What should be said is: *The aim of the law is to prevent injustice from reigning*. In reality it is not justice that has its own existence, it is injustice. The one results from the absence of the other.

But when the law, through the offices of its necessary agent, (the use of) force, imposes a way of working, a method of teaching (or the contents of the latter), a faith or a creed, it is no longer acting negatively but positively on men. It substitutes the will of the legislator for their own will. Their role is no longer to discuss among themselves, to make choices, or to plan for the future; the law does all that for

them. Their minds become a useless thing; they cease to be men and lose their personhood, their freedom, and their property.

Try to imagine a form of labor imposed by force that is not a violation of liberty; or a transfer of wealth imposed by force which is not a violation (of) property. If you do not succeed, then you must agree that the law cannot organize work and industry without organizing injustice.

When, from the confines of his study, a political writer surveys society, he is struck by the spectacle of inequality that greets him. He weeps over the sufferings that are the lot of so many of our brothers, sufferings that appear even more saddening when contrasted with luxury and opulence.

Perhaps he should ask himself whether such a state of society has not been caused by former (acts of) plunder carried out by (acts of) conquest, and by present (acts of) plunder carried out by means of the law.⁶¹ He should ask himself whether, given that all men aspire to well-being and improving their lot, the reign of justice is not enough to achieve the greatest progress and the greatest amount of equality that is compatible with individual responsibility, which God has put aside as the just reward for virtue and vice

He does not even give this a thought. His thoughts go to schemes, arrangements, and organizations that are either legal or artificial. He seeks a remedy in perpetuating or exaggerating that which has produced the harm.

The fact is, outside justice which, as we have seen, is only a genuine negation, is there a single one of these legal arrangements that does not include the principle of plunder?

You say, “Here are men who lack wealth” and you turn to the law. But the law is not a breast that fills by itself or whose milk-bearing ducts draw from elsewhere than in society. Nothing enters the public treasury in favor of a citizen or a class other than that which other citizens and other classes have been *forced* to put in. If each person draws out only the equivalent of what he has put in, it is true that your

⁶¹ Bastiat regarded “former acts of plunder carried out by means of the law” as classic examples of the “disturbing factors” which upset the free market’s tendency to produce “harmonious” outcomes.

law is not plunderous, but it does nothing for those men that *lack wealth*, it does nothing for equality. It can be a tool for equality only to the extent that it takes from some to give to others, and in this case it becomes a tool of plunder.⁶² If you look at tariff protection, subsidies to industry, the right to profit, the right to work (a job), the right to public assistance, the right to education, progressive taxation, free credit, or social workshops⁶³ from this point of view, you will always find at their root legal plunder and organized injustice.

You say, “Here are men who lack enlightenment” and you turn to the law. But the law is not a torch that spreads its own light far and wide. It hovers over a society in which there are men with knowledge and others without, citizens who need to learn and others who are willing to teach. It can do only one of two things; either it allows this type of transaction to operate freely and permits this type of need to be freely satisfied, or it can coerce the wills (of those involved) and take from some to pay teachers who will be responsible for educating the others free of charge. But in the second case it cannot do this without violating (their) freedom and property, signifying therefore legal plunder.

You say, “Here are men who lack morality or religion” and you turn to the law. But the law is force and do I need to say what a violent and mad enterprise it is to have coercion interfere in matters like these?

For all its theories about systems and (all) its efforts it appears that socialism, however indulgent it is toward itself, cannot avoid catching a glimpse of the monster which is legal plunder. But what does it do? It cleverly shrouds it from all eyes, even its own, under the seductive names of fraternity, solidarity, organization,

⁶² Bastiat says something similar about communism towards the end of EH Chap VIII “Private Property and Community.”

⁶³ Setting up a nation-wide system of “social workshops” which would replace privately owned and profit making factories and workshops which paid workers wages was a dream of the socialist Louis Blanc. In the first few months after the February Revolution he seized control of the Luxembourg Palace and ran the “National Workshops” from there until the Constituent Assembly withdrew funding and closed them down. Bastiat, as Vice-President of the Finance Committee, played a major role in bringing this about. This act triggered the widespread violent protest known as the “June Days.”

and association.⁶⁴ And because we do not ask so much of the law since we require only justice from it, (socialism) presumes that we are rejecting fraternity, solidarity, organization, and association and hurls the epithet “*Individualist!*” at us.

It ought to know, therefore, that what we are rejecting is not natural organization, but coerced organization.⁶⁵

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

It is not spontaneous fraternity, but legally (imposed) fraternity.

It is not providential solidarity, but artificial solidarity, which is only an unjust displacement of responsibility.⁶⁶

Socialism, like the old politics from which it stems, confuses government with society. For this reason, each time we do not want something to be done by the government, it concludes that we do not want this thing to be done at all. We reject education by the state; therefore we do not want education. We reject a state (established) religion; therefore we do not want religion. We reject equality established by the state; therefore we do not want equality, etc. It is as though it was accusing us of not wanting men to eat because we reject the growing of wheat by the state.

⁶⁴ These were all slogans used by the socialists in their political campaigns.

⁶⁵ In the very first chapter of *Economic Harmonies* Bastiat lays out his distinction between “Natural and Artificial Organisation,” namely that the first kind is based on voluntary agreements between individuals and the latter is based on coercion, usually by means of the state.

⁶⁶ Bastiat says “Ce n’est pas la solidarité providentielle, mais la solidarité artificielle, qui n’est qu’un déplacement injuste de Responsabilité.” which FEE translated as “We repudiate the artificial unity that does nothing more than deprive persons of individual responsibility. We do not repudiate the natural unity of mankind under Providence.” This misses the reference to “providential solidarity” as well as to the “displacement of responsibility” caused by coercion by the state.

How has the bizarre idea become prevalent in the world of politics that one can make things flow from the law which are not there: such as “the good” (in the broad sense of the term), wealth, science, and religion?

Modern political writers, particularly those of the socialist school, base their various theories on a common, and definitely the strangest and most arrogant, hypothesis that the human brain has ever devised.

They divide humanity into two parts. All men, minus one, form the first (part) and the political writer, all on his own, forms the second and by far the most important part.

In effect, they begin with the premise that men do not have within themselves either a principle of action⁶⁷ or any means of making judgements, that they lack initiative, that they are made of inert matter, are passive molecules and atoms deprived of spontaneity, and that they are at most a form of plant life that is indifferent to its own mode of existence,⁶⁸ and (which is) willing to accept an

⁶⁷ Scattered throughout Bastiat's writings are many intriguing statements which prefigure some key ideas of the Austrian School of economic thought, such as the “le principe d’action” (the principle of action) which is used here. He also uses the phrases “un être actif” (an acting or active being), “un agent” (an agent, or actor), “un agent intelligent” (an intelligent or thinking actor), and to their behaviour in the economic world as “l’action humaine” (human action) or “l’action de l’homme” (the action of human beings, or human action), and to the guiding principle behind it all as “le principe actif” or “le principe d’activité” (the principle of action). See “Human Action” in *Further Aspects of Bastiat’s Thought*, CW4 (forthcoming).

⁶⁸ The question whether mankind's behavior was like that of a plant or a creature capable of reason was crucial in Bastiat's rethinking of Malthus's theory of population. He thought it was the latter. See his article “De la population,” *JDE*, October 1846 (in CW4 forthcoming) which was extensively rewritten and became Chapter 16 on Population in the 1851 expanded edition of *Economic Harmonies*.

infinite number of more or less symmetrical, artistic, and perfected ways (of living?) (imposed by) an external will and hand.⁶⁹

Each of them then quite simply supposes that he himself, by wearing the hats of organizer, prophet, legislator, teacher, or founder, is this will and this hand, this universal driving force and this creative power whose sublime mission is to gather together in society the scattered stuff of humanity.

From this given starting point, just as each gardener according to his whim prunes his trees into pyramids, umbrellas, cubes, cones, vases, fruit-tree shapes, rushes, or fans, each socialist, according to his vision, prunes poor humanity into groups, series, centers, sub-centers, honeycombs, and social, harmonious, or various other kinds of workshops, etc.⁷⁰

And just as the gardener needs axes, saws, sickles, and shears in order to prune his trees, the political writer needs coercive forces that he can find only in the laws in order to arrange his society, namely customs laws, tax laws, laws governing public assistance, or education.

It is quite true that the socialists consider humanity to be material that can be modeled to fit social arrangements that if, by chance they are not certain of the success of these arrangements, they claim at least a part of humanity as *material for experimentation*. We know just how popular the idea of *trying out all their systems* is among them, and we have already seen one of their leaders come in all seriousness

⁶⁹ Bastiat liked to use the analogy of society being a kind of "mécanisme social" (social mechanism) with its own wheels, springs, and movements (les rouages, les ressorts, and les mobiles). However, unlike the socialists he thought these wheels and cogs were living, acting, and choosing individuals who needed no "mechanic," "organizer," or "legislator" to make them run. See "The Social Mechanism and its Driving Force" in *Further Aspects of Bastiat's Thought*, CW4 (forthcoming).

⁷⁰ Here he is making fun of the socialists' penchant for naming all the complex hierarchies and subdivisions of their proposed planned societies, especially Fourier. For example, his "serial" or "stepped" method of arranging his categories under the rubric of "Inter, Citer, Ulter, Anter, Poster, Avant, and Final". See, Charles Fourier, *La fausse industrie morcelée, répugnante, mensongère, et l'antidote, l'industrie naturelle, combinée, attrayante, véridique, donnant quadruple produit* (Paris: Bossange père, 1835), p. 393.

to ask the Constituent Assembly to give them a commune⁷¹ with all its inhabitants in order for them to carry out tests.⁷²

In this way, every inventor makes a small scale model of his machine before making it full scale. In this way, chemists sacrifice a few chemicals and farmers a little seed and a corner of a field in order to test an idea.⁷³

But what an unmeasurable distance there is between a gardener and his trees, the inventor and his machine, the chemist and his chemicals, and the farmer and his seed! This is the same distance that the socialist quite sincerely believes separates him from humanity.

We should not be surprised that nineteenth century political writers consider society to be an artificial creation resulting from the genius of the legislator.

This idea, the fruit of a classical education, has dominated all the thinkers and great writers of our country.⁷⁴

All have seen the same relationship between humanity and the legislator as there is between clay and the potter.

⁷¹ The Commune was a local administrative district.

⁷² The socialist Victor Considerant gave a speech in the Chamber on 13 April, 1849 in which he reiterated his demand that the government give his followers 4,000 acres of land and fund an experimental socialist community near Paris in order to demonstrate the viability and even the superiority of socialism. Bastiat immediately responded by saying that a better option would be to set up competing experimental communities, including a laissez-faire free trade zone with minimal taxes and regulations, to show which form of society worked best.

⁷³ In fact, Bastiat is speaking from personal experience as he tried to introduce a number of reforms in the way his own tenant farmers operated their farms. This was not successful. See "Considérations sur le métayage" (Thoughts on Sharecropping), JDE, Feb. 1846, in CW4 (forthcoming).

⁷⁴ Bastiat was very hostile to a classical education based upon learning Latin as he believed the Roman ruling elite were warriors and plunderers whose writings mislead the French youth who studied them and prepared them intellectually to accept socialist ideas. A good example of these sentiments can be found in *Baccalaureate and Socialism* (early 1850), CW2, pp. 185-234. His own education was at an experimental private school where he learned modern languages, music, and poetry.

What is more, while they have agreed to acknowledge (that there is) a principle of action in the hearts of men and a principle of discernment in their minds, they have thought that this was a fatal gift from God and that humanity, under the influence of these two driving forces, was progressing inexorably toward its downfall. They have assumed that left to its own devices, humanity would concern itself with religion only to end up with atheism, with education only to achieve ignorance, and with work and trade only to end up in poverty.

Fortunately, according to these same writers, there are a few men known as rulers and legislators who have received contrary tendencies from heaven not only for themselves but also on behalf of all the others.

While human propensity is toward evil, their propensity is toward good, while humanity marches on toward darkness, they aspire to the light, and while humanity is drawn to vice, they are attracted to virtue. And assuming this, they lay claim to (the use of) force to enable them to substitute their own inclinations for those of the human race.⁷⁵

All you have to do is to open at random a book on philosophy, politics, or history to see how deeply rooted in our country is the idea that humanity is mere inert matter which receives life, organization, morality, and wealth from government, an idea born of the study of the classics and having socialism for its offspring. Or, what is worse, that humanity itself is drawn toward degradation and is saved from this slippery slope only by the mysterious hand of the legislator. Classically inspired conventional thinking shows us everywhere that behind a passive society there is an occult power that, going by the names of the law and the legislator, or under the cloak of the more convenient, vaguer word *one*,⁷⁶ moves humanity, brings it to life, enriches it, and infuses it with morality.

⁷⁵ This insight is central to the modern Public Choice theory of economics which argues that politicians and bureaucrats also pursue their own interests.

⁷⁶ The French word “on” has no real equivalent in English and is translated by “one,” “we,” “you,” “they,” or “people,” depending on the context. We have chosen “one” in this context.

Bossuet.⁷⁷

“One of the things that *one* (who?)⁷⁸ imprinted most strongly on the minds of the Egyptians was love of their country ... *No one was allowed* to be of no use to the State; each person had his work assigned to him by the law and this was passed from father to son. No one could have two employments nor change his own one ... but there was one *obligatory* communal activity, namely the study of the laws and conventional wisdom. Ignorance of the religion and policies of the country was not excused under any circumstances. Besides, each occupation had its own coinage assigned to it (by whom?) ... Among good laws, the best was that everyone was fed (by whom?) with a view to his being observed. Their traveling traders filled Egypt with marvelous inventions and saw to it that they were aware of almost everything that might make life easier and more peaceful.”⁷⁹

According to Bossuet therefore, men draw nothing from themselves whether it be patriotism, wealth, activity, wisdom, inventions, agriculture, or science; all these they received by way of the laws or from their kings. All they had to do was to *allow themselves to be pushed around (by others)*. Bossuet takes his argument to such a pitch that he corrects Diodorus for having accused the Egyptians of rejecting wrestling and music. How could that be possible, he says, since these arts had been invented by Trismegistus?⁸⁰

Similarly, in Persia:

⁷⁷ Jacques-Bénigne Bossuet (1627-1704) was Bishop of Meaux, a historian, court priest to King Louis XIV, and tutor to the dauphin (son of Louis XIV). He was a noted orator and writer whose sermons and orations were widely studied as models of French style by generations of French schoolchildren. In politics he was an intransigent Gallican Catholic, an opponent of Protestantism, and a supporter of the idea of the divine right of kings. He wrote a multi-volume universal history, *Discours sur l'histoire universelle* (1681).

⁷⁸ In brackets are Bastiat's comments on the quote.

⁷⁹ Jacques Bénigne Bossuet, *Discours sur l'histoire universelle, publié avec la chronologie des Bénédictines et celles de Bossuet et avec notes par A. Olleris* (Paris: Hachette, 1847), Part III. "Les empires," Chap. III , pp. 417, 418, 422, 424.

⁸⁰ Bossuet, *Discours sur l'histoire universelle*, pp. 430-31.

“One of the principal cares *of the prince* was to ensure that agriculture flourished ... Just as there were specific responsibilities laid down for directing the armies, so there were for supervising agrarian labor ... The respect for royal government that was inspired among the Persians reached excessive proportions.”⁸¹

Although the Greeks had highly developed minds, they were no less powerless as to their lot in life, to the point that, if left to their own devices, they would not have risen, as do dogs or horses, to the heights of the simplest games. The agreed classical tradition is that everything comes from outside the people.

“The Greeks, naturally full of intelligence and courage, *had been developed* from the start by the kings and colonies that came from Egypt. It is from them that they learnt to exercise their bodies, *run races on foot*, on horseback, or in chariots ... The best thing the Egyptians taught them was to be docile and to let themselves be formed by laws enacted for the public good.”⁸²

Fénélon.⁸³

Brought up on the study and admiration of antiquity and a witness to the power of Louis XIV, Fénélon could scarcely escape from the idea that humanity is passive and that both its misfortunes and prosperity, its virtues and vices, came to it because of external action, exercised on it by the law or the person who makes the

⁸¹ Bossuet, *Discours sur l'histoire universelle*, p. 447.

⁸² Bossuet, *Discours sur l'histoire universelle*, p. 451.

⁸³ François Fénelon (1651-1715) was the Archbishop of Cambrai, a theologian, poet, writer, and tutor to the young duke of Burgundy, the grandson of Louis XIV. After the revocation of the Edict of Nantes (which had granted toleration for Protestants in France), Fénelon was one of several high-ranking clergy sent to convert recalcitrant Protestants to Catholicism. He wrote a collection called *Dialogue des morts et fables* (1700), and *Les Aventures de Télémaque* (1699), which was a thinly veiled satire of the reign of Louis XIV and a critique of the notion of the divine right of kings. For example, in the latter the hero Telemachus visits Idomeneus, King of Salente and asks him very pointed and embarrassing questions about the nature of good rulership.

law. Thus, in his utopian city of *Salente*,⁸⁴ he subjects men with all their personal interests, faculties, desires, and goods to the absolute discretion of the legislator. Whatever the circumstances, they never judge for themselves, it is the prince who judges for them. The nation is just a formless entity of which the prince is the soul. In him are united the thought, the foresight, the very principles of all forms of organization and progress, and consequently, all responsibility.

To prove this assertion, I would need to copy the entire 10th book of *Télémaque*. I refer the reader to this and am content to quote a few passages taken at random from this famous poem, the quality of which, in every other respect, I am the first to acknowledge.

With that surprising credulity that characterizes the classics, Fénelon accepts the general happiness of the Egyptians, in spite of the authority of reason and facts, and attributes it not to their own wisdom but to that of their kings.

“We cannot look at the two banks without glimpsing opulent towns, country houses with pleasant situations, land which each year is covered with a golden harvest without any fallow period, grasslands full of herds, farmers bowed under the weight of the fruit that overflows from the bosom of the land, or shepherds who cause the sweet sounds of their flutes and pipes to be echoed round about. *Happy are the people*, said Mentor, *who are led by a wise king*.⁸⁵

Mentor then pointed out to me the joy and abundance that extended over the entire country of Egypt in which up to twenty-two thousand towns could be counted, the justice exercised in favor of the poor against the rich, the proper education of children who were made accustomed to obedience, work, sobriety and to love the arts and letters, the exact observance of all religious ceremonies, disinterestedness, a desire for honor, fidelity to men and fear of the gods that every father inculcated

⁸⁴ *The Adventures of Telemachus* is the story of Telemachus's search for his father in the company of Mentor, who instructs the young Telemachus on the virtues required by a prince. They come across the fictitious city of Salentum (Salente in French), which has been corrupted by luxury and military despotism. Only the dictatorship of an enlightened legislator could reform Salentum according to Fénelon. The complete works of Fénelon were published in multi-volume editions in 1830 and again in 1848-52: *Oeuvres complètes de Fénelon*.

⁸⁵ Fénelon, *Les aventures de Télémaque, fils d'Ulysse* (A. Gand, 1819), Vol. 1, pp. 77-78.

into his children. He never tired of admiring such fine order. *Happy are the people*, he said to me, *whom a wise king leads thus.*⁸⁶

Fénélon creates an idyll of Crete that is even more attractive. Then he adds, through the words of Mentor:

“All that you see in this marvelous island is the fruit of Minos’s laws. The education whose provision he ordered for children makes the body healthy and strong. ONE makes them accustomed first of all to a life that is simple, frugal and physically taxing. *One* assumes that all sensual pleasure makes body and mind soft. *One* never offers them any other pleasure than that of being invincible through virtue and gaining a great deal of glory. Here, *One* punishes three vices that go unpunished in other peoples, ingratitude, hypocrisy, and greed. *One* never needs to repress ostentation and dissipation since these are unknown in Crete ... *One* does not allow valuable furniture, magnificent clothes, delicious feasts, nor gilded palaces.”⁸⁷

This is how Mentor prepares his pupil to grind down and manipulate the people of Ithaca, doubtless with the most philanthropic of intentions and just to make sure, he gives him the example of the city of Salente.

This is how we are given our first notions of politics. We are taught to treat men almost in the way Olivier de Serres⁸⁸ teaches farmers to treat and mix their soil.

Montesquieu.⁸⁹

⁸⁶ Fénélon, *Les aventures de Télémaque, fils d'Ulysse* (A. Gand, 1819), Vol. 1, pp. 79-80.

⁸⁷ Fénélon, *Les aventures de Télémaque, fils d'Ulysse* (A. Gand, 1819), Vol. 1, pp. 148-49.

⁸⁸ Olivier de Serres (1539-1619) was a pioneering French agronomist who is best known for introducing the growing of silk to France. His best-known work is *Le Théâtre d'agriculture et ménage des champs* (1600).

⁸⁹ Charles Louis de Secondat, baron de Montesquieu (1689-1755) was one of the most influential legal theorists and political philosophers of the eighteenth century. He trained as a lawyer and practiced in Bordeaux before going to Paris, where he attended an important enlightened salon. His ideas about the separation of powers and checks on the power of the executive had a profound impact on the architects of the American constitution. His most influential works are *L'Esprit des lois* (1748), *Les Lettres persanes* (1721), and *Considérations sur les causes de la grandeur des Romains et de leur décadence* (1732).

“To maintain the spirit of trade, all laws need to encourage it, and the details of these same laws should be framed to divide up wealth as trade increases it, in such a way as to put each poor citizen in sufficient comfort to be able to work like the others, and each rich citizen in such a state of poverty that he needs to work to conserve or acquire. ...”⁹⁰

The laws thus dispose of all wealth.

“Although in democracy genuine equality is the soul of the state, this is, however, so difficult to establish that an extreme punctiliousness in this respect is not always suitable. It is sufficient that ONE establishes a quota that reduces or sets the differences at a certain level. After this, it is up to particular laws to equalize inequality, so to speak, through the charges they impose on the rich and the relief they give to the poor. ...”⁹¹

Here again we have the equalization of wealth by the law, by (the use of) force.

“In Greece, there were two forms of republic. One form was military, exemplified by Sparta; the other was commercial, exemplified by Athens. In one, *one wanted* its citizens to be idle; in the other, *one sought* to instill a love of work.

I would ask people to give some attention to the extent of the genius these legislators needed to see that by upsetting all the accepted customs, by confusing all the virtues, they would be demonstrating their *wisdom* to the universe. Lycurgus, combining robbery with a spirit of justice, the most severe slavery with the heights of freedom, the most atrocious sentiments with the greatest moderation, gave his town stability. He appeared to remove from it all resources, arts, trade, money, and city walls. There was ambition with no hope of being better off, they had natural sentiments and they were neither child, husband, nor father. Even modesty was removed from chastity. *It is along this route that Sparta was led to greatness and glory. . . .*

We have also seen this extraordinary situation that was observed in the institutions in Greece *in the dregs and corruption of modern times*. An honest legislator has formed a people in which probity appears to be as natural as bravery was in the Spartans. Mr. Penn⁹² is a genuine Lycurgus and, while Mr. Penn’s object was peace in the same way as Lycurgus’s was war,

⁹⁰ Montesquieu, *L'Esprit des lois* in *Œuvres de Montesquieu*. Vol. 1 (Paris: A. Belin, 1817), Livre V, Chap. VI "Comment les lois doivent entretenir la frugalité dans la démocratie," p. 39.

⁹¹ Montesquieu, *L'Esprit des lois*, p. 38.

⁹² William Penn (1644-1718) was an English Quaker, writer, and founder of the State of Pennsylvania.

they resemble one another in the singular route in which they set *their* people, in the influence they had on free men, in the preconceptions they overcame and in the passions they subdued.

Another example is Paraguay.⁹³ Those who regard the pleasure of governing as the sole good thing in life have wished to make it a crime against *society*, but it will always be a fine thing to *govern men while making them happy*. . . .

Those who wish to establish similar institutions will set up the common ownership of goods of Plato's Republic, the respect for the gods that he demanded, the separation from foreigners in order to preserve customs, with the city and not the citizens carrying out trade. They will give us our arts without our luxury and our needs without our desires."⁹⁴

However much popular enthusiasm cries, "It is by Montesquieu, so it is marvelous! It is sublime!" I will have the courage of my convictions and say:

"What? You have the nerve to find that beautiful?"⁹⁵

But it is dreadful! Revolting! And these quotations that I could increase in number show that in Montesquieu's view people, freedom, property, and the entire human race are just materials suited to the exercise of the legislator's wisdom.

⁹³ Between 1609 and their expulsion from Latin America in 1767, the Jesuits organized among the native people of Paraguay a community based on Christian and communist principles. The Jesuits aim was to Christianize the native people, organize the social and economic life of the communities, and create "the kingdom of God on earth." Bastiat rejected the idea of these communities, just like he did with the contemporary attempts to create utopian socialist communities in Europe and America in the 1830s and 1840s, on the grounds that the communities owned property, in particular land, in common, sought an equality of ownership, and strictly regulated the free market.

⁹⁴ Montesquieu, *L'Esprit des lois*, Chap. VI "De quelques institutions des Grecs," pp. 29-31.

⁹⁵ Said by Alceste to Philinte in Molière's play "Le Misanthrope," Act I, sc. II in *Oeuvres de J. B. Poquelin de Molière* (Paris: Th. Dabo, 1820), Vol. 3, p. 173.

Rousseau.⁹⁶

Although this political writer, the supreme authority for democrats, bases the social edifice on the *general will*, no one has accepted as completely as he does the hypothesis of the total passivity of the human race in the presence of the legislator.

“While it is true that a great prince is a rare person, how much more so is a great legislator? The former has only to follow the model that the latter has to put forward. The latter is *the mechanic who invents the machine*, while the former is the worker who climbs aboard and makes it go.”⁹⁷

And what is the role of men in all this? The machine that you climb aboard and make go, or rather the raw material out of which the machine is made!

Thus, between the legislator and the prince and between the prince and his subjects there is the same relationship as between the agronomist and the farmer and the farmer and the soil. At what height above humanity, therefore, do we place the political writer who governs the legislators themselves and teaches them their job in these imperative terms?

“Do you want to give consistency to the state? Reduce the distance between the extreme levels as far as is possible. Do not allow either wealthy people or paupers.

⁹⁶ Jean-Jacques Rousseau (1712-78) was a Swiss philosopher and novelist who was an important figure in the Enlightenment. In his novels and discourses he claimed that civilization had weakened the natural liberty of mankind and that a truly free society would be the expression of the “general will” of all members of that society. He influenced later thinkers on both ends of the political spectrum. Bastiat often criticized Rousseau as he thought he was the inspiration behind much of the interventionist legislation introduced by the revolutionaries during the 1790s (especially Robespierre) and then later in the 1848 Revolution. He is best known for his book *Du Contrat Social* (The Social Contract) (1761); he was also the author of, among other works, the *Discours sur l'origine et les fondements de l'inégalité parmi les hommes* (Discourse on Inequality) (1755), the autobiographical *Les Confessions* (1783), and the novels *Julie, ou la nouvelle Héloïse* (1761) and *Emile, ou l'éducation* (1762).

⁹⁷ Rousseau, *Du contrat social*, in *Oeuvres complètes de J.-J. Rousseau; Nouvelle édition, avec des Notes historiques et critiques; augmentée d'un Appendice aux Confessions, par M. Musset-Pathay. Vol. IX. Philosophie. Politique.*- Tome 1. (Bruxelles: Th. Lejeune, 1827), Livre II, Chap. VII. "Du Législateur," pp. 119-20.

Is the soil hard to till or infertile, or the country too small to hold its inhabitants? *Turn towards* industry and the arts whose productions you can trade for the goods you lack ... Do you *lack* inhabitants where the land is good? Concentrate on farming which increases the number of men and *turn away* from the arts, which will only succeed in reducing the population of the country. ... Are you concerned with shorelines that are broad and accessible? *Cover the sea* with ships and you will have a brilliant and short existence. Does the sea wash upon only inaccessible rocks on your shoreline? *Remain savages* and eaters of fish, your life will more peaceful, perhaps better and certainly happier. In a word, apart from the maxims common to all, each people carries within it a cause that orders it in a particular way and makes its legislation proper to it alone. This is why in former times the Hebrews and more recently the Arabs have had religion as their principal object, the Athenians letters, Carthage and Tyre trade, Rhodes naval matters, Sparta war, and Rome virtue. The author of *the Spirit of the Laws*⁹⁸ has shown with what art *the legislator directs the system of institutions toward these objects*. But if the legislator makes a mistake and takes a principle other than that which arises from the nature of things and one tends toward slavery while the other tends toward freedom, one toward wealth and the other toward population, one to peace and the other to conquests, the laws will be seen to become imperceptibly weaker, the constitution will be changed and the state will not cease to suffer agitation until it is either destroyed or changed and invincible nature has regained its empire.”⁹⁹

But if nature is sufficiently invincible to *regain* its empire, why does Rousseau not admit that it did not need such a legislator to *take* this empire from the outset? Why does he not admit that by acting on their own initiative men will of their own accord *turn toward* trade on broad and accessible shorelines without a Lycurgus, a Solon, or a Rousseau interfering at the risk of *making a mistake*?

⁹⁸ The edition of *Spirit of the Laws* that Bastiat might have had access to was *Oeuvres de Montesquieu, avec éloges, analyses, commentaires, remarques, notes, réfutations, imitations*, par MM. Destut de Tracy, Villemain (Paris, 1827), in eight volumes. The editor was Victor Destutt de Tracy the son of Antoine Destutt de Tracy, who had written an extensive commentary on the *Spirit of the Laws* for Thomas Jefferson who had it published in 1811, *A Commentary and Review of Montesquieu's "Spirit of Laws": To which are annexed, Observations on the Thirty First Book by the late M. Condorcet; and Two Letters of Helvetius, on the Merits of the same Work*.

⁹⁹ Rousseau, *Du contrat social*, Livre II. Chap. XI "Des divers systèmes de Législation," pp. 135-38.

Be that as it may, we can understand the awesome responsibility that Rousseau places on inventors, teachers, leaders, legislators, and the manipulators of societies. This is why he is very demanding with regard to them.

“He who dares to undertake to teach a people must feel that he is, so to say, capable of changing human nature and transforming each individual who, of himself, is a perfect and solitary whole, into a part of a greater whole from which this individual receives, totally or in part, his life and being; he must be capable too of changing the constitution of man in order to strengthen it and substituting an incomplete and moral existence for a physical and independent one which we have all received from nature. In a word, he needs to remove from man his own forces in order to give him some that are foreign to him. ...”¹⁰⁰

Poor human race, what will Rousseau’s disciples do with your dignity?

Raynal.¹⁰¹

“The climate, that is to say the sky and the soil, is the first rule of the legislator. *Its* resources dictate his duty to him. First of all, it is *its* local situation that he must consult. A people cast upon a sea coast will have laws that relate to navigation ... If the colony is concerned with the land, a legislator must provide for both its type and level of fertility. ...

It is above all in the distribution of property that the wisdom of the legislation will shine through. In general and in all the countries of the world, when a colony is founded, land must be given to each man, that is to say a sufficient amount to each person to provide for a family. ...

In an uncivilized island that ONE would *people* with children, one would only have to leave the seeds of truth to blossom in the development of

¹⁰⁰ Rousseau, *Du contrat social*, Livre II, Chap. VII. "Du Législateur," p. 120.

¹⁰¹ Guillaume-Thomas-François, abbé Raynal (1713-96) was an enlightened historian who wrote on the Dutch Stadholderate and the English Parliament. His most famous work was the eight-volume *Histoire philosophique et politique, des établissements et du commerce des européens dans les deux Indes* (1770), which went through some thirty editions by 1789, was put on the Index in 1774, and publicly burned. The book was found objectionable because of its treatment of religion and opposition to colonialism and its advocacy of the popular right to consent to taxation and to revolt, among other things. Its sometimes incendiary treatment of the slave trade became canonical in the debate over abolition of slavery, of which it did much to spur.

reason. . . . But when one establishes a people that is already old in a new country, the art lies in *leaving to it only* those harmful opinions and habits from which it cannot be cured and corrected. If one wants to prevent them from being passed on, one will supervise the second generation through the communal and public education of its children. A prince or legislator should never found a colony without sending wise men in advance to educate the young . . . In a new colony every facility is open to the precautions of the Legislator who wishes to *purify the blood and manners of a people*. If he has genius and virtue, the lands and men he will have *in his hands* will inspire in his soul a plan for society which a writer would outline only in a vague manner subject to unstable hypotheses that vary and complicate one another with an infinite number of circumstances that are too difficult to forecast and combine. . . . ”¹⁰²

Does he not appear to hear a teacher of agriculture say to his pupils?: The climate is the farmer’s first rule. *Its* resources dictate *his* duties. It is *its* local situation that he has to consult. If it is on a clay soil, he has to take these steps. If he has to deal with sand, this is what he has to do. All facilities are available to the farmer who wishes to clear and improve his soil. If he is clever, the land and fertilizers he has *in his hands* will inspire in him an operating plan that a teacher will be able to outline only in a vague manner subject to unstable hypotheses that vary and complicate one another with an infinite number of circumstances that are too difficult to forecast and combine.

But, O sublime writers, please remember on occasion that this clay or sand, this compost of which you so arbitrarily dispose is made up of men, your equals, who are intelligent and free beings like you, and who, like you, have received from God the faculty of sight, foresight, thought, and making judgments for themselves!

¹⁰² Raynal, *Histoire philosophique et politique des établissemens et du commerce des Européens dans le deux Indes. Nouvelle édition* (Paris: Amable Costes, 1820), T. 9, hap. XXX A quelle degré la population s'est-elle élevée dans l'Amérique septentrionale, pp. 230-33.

Mably.¹⁰³

(He takes the laws to be rusty from age, security to be neglected, and continues thus:)

“In these circumstances, you have to be convinced that the springs of government have been loosened. *Give them* renewed tension (Mably is addressing the reader) and the harm will be cured ... Think less of punishing faults than of encouraging the virtues *you need*. This way, you will restore the vigor of youth to *your republic*. Free peoples have lost their freedom because they did not know this! But if the harm has progressed so far that ordinary magistrates cannot remedy it effectively, *turn to* an extraordinary group of magistrates with a short tenure and considerable power. The citizens’ imagination in such circumstances needs to be struck. ...”¹⁰⁴

And more in this vein for twenty volumes.

There was a time when, under the influence of such teaching, which is the foundation of classical education, everyone wanted to place himself outside and above humanity in order to arrange it, organize it, and establish it according to his views.

¹⁰³ Gabriel Bonnot, abbé de Mably (1709–95) was an enormously popular writer on political, legal, and economic matters. He trained as a Jesuit and briefly entered religious orders. Mably was an admirer of Plato and Sparta, both of which he regarded as a model for political and economic institutions. In economics, Mably was an advocate for ending private property and for the redistribution of property by the state in order to achieve equal ownership for all, thus qualifying him as an early communist thinker. Mably was best known for his work *Entretiens de Phocion, sur le rapport de la morale avec la politique* (1763); and the *Observations sur le gouvernement et les lois des États-unis d’Amérique* (1784).

¹⁰⁴ Gabriel Bonnot de Mably, "Droits et devoirs du Citoyen," Lettre VIII, in *Oeuvres complètes* (Lyon: J.B. Delamolliere & Falque, 1796), , Volume 11, pp. 465-66.

Condillac.¹⁰⁵

“My Lord, make yourself out to be a Lycurgus or a Solon. Before continuing to read further, amuse yourself by giving laws to some uncivilized tribe in America or Africa. Settle these nomadic men in fixed abodes; teach them to feed their herds, and work at developing the social qualities that nature has given them. Order them to start practicing the duties of humanity. Use punishment to poison the pleasures promised by passion and you will see that these savages will lose a vice and gain a virtue with each article of your legislation.”¹⁰⁶

All peoples have had laws. But few of them have been happy. Why is this so? It is because legislators have almost always ignored the fact that the object of society is to unite families through a common interest.

The impartiality of laws lies in two things: establishing equality in the wealth and equality in the dignity of citizens ... As your laws establish greater equality, they will become dearer to each citizen ... How will avarice, ambition, sensuality, laziness, idleness, envy, hatred, and jealousy operate in men who are equal in fortune and dignity and in whose eyes the laws will give no opportunity of disrupting equality? (The idyll follows.)

What you have been told about the republic of Sparta should give you greater enlightenment on this question. No other State has ever had laws that conformed more to the order of nature and equality.”¹⁰⁷

It is not surprising that the seventeenth and eighteenth centuries considered the human race to be inert matter that waits, receives everything - its form, character, stimulus, movement, and life - from a great prince, a great legislator, or a great

¹⁰⁵ The Abbé de Condillac (1714-80) was a priest, philosopher, economist, and member of the Académie française. Condillac was an advocate of the ideas of John Locke and a friend of the encyclopedist Denis Diderot. In his *Traité des sensations* (1754), Condillac claims that all attributes of the mind, such as judgment, reason, and even will, derive from sensations. His book *Le Commerce et le gouvernement, considérés relativement l'un à l'autre* (1776) appeared in the same year as Adam Smith's *Wealth of Nations*.

¹⁰⁶ Etienne Bonnot de Condillac, *Oeuvres complètes* (Paris: Lecointe et Durey, 1822), vol. XV, *Étude de l'histoire et logique*, Chap. II "Des vérités fondamentales auxquelles il faut s'attacher en étudiant l'histoire," pp. 24-25.

¹⁰⁷ Condillac, *Oeuvres complètes*, vol. XV, Chap. III Seconde vérité, pp. 26-29.

genius. These centuries were fed on the study of antiquity and antiquity effectively offers us everywhere, in Egypt, Persia, Greece, and Rome, the sight of a few men manipulating at will a human race that is subjugated by force or deception. What does that prove? It shows that because man and society can be improved, error, ignorance, despotism, slavery, and superstition must have existed in greater quantity at the dawn of time. The mistake of the writers I have quoted is not to have noted the fact but to have offered it as though it were a rule to be admired and imitated by future races. Their mistake is to have accepted with an inconceivable lack of critical analysis and on the faith of puerile *conventional thinking*, what is unacceptable, that is to say, the grandeur, dignity, morality, and well-being of these artificial societies in the ancient world; to have failed to understand that time produces and propagates light; and that, as the light grows brighter, (the use of) force takes the side of (what is) right and society takes possession of itself again.

And in fact, what is the political work we are witnessing (today)? It is none other than the instinctive effort of all peoples to (move) towards freedom. And what is “Freedom,” this word that has the power of making all hearts beat faster and causing agitation around the world, if it is not the sum of all freedoms? — freedom of conscience, teaching, and association, freedom of the press, freedom to travel, work, and trade, in other words, the free exercise of all harmless faculties by all men.¹⁰⁸ And, in still other terms, isn’t (freedom) the destruction of all despotic regimes, even legal despotism, and the reduction of the law to its sole rational

¹⁰⁸ Compare this passage to one in his "Draft Preface for the *Economic Harmonies*" (late 1847) CW1, p. 318. It is the form of an ironic letter to himself: "Like you I love all forms of freedom; and among these, the one that is the most universally useful to mankind, the one you enjoy at each moment of the day and in all of life's circumstances, is the freedom to work and to trade. I know that making things one's own is the fulcrum of society and even of human life. I know that trade is intrinsic to property and that to restrict the one is to shake the foundations of the other. I approve of your devoting yourself to the defense of this freedom whose triumph will inevitably usher in the reign of international justice and consequently the extinction of hatred, prejudices between one people and another, and the wars that come in their wake." <http://oll.libertyfund.org/titles/2393#Bastiat_1573-01_1606>.

function which is to regulate the individual right of legitimate (self) defense or to punish injustice?

This tendency in the human race, it must be agreed, is greatly thwarted, particularly in our country by the fatal tendency—the fruit of classical teaching—that is common to all political writers, to put themselves in a position outside the human race in order to arrange it, organize it, and establish it as they please.

For while society agitates in order to achieve freedom, the sole thought of “the great men,” who put themselves at its head and who are imbued with the principles of the seventeenth and eighteenth centuries, is to bend it to suit the philanthropic despotism of their social inventions and to have society, as Rousseau says, bear docilely “the yoke of public happiness” as they have imagined it.¹⁰⁹

We saw this clearly in 1789. Scarcely had the legal former regime been destroyed when people busied themselves making the new form of society submit to other artificial arrangements, all of which were based on the agreed concept: the omnipotence of the law.

Saint-Just:¹¹⁰

“The legislator commands the future. It is up to him to *want what is good*. It is up to him to make men what he *wants* them to be.”¹¹¹

¹⁰⁹ Rousseau, *Du contrat social*, Livre II, Chap. VII "Du Législateur," p. 123.

¹¹⁰ Louis Antoine de Saint-Just (1767-94) was a close friend and colleague of Robespierre. Saint-Just suffered the same fate as did Robespierre, execution by guillotine in July 1794. He served in the National Guard and was elected to the Legislative Assembly (but denied his seat because of his young age), and then to the Convention, where he joined the Montagnard faction. Saint-Just became a member of the Committee of Public Safety in 1793 and was active in military affairs on the Committee's behalf. He was much influenced by Rousseau and supported the creation of an austere and egalitarian republic.

¹¹¹ Saint-Just, "Discours sur la Constitution à donner à la France (24 avril, 1793), *Œuvres de Saint-Just, représentant du peuple à la Convention nationale* (Paris: Prévot, 1834), p. 74.

Robespierre:¹¹²

“The function of the government is to direct the physical and moral forces of the nation toward the purpose behind its institution.”¹¹³

Billaud-Varenes:¹¹⁴

“It is *necessary* to recreate the people to whom we wish to restore freedom. Since it is *necessary* to destroy former prejudices, change long-standing habits, improve depraved affections, restrict superfluous needs, and root out inveterate vices, strong action and a fervent drive are needed. ... Citizens, in Sparta the inflexible austerity of Lycurgus became the unshakeable foundation for the republic; the weak and trusting character

¹¹² Maximilien de Robespierre (1758-94) was a lawyer and one of the best-known figures of the French Revolution. In the National Convention he was an active member of the Société des amis de la constitution (Society of Friends of the Constitution) (the Jacobin Club) and became leader of the Montagnard faction. He was a fierce opponent of the liberal Gironde faction, and in his position as leader of the Committee of Public Safety (1793) he had arrested and executed many members of this group during the Terror. Eventually the Terror turned on its own supporters and Robespierre was himself executed in July 1794. In his political thinking, Robespierre was strongly influenced by the writings of Rousseau, and in 1793 he supported a new declaration of the rights of man that subordinated private property to the needs of "social utility."

¹¹³ Robespierre, "Rapport fait par Robespierre au nom du Comité de salut public sur les principes du gouvernement révolutionnaire (Convention Nationale, Séance du 25 décembre 1793) in *Œuvres de Maximilien Robespierre: avec une notice historique, des notes et des commentaires, par Laponneraye* (Paris: Chez l'éditeur, 1840), Vol. 3, p. 512.

¹¹⁴ Jean Billaud-Varenes (1756-1839) was a lawyer, a Montagnard member of the Convention, a leading orator in the Jacobin Club, and a member of the Committee of Public Safety. He was at first a supporter of Robespierre, then an opponent who contributed to his downfall and execution.

of Solon plunged Athens once again into slavery. This parallel encapsulates the entire science of the government.”¹¹⁵

Le Peletier:¹¹⁶

“Considering how far the human race has degenerated, I am convinced of the need to carry out total regeneration and, if I may put it this way, to create a new people.”¹¹⁷

As you can see, men are nothing other than raw material. It is not up to them to *want what is good*; they are incapable of this. It is up to the legislator, according to Saint-Just. Men are only what he *wants* them to be.

According to Robespierre, who echoes Rousseau literally, the legislator begins by designating the purpose for which the *nation is established*. Thereafter, all the government has to do is to direct all *physical and moral forces* toward this aim. The nation itself always remains passive in all this, and Billaud-Varennes teaches us that it should have only the prejudices, habits, affections, and needs that are authorized by the legislator. He goes so far as to say that the inflexible austerity of one man is the foundation of the republic.

We have seen that, where evil is so great that ordinary magistrates cannot remedy it, Mably recommended dictatorship in order to make virtue flourish. “*Turn to an extraordinary group of magistrates,*” he says, “with a short tenure and

¹¹⁵ *Convention nationale. Rapport fait à la Convention nationale, au nom du Comité de salut public, par Billaud-Varenne, dans la séance du 1er floréal, l'an 2e de la République une et indivisible; sur la théorie du gouvernement démocratique, et sa vigueur utile pour contenir l'ambition, et pour tempérer l'essor de l'esprit militaire; sur le but politique de la guerre actuelle; et sur la nécessité d'inspirer l'amour des vertus civiles par des fêtes publiques et des institutions morales* (de l'Imprimerie de Charpentier, 1794), p. 4.

¹¹⁶ Louis-Michel Lepeletier, marquis de Saint-Fargeau (1760-1793) was a Councillor at the Parlement de Paris before the Revolution and then President of the National Constituent Assembly in 1790. He was murdered by an ex-Royal Guard for having voted for King Louis XVI's execution.

¹¹⁷ Michel Lepeletier, "Plan d'Éducation nationale" in *Oeuvres de Michel Lepeletier Saint-Fargeau* (Bruxelles: Arnold Lacrosse, 1826), p. 268.

considerable power. The citizens' imagination in such circumstances needs to be struck." This doctrine has not been lost. Listen to what Robespierre says:

"The principle of republican government is virtue, and its means, while it is becoming established, is terror. In our country, we want to substitute morality for selfishness, probity for honor, principles for customs, duty for the proprieties, the empire of reason for the tyranny of fashion, a scorn of vice for a scorn of misfortune, pride for insolence, greatness of spirit for vanity, a love of glory for a love of money, good people for good company, merit for intrigue, genius for a finely turned phrase, truth for brilliance, the attraction of happiness for the boredom of sensuality, the greatness of man for the small-mindedness of the great, a people that is magnanimous, powerful, and happy for a people that is likable, frivolous, and wretched, in a word, all the virtues and all the miracles of a republic for all the vices and absurdities of the monarchy."¹¹⁸

What (a great) height above the rest of humanity Robespierre sets himself here! And note the circumstance in which he is speaking. He does not limit himself to expressing a wish for a major regeneration of the human heart, he does not even expect that this will be the result of a proper system of government. No, he wants to achieve this by himself, and by means of terror. The speech from which this puerile and plodding heap of contradictions is taken aimed to set out the *moral principles that ought to direct a revolutionary government*. Note that, when Robespierre comes forward to request a dictatorship it is not just to repel foreigners and combat factions, but really to achieve the triumph of his own moral principles through terror, and this prior to the application of the Constitution. His pretension is to root out from the country, through terror, nothing less than *selfishness, honor, customs, good manners, fashion, vanity, a love of money, good society, intrigue, brilliance of mind, sensuality, and wretchedness*. It is only after he, Robespierre, has accomplished these *miracles*, as he quite rightly calls them, that he will allow the law to regain its empire. Oh, you poor people who think you are so great, who hold humanity to be so insignificant, who want to reform everything, reform yourselves and that task will suffice.

However, in general, reformers, legislators, and political writers do not ask to exercise an immediate despotism over the human race. No, they are too moderate

¹¹⁸ Robespierre, *Rapport sur les principes de morale politique qui doivent guider la Convention nationale dans l'administration intérieure de la République, fait par Robespierre au nom du Comité de Salut Public* (Convention Nationale, Séance du 5 février 1794), p. 542.

and philanthropic for that. They demand only the despotism, absolutism, and omnipotence of the law. The only thing to which they aspire is to make the law.

To show how universal this strange tendency of minds has been in France, not only would I have had to copy out the entire works of Mably, Raynal, Rousseau, Fénelon, and long quotations from Bossuet and Montesquieu, I would also have had to copy the entire minutes of the sessions of the Convention.¹¹⁹ I will refrain from doing so and merely refer the reader to them.

We can be sure that this idea was very attractive to Bonaparte.¹²⁰ He embraced it with fervor and put it energetically into practice. As he considered himself to be a chemist, all he saw in Europe was a source of material on which to experiment. However, this material showed itself to be a powerful chemical. When he was greatly disillusioned on Saint Helena, Bonaparte appeared to acknowledge that there was a certain amount of initiative in the people and he seemed to be less hostile to freedom. However, this did not stop him from giving the following lesson to his son in his will, “To govern is to spread morality, education, and well-being widely.”

¹¹⁹ The National Convention was a single chamber which ruled France between September 1792 and October 1795. It was the first republican government after the execution of King Louis XVI.

¹²⁰ Napoléon Bonaparte (1769–1821) was born in Corsica and became a French general, first consul of France (1799–1804), and emperor of the French (1804–15). Although Napoléon’s conquests of Europe were ultimately unsuccessful (Spain 1808; Russia 1812; Waterloo, Belgium, 1815), he dramatically altered the face of Europe economically, politically, and legally (the Civil Code of 1804). Many European countries suffered huge economic losses from Napoléon’s occupation and the looting of museums and churches. Napoléon introduced a new form of economic warfare, the “continental system” (the Berlin Decree of 21 November 1806), which was designed to cripple Britain by denying its goods access to the European market. Napoléon did not seem to have a well thought out economic theory but his scattered remarks recorded in his *Mémoires de Napoléon Bonaparte: manuscrit venu de Sainte-Hélène* (Paris: Baudouin, 1821) show him to be an economic nationalist and strong protectionist.

Is it still necessary to use tedious quotations to show where Morelly, Babeuf, Owen, Saint-Simon, or Fourier take their source?¹²¹ I will limit myself to offering the reader a few extracts of the book by Louis Blanc¹²² on the organization of work.¹²³

“In our project, society receives its impetus from government.”¹²⁴

In what does the impetus that the government gives society consist? In imposing the *project* of M. Louis Blanc.

On the other hand, society is the human race.

Therefore, in the end, the human race receives its impetus from M. Louis Blanc.

Let him get on with it, people will say. Doubtless the human race is free to follow the *advice* of whomever (they like). But this is not how M. Louis Blanc sees things. He thinks that his project should be converted into *law* and consequently be imposed by (the use of) force by the government.

“In our project, the state only has to provide labor with some legislation (*excuse the only*) by means of which industrial activity can and ought to accomplish its task *in total freedom*. It (the State) only places freedom on a

¹²¹ These are all French or English socialists: Étienne-Gabriel Morelly (ca. 1717-78), François Babeuf (alias “Gracchus”) (1760-97), Robert Owen (1771-1858), Henri Saint-Simon (1760-1825), and Charles Fourier (1772-1837)

¹²² Louis Blanc (1811-1882) was a journalist and historian who was active in the socialist movement. Blanc founded the journal *Revue du progrès* and published therein articles that later became the influential pamphlet *L’Organisation du travail* (1839). During the 1848 revolution he became a member of the provisional government, headed the National Workshops, and debated Adolphe Thiers on the merits of the right to work in *Le socialisme; droit au travail, réponse à M. Thiers* (1848). When his supporters invaded the Chamber of Deputies in May 1848 to begin a coup d’état in order to save the national Workshops from closing, they carried him around the room on their shoulders. He was arrested, lost his parliamentary immunity, and was forced into exile in England. Bastiat was one of the few Deputies to oppose the Chamber's treatment of Blanc.

¹²³ Louis Blanc, *Organisation du travail*. 4. ed. (Paris: Cauville freres, 1845). First edition 1839.

¹²⁴ Blanc, *Organisation du travail*, p. 126.

slope (*that is all*) which it descends once it has been put there simply through the force of things and by a natural consequence of the *established mechanism*.”¹²⁵

But what is this slope? "The one indicated by M. Louis Blanc." Does it not lead to an abyss? "No, it leads to happiness." Why then does society not put itself on it of its own accord? "Because it does not know what it wants and needs *impetus*." Who will give it this impetus? "The government." And who will give this impetus to the government? "The inventor of the mechanism, Mr. Louis Blanc."

We will never escape this circle, that of a passive human race and one great man who sets it in motion through the intervention of the law.

Once on this slope, will society at least enjoy a measure of freedom? "Doubtless." And what is freedom?

“Let us say this once and for all: freedom consists not only in the *rights* which have been granted but in the *power* given to man to develop and exercise his faculties under the reign of justice and the protection of the law.

And this is not a worthless distinction: its meaning is profound and its consequences immense. For, when it is admitted that, in order to be truly free, man needs the *power* to exercise and develop his faculties, it follows that society owes a suitable education to each of its members, without which the human mind *cannot* flourish, together with the tools of work, without which human activity *cannot* be given full scope. However, by whose intervention will society give each of its members a suitable education and the necessary tools of work, if it is not through the intervention of the *State*?”¹²⁶

Thus freedom is power. In what does this *power* consist? "In having education and the tools of work." Who will *dispense* education and *hand out* the tools? "Society, which *owes them to its members*." Through whose intervention will society hand out tools to those who lack them? "Through the *intervention of the State*." From whom will the state take them?

It is up to the reader to reply and to see where all this will lead.

¹²⁵ Blanc, *Organisation du travail*, pp. 125-26.

¹²⁶ Blanc, *Organisation du travail*, p. xxiv.

One of the strangest phenomena of our time, which will probably astonish our descendants a great deal, is that the doctrine based on this triple hypothesis, the complete inertia of humanity, the omnipotence of the law, and the infallibility of the legislator, is the sacred cow of the party that proclaims itself exclusively democratic.

It is true that it also calls itself *social*.¹²⁷

Insofar as it is democratic, it has boundless faith in the human race.

Insofar as it is *social*, it ranks it lower than mud.

Is it a question of political rights, or of producing a legislator from its heart? In this case indeed, in its view, the people know everything instinctively, they have admirable tact. *Their will is always right and the general will cannot err*. Suffrage cannot be too *universal*. No one owes society any guarantees. The will and capacity to make a good choice is always assumed. Can the people make a mistake? Are we not in the century of enlightenment? Well, then! Will the people always remain in a state of tutelage? Have they not won their rights by enough effort and sacrifice? Have they not provided sufficient proof of their intelligence and wisdom? Have they not become mature? Are they not in a position to judge for themselves? Do they not recognize their own interests? Is there a man or a class that dares to claim the right to take the people's place and take decisions and act on their behalf? No, no, the people want to be *free* and will be free. They want to run their own affairs and will do so.

However, once the legislator has freed himself from the electoral meetings after the elections, oh, how he changes his language! The nation reverts to passivity, inertia, and nothingness and the legislator takes possession of omnipotent powers. Invention, direction, impetus, and organization are all up to him! All humanity has to do is let itself be pushed around; the hour of despotism has rung. And note that this is fatal; for the people who only recently were so enlightened, moral, and perfect now have no inclinations, or if they have any, these are leading them all to degradation. And they should be left a shred of freedom! Are you not aware that,

¹²⁷ The block of left-wing Deputies called themselves the “dém-socs” short for “les démocrates socialistes” (socialist democrats, or social democrats).

according to M. Considérant,¹²⁸ *freedom inexorably leads to monopoly?*¹²⁹ Are you not aware that freedom is competition and that competition, according to M. Blanc, *is a system of extermination for the people and a cause of ruin for the middle classes?*¹³⁰ That it is for this reason that people have been all the more exterminated and ruined the freer they are, as Switzerland, Holland, England, and the United States show? Are you not aware that, still according to Mr. Louis Blanc, *competition leads to monopoly and that for the same reason, low prices lead to high prices?* That *competition leads to the exhaustion of the resources used for consumption and pushes production into becoming an activity which wastes resources?* That *competition forces production to increase and consumption to decrease?* From which it follows that free people produce in order not to consume and that *competition is simultaneously oppression and madness* and that it is absolutely essential for M. Louis Blanc to meddle with it.¹³¹

¹²⁸ Victor Prosper Considerant (1808-93) was a follower of the socialist Charles Fourier and edited the most successful Fourierist magazine *La Démocratie pacifiste* (1843-1851). He was elected Deputy to represent Loiret in April 1848 and Paris in May 1849. The Fourierists advocated a utopian, communistic system for the reorganization of society. The population was to be grouped in "phalansteries" of about 1,800 persons, who would live together as one family and hold property and work in common. Considerant on a couple of occasions tried to set up state funded experimental communities based upon Fourierist principles but was unsuccessful. He was also an advocate of the "right to work" (the right to a job), an idea which the Economists opposed.

¹²⁹ See for example: "Elle (La Révolution) a livré au *laissez-faire* le plus absolu, à la concurrence la plus anarchique, à la guerre la plus aveugle, et, par suite, au Monopole des grands capitaux l'Atelier social et économique tout entier, c'est-à-dire tout le domaine de la Production et de la Répartition des richesses" (It (the Revolution) has handed over to the most absolute form of *laissez-faire*, to the most anarchical form of competition, to the the most blind form of war, and as a consequence, to the Monopoly of big capital, the entire social and economic Workshop, that is to say the entire domain of the production and distribution of wealth) in Victor Considérant, *Principes du socialisme: manifeste de la démocratie au XIXe siècle* (Paris: Librairie phalansterienne, 1847), p. 4.

¹³⁰ Blanc, *Organisation du travail*, p. 6.

¹³¹ Blanc, *Organisation du travail*, p. 60-61.

So in the end, what freedom can we leave men? Will it be freedom of conscience? But we will see them all take advantage of this granting of permission (by the state) to become atheists. Freedom of education? But fathers will hasten to pay teachers to teach their sons immorality and error; what is more, according to M. Thiers,¹³² if education was freed up across the nation,¹³³ it would cease to be national and we would raise our children according to the views of the Turks or Hindus, instead of which, through the legal despotism of the university,¹³⁴ they have the good fortune to be raised according to the noble views of the Romans. Freedom of working? But this is competition, which leaves products unconsumed, exterminates the people, and ruins the middle classes. Freedom to trade? But we know only too well, and protectionists have demonstrated this *ad nauseam*, that men are ruined when they trade freely and that in order to become rich they should trade without freedom. Freedom of association? But according to socialist doctrine, freedom and association are mutually exclusive precisely because one takes freedom away from men only in order to force them to form associations.

You can thus see clearly that the social democrats cannot, in all conscience, leave men any freedom, since by their very nature they would all tend everywhere

¹³² Adolphe Thiers (1797-1877) was a conservative liberal lawyer, historian, politician, and journalist. During the July Monarchy he was briefly Minister for Public Works (1832-34), Minister of the Interior (1832, 1834-36), and Prime Minister and Minister for Foreign Affairs (1840). During the Revolution he wrote a book defending private property from a conservative point of view, *De la propriété* (1848) which was harshly criticised by Gustave de Molinari for being inadequate.

¹³³ When proposals to reform the education system came up for discussion in the Chamber in early 1850 Bastiat was unable to speak in the Chamber because of his failing voice, so he published his speech as a pamphlet and circulated it among the Deputies. In it he discusses Thiers' plans in some detail. See, *Baccalaureate and Socialism*, in CW2, pp. 185-234.

¹³⁴ The French educational system was placed under the administrative control of the national University by a series of decrees issued by Napoleon in May 1806 and March 1808. These granted the University the power to set the number of schools, the level at which private schools were taxed, the curriculum for entry into professional schools (the Baccalaureate examination), pay rates for teachers and inspectors, and so on.

towards all forms of degradation and moral corruption, if these fine gentlemen did not put things right.

We are left guessing, if this is so, on what basis universal suffrage is being demanded so insistently on their behalf.

The pretensions of the organizers raise another question, which I have often asked them¹³⁵ and to which, as far as I know, they have never replied. Since the natural tendencies of man are sufficiently bad for their freedom to have to be removed, how is it that those (tendencies) of the organizers are good? Are the legislators and their agents not part of the human race?¹³⁶ Do they think they are formed from a different clay from the rest of mankind? They state that society, if left to itself, rushes inexorably toward the abyss because its instincts are perverse. They claim to be able to stop it on this slope and redirect it to a better goal. They have therefore received from heaven a level of intelligence and (a set of) virtues that place them outside and above humanity; let them show the justification for this. They wish to be *shepherds* and want us to be *sheep*.¹³⁷ This arrangement assumes that they have superior natures, and we have every right to demand prior proof of this.

Note that what I am questioning is not their right to invent social schemes and propagate them, recommend them, and try them out on themselves at their own risk, but in particular their right to impose them on us through the law, that is to say, using the coercive power of the state and taxation.

I demand that the followers of Cabet, Fourier, and Proudhon, the academics (in the state monopoly University), and the protectionists renounce, not their specific

¹³⁵ Between May 1848 and July 1850 Bastiat wrote a series of 12 anti-socialist pamphlets, or what the Guillaumin publishing firm marketed in their Catalog as the “Petits pamphlets de M. Bastiat” (Mister Bastiat’s Little Pamphlets), which included several for which Bastiat has become justly famous such as “The State” (Sept. 1848), *The Law* (July 1850), and *What is Seen and What is Not Seen* (July 1850). See, “Bastiat’s Anti-Socialist Pamphlets” in *Further Aspects of Bastiat’s Thought*, CW4 (forthcoming).

¹³⁶ Another Public Choice insight by Bastiat.

¹³⁷ Bastiat might have had in mind the practice of shepherds in his home Department of Les Landes to walk on stilts across the heathland, thus literally putting them far above the level of the sheep they were herding.

ideas, but the idea that is common to them, which is to subject us by force to their groups and series, to their social workshops, “free” banks, their Greek and Roman systems of morality, and to their restrictions on trade. What I demand from them is for us to be allowed to judge their plans and to refuse to join them, whether directly or indirectly, if we find that they run counter to our interests or are repugnant to our consciences.

For, apart from the fact that it is oppressive and plunderous, the call for bringing in the government and (higher) taxes implies once again this damaging hypothesis, the infallibility of the organizer, and the incompetence of humanity.

And if humanity is incapable of making its own judgments, why are people talking to us about universal suffrage?

The contradiction in these ideas is unfortunately reflected in events, and while the French people have led all the others in winning their rights, or rather their political demands, they nevertheless remain the most governed, regulated, administered, taxed, hobbled, and exploited of all peoples.

They are also the people where revolutions are most likely to happen, and this is how it should be.

As soon as you start with the idea, accepted by all our political writers and so energetically expressed by M. Louis Blanc in the following words, “Society receives its impetus from the government”; as long as men consider themselves to have feelings but (remain) passive, to be incapable of lifting themselves up by their own judgement and energy to (achieve) any form of morality or well-being, and reduced to expecting everything to be provided by the law; in a word, while they accept that their relationship with the state is that of sheep with their shepherd, it is clear that the responsibility of the government is immense. Good things and harmful things, virtues and vices, equality and inequality, wealth and poverty, all flow from it. It is responsible for everything, it undertakes everything, and it does everything, so therefore it is answerable for everything. If we are happy, it rightfully claims our gratitude, but if we are unhappy we can blame only it. Does it not, in principle, dispose of our persons and our belongings? Is not the law omnipotent? When it created the university monopoly, it undertook to meet the hopes of heads of families who were deprived of their freedom, and if these hopes have been dashed,

whose fault is it? By regulating industry, it undertook to make it prosper, otherwise it would have been absurd to take away its freedom, and if it suffers, whose fault is it? By interfering in adjusting the balance of trade by playing with the (level of) tariffs, it undertook to make it flourish and if, far from flourishing, it dies, whose fault is it? By awarding the ship-builders its protection in exchange for their freedom, it undertook to make them generate wealth and if they become a financial burden, whose fault is it?

Thus, there is no suffering in the nation for which the government has not voluntarily made itself responsible. Should we be surprised therefore that each cause of suffering is a cause for revolution?¹³⁸

And what remedy are they proposing? They propose the indefinite widening of the domain of the law, that is to say, the responsibility of the government.

But if the government makes itself responsible for raising and regulating all wages and cannot do this, if it makes itself responsible for giving public assistance for every misfortune and cannot do this, if it makes itself responsible for ensuring all the pensions of all the workers and cannot do this, if it makes itself responsible for supplying all the workers with their (working) tools and cannot do this, if it makes itself responsible for granting free credit to all those craving loans and cannot do this, if, according to the words we have with regret seen escape from the pen of M. de Lamartine,¹³⁹ “The state has set itself the mission of enlightening, developing, enlarging, fortifying, spiritualizing and sanctifying the souls of the

¹³⁸ He makes a similar point in his speech to the Friends of Peace Congress held in Paris in August 1849 that high taxes on the poor causes further economic misery which is an important factor leading to to revolution. See, “Bastiat’s Speech on ‘Disarmament and Taxes’ (August 1849),” in Addendum: Additional Material by Bastiat, CW3, p. 527.

¹³⁹ He chastises the poet and statesman Lamartine in two public letters for having betrayed the classical liberal cause in his statements: “Letter from an Economist to M. de Lamartine. On the occasion of his article entitled: The Right to a Job,” JDE , February 1845, and ”Second Letter to M. de Lamartine (on price controls on food),” JDE , Oct. 1846. Both in CW4 (forthcoming).

people,”¹⁴⁰ and when it fails, do we not see with each disappointment, alas, that it is more than likely that a revolution is inevitable?

I repeat my thesis and say: only after we have studied political economy and before we turn our attention to political science,¹⁴¹ an overriding question has to be asked. It is this:

What is the law? What ought it to be? What domain does it cover? What are its limits? Consequently, where do the functions of the legislator cease?

I have no hesitation in replying: *the law is the public use of force organized to prevent injustice* and, in short, *the law is justice*.

It is not true that the legislator should have absolute power over our persons and property, since they existed before him and his task is to provide them with protection.

It is not true that the function of the law should be to rule over our consciences, our ideas, our will, our education, our feelings, our work, our trade, our talents, and our pleasures.

Its function is to ensure that in none of these areas does the right of one person usurp the right of another.

Because it wields the necessary sanction of (the use of) force, the law can have as its legitimate domain only the legitimate domain (which) (the use of) force (has), namely, that (of) justice.

¹⁴⁰ "Déclaration des principes" (21 octobre 1847), (which originally appeared in *le Bien public*), republished in Alphonse de Lamartine, *La politique de Lamartine, choix de discours et écrits politiques: précédé d'une étude sur la vie politique de Lamartine* (Paris: Hachette & Cie., 1878), vol. 2, pp. 273-82 . Quote on p. 280.

¹⁴¹ (Note by Bastiat): Political economy precedes public policy. The former says whether (or not) human interests are naturally harmonious or antagonistic; this is what the latter ought to know before determining the functions of the government.

And as each individual has the right to resort to (the use of) force only in the case of legitimate (self) defense, the collective (use of) force, which is just the joining together of the (use of) force by individuals, cannot reasonably be used for another aim or purpose.

Therefore, the law is solely the organization of the pre-existing individual right of legitimate (self)-defense.

The law is justice.

It is entirely wrong for it to be able to oppress persons or plunder their property, even for a philanthropic reason, since its purpose is to protect them.

And let it not be said that it can at least be philanthropic provided that it refrains from any oppression or plunder; (for) that is contradictory. The law cannot fail to act with regard to our persons or our property; if it does not protect them, it violates them by the very fact that it acts, the very fact that it exists.

The law is justice.

This is a statement that is clear, simple, perfectly defined and delimited, easy to understand, and easy to see, for justice is a given quantity that is unmovable, inalterable, and which does not allow any *ifs* or *buts*.

If you exceed these bounds, and make the law religious, fraternal, egalitarian, philanthropic, industrial, literary, or artistic, you will immediately be in the realm of the infinite, the uncertain, the unknown, and in a Utopia which has been imposed upon you, or, what is worse, in a host of utopias struggling to take over the law and impose themselves upon you, since fraternity and philanthropy, unlike justice, do not have fixed limits. Where will you stop? Where will the law stop? One person, like M. de Saint-Cricq,¹⁴² will extend his brand of philanthropy only to

¹⁴² Pierre Laurent Barthélemy, comte de Saint Cricq (1772-1854). Saint Cricq was a protectionist Deputy who became Director General of Customs (1815), president of the Trade Council, Minister of Trade and Colonies (1828-29), and then appointed to the Peerage (1833).

certain manufacturing classes and will demand that the law *disadvantages consumers in favor of producers*. Another, like M. Considérant, will take up the cause of the workers and claim from the law on their behalf a *guaranteed MINIMUM, of clothing, accommodation, food, and everything necessary for the preservation of life*. A third, M. Louis Blanc, will say, correctly, that this is just a rough outline of fraternity and that the law ought to provide all the tools for work and education. A fourth will call to our attention that such an arrangement will still leave an opening for inequality and that the law should ensure that luxury, literature, and the arts reach the most far-flung hamlet. You will thus be led right up to *communism*, or rather, the legislation will be ... what it already is: a battlefield for all forms of dreams and all kinds of greed.

The law is justice.

Within this sphere a simple, unshakeable government (can be) conceived. And I defy anyone to tell me how the thought of revolution or insurrection, or even a simple riot, could arise against a public coercive force that is limited to repressing injustice. Under a regime like this, there would be greater prosperity, well-being would be spread more evenly, and as for the suffering that is endemic to the human race, no one would think of attributing it to the government, which would have had as little effect over it as it has on variations in the weather. Has anyone ever seen the people rise up against the Court of Appeals or burst into the Chamber of a Justice of the Peace¹⁴³ to demand a minimum wage, free credit, tools for work, favorable tariffs, or social workshops? They are fully aware that these schemes are beyond the judge's powers and will learn in the same way that they are beyond the powers of the law.

But if you make the law based on the principle of fraternity and proclaim that all benefits and all harms flow from it, that it is responsible for each individual's

¹⁴³ Bastiat was a Justice of the Peace in his home town of Mugron in Les Landes. He was appointed in 1832? in spite of the fact he had no legal training, perhaps as a reward for his support of the July Revolution of 1830 which brought Louis Philippe to power. He got a reputation making for quick and fair decisions in local legal disputes.

suffering and all social inequality, you will open the floodgates to an unending flow of complaints, hatred, unrest, and revolution.

The law is justice.

And it would be very strange if it could in fairness be anything else! Does justice not encapsulate (what is) right? Are all rights not equal? How then could the law intervene to subject me to the social designs of MM. Mimerel, de Melun,¹⁴⁴ Thiers, and Louis Blanc rather than subject these gentlemen to my designs? Does anyone believe that I have not received sufficient imagination from nature to invent a Utopia of my own?¹⁴⁵ Is it the role of the law to choose between so many illusions and assign the public (use of) force to serve just one of these?

The law is justice.

And let nobody say, as is constantly said, that if the law were designed in this way (i.e. Bastiat's version of Utopia) it would be atheist, individualistic, and heartless, and would make the human race in its (own) image. That is an absurd

¹⁴⁴ Armand, vicomte de Melun (1807-77) was a politician, philanthropist, and Catholic social reformer. He was elected deputy in 1843 and took up the cause of improving the social condition of workers by founding the Société d'économie charitable and the journal *Les Annales de la charité* (1847). Although he was instrumental in establishing private charities to achieve this end, he also was an active proponent of state intervention, because only the state, in his view, "was in a position to reach all miseries."

¹⁴⁵ There are three examples where Bastiat presents his own utopian vision for a liberal society: the first is in an economic sophism, ES2 11 "The Utopian" (LE, 17 Jan., 1847), in CW3, pp. 187-98, where Bastiat is made dictator for a day and is free to reform French society as he sees fit; the second is his response to Considerant in "Petition from an Economist" (March, 1848) in CW1, pp. 426-29 where he challenges Considerant to set up competing utopian, experimental communities (Considerant's is socialist and his is laissez-faire); and "Barataria" (early 1848), in CW4 (forthcoming), which is a parody of Cervantes' *Don Quixote* where Pancho is made dictator of the island a Barataria and urged to impose socialist reforms which he refuses to do.

deduction, only too worthy of this government obsession with seeing humanity in the law.

What nonsense! Once we are free, does it follow that we would cease to act? Once we no longer receive our impetus from the law, does it follow that we will be devoid of any impetus? Once the law limits itself to guaranteeing us the free exercise of our faculties, does it follow that our faculties will be struck by inertia? Once the law no longer imposes forms of religion, modes of association, methods of teaching, procedures for working, instructions for trading, or rules for charitable work on us, does it follow that we will rush (headlong) into atheism, isolation, ignorance, poverty, and selfishness? Does it follow that we will no longer be capable of recognizing the power and goodness of God, form associations, help each other, love and assist our brothers in misfortune, examine the secrets of nature, and aspire to achieve the perfection of our being?

The law is justice.

And it is under the law of justice, under the regime of (what is) right, under the influence of freedom, security, stability, and responsibility that each person will attain his full value, the full dignity of his being, and that humanity will accomplish with order, calmness, no doubt slowly but certainly, the progress which is its destiny.¹⁴⁶

I think that I have theory on my side, for whatever question I subject to reason, whether it concerns religion, philosophy, politics, or economics, whether it relates to well-being, morality, equality, (what is) right, justice, progress, responsibility, solidarity, property, work, trade, capital, wages, taxes, population, credit, or government, at whatever point on the scientific horizon I place the starting point of

¹⁴⁶ Bastiat says “l’humanité accomplira avec ordre, avec calme, lentement sans doute, mais avec certitude, le progrès, qui est sa destinée” which FEE translates as “mankind will achieve—slowly, no doubt, but certainly—God’s design for the orderly and peaceful progress of humanity.” This converts “progress, which is his destiny” into another reference to God - “God’s design for the orderly and peaceful progress of humanity.”

my research, I invariably reach this conclusion: the solution to the social problem is to be found in freedom.

And have I not also experience on my side? Take a look at the globe. Which are the happiest, most moral, and peaceful nations? Those where the law intervenes the least in private activity; where the government is the least felt; where individuality has the most vigor and public opinion the greatest influence; where the wheels of bureaucracy are the least in number and degree of complexity, the taxes the least heavy and the least unequal, popular discontent the least heated and the least justifiable; where the responsibility of individuals and classes is the most active, and where, as a result, if habits are imperfect, they tend to rectify themselves irresistibly; where (economic) transactions, agreements, and associations are the least hindered; where labor, capital, and the population are subject to the fewest artificial (government induced) displacements; where humanity follows its own inclinations most fully; where the thought of God prevails the most over the designs of men;¹⁴⁷ those (nations) in a word that come the closest to this solution (to the social problem): within the limits of of the law, everything (is to be achieved) through man's free and perfectible spontaneous action,; (and) nothing (done) by the law or by (the use of) force other than universal justice.

It has to be said: there are too many "great men" in the world. There are too many legislators, organizers, founders of societies, supervisors of peoples, fathers of nations, etc. Too many people put themselves above humanity in order to rule it and too many people make it their job busying themselves with (doing that).

People will say to me: Even you are busying yourself with it, you who talk about it. That is true. But they will agree that it is for a very different reason and from a very different point of view, and while I am taking on those who wish to reform it, it is solely to make them abandon their effort.

¹⁴⁷ Bastiat says "où la pensée de Dieu prévaut le plus sur les inventions des hommes" which FEE translated as "where the inventions of men are most nearly in harmony with the laws of God." This changes "the thought of God" into "the laws of God."

I am becoming involved with it not like Vaucanson¹⁴⁸ with his automaton but like a physiologist with the human organism, in order to examine it and admire it.

I busy myself with it in the same spirit as that of a famous traveler.

He arrived among a savage tribe. A child had just been born and a host of seers, sorcerers, and medicine men were crowding around it, armed with rings, hooks, and ropes. One said, "This child will never smell the aroma of a pipe if I do not lengthen his nostrils." Another said "He will be deprived of the sense of hearing if I do not make his ears reach down to his shoulders." A third said, "He will never see the light of the sun unless I make his eyes slant obliquely." A fourth said, "He will never stand upright if I do not make his legs curve." A fifth said, "He will never be able to think if I do not squeeze his brain." "Away with you," said the traveler, "God does His work well. Do not claim to know more than He does and, since He has given organs to this frail creature, leave those organs to develop and grow strong through exercise, experimentation, experience, and freedom."

God has also provided humanity with all that is necessary for it to fulfill its destiny. There is a providential social physiology just as there is a providential human physiology.¹⁴⁹ The social organs are also constituted so as to develop harmoniously in the great outdoors of liberty. So, away with medicine men and organizers! Away with their rings, chains, hooks and pincers! Away with their artificial ways (of doing things)! Away with their social workshop, their

¹⁴⁸ Jacques de Vaucanson (1709–82) was a French inventor who was famous for creating automata that could play musical instruments to entertain the nobility. He was best known for his machines "The Flute Player" and "The Duck." Vaucanson also turned his hand to more-practical subjects by trying to automate the weaving of silk.

¹⁴⁹ Bastiat says "Il y a une physiologie sociale providentielle comme il y a une physiologie humaine providentielle" which FEE translated as "He (God) has provided a social form as well as a human form," leaving out the references to providence and inserting another reference to God.

phalanstery,¹⁵⁰ their governmentalism, their centralization (of state power), their tariffs, their state universities, their state religions, their free banks and their (state) monopoly banks, their regulations, their (economic) restrictions, their moralizing, or their equalizing through taxes! And since the social body has had inflicted on it so many theoretical systems to no avail, let us finish where we should have started, let us reject these systems and at last put freedom to the test; freedom, which is an act of faith in God and in His work.

¹⁵⁰ Fourier was a socialist and founder of the phalansterian school (“Fourierism”). Fourierism advocated a utopian, communistic system for the reorganization of society. The population was to be grouped in "phalansteries" of about 1,800 persons, who would live together as one family and hold property and work in common.