

Cato Next Gen Virtual Reading Group

Frédéric Bastiat: The Law



Principles

Liberty is the Highest Political Value

We believe liberty is the highest political value and a moral imperative. Freedom enables each individual to choose the path of his or her own life and to live it, with dignity and respect, as they wish, consistent with the right of others to do the same.

The Presumption of Liberty

In reality, there are only two political philosophies: liberty and power. It is the exercise of power, not freedom, that requires justification, and those who advocate coercion in any arena must bear a heavy burden of proof.

Individualism, Properly Construed

The free individual, possessing both moral worth and moral rights, is the fundamental unit of society. But liberty does not imply atomistic individuals living solitary existences in a dog-eat-dog world. To the contrary, humankind has survived only through collaboration and cooperation. Liberty allows this cooperative impulse to flourish, while engendering tolerance and individual responsibility.

Liberal Neutrality

Social conflict results when “cooperation” or association is coerced by government, or when some seek to use the power of the state to impose their beliefs, values, or modes of behavior on others. Another desirable consequence of individual liberty, therefore, is greater social harmony, when we are left to associate and collaborate as, and with whom, we choose.

The Proper Role of Law and Government

John Locke said, “The end of law is not to abolish or restrain, but to preserve and enlarge freedom.” Government is established to protect our unalienable rights and to protect us from those—including government and its agents—who would initiate force or coercion against us. Law and government require the consent of the governed and must be limited, constitutionally defined and constrained, transparent, and applied equally and consistently.

Progress and Growth

Liberty and free markets create prosperity and progress by giving us the opportunity and incentives to use our talents and to cooperate with others to create and produce. The support of a few fundamental institutions—such as property rights and the rule of law—protects our rights and makes possible invention, innovation, and improvements across the whole range of human well-being.

Freedom of Speech

Free speech, free expression, open inquiry, diversity of ideas and viewpoints, honest pursuit of truth, and healthy disagreement are essential to the progress of humanity and civilization.

Peace

We are committed to peace and cooperation across all domains of society, from the local community to the realm of international relations. War is the enemy of human progress, happiness, prosperity, and life. The Founding generation recognized that war and power politics corrode republican institutions and undermine liberty. Open trade, economic and cultural engagement, and diplomacy are the best means for sustaining ongoing peace, with military intervention reserved only for grave threats to national security.

Reading List

1) John Stuart Mill

An Introduction to John
Stuart Mill's *On Liberty*
On Liberty, Chapter 1

2) Frédéric Bastiat

An Introduction to Frédéric
Bastiat's *The Law*
The Law, Selected Passages

Frédéric Bastiat

The Law

Key Themes

- When Kept Within its Limits, Law is the Greatest Protector of Freedom. When Abused, Law is Liberty's Worst Enemy

Discussion Questions

- How does Bastiat define the role of law?
- How does Bastiat define legal plunder and why does it persist?
- If implemented, how limited would the state be if we applied Bastiat's ideas to today?
- Why does Bastiat believe the state can be so socially destructive?
- Bastiat criticizes the idea that legislators should organize society according to a plan. What assumptions about human beings does he think this kind of politics makes?

Liberty is the Highest Political Value

We believe liberty is the highest political value and a moral imperative. Freedom enables each individual to choose the path of his or her own life and to live it, with dignity and respect, as they wish, consistent with the right of others to do the same.

Progress and Growth

Liberty and free markets create prosperity and progress by giving us the opportunity and incentives to use our talents and to cooperate with others to create and produce. The support of a few fundamental institutions—such as property rights and the rule of law—protects our rights and makes possible invention, innovation, and improvements across the whole range of human well-being.

AN INTRODUCTION TO FRÉDÉRIC BASTIAT'S *The Law*

Paul Meany

The 19th-century Frenchman, [Frederic Bastiat](#), dedicated his life to articulating the principles undergirding a free society. Towards the end of Bastiat's eventful career as a journalist, economist, and politician, and despite suffering from tuberculosis, he penned one of his most famous essays, simply entitled *The Law*. France needed Bastiat's clarity and simplicity; between 1789-1848, France had cycled through three monarchies, two republics, and one tyrant. After so much bloodshed and fruitless experimentation with new complex political systems, Bastiat aimed to convince his readers to end where they should have begun, by trying liberty.

Though Bastiat is a witty and engaging writer, 19th-century French prose liberal is not always accessible or understandable to modern readers. But Bastiat is famous amongst libertarians for a reason. His arguments, both then and now, provide intellectual ammunition for criticizing a vast swathe of well-intentioned yet ill-devised laws and policies.

WHAT IS THE LAW?

Bastiat begins his essay by lamenting the degraded state of the law in France. According to Bastiat, the law has been diverted from its original purpose of securing justice and instead has become a tool of promoting injustice.

Bastiat did not believe that the law was merely the commands and dictates delivered by politicians. Instead, Bastiat believed the law ought to be based on the fundamental nature of humans and universal moral principles. Being a devout Catholic, Bastiat believes that God has given humans the gift of life and left them fundamentally free. However, as Bastiat points out, "life cannot support itself" (Bastiat 2007, p. 1). Humans cannot simply stand like inanimate objects; so God has given us "faculties," the ability to gather resources and manipulate our environment using reason, something we can do to an extent beyond other creatures.

For Bastiat, the defining features of humans are personality, liberty, and property. Some liberals since have argued that private property and liberty are inventions of the state, but Bastiat sharply disagrees. He writes, "It is not because men have made laws that personality, property and liberty exist" (p. 2). In fact, for Bastiat this trio pre-date laws; laws were then created and instituted to protect these three gifts, which are "anterior and superior to all human legislation" (p. 2).

THE RIGHT OF SELF-DEFENSE

Bastiat, like many [natural rights](#) theorists, argues that God has given every person a right to defend their person, property, and liberty from the attacks of others. Since every person individually has the right to protect themselves, Bastiat explains, then they are perfectly justified in banding together and organizing a system that provides for every member's defense against their personality, liberty, or property.

But Bastiat stresses that when people come together to form a state, they do not magically gain new powers or authorities. At all times, the collective right of defense “has its principle, its reason for existing, its lawfulness, in individual right” (p. 2). Therefore, a group of people together cannot do anything that an individual would not be permitted to undertake alone. If it is unjust for one person to steal from another, then it cannot magically be made acceptable if any collective force or government does the same. Bastiat, throughout his essay, repeats this line: “the law is the organization of the natural right of lawful defence,” (p. 3) nothing more, nothing less.

LAW HAS LIMITS

Though Bastiat is a witty and engaging writer, 19th-century French prose liberal is not always accessible or understandable to modern readers.

For Bastiat, the law does not exist to regulate our personal lives, to redistribute wealth, or to organize and command people. At its best, the law is “a mere negation,” (p. 19) only requiring us not to harm others. What God we pray to, who we associate with, and how we earn an honest living are questions that the law itself cannot answer. We are left free by God to decide how best to answer these questions ourselves. Bastiat goes so far as to express that the law’s primary purpose is “to prevent injustice from reigning” (p. 19).

However, Bastiat believes it rare for nations to properly relegate the law to its legitimate role of protecting people from the infringements, fraud, and attacks of others. Increasingly, the law perpetuates the very crimes it was established to prevent, and doing so on an unprecedented scale.

HUMANITIES FATAL TENDENCY

If people are allowed to use their property as they pleased and were free to trade with whomever they please, Bastiat argues that progress would be “incessant, uninterrupted and inevitable” (p. 5). According to Bastiat, humans can only live if they constantly produce the necessary goods that make life bearable. This natural fact of life cements private property as a vital institution for Bastiat.

But humans are not perfect. Bastiat refers to labor as “itself a pain” (p. 5) and says that humans are naturally hardwired to avoid pain. Knowing labor takes an awful lot of blood, sweat, and tears, Bastiat believes that despite any social norms or morality, people will often live “when they can, at the expense of another” (p. 5). For example, cooking a meal requires knowledge, time, and effort. Taking someone else’s dish is an awful lot less work than cooking one’s own from scratch. Bastiat argues that this “fatal tendency” (p. 6) in the heart of humanity is the [origin of plunder](#), the opposite of property.

THE RATIONAL SOLUTION TO HUMAN GREED

But since people are rational, there is a solution to this conundrum: making labor preferable to plunder. Bastiat argues that “wherever plunder is less burdensome than labor, it prevails” (p. 5)

despite a society's moral principles. Ideally, the law checks humanity's "fatal tendency" by punishing those who try to live off the fruits of other's labor, making plunder a more costly and dangerous endeavor than labor.

Going back to the example of cooking, I might think of stealing someone else's dish for a lovely meal; but if I do, I might have to compensate the victim or even be punished for my crime. The chance of being caught makes me more likely to cook for myself since theft could be an awful lot more trouble than buying a few cookbooks.

To protect property and civil society, Bastiat advocates that laws ought to always be "in favour of property, and against plunder" (p. 6). But while humanity's fatal tendency is thus subdued, another, even more complex problem rears its ugly head.

GREED COMBINED WITH POLITICAL POWER, A NEW PROBLEM

Laws are not handed to us on a silver platter; they must be conceived, created, and upheld by people. Yet those in power are not demi-gods. What Bastiat describes as the fatal tendency is universal. Politicians share that same flaw in their nature.

Bastiat laments that often "the law is made by one man or class of men" (p. 6) who are entrusted to make laws. Since everyone wishes to live with as little labor as possible, Bastiat explains that those in charge of the laws invariably will use them to plunder the population at large.

WHAT IS LEGAL PLUNDER?

The law, when steered away from its proper sphere, can become a tool of plunder.

When this perversion of law takes place, society is separated into two classes, the plunderers and the plundered. The law now sanctions what Bastiat calls "legal plunder" (p. 13). Bastiat then identifies two kinds of plunder, illegal and legal plunder. Illegal plunder is straightforward. It occurs when a person takes a portion of another's property through theft, fraud, or force. Legal plunder is a more complex issue.

The law, when steered away from its proper sphere, can become a tool of plunder. Unlike illegal plunder, legal plunder has the power of the state to back it. Bastiat explains, "Sometimes the law places the whole apparatus of judges, police, and gendarmes at the service of plunderers" (p. 13). Worse yet, when legal plunder occurs the victim has no recourse as the law will treat them like a criminal if they attempt to defend their rights.

HOW TO IDENTIFY LEGAL PLUNDER

Bastiat provides two simple criteria for deciding whether or not a law may be considered legal plunder. Firstly, he writes, "See whether the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong" (p. 14). If a law benefits one person at the expense of another, there is a high probability it is legal plunder. Secondly, if the law takes an action which a regular citizen cannot undertake without committing a crime, then legal plunder is

likely afoot. When the law takes from one person and gives to another and, in the process, partakes in activities that would usually be a crime if perpetrated by a regular citizen, then it may be considered legal plunder. Any law that promotes legal plunder is a threat to society. Upon identifying legal plunder, Bastiat advises the reader to “abolish this law without delay” (p. 14).

IT IS HARD TO GET RID OF LEGAL PLUNDER

In a perfect world, the plundered would overthrow their current oppressors and abolish all legal plunder. However, Bastiat believes this is a rarity. Instead, often the plundered may wish to share the benefits of legal plunder. All of the competing interest groups, classes, and aggrieved begin to see the law, not as a check on injustice but a source of wealth hidden in the pockets of their neighbors.

Every group tries their best to acquire as large a share of legal plunder as they can by appealing to those who legislate. Bastiat laments that “the present-day delusion is an attempt to enrich everyone at the expense of everyone else” (p. 14). Taking from one and giving to another merely moves pre-existing wealth around; new wealth is not created. Bastiat argues the state can actually drain wealth, as when state cronies dole out legal plunder to favored parties while, of course, taking a cut for themselves.

LEGAL PLUNDER IN THE REAL WORLD

But this is all very abstract. What does legal plunder look like in the real world? Bastiat believes that plunder can be committed through tariffs, [protectionist policies](#), subsidizing industries, guaranteed jobs, guaranteed profits, public schools, minimum wages, and free credit. Bastiat is an advocate of what theorists call a [night-watchman state](#), a minimal state that only functions are to protect people's rights. For Bastiat, the state ought only protect the trio of personality, liberty, and property.

Under his ideal regime, issues of education, healthcare, and housing would be decided by the voluntary interactions of everyday people engaging in commerce and serving one another's needs in a free market system. Bastiat's vision of limited government is radical. If Bastiat could observe contemporary America, he would be appalled by the colossal size and scope of a state that creeps further and further into our everyday lives.

WHY DOES BASTIAT OPPOSE SO MUCH OF WHAT GOVERNMENTS DO TODAY

***Learn More:** The French satirist, agitator, writer, and politician Frédéric Bastiat was France's foremost champion of liberty in the 19th century, [writes](#) Jim Powell.*

A non-libertarian might reasonably ask, “why should the law just be used to protect rights? What about healthcare, education, roads, scientific research, or even cultural heritage?”

Despite having written about the harmful effects of legal plunder throughout his life, in *The Law* Bastiat restricts himself to talking about two major effects that dramatically alter society for the worse.

BAD LAWS DESTROY MORALITY

Firstly, Bastiat argues that constant state intervention confuses people's sense of morality. Despite our best efforts, Bastiat explains, "there is in all of us a strong disposition to regard what is lawful as legitimate" (p. 7). A quick glance at the atrocities of history shows us that the law and justice are often not on the same side. Usually, the law is used to exploit, oppress, and demean people of various religions, genders, sexualities, races, etc. Bastiat argues that when the law and morality are in such stark contrast, the average citizen finds themselves either losing their "moral sense" or "respect for the law" (p. 7).

POLITICS BECOME EVERYTHING

Next, when the law is not restricted, it becomes involved in every aspect of life. The FDA tells Americans the approved food they can eat and what medicines they are allowed to use. The department of education dictates how American our children ought to be educated. Zoning laws decide what people are allowed to do with their property. Occupational licensing determines what jobs people can and cannot work. The law has crept into every single aspect of life. Bastiat states that when the law is diverted from its proper purpose, politics will always exercise an "exaggerated importance" in our lives. When the law decides so much, Bastiat writes, "The political question will always be prejudicial, predominant, and absorbing" (p. 12).

BUT IF NOT THE STATE, WHO?

The same non-libertarian might say, "Well, maybe Bastiat might be convincing about what the law ought to be, but without the government's intervention, who will run the country? Who will build hospitals, maintain roads, and educate the population?" For many, the society Bastiat describes sounds like a dystopia.

But as Bastiat explains, this is a misconception arising from socialist ideas and which often forgets the line between government and civil society. Bastiat explains that when he explained his idea to French socialists, they replied to him that if he didn't want state-run education, or a mandated religion, or legally enforced equality, he was thus entirely opposed to education, religion, and equality.

However, people do amazing things all of the time with little to no government support. Today, private companies are capable of launching rockets into space, a feat we used to think only governments could achieve. Bastiat did not oppose education, religion, or equality, and in fact, he cared deeply about all of these things. But Bastiat did vehemently oppose the state's relentless efforts to regulate and legislate the minutiae of life that is best figured out by free individuals.

The Law

The law perverted! And the police powers of the state perverted along with it! The law, I say, not only turned from its proper purpose but made to follow an entirely contrary purpose! The law become the weapon of every kind of greed! Instead of checking crime, the law itself guilty of the evils it is supposed to punish!

If this is true, it is a serious fact, and moral duty requires me to call the attention of my fellow-citizens to it.

Life Is A Gift From God

We hold from God the gift which includes all others. This gift is life—physical, intellectual, and moral life.

But life cannot maintain itself alone. The Creator of life has entrusted us with the responsibility of preserving, developing, and perfecting it. In order that we may accomplish this, He has provided us with a collection of marvelous faculties. And He has put us in the midst of a variety of natural resources. By the application of our faculties to these natural resources we convert them into products, and use them. This process is necessary in order that life may run its appointed course.

Life, faculties, production—in other words, individuality, liberty, property—this is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it.

Life, liberty, and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place.

What Is Law?

What, then, is law? It is the collective organization of the individual right to lawful defense.

Each of us has a natural right—from God—to defend his person, his liberty, and his property. These are the three basic requirements of life, and the preservation of any one of them is completely dependent upon the preservation of the other two. For what are our faculties but the extension of our individuality? And what is property but an extension of our faculties?

If every person has the right to defend even by force—his person, his liberty, and his property, then it follows that a group of men have the right to organize and support a common force to protect these rights constantly. Thus the principle of collective right—its reason for existing, its lawfulness—is based on individual right. And the common force that protects this collective right cannot logically have any other purpose or any other mission than that for which it acts as a substitute. Thus, since an individual cannot lawfully use force against the person, liberty, or property of another individual, then the common force—for the same reason—cannot lawfully be used to destroy the person, liberty, or property of individuals or groups.

Such a perversion of force would be, in both cases, contrary to our premise. Force has been given to us to defend our own individual rights. Who will dare to say that force has been given to us to destroy the equal rights of our brothers? Since no individual acting separately can lawfully use force to destroy the rights of others, does it not logically follow that the same principle also applies to the common force that is nothing more than the organized combination of the individual forces?

If this is true, then nothing can be more evident than this: The law is the organization of the natural right of lawful defense. It is the substitution of a common force for individual forces. And this common force is to do only what the individual forces have a natural and lawful right to do: to protect persons, liberties, and properties; to maintain the right of each, and to cause *justice* to reign over us all.

A Just And Enduring Government

If a nation were founded on this basis, it seems to me that order would prevail among the people, in thought as well as in deed. It seems to me that such a nation would have the most simple, easy to accept, economical, limited, nonoppressive, just, and enduring government imaginable—whatever its political form might be.

Under such an administration, everyone would understand that he possessed all the privileges as well as all the responsibilities of his existence. No one would have any argument with government, provided that his person was respected, his labor was free, and the fruits of his labor were protected against all unjust attack. When successful, we would not have to thank the state for our success. And, conversely, when unsuccessful, we would no more think of blaming the state for our misfortune than would the farmers blame the state because of hail or frost. The state would be felt only by the invaluable blessings of safety provided by this concept of government.

It can be further stated that, thanks to the non-intervention of the state in private affairs, our wants and their satisfactions would develop themselves in a logical manner. We would not see poor families seeking literary instruction before they have bread. We would not see cities populated at the expense of rural districts, nor rural districts at the expense of cities. We would not see the great displacements of capital, labor, and population that are caused by legislative decisions.

The sources of our existence are made uncertain and precarious by these state-created displacements. And, furthermore, these acts burden the government with increased responsibilities.

The Complete Perversion Of The Law

But, unfortunately, law by no means confines itself to its proper functions. And when it has exceeded its proper functions, it has not done so merely in some inconsequential and debatable matters. The law has gone further than this; it has acted in direct opposition to its own purpose. The law has been used to destroy its own objective: It has been applied to annihilating the justice that it was supposed to maintain; to limiting and destroying rights which its real purpose was to respect. The law has placed the collective force at the disposal of the unscrupulous who wish, without risk, to exploit the person, liberty, and property of others. It has converted plunder into a right, in order to protect plunder. And it has converted lawful defense into a crime, in order to punish lawful defense.

How has this perversion of the law been accomplished? And what have been the results?

The law has been perverted by the influence of two entirely different causes: stupid greed and false philanthropy. Let us speak of the first.

A Fatal Tendency Of Mankind

Self-preservation and self-development are common aspirations among all people. And if everyone enjoyed the unrestricted use of his faculties and the free disposition of the fruits of his labor, social progress would be ceaseless, uninterrupted, and unending.

But there is also another tendency that is common among people. When they can, they wish to live and prosper at the expense of others. This is no rash accusation. Nor does it come from a gloomy and uncharitable spirit. The annals of history bear witness to the truth of it: the incessant wars, mass migrations, religious persecutions, universal slavery, dishonesty in commerce, and monopolies. This fatal desire has its origin in the very nature of man—in that primitive, universal, and insuppressible instinct that impels him to satisfy his desires with the least possible pain.

Property And Plunder

Man can live and satisfy his wants only by ceaseless labor; by the ceaseless application of his faculties to natural resources. This process is the origin of property.

But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of others. This process is the origin of plunder.

Now since man is naturally inclined to avoid pain—and since labor is pain in itself—it follows that men will resort to plunder whenever plunder is easier than work. History shows this quite clearly. And under these conditions, neither religion nor morality can stop it.

When, then, does plunder stop? It stops when it becomes more painful and more dangerous than labor. It is evident, then, that the proper purpose of law is to use the power of its collective force to stop this fatal tendency to plunder instead of to work. All the measures of the law should protect property and punish plunder.

But, generally, the law is made by one man or one class of men. And since law cannot operate without the sanction and support of a dominating force, this force must be entrusted to those who make the laws.

This fact, combined with the fatal tendency that exists in the heart of man to satisfy his wants with the least possible effort, explains the almost universal perversion of the law. Thus it is easy to understand how law, instead of checking injustice, becomes the invincible weapon of injustice. It is easy to understand why the law is used by the legislator to destroy in varying degrees among the rest of the people, their personal independence by slavery, their liberty by oppression, and their property by plunder. This is done for the benefit of the person who makes the law, and in proportion to the power that he holds.

Victims Of Lawful Plunder

Men naturally rebel against the injustice of which they are victims. Thus, when plunder is organized by law for the profit of those who make the law, all the plundered classes try somehow to enter—by peaceful or revolutionary means—into the making of laws. According to their degree of enlightenment, these plundered classes may propose one of two entirely different purposes when they attempt to attain political power: Either they may wish to stop lawful plunder, or they may wish to share in it.

Woe to the nation when this latter purpose prevails among the mass victims of lawful plunder when they, in turn, seize the power to make laws!

Until that happens, the few practice lawful plunder upon the many, a common practice where the right to participate in the making of law is limited to a few persons. But then, participation in the making of law becomes universal. And then, men seek to balance their conflicting interests by universal plunder. Instead of rooting out the injustices found in society, they make these injustices general. As soon as the plundered classes gain political power, they establish a system of reprisals against other classes. They do not abolish legal plunder. (This objective would demand more enlightenment than they possess.) Instead, they emulate their evil predecessors by participating in this legal plunder, even though it is against their own interests.

It is as if it were necessary, before a reign of justice appears, for everyone to suffer a cruel retribution—some for their evilness, and some for their lack of understanding.

The Results Of Legal Plunder

It is impossible to introduce into society a greater change and a greater evil than this: the conversion of the law into an instrument of plunder.

What are the consequences of such a perversion? It would require volumes to describe them all. Thus we must content ourselves with pointing out the most striking.

In the first place, it erases from everyone's conscience the distinction between justice and injustice.

No society can exist unless the laws are respected to a certain degree. The safest way to make laws respected is to make them respectable. When law and morality contradict each other, the citizen has the cruel alternative of either losing his moral sense or losing his respect for the law. These two evils are of equal consequence, and it would be difficult for a person to choose between them.

The nature of law is to maintain justice. This is so much the case that, in the minds of the people, law and justice are one and the same thing. There is in all of us a strong disposition to believe that anything lawful is also legitimate. This belief is so widespread that many persons have erroneously held that things are “just” because law makes them so. Thus, in order to make plunder appear just and sacred to many consciences, it is only necessary for the law to decree and sanction it. Slavery, restrictions, and monopoly find defenders not only among those who profit from them but also among those who suffer from them.

The Fate Of Non-Conformists

If you suggest a doubt as to the morality of these institutions, it is boldly said that “You are a dangerous innovator, a utopian, a theorist, a subversive; you would shatter the foundation upon which society rests.”

If you lecture upon morality or upon political science, there will be found official organizations petitioning the government in this vein of thought: “That science no longer be taught exclusively from the point of view of free trade (of liberty, of property, and of justice) as has been the case until now, but also, in the future, science is to be especially taught from the viewpoint of the facts and laws that regulate French industry (facts and laws which are contrary to liberty, to property, and to justice). That, in government-endowed teaching positions, the professor rigorously refrain from endangering in the slightest degree the respect due to the laws now in force.”*

Thus, if there exists a law which sanctions slavery or monopoly, oppression or robbery, in any form whatever, it must not even be mentioned. For how can it be mentioned without damaging the respect which it inspires? Still further, morality and political economy must be taught from the point of view of this law; from the supposition that it must be a just law merely because it is a law.

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

I could prove this assertion in a thousand ways. But, by way of illustration, I shall limit myself to a subject that has lately occupied the minds of everyone: universal suffrage.

Who Shall Judge?

The followers of Rousseau's school of thought—who consider themselves far advanced, but whom I consider twenty centuries behind the times—will not agree with me on this. But universal suffrage—using the word in its strictest sense—is not one of those sacred dogmas which it is a crime to examine or doubt. In fact, serious objections may be made to universal suffrage.

In the first place the word *universal* conceals a gross fallacy. For example, there are 36 million people in France. Thus, to make the right of suffrage universal, there should be 36 million voters. But the most extended system permits only 9 million people to vote. Three persons out of four are excluded. And more than this, they are excluded by the fourth. This fourth person advances the principle of *incapacity* as his reason for excluding the others. Universal suffrage means, then, universal suffrage for those who are capable. But there remains this question of fact: Who is capable? Are minors, females, insane persons, and persons who have committed certain major crimes the only ones to be determined incapable?

The Reason Why Voting Is Restricted

A closer examination of the subject shows us the motive which causes the right of suffrage to be based upon the supposition of incapacity. The motive is that the elector or voter does not exercise this right for himself alone, but for everybody.

The most extended elective system and the most restricted elective system are alike in this respect. They differ only in respect to what constitutes incapacity. It is not a difference of principle, but merely a difference of degree.

If, as the republicans of our present-day Greek and Roman schools of thought pretend, the right of suffrage arrives with one's birth, it would be an injustice for adults to prevent women and children from voting. Why are they prevented? Because they are presumed to be incapable. And why is incapacity a motive for exclusion? Because it is not the voter alone who suffers the consequences of his vote; because each vote touches and affects everyone in the entire community; because the people in the community have a right to demand some safeguards concerning the acts upon which their welfare and existence depend.

The Answer Is To Restrict The Law

I know what might be said in answer to this; what the objections might be. But this is not the place to exhaust a controversy of this nature. I wish merely to observe here that this controversy over universal suffrage (as well as most other political questions) which agitates, excites, and overthrows nations, would lose nearly all of its importance if the law had always been what it ought to be.

In fact, if law were restricted to protecting all persons, all liberties, and all properties; if law were nothing more than the organized combination of the individual's right to self defense; if law were the obstacle, the check, the punisher of all oppression and plunder—is it likely that we citizens would then argue much about the extent of the franchise?

Under these circumstances, is it likely that the extent of the right to vote would endanger that supreme good, the public peace? Is it likely that the excluded classes would refuse to peaceably await the coming of their right to vote? Is it likely that those who had the right to vote would jealously defend their privilege?

If the law were confined to its proper functions, everyone's interest in the law would be the same. Is it not clear that, under these circumstances, those who voted could not inconvenience those who did not vote?

The Fatal Idea Of Legal Plunder

But on the other hand, imagine that this fatal principle has been introduced: Under the pretense of organization, regulation, protection, or encouragement, the law takes property from one person and gives it to another; the law takes the wealth of all and gives it to a few—whether farmers, manufacturers, ship owners, artists, or comedians. Under these circumstances, then certainly every class will aspire to grasp the law, and logically so.

The excluded classes will furiously demand their right to vote—and will overthrow society rather than not to obtain it. Even beggars and vagabonds will then prove to you that they also have an incontestable title to vote. They will say to you:

“We cannot buy wine, tobacco, or salt without paying the tax. And a part of the tax that we pay is given by law—in privileges and subsidies—to men who are richer than we are. Others use the law to raise the prices of bread, meat, iron, or cloth. Thus, since everyone else uses the law for his own profit, we also would like to use the law for our own profit. We demand from the law the *right to relief*, which is the poor man's plunder. To obtain this right, we also should be voters and legislators in order that we may organize Beggary on a grand scale for our own class, as you have organized Protection on a grand scale for your class. Now don't tell us beggars that you will act for us, and then toss us, as Mr. Mimerel proposes, 600,000 francs to keep us quiet, like throwing us a bone to gnaw. We have other claims. And anyway, we wish to bargain for ourselves as other classes have bargained for themselves!”

And what can you say to answer that argument!

Perverted Law Causes Conflict

As long as it is admitted that the law may be diverted from its true purpose—that it may violate property instead of protecting it—then everyone will want to participate in making the law, either to protect himself against plunder or to use it for plunder. Political questions will always be prejudicial, dominant, and all-absorbing. There will be fighting at the door of the Legislative Palace, and the struggle within will be no less furious. To know this, it is hardly necessary to examine what transpires in the French and English legislatures; merely to understand the issue is to know the answer.

Is there any need to offer proof that this odious perversion of the law is a perpetual source of hatred and discord; that it tends to destroy society itself? If such proof is needed, look at the United States [in 1850]. There is no country in the world where the law is kept more within its proper domain: the protection of every person's liberty and property. As a consequence of this, there appears to be no country in the world where the social order rests on a firmer foundation. But even in the United States, there are two issues—and only two—that have always endangered the public peace.

Slavery And Tariffs Are Plunder

What are these two issues? They are slavery and tariffs. These are the only two issues where, contrary to the general spirit of the republic of the United States, law has assumed the character of a plunderer.

Slavery is a violation, by law, of liberty. The protective tariff is a violation, by law, of property.

It is a most remarkable fact that this double *legal crime*—a sorrowful inheritance from the Old World—should be the only issue which can, and perhaps will, lead to the ruin of the Union. It is indeed impossible to imagine, at the very heart of a society, a more astounding fact than this: *The law has come to be an instrument of injustice*. And if this fact brings terrible consequences to the United States—where the proper purpose of the law has been perverted only in the instances of slavery and tariffs—what must be the consequences in Europe, where the perversion of the law is a principle; a system?

Two Kinds Of Plunder

Mr. de Montalembert [politician and writer] adopting the thought contained in a famous proclamation by Mr. Carlier, has said: “We must make war against socialism.” According to the definition of socialism advanced by Mr. Charles Dupin, he meant: “We must make war against plunder.”

But of what plunder was he speaking? For there are two kinds of plunder: legal and illegal.

I do not think that illegal plunder, such as theft or swindling—which the penal code defines, anticipates, and punishes—can be called socialism. It is not this kind of plunder that systematically threatens the foundations of society. Anyway, the war against this kind of plunder has not waited for the command of these gentlemen. The war against illegal plunder has been fought since the beginning of the world. Long before the Revolution of February 1848—long before the appearance even of socialism itself—France had provided police, judges, gendarmes, prisons, dungeons, and scaffolds for the purpose of fighting illegal plunder. The law itself conducts this war, and it is my wish and opinion that the law should always maintain this attitude toward plunder.

The Law Defends Plunder

But it does not always do this. Sometimes the law defends plunder and participates in it. Thus the beneficiaries are spared the shame, danger, and scruple which their acts would otherwise involve. Sometimes the law places the whole apparatus of judges, police, prisons, and gendarmes at the service of the plunderers, and treats the victim—when he defends himself—as a criminal. In short, there is a *legal plunder*, and it is of this, no doubt, that Mr. de Montalembert speaks.

This legal plunder may be only an isolated stain among the legislative measures of the people. If so, it is best to wipe it out with a minimum of speeches and denunciations—and in spite of the uproar of the vested interests.

How To Identify Legal Plunder

But how is this legal plunder to be identified? Quite simply. See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime.

Then abolish this law without delay, for it is not only an evil itself, but also it is a fertile source for further evils because it invites reprisals. If such a law—which may be an isolated case—is not abolished immediately, it will spread, multiply, and develop into a system.

The person who profits from this law will complain bitterly, defending his *acquired rights*. He will claim that the state is obligated to protect and encourage his particular industry; that this procedure enriches the state because the protected industry is thus able to spend more and to pay higher wages to the poor workingmen.

Do not listen to this sophistry by vested interests. The acceptance of these arguments will build legal plunder into a whole system. In fact, this has already occurred. The present-day delusion is an attempt to enrich everyone at the expense of everyone else; to make plunder universal under the pretense of organizing it.

Legal Plunder Has Many Names

Now, legal plunder can be committed in an infinite number of ways. Thus we have an infinite number of plans for organizing it: tariffs, protection, benefits, subsidies, encouragements, progressive taxation, public schools, guaranteed jobs, guaranteed profits, minimum wages, a right to relief, a right to the tools of labor, free credit, and so on, and so on. All these plans as a whole—with their common aim of legal plunder—constitute socialism.

Now, since under this definition socialism is a body of doctrine, what attack can be made against it other than a war of doctrine? If you find this socialistic doctrine to be false, absurd, and evil, then refute it. And the more false, the more absurd, and the more evil it is, the easier it will be to refute. Above all, if you wish to be strong, begin by rooting out every particle of socialism that may have crept into your legislation. This will be no light task.

Socialism Is Legal Plunder

Mr. de Montalembert has been accused of desiring to fight socialism by the use of brute force. He ought to be exonerated from this accusation, for he has plainly said: “The war that we must fight against socialism must be in harmony with law, honor, and justice.”

But why does not Mr. de Montalembert see that he has placed himself in a vicious circle? You would use the law to oppose socialism? But it is upon the law that socialism itself relies. Socialists desire to practice *legal* plunder, not *illegal* plunder. Socialists, like all other monopolists, desire to make the law their own weapon. And when once the law is on the side of socialism, how can it be used against socialism? For when plunder is abetted by the law, it does not fear your courts, your gendarmes, and your prisons. Rather, it may call upon them for help.

To prevent this, you would exclude socialism from entering into the making of laws? You would prevent socialists from entering the Legislative Palace? You shall not succeed, I predict, so long as legal plunder continues to be the main business of the legislature. It is illogical—in fact, absurd—to assume otherwise.

The Choice Before Us

This question of legal plunder must be settled once and for all, and there are only three ways to settle it:

1. The few plunder the many.
2. Everybody plunders everybody.
3. Nobody plunders anybody.

We must make our choice among limited plunder, universal plunder, and no plunder. The law can follow only one of these three.

Limited legal plunder: This system prevailed when the right to vote was restricted. One would turn back to this system to prevent the invasion of socialism.

Universal legal plunder: We have been threatened with this system since the franchise was made universal. The newly enfranchised majority has decided to formulate law on the same principle of legal plunder that was used by their predecessors when the vote was limited.

No legal plunder: This is the principle of justice, peace, order, stability, harmony, and logic. Until the day of my death, I shall proclaim this principle with all the force of my lungs (which alas! is all too inadequate).*

The Proper Function Of The Law

And, in all sincerity, can anything more than the absence of plunder be required of the law? Can the law—which necessarily requires the use of force—rationally be used for anything except protecting the rights of everyone? I defy anyone to extend it beyond this purpose without perverting it and, consequently, turning might against right. This is the most fatal and most illogical social perversion that can possibly be imagined. It must be admitted that the true solution—so long searched for in the area of social relationships—is contained in these simple words: *Law is organized justice*.

Now this must be said: When justice is organized by law—that is, by force—this excludes the idea of using law (force) to organize any human activity whatever, whether it be labor, charity, agriculture, commerce, industry, education, art, or religion. The organizing by law of any one of these would inevitably destroy the essential organization—justice. For truly, how can we imagine force being used against the liberty of citizens without it also being used against justice, and thus acting against its proper purpose?

The Seductive Lure Of Socialism

Here I encounter the most popular fallacy of our times. It is not considered sufficient that the law should be just; it must be philanthropic. Nor is it sufficient that the law should guarantee to every citizen the free and inoffensive use of his faculties for physical, intellectual, and moral self-improvement. Instead, it is demanded that the law should directly extend welfare, education, and morality throughout the nation.

This is the seductive lure of socialism. And I repeat again: These two uses of the law are in direct contradiction to each other. We must choose between them. A citizen cannot at the same time be free and not free.

Enforced Fraternity Destroys Liberty

Mr. de Lamartine once wrote to me thusly: “Your doctrine is only the half of my program. You have stopped at liberty; I go on to fraternity.” I answered him: “The second half of your program will destroy the first.”

In fact, it is impossible for me to separate the word *fraternity* from the word *voluntary*. I cannot possibly understand how fraternity can be *legally* enforced without liberty being *legally* destroyed, and thus justice being *legally* trampled underfoot

Legal plunder has two roots: One of them, as I have said before, is in human greed; the other is in false philanthropy.

At this point, I think that I should explain exactly what I mean by the word *plunder*.*

Plunder Violates Ownership

I do not, as is often done, use the word in any vague, uncertain, approximate, or metaphorical sense. I use it in its scientific acceptance—as expressing the idea opposite to that of property [wages, land, money, or whatever]. When a portion of wealth is transferred from the person who owns it—without his consent and without compensation, and whether by force or by fraud—to anyone who does not own it, then I say that property is violated; that an act of plunder is committed.

I say that this act is exactly what the law is supposed to suppress, always and everywhere. When the law itself commits this act that it is supposed to suppress, I say that plunder is still committed, and I add that from the point of view of society and welfare, this aggression against rights is even worse. In this case of legal plunder, however, the person who receives the benefits is not responsible for the act of plundering. The responsibility for this legal plunder rests with the law, the legislator, and society itself. Therein lies the political danger.

It is to be regretted that the word *plunder* is offensive. I have tried in vain to find an inoffensive word, for I would not at any time—especially now—wish to add an irritating word to our dissensions. Thus, whether I am believed or not, I declare that I do not mean to attack the intentions or the morality of anyone. Rather, I am attacking an *idea* which I believe to be false; a *system* which appears to me to be unjust; an injustice so independent of personal intentions that each of us profits from it without wishing to do so, and suffers from it without knowing the cause of the suffering.

Three Systems Of Plunder

The sincerity of those who advocate protectionism, socialism, and communism is not here questioned. Any writer who would do that must be influenced by a political spirit or a political fear. It is to be pointed out, however, that protectionism, socialism, and communism are basically the same plant in three different stages of its growth. All that can be said is that legal plunder is more visible in communism because it is complete plunder; and in protectionism because the plunder is limited to specific groups and industries.* Thus it follows that, of the three systems, socialism is the vaguest, the most indecisive, and, consequently, the most sincere stage of development.

But sincere or insincere, the intentions of persons are not here under question. In fact, I have already said that legal plunder is based partially on philanthropy, even though it is a false philanthropy.

With this explanation, let us examine the value—the origin and the tendency—of this popular aspiration which claims to accomplish the general welfare by general plunder.

Law Is Force

Since the law organizes justice, the socialists ask why the law should not also organize labor, education, and religion.

Why should not law be used for these purposes? Because it could not organize labor, education, and religion without destroying justice. We must remember that law is force, and that, consequently, the proper functions of the law cannot lawfully extend beyond the proper functions of force.

When law and force keep a person within the bounds of justice, they impose nothing but a mere negation. They oblige him only to abstain from harming others. They violate neither his personality, his liberty, nor his property. They safeguard all of these. They are *defensive*; they defend equally the rights of all.

Law Is A Negative Concept

The harmlessness of the mission performed by law and lawful defense is self-evident; the usefulness is obvious; and the legitimacy cannot be disputed.

As a friend of mine once remarked, this negative concept of law is so true that the statement, *the purpose of the law is to cause justice to reign*, is not a rigorously accurate statement. It ought to be stated that *the purpose of the law is to prevent injustice from reigning*. In fact, it is injustice, instead of justice, that has an existence of its own. Justice is achieved only when injustice is absent.

But when the law, by means of its necessary agent, force, imposes upon men a regulation of labor, a method or a subject of education, a religious faith or creed—then the law is no longer negative; it acts positively upon people. It substitutes the will of the legislator for their own wills; the initiative of the legislator for their own initiatives. When this happens, the people no longer need to discuss, to compare, to plan ahead; the law does all this for them. Intelligence becomes a useless prop for the people; they cease to be men; they lose their personality, their liberty, their property.

Try to imagine a regulation of labor imposed by force that is not a violation of liberty; a transfer of wealth imposed by force that is not a violation of property. If you cannot reconcile these contradictions, then you must conclude that the law cannot organize labor and industry without organizing injustice.

The Political Approach

When a politician views society from the seclusion of his office, he is struck by the spectacle of the inequality that he sees. He deplores the deprivations which are the lot of so many of our brothers, deprivations which appear to be even sadder when contrasted with luxury and wealth.

Perhaps the politician should ask himself whether this state of affairs has not been caused by old conquests and lootings, and by more recent legal plunder. Perhaps he should consider this proposition: Since all persons seek well-being and perfection, would not a condition of justice be sufficient to cause the greatest efforts toward progress, and the greatest possible equality that is compatible with individual responsibility? Would not this be in accord with the concept of individual responsibility which God has willed in order that mankind may have the choice between vice and virtue, and the resulting punishment and reward?

But the politician never gives this a thought. His mind turns to organizations, combinations, and arrangements—legal or apparently legal. He attempts to remedy the evil by increasing and perpetuating the very thing that caused the evil in the first place: legal plunder. We have seen that justice is a negative concept. Is there even one of these positive legal actions that does not contain the principle of plunder?

The Law And Charity

You say: “There are persons who have no money,” and you turn to the law. But the law is not a breast that fills itself with milk. Nor are the lacteal veins of the law supplied with milk from a source outside the society. Nothing can enter the public treasury for the benefit of one citizen or one class unless other citizens and other classes have been *forced* to send it in. If every person draws from the treasury the amount that he has put in it, it is true that the law then plunders nobody. But this procedure does nothing for the persons who have no money. It does not promote equality of income. The law can be an instrument of equalization only as it takes from some persons and gives to other persons. When the law does this, it is an instrument of plunder.

With this in mind, examine the protective tariffs, subsidies, guaranteed profits, guaranteed jobs, relief and welfare schemes, public education, progressive taxation, free credit, and public works. You will find that they are always based on legal plunder, organized injustice.

The Law And Education

You say: “There are persons who lack education,” and you turn to the law. But the law is not, in itself, a torch of learning which shines its light abroad. The law extends over a society where some persons have knowledge and others do not; where some citizens need to learn, and others can teach. In this matter of education, the law has only two alternatives: It can permit this transaction of teaching-and-learning to operate freely and without the use of force, or it can force human wills in this matter by taking from some of them enough to pay the teachers who are appointed by government to instruct others, without charge. But in this second case, the law commits legal plunder by violating liberty and property.

The Law And Morals

You say: “Here are persons who are lacking in morality or religion,” and you turn to the law. But law is force. And need I point out what a violent and futile effort it is to use force in the matters of morality and religion?

It would seem that socialists, however self-complacent, could not avoid seeing this monstrous legal plunder that results from such systems and such efforts. But what do the socialists do? They cleverly disguise this legal plunder from others—and even from themselves—under the seductive names of fraternity, unity, organization, and association. Because we ask so little from the law—only justice—the socialists thereby assume that we reject fraternity, unity, organization, and association. The socialists brand us with the name *individualist*.

But we assure the socialists that we repudiate only *forced* organization, not natural organization. We repudiate the forms of association that are *forced* upon us, not free association. We repudiate *forced* fraternity, not true fraternity. 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.

A Confusion Of Terms

Socialism, like the ancient ideas from which it springs, confuses the distinction between government and society. As a result of this, every time we object to a thing being done by government, the socialists conclude that we object to its being done at all.

We disapprove of state education. Then the socialists say that we are opposed to any education. We object to a state religion. Then the socialists say that we want no religion at all. We object to a state-enforced equality. Then they say that we are against equality. And so on, and so on. It is as if the socialists were to accuse us of not wanting persons to eat because we do not want the state to raise grain.

The Vicious Circle Of Socialism

We shall never escape from this circle: the idea of passive mankind, and the power of the law being used by a great man to propel the people.

Once on this incline, will society enjoy some liberty? (Certainly.) And what is liberty, Mr. Louis Blanc?

Once and for all, liberty is not only a mere granted right; it is also the power granted to a person to use and to develop his faculties under a reign of justice and under the protection of the law.

And this is no pointless distinction; its meaning is deep and its consequences are difficult to estimate. For once it is agreed that a person, to be truly free, must have the power to use and develop his faculties, then it follows that every person has a claim on society for such education as will *permit him* to develop himself. It also follows that every person has a claim on society for tools of production, without which human activity cannot be fully effective. Now by what action can society give to every person the necessary education and the necessary tools of production, if not by the action of the state?

Thus, again, liberty is power. Of what does this power consist? (Of being educated and of being given the tools of production.) Who is to give the education and the tools of production? (Society, *which owes them to everyone*.) By what action is society to give tools of production to those who do not own them? (Why, by *the action of the state*.) And from whom will the state take them?

Let the reader answer that question. Let him also notice the direction in which this is taking us.

The Doctrine Of The Democrats

The strange phenomenon of our times—one which will probably astound our descendants—is the doctrine based on this triple hypothesis: the total inertness of mankind, the omnipotence of the law, and the infallibility of the legislator. These three ideas form the sacred symbol of those who proclaim themselves totally democratic.

The advocates of this doctrine also profess to be *social*. So far as they are democratic, they place unlimited faith in mankind. But so far as they are social, they regard mankind as little better than mud. Let us examine this contrast in greater detail.

What is the attitude of the democrat when political rights are under discussion? How does he regard the people when a legislator is to be chosen? Ah, then it is claimed that the people have an instinctive wisdom; they are gifted with the finest perception; *their will is always right*; the general will *cannot err*; voting cannot be too universal.

When it is time to vote, apparently the voter is not to be asked for any guarantee of his wisdom. His will and capacity to choose wisely are taken for granted. Can the people be mistaken? Are we not living in an age of enlightenment? What! are the people always to be kept on leashes? Have they not won their rights by great effort and sacrifice? Have they not given ample proof of their intelligence and wisdom? Are they not adults? Are they not capable of judging for themselves? Do they not know what is best for themselves? Is there a class or a man who would be so bold as to set himself above the people, and judge and act for them? No, no, the people are and should be *free*. They desire to manage their own affairs, and they shall do so.

But when the legislator is finally elected—ah! then indeed does the tone of his speech undergo a radical change. The people are returned to passiveness, inertness, and unconsciousness; the legislator enters into omnipotence. Now it is for him to initiate, to direct, to propel, and to organize. Mankind has only to submit; the hour of despotism has struck. We now observe this fatal idea: The people who, during the election, were so wise, so moral, and so perfect, now have no tendencies whatever; or if they have any, they are tendencies that lead downward into degradation.

The Socialist Concept Of Liberty

But ought not the people be given a little liberty?

But Mr. Considerant has assured us that *liberty leads inevitably to monopoly!*

We understand that liberty means competition. But according to Mr. Louis Blanc, competition is a system that ruins the businessmen and exterminates the people. It is for this reason that free people are ruined and exterminated in proportion to their degree of freedom. (Possibly Mr. Louis Blanc should observe the results of competition in, for example, Switzerland, Holland, England, and the United States.)

Mr. Louis Blanc also tells us that *competition leads to monopoly*. And by the same reasoning, he thus informs us that *low prices lead to high prices*; that *competition drives production to destructive activity*; that *competition drains away the sources of purchasing power*; that *competition forces an increase in production while, at the same time, it forces a decrease in consumption*. From this, it follows that free people produce for the sake of not consuming; that liberty means *oppression and madness* among the people; and that Mr. Louis Blanc absolutely must attend to it.

Socialists Fear All Liberties

Well, what liberty should the legislators permit people to have? Liberty of conscience? (But if this were permitted, we would see the people taking this opportunity to become atheists.)

Then liberty of education? (But parents would pay professors to teach their children immorality and falsehoods; besides, according to Mr. Thiers, if education were left to national liberty, it would cease to be national, and we would be teaching our children the ideas of the Turks or Hindus; whereas, thanks to this legal despotism over education, our children now have the good fortune to be taught the noble ideas of the Romans.)

Then liberty of labor? (But that would mean competition which, in turn, leaves production unconsumed, ruins businessmen, and exterminates the people.)

Perhaps liberty of trade? (But everyone knows—and the advocates of protective tariffs have proved over and over again—that freedom of trade ruins every person who engages in it, and that it is necessary to suppress freedom of trade in order to prosper.)

Possibly then, liberty of association? (But, according to socialist doctrine, true liberty and voluntary association are in contradiction to each other, and the purpose of the socialists is to suppress liberty of association precisely in order to force people to associate together in true liberty.)

Clearly then, the conscience of the social democrats cannot permit persons to have any liberty because they believe that the nature of mankind tends always toward every kind of degradation and disaster. Thus, of course, the legislators must make plans for the people in order to save them from themselves.

This line of reasoning brings us to a challenging question: If people are as incapable, as immoral, and as ignorant as the politicians indicate, then why is the right of these same people to vote defended with such passionate insistence?

The Superman Idea

The claims of these organizers of humanity raise another question which I have often asked them and which, so far as I know, they have never answered: If the natural tendencies of mankind are so bad that it is not safe to permit people to be free, how is it that the tendencies of these organizers are always good? Do not the legislators and their appointed agents also belong to the human race? Or do they believe that they themselves are made of a finer clay than the rest of mankind? The organizers maintain that society, when left undirected, rushes headlong to its inevitable destruction because the instincts of the people are so perverse. The legislators claim to stop this suicidal course and to give it a saner direction. Apparently, then, the legislators and the organizers have received from Heaven an intelligence and virtue that place them beyond and above mankind; if so, let them show their titles to this superiority.

They would be the shepherds over us, their sheep. Certainly such an arrangement presupposes that they are naturally superior to the rest of us. And certainly we are fully justified in demanding from the legislators and organizers proof of this natural superiority.

The Socialists Reject Free Choice

Please understand that I do not dispute their right to invent social combinations, to advertise them, to advocate them, and to try them upon themselves, at their own expense and risk. But I do dispute their right to impose these plans upon us by law—by force—and to compel us to pay for them with our taxes.

I do not insist that the supporters of these various social schools of thought—the Proudhonists, the Cabetists, the Fourierists, the Universitarists, and the Protectionists—renounce their various ideas. I insist only that they renounce this one idea that they have in common: They need only to give up the idea of *forcing* us to acquiesce to their groups and series, their socialized projects, their free-credit banks, their Graeco-Roman concept of morality, and their commercial regulations. I ask only that we be permitted to decide upon these plans for ourselves; that we not be forced to accept them, directly or indirectly, if we find them to be contrary to our best interests or repugnant to our consciences.

But these organizers desire access to the tax funds and to the power of the law in order to carry out their plans. In addition to being oppressive and unjust, this desire also implies the fatal supposition that the organizer is infallible and mankind is incompetent. But, again, if persons are incompetent to judge for themselves, then why all this talk about universal suffrage?

The Cause Of French Revolutions

This contradiction in ideas is, unfortunately but logically, reflected in events in France. For example, Frenchmen have led all other Europeans in obtaining their rights—or, more accurately, their political demands. Yet this fact has in no respect prevented us from becoming the most governed, the most regulated, the most imposed upon, the most harnessed, and the most exploited people in Europe. France also leads all other nations as the one where revolutions are constantly to be anticipated. And under the circumstances, it is quite natural that this should be the case.

And this will remain the case so long as our politicians continue to accept this idea that has been so well expressed by Mr. Louis Blanc: “Society receives its momentum from power.” This will remain the case so long as human beings with feelings continue to remain passive; so long as they consider themselves incapable of bettering their prosperity and happiness by their own intelligence and their own energy; so long as they expect everything from the law; in short, so long as they imagine that their relationship to the state is the same as that of the sheep to the shepherd.

The Enormous Power Of Government

As long as these ideas prevail, it is clear that the responsibility of government is enormous. Good fortune and bad fortune, wealth and destitution, equality and inequality, virtue and vice—all then depend upon political administration. It is burdened with everything, it undertakes everything, it does everything; therefore it is responsible for everything.

If we are fortunate, then government has a claim to our gratitude; but if we are unfortunate, then government must bear the blame. For are not our persons and property now at the disposal of government? Is not the law omnipotent?

In creating a monopoly of education, the government must answer to the hopes of the fathers of families who have thus been deprived of their liberty; and if these hopes are shattered, whose fault is it?

In regulating industry, the government has contracted to make it prosper; otherwise it is absurd to deprive industry of its liberty. And if industry now suffers, whose fault is it?

In meddling with the balance of trade by playing with tariffs, the government thereby contracts to make trade prosper; and if this results in destruction instead of prosperity, whose fault is it?

In giving the maritime industries protection in exchange for their liberty, the government undertakes to make them profitable; and if they become a burden to the taxpayers, whose fault is it?

Thus there is not a grievance in the nation for which the government does not voluntarily make itself responsible. Is it surprising, then, that every failure increases the threat of another revolution in France?

And what remedy is proposed for this? To extend indefinitely the domain of the law; that is, the responsibility of government.

But if the government undertakes to control and to raise wages, and cannot do it; if the government undertakes to care for all who may be in want, and cannot do it; if the government undertakes to support all unemployed workers, and cannot do it; if the government undertakes to lend interest-free money to all borrowers, and cannot do it; if, in these words that we regret to say escaped from the pen of Mr. de Lamartine, “The state considers that its purpose is to enlighten, to develop, to enlarge, to strengthen, to spiritualize, and to sanctify the soul of the people”—and if the government cannot do all of these things, what then? Is it not certain that after every government failure—which, alas! is more than probable—there will be an equally inevitable revolution?

Politics And Economics

[Now let us return to a subject that was briefly discussed in the opening pages of this thesis: the relationship of economics and of politics—political economy.]*

A science of economics must be developed before a science of politics can be logically formulated. Essentially, economics is the science of determining whether the interests of human beings are harmonious or antagonistic. This must be known before a science of politics can be formulated to determine the proper functions of government.

Immediately following the development of a science of economics, and at the very beginning of the formulation of a science of politics, this all-important question must be answered: What is law? What ought it to be? What is its scope; its limits? Logically, at what point do the just powers of the legislator stop?

I do not hesitate to answer: *Law is the common force organized to act as an obstacle of injustice.* In short, *law is justice.*

Proper Legislative Functions

It is not true that the legislator has absolute power over our persons and property. The existence of persons and property preceded the existence of the legislator, and his function is only to guarantee their safety.

It is not true that the function of law is to regulate our consciences, our ideas, our wills, our education, our opinions, our work, our trade, our talents, or our pleasures. The function of law is to protect the free exercise of these rights, and to prevent any person from interfering with the free exercise of these same rights by any other person.

Since law necessarily requires the support of force, its lawful domain is only in the areas where the use of force is necessary. This is justice.

Every individual has the right to use force for lawful self-defense. It is for this reason that the collective force—which is only the organized combination of the individual forces—may lawfully be used for the same purpose; and it cannot be used legitimately for any other purpose.

Law is solely the organization of the individual right of self-defense which existed before law was formalized. Law is justice.

Law And Charity Are Not The Same

The mission of the law is *not* to oppress persons and plunder them of their property, even though the law may be acting in a philanthropic spirit. Its mission is to protect persons and property.

Furthermore, it must not be said that the law may be philanthropic if, in the process, it refrains from oppressing persons and plundering them of their property; this would be a contradiction. The law cannot avoid having an effect upon persons and property; and if the law acts in any manner except to protect them, its actions then necessarily violate the liberty of persons and their right to own property.

The law is justice—simple and clear, precise and bounded. Every eye can see it, and every mind can grasp it; for justice is measurable, immutable, and unchangeable. Justice is neither more than this nor less than this.

If you exceed this proper limit—if you attempt to make the law religious, fraternal, equalizing, philanthropic, industrial, literary, or artistic—you will then be lost in an uncharted territory, in vagueness and uncertainty, in a forced utopia or, even worse, in a multitude of utopias, each striving to seize the law and impose it upon you. This is true because fraternity and philanthropy, unlike justice, do not have precise limits. Once started, where will you stop? And where will the law stop itself?

The High Road To Communism

Mr. de Saint-Cricq would extend his philanthropy only to some of the industrial groups; he would demand that the law *control the consumers to benefit the producers*.

Mr. Considerant would sponsor the cause of the labor groups; he would use the law to secure for them *a guaranteed minimum of clothing, housing, food, and all other necessities of life*.

Mr. Louis Blanc would say—and with reason—that these minimum guarantees are merely the beginning of complete fraternity; he would say that the law should give tools of production and free education to all working people.

Another person would observe that this arrangement would still leave room for inequality; he would claim that the law should give to everyone even in the most inaccessible hamlet—luxury, literature, and art.

All of these proposals are the high road to communism; legislation will then be—in fact, it already is—the battlefield for the fantasies and greed of everyone.

The Basis For Stable Government

Law is justice. In this proposition a simple and enduring government can be conceived. And I defy anyone to say how even the thought of revolution, of insurrection, of the slightest uprising could arise against a government whose organized force was confined only to suppressing injustice.

Under such a regime, there would be the most prosperity—and it would be the most equally distributed. As for the sufferings that are inseparable from humanity, no one would even think of accusing the government for them. This is true because, if the force of government were limited to suppressing injustice, then government would be as innocent of these sufferings as it is now innocent of changes in the temperature.

As proof of this statement, consider this question: Have the people ever been known to rise against the Court of Appeals, or mob a Justice of the Peace, in order to get higher wages, free credit, tools of production, favorable tariffs, or government-created jobs? Everyone knows perfectly well that such matters are not within the jurisdiction of the Court of Appeals or a Justice of the Peace. And if government were limited to its proper functions, everyone would soon learn that these matters are not within the jurisdiction of the law itself.

But make the laws upon the principle of fraternity—proclaim that all good, and all bad, stem from the law; that the law is responsible for all individual misfortunes and all social inequalities—then the door is open to an endless succession of complaints, irritations, troubles, and revolutions.

Justice Means Equal Rights

Law is justice. And it would indeed be strange if law could properly be anything else! Is not justice right? Are not rights equal? By what right does the law force me to conform to the social plans of Mr. Mimerel, Mr. de Melun, Mr. Thiers, or Mr. Louis Blanc? If the law has a moral right to do this, why does it not, then, force these gentlemen to submit to *my plans*? Is it logical to suppose that nature has not given *me* sufficient imagination to dream up a utopia also? Should the law choose one fantasy among many, and put the organized force of government at its service only?

Law is justice. And let it not be said—as it continually is said—that under this concept, the law would be atheistic, individualistic, and heartless; that it would make mankind in its own image. This is an absurd conclusion, worthy only of those worshippers of government who believe that the law *is* mankind.

Nonsense! Do those worshippers of government believe that free persons will cease to act? Does it follow that if we receive no energy from the law, we shall receive no energy at all? Does it follow that if the law is restricted to the function of protecting the free use of our faculties, we will be unable to use our faculties? Suppose that the law does not force us to follow certain forms of religion, or systems of association, or methods of education, or regulations of labor, or regulations of trade, or plans for charity; does it then follow that we shall eagerly plunge into atheism, hermitary, ignorance, misery, and greed? If we are free, does it follow that we shall no longer recognize the power and goodness of God? Does it follow that we shall then cease to associate with each other, to help each other, to love and succor our unfortunate brothers, to study the secrets of nature, and to strive to improve ourselves to the best of our abilities?

The Path To Dignity And Progress

Law is justice. And it is under the law of justice—under the reign of right; under the influence of liberty, safety, stability, and responsibility—that every person will attain his real worth and the true dignity of his being. It is only under this law of justice that mankind will achieve—slowly, no doubt, but certainly—God's design for the orderly and peaceful progress of humanity.

It seems to me that this is theoretically right, for whatever the question under discussion—whether religious, philosophical, political, or economic; whether it concerns prosperity, morality, equality, right, justice, progress, responsibility, cooperation, property, labor, trade, capital, wages, taxes, population, finance, or government—at whatever point on the scientific horizon I begin my researches, I invariably reach this one conclusion: The solution to the problems of human relationships is to be found in liberty.

Proof Of An Idea

And does not experience prove this? Look at the entire world. Which countries contain the most peaceful, the most moral, and the happiest people? Those people are found in the countries where the law least interferes with private affairs; where government is least felt; where the individual has the greatest scope, and free opinion the greatest influence; where administrative powers are fewest and simplest; where taxes are lightest and most nearly equal, and popular discontent the least excited and the least justifiable; where individuals and groups most actively assume their responsibilities, and, consequently, where the morals of admittedly imperfect human beings are constantly improving; where trade, assemblies, and associations are the least restricted; where labor, capital, and populations suffer the fewest forced displacements; where mankind most nearly follows its own natural inclinations; where the inventions of men are most nearly in harmony with the laws of God; in short, the happiest, most moral, and most peaceful people are those who most nearly follow this principle: Although mankind is not perfect, still, all hope rests upon the free and voluntary actions of persons within the limits of right; law or force is to be used for nothing except the administration of universal justice.

The Desire To Rule Over Others

This must be said: There are too many “great” men in the world—legislators, organizers, do-gooders, leaders of the people, fathers of nations, and so on, and so on. Too many persons place themselves above mankind; they make a career of organizing it, patronizing it, and ruling it.

Now someone will say: “You yourself are doing this very thing.”

True. But it must be admitted that I act in an entirely different sense; if I have joined the ranks of the reformers, it is solely for the purpose of persuading them to leave people alone. I do not look upon people as Vancauson looked upon his automaton. Rather, just as the physiologist accepts the human body as it is, so do I accept people as they are. I desire only to study and admire.

My attitude toward all other persons is well illustrated by this story from a celebrated traveler: He arrived one day in the midst of a tribe of savages, where a child had just been born. A crowd of soothsayers, magicians, and quacks—armed with rings, hooks, and cords—surrounded it. One said: “This child will never smell the perfume of a peace-pipe unless I stretch his nostrils.” Another said: “He will never be able to hear unless I draw his ear-lobes down to his shoulders.” A third said: “He will never see the sunshine unless I slant his eyes.” Another said: “He will never stand upright unless I bend his legs.” A fifth said: “He will never learn to think unless I flatten his skull.”

“Stop,” cried the traveler. “What God does is well done. Do not claim to know more than He. God has given organs to this frail creature; let them develop and grow strong by exercise, use, experience, and liberty.”

Let Us Now Try Liberty

God has given to men all that is necessary for them to accomplish their destinies. He has provided a social form as well as a human form. And these social organs of persons are so constituted that they will develop themselves harmoniously in the clean air of liberty. Away, then, with quacks and organizers! Away with their rings, chains, hooks, and pincers! Away with their artificial systems! Away with the whims of governmental administrators, their socialized projects, their centralization, their tariffs, their government schools, their state religions, their free credit, their bank monopolies, their regulations, their restrictions, their equalization by taxation, and their pious moralizations!

And now that the legislators and do-gooders have so futilely inflicted so many systems upon society, may they finally end where they should have begun: May they reject all systems, and try liberty; for liberty is an acknowledgment of faith in God and His works.