

THE BEST OF BASTIAT #2.3

“The Law” (June 1850)

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



Claude Frédéric Bastiat (1801-1850)

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Editor's Introduction

Frédéric Bastiat (1801-1850) was the leading advocate of free trade in France during the 1840s. He made a name for himself as a brilliant economic journalist, debunking the myths and misconceptions people held on protectionism in particular and government intervention in general. When revolution broke out in February 1848 Bastiat was elected twice to the Chamber of Deputies where he served on the Finance Committee and struggled to bring government expenditure under control.

Knowing he was dying from a serious throat condition (possibly cancer), in his last year Bastiat attempted to complete his magnum opus on economic theory, his *Economic Harmonies*. In this work he showed the very great depth of his economic thinking and made theoretical advances which heralded the Austrian school of economics which emerged later in the 19th century. At the same time he was working on a proposed *History of Plunder* which was never finished.

Two of the last things he wrote were completed during the summer of 1850 when he was visiting family and friends in his home town of Mugron. In June he wrote one his most famous essays "The Law" in which he continued his ideological battle against the Socialists and developed his thoughts on the nature of plunder. In July he completed "What is Seen and What is Not Seen" which contained his justly well-known essay on "The Broken Window."

This extract contains the bulk of the essay "The Law" with some sections where he quotes several of his intellectual opponents at length removed for reasons of space.

“The social organs are constituted so as to develop harmoniously in the fresh air of freedom. Away with you, therefore, you quacks and organizers! Away with your rings, chains, hooks and pincers! Away with your artificial means! Away with your social workshop, your phalanstery, your governmentalism, your centralization, your tariffs, your universities, your state religion, your free or monopolistic banks, your constraints, your restrictions, your moralizing or your equalizing through taxes!”

“The Law” (June 1850)¹

“these three things (personality, freedom, and property) ... precede and supersede all human legislation. It is not because men have enacted Laws that personality, freedom, and property exist. On the contrary, it is because personality, 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 defense.”

[OC, vol. 4, p. 342. “La Loi.” Bastiat wrote this pamphlet while vacationing with his family in Mugron. June 1850. n.p.]

The law corrupt? The law-and in its train all the collective forces 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 an instrument of all forms of cupidity instead of being a brake on them! The law itself accomplishing the iniquity it was intended to punish! This is certainly a serious occurrence if it is true, and one to which I must be allowed to draw the attention of my fellow citizens.

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

However, life is not self-supporting. He who has given it to us has left us the job of looking after it, developing it and improving 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 these elements that the phenomena of *assimilation* and *appropriation* take place, through which life proceeds along the circle allocated to it.

Existence, faculties, and assimilation – in other words, personality, freedom, and property – this is man

in a nutshell.

It may be said that these three things, leaving aside any demagogical hair-splitting, precede and supersede all human legislation.

It is not because men have enacted Laws that personality, freedom, and property exist. On the contrary, it is because personality, 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 defense. [2]

Each of us certainly holds from nature and God 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 not an extension of our personality, and what is property if not an extension of our faculties?

If each person has the right to defend, even by force, his person, his freedom, and his property, several people have the right to join together, to form an understanding and organize themselves into a common Force in order to provide lawfully for this defense.

Collective right therefore roots its principle, its *raison d'être* and its legitimacy in individual right, and common force cannot rationally have any other aim or mission than did the individual forces for which it is a substitute.

Thus, since force on the individual level cannot legitimately be aimed at the person, freedom, or property of another individual, by the same argument, force cannot legitimately be used collectively to destroy the person, freedom, or property of either individuals or classes.

This is because this misuse of force would in either case be a contradiction of our premises. Who would dare to say that we were given such power not to defend our Rights, but to reduce the equal Rights of our fellows to nothing? And if this is not true for each individual acting in isolation, how can it be true for collective power, which is nothing other than the organized union of that of individuals?

¹ This extract of “The Law” comes from the *Collected Works of Bastiat*, Vol. 2 “*The Law*,” “*The State*,” and *Other Political Writings, 1843-1850* (2012) <oll.libertyfund.org/title/2450/231339>.

“Collective right therefore roots its principle, its raison d’être and its legitimacy in individual right, and common force cannot rationally have any other aim or mission than did the individual forces for which it is a substitute. Thus, since force on the individual level cannot legitimately be aimed at the person, freedom, or property of another individual, by the same argument, force cannot legitimately be used collectively to destroy the person, freedom, or property of either individuals or classes. ‘

Therefore, if there is one thing that is clear, it is this: law is the organization of the natural right of legitimate defense. It is the substitution of collective for individual power such as to facilitate action in the area in which individuals have the right to act, that is to say to do what they have the right to do. It serves to guarantee the integrity of persons, freedoms, and property, to maintain each person within his right and to ensure the reign of Justice among all.

And if there were a people constituted on this basis, I consider that order would prevail both in fact and in ideas. I consider that this people would have the simplest, the most economical, the least heavy, the least felt, the least culpable, the most just and hence most solid government imaginable, whatever its political form moreover.

For, under such a regime, each person would fully understand that he had full enjoyment as well as full responsibility for his existence. 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. So long as we were happy, we would not, it is true, have to thank it for our success; however, should we be unhappy, we would no more attribute this to it than our farmers would attribute hail and frost to it. Its only effect on us would be the inestimable benefit of security.

We can also state that, thanks to the non-interference of the state in private affairs, needs, and satisfactions would develop naturally. 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-scale migrations of capital, labor, or populations triggered by legislative measures, migrations that render the very sources of existence so uncertain and precarious and which increase the responsibility of governments to such a great extent.

Unfortunately, the law is far from being limited to its proper role. It is even far from deviating from it only according to neutral and questionable opinions. It has done worse: it has acted against its own purposes, it has destroyed its own aim, it has concentrated on abolishing the Justice which it should have put in command and effacing the boundaries between various rights that its mission was to uphold. It has placed collective power at the disposal of those who wish to exploit Persons, Freedom or the property of others without risk or scruple, it has converted plunder into right in order to protect it and legitimate defense into crime in order to punish it.

How has this corruption of the Law come about? What have its consequences been?

The law has become corrupt under the influence of two very different causes: unintelligent selfishness and bogus philanthropy.

Let us take the first of these.

Protecting and developing oneself is an aspiration common to all men to the extent that if each person enjoyed the free exercise of his faculties and the free disposition of his attendant products, social progress would be constant, uninterrupted and unerring.

However, there is another disposition that is just as common to them. That is to live and grow, when they can, at the expense of others. This is not a fortuitous allegation from someone with a bitter and pessimistic turn of mind. History gives examples of this through the constant wars, migrations of populations, oppression by religious leaders, universal slavery, industrial fraud and monopolies with which its annals are filled.

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

Man can live and enjoy life only by assimilation and personal appropriation, that is to say, by a constant application of his faculties to things or by work. Hence property.

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

Well, since work is in itself a burden and since man by his nature is drawn to escape burdens, it follows, and history is there to prove it, that wherever plunder is less burdensome than work, it triumphs over it. This happens without religion or morality in this instance being able to stop it.

When, then, will plunder cease? When it becomes more of a burden or more dangerous than work.

It is very clear that the aim of the Law has to be to oppose the powerful obstacle of collective power 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, established by one man or a class of men. And since the Law has no existence without the sanction or support of an overwhelming force, the very probable result is that this force is finally placed in the hands of those who make the laws.

This inevitable phenomenon, combined with the disastrous tendency we have noted in men's hearts, explains the almost universal corruption of the law. It can be seen how, instead of being a brake on injustice, the law becomes an instrument and the most invincible instrument of injustice. It can be seen that, depending on the power of the legislator, to his profit and to varying degrees, the law destroys personality by slavery, freedom by oppression, and property by plunder among the bulk of mankind.

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

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

Up to now, legal plunder has been exercised by the minority over the majority as can be seen in those peoples in which the right to pass laws is concentrated in just a few hands. However, it has now become universal and equilibrium is being sought in universal plunder. Instead of the injustice existing in society being rooted out, it has become generalized. As soon as underprivileged classes recover their political rights, their first thought is not to rid themselves of plunder (that would suppose that they had an enlightenment that they cannot have) but to organize a system of reprisals against other classes and to their own detriment, as though it is necessary for a cruel retribution to strike them all, some for their iniquity and others for their ignorance, before the reign of justice is established.

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 an upheaval like this? Volumes would be needed to describe them all. Let us content ourselves with pointing out the most striking.

The first is to erase from people's consciences the notion of the just and the 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 disposition to consider what is legal to be legitimate, to the extent that many people mistakenly consider all forms of justice to be founded in law. It is therefore enough for the Law to order and consecrate plunder for plunder to appear just and sacred in the understanding of many. Slavery, restrictions and monopoly find their defenders not only in those who benefit from them but even in those who suffer from them.”

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“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, the professor should rigorously refrain from undermining in the slightest the respect due to the laws in force,[3] etc.”

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 to teach morals 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 corruption of the law is that it gives an exaggerated weight to political passions and conflicts and in general to politics itself.

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: universal suffrage.

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

Major objections may be made to it.

First of all, the word *universal* hides a crude sophism. 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 electors.[4] The most generous account recognizes only nine million. Three out of four people are therefore 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 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 of suffrage 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 elector does not stipulate for himself but for everybody.

If, as republicans of Greek and Roman hue claim, the right of suffrage was granted to us with life, it would be Iniquitous 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 elector 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.

“(should) the law be able to take from some to give to others, draw from the wealth acquired by all sectors to increase that of one sector, which may be the farmers, or manufacturers, traders, ship owners, artists or actors, then, to be sure, in this case, there is no sector that will not claim with reason that it too should lay a hand on the law, that will not fervently demand the right of election and eligibility and that will not overthrow society rather than not obtain it.”

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 defense, the obstacle, brake and punishment that opposed all forms of oppression and plunder,

would you believe that we would argue much, between 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 admitted classes would guard their privilege jealously? And is it not clear that, since personal interest is identical and common, some would take action without very much inconvenience on behalf of the others?

But should this fatal principle be introduced, should, on the pretext of organization, regulation, protection and motivation, the law *be able to take from some to give to others*, draw from the wealth acquired by all sectors to increase that of one sector, which may be the farmers, or manufacturers, traders, ship owners, artists or actors, then, to be sure, in this case, there is no sector that will not claim with reason that it too should lay a hand on the law, that will not fervently demand the right of election and eligibility 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 tax and part of this tax is given by law as premiums 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 assistance*, which is the share of plunder for the poor. To do this, we have to be electors 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. Mimerel’s proposal, 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 sectors 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 upholding 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 prejudicial, dominant and absorbing, in a word, people will be beating on the door of the legislative palace. 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.

“within the United States itself there are two questions, and only two questions, which have threatened political order from the outset ... Slavery and tariffs, 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 of the rights of the Person sanctioned by the law. Protectionism is a violation of the right of property perpetrated by the law, and certainly it is very remarkable that, in the middle of so many other discussions, this twin legal scourge ... perhaps will lead to the break up of the Union. “

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 disruption? Just look at the United States. This is one country in the world in which the law most faithfully fulfils 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, 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 of the rights of the Person sanctioned by the law. Protectionism is a violation of the right of property perpetrated by the law, 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 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?

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

But what form of Plunder was he wishing to talk about? For there are two forms. There is *plunder outside the law* and *legal plunder*.

As for plunder against the law, which we call theft or fraud and which is defined, provided for and punished by the Penal Code, I really do not think this can be cloaked in 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 already provided for it, a long time before the February revolution, long before the apparition of socialism, by a whole apparatus 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.

“Sometimes the law takes the side of plunder. Sometimes it carries it out with its own hands, in order to spare the blushes, the risk and scruples of its beneficiary. Sometimes it mobilizes this whole system of magistrates, police, gendarmes and prison to serve the plunderer and treats the victim who defends himself as a criminal. In a word, there is legal 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, the risk and

scruples of its beneficiary. Sometimes it mobilizes this whole system of magistrates, police, gendarmes and prison to serve the plunderer and treats the victim 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.

Such plunder may be just an exceptional stain on the legislation of a people 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 those it favors. How do we recognize it? It is easy; we need to see whether the law takes property owned by some to give to others what they do not own. 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. Make haste to repeal a law like this; it is not only an iniquity, it is a fruitful source of iniquity, for it generates reprisals, and if you are not careful an exceptional act will become widespread, more frequent and part of a system. Doubtless, those who benefit from it will make a loud outcry; they will invoke *acquired rights*. They will say that the state owes their particular product protection and support. They will claim that it is a good thing for the State to make them richer because, as they are richer, they spend more and thus rain down earnings on their poor workers. Be careful not to listen to these sophists for it is exactly the systematizing of these arguments that *legal plunder* becomes systematic.

This is what has happened. The illusion of the day is to make all sectors 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, premiums, subsidies, motivation, progressive taxes, free education, the right to work, the right to assistance, the right to tools for work, free credit, etc. etc. And all of these plans, insofar as they have legal plunder in common, come under the name of socialism.

Well, what type of war do you wish to wage against socialism, as thus defined and as it forms a body of doctrine, if not a doctrinal war? Do you find this doctrine wrong, absurd or abominable? Refute it. This will be all the easier the more erroneous, absurd or abominable it 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.

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M. de Montalembert has been reproached for wanting to turn brute force against socialism. This is a reproach from which he should be cleared, since he formally stated, “The war against socialism should be in accordance with the law, honor and justice.”

But how has M. de Montalembert not seen 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 invokes the law. It does not aim to carry out plunder against the law, but legal plunder. It is of the law itself that it claims to be the instrument, like monopolists of all stripes, 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 within striking power of your courts, your gendarmes or your prisons?

“It is absolutely necessary for this question of legal plunder to be settled and there are just three alternatives: That the minority despoils the majority; That everyone despoils everyone else; That nobody despoils anyone. You have to choose between partial plunder, universal plunder, and no plunder at all.”

So what do you do? You want to prevent it from having any say in making laws. You want to keep it out of the legislative chamber. I dare to predict that you will never succeed in this, while laws are being passed inside it on the principle of legal plunder. It is too iniquitous and too absurd.

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

That the minority despoils the majority;

That everyone despoils everyone else;

That nobody despoils anyone.

You have to choose between partial plunder, universal plunder, and no plunder at all. The law can pursue one of these three alternatives only.

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.”

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.

And sincerely, can anything else be asked of the Law? Can the law, with compulsion as its essential sanction, be reasonably employed for anything other than ensuring everyone his right? I challenge anyone to cause it to step outside this circle without diverting it and consequently without turning compulsion against right. As this would be the most disastrous, the most illogical social upheaval imaginable, 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 law, that is to say, by compulsion, excludes the idea of organizing by Law or compulsion any manifestation of human activity: labor, charity, agriculture, trade, industry, education, the fine arts, or religion, for it is impossible for any of these secondary organizations not to destroy the essential organization. In effect, how can we imagine compulsion impinging on the freedom of citizens without undermining justice or acting against its own goal?

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 inoffensive 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 missions of the Law are contradictory. A choice has to be made. A citizen cannot simultaneously be free and not free. M. de Lamartine wrote to me one day “Your doctrine is only half of my program. You have stopped at freedom, I have reached Fraternity.” 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 a fraternity that is enforced *by law* without freedom being destroyed *by law* and justice trampled underfoot *by law*.

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

Before going any further, I think I have to explain myself as to the word plunder.

“When a portion of wealth passes from the person who has earned it, without his consent and without compensation, to one who has not created it, whether this is by force or guile, I say that property is undermined and that there is 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 property. When a portion of wealth passes from the person who has earned it, without his consent and without compensation, to one who has not created it, whether this is by force or guile, I say that property is undermined and that there is plunder. I say that it is exactly this that the law should be repressing 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 aggravating circumstances. 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.

It is unfortunate that this word has offensive overtones. 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 query 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. It is necessary to write under the influence of the party spirit or out of fear to cast doubt on the sincerity of protectionism, socialism, or even communism which are only one and the same plant at three different stages of its development. All that could be said is that plunder is more visible in protectionism, [5] because of its partiality and in communism because of its 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 bogus philanthropy is obviously to exonerate its intentions.

This being understood, let us examine what the popular ambition that claims to achieve the general Good through general plunder is worth, where it comes from and where it will lead.

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 compulsion, and that consequently the domain of the law cannot legitimately exceed the legitimate domain of compulsion.

When the law and compulsion 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 personality, his freedom or his property. All they do is safeguard the personality, freedom, and property of others. They remain on the defensive; they defend the equal rights of all. They carry out a mission whose harmlessness is obvious, whose usefulness is palpable and whose legitimacy is uncontested.

“When the law and compulsion 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 personality, his freedom or his property. All they do is safeguard the personality, freedom, and property of others. They remain on the defensive; they defend the equal rights of all.”

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 essential agent, compulsion, 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 question themselves, make comparisons or plan for the future; the law does all that for them. Intelligence becomes a superfluous attribute; they cease to be men and lose their personality, their freedom and their property.

Try to imagine a form of labor compulsorily imposed that does not infringe Freedom or a transmission of wealth forcibly imposed which does not infringe property. If you do not succeed, then you must agree that the law cannot organize economic production without organizing injustice.

When, from the confines of his office, 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 plunder carried out by conquest and by current plunder carried out by means of the law. 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 activity of progress and the greatest amount of equality that is compatible with the individual responsibility ordained by God, as the just reward for virtue and vice.

He does not even give this a thought. His thoughts go to deals, agreements and organizations that are either legal or artificial. He seeks a remedy in perpetuating or exaggerating the situation that has produced the misfortune.

The fact is, outside justice which, as we have seen, is just a genuine negation, is there a single one of these legal agreements 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 *obliged* to put in. If each person draws out only the equivalent of what he has put in, it is true that your law is not plunderous? but it does nothing for those men that *lack wealth*, it does nothing for equality. It can be an instrument for equality only to the extent that it takes from some to give to others, and in this case it becomes an instrument of plunder. If you look at the Protection of tariffs, production subsidies, the right to profit, the right to work, the right to assistance, the right to education, progressive taxes, free credit, or social workshops 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 constrain peoples' wishes in this respect 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 freedom and property being violated signifying therefore legal plunder.

You say, "Here are men who lack morality or religion" and you turn to the law. But the law is compulsion and do I need to say how violent and crazy it is to use force in this connection?

For all its theories and strivings it appears that socialism, however indulgent it is toward itself, cannot avoid catching a glimpse of the fiend 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, and association. And because we do not ask so much of the law since we require only justice of it, it 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 forced organization.

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

It is not spontaneous fraternity, but legal fraternity.

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

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 state religion; therefore we do not want religion. We reject equality established by the state; therefore we do not want equality, etc. 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.

How in the world of politics has the strange idea become dominant of having the law generate things that it does not encompass: Good in its positive aspect, 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 and the political writer all on his own forms the second and by far the most important part.

“Socialism ... 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 state religion; therefore we do not want religion. We reject equality established by the state; therefore we do not want equality, etc. 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.”

In effect, they begin with the premise that men do not have within themselves either a principle of action or any means of discernment, that they lack initiative, that they are made of inert matter, 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, and willing to accept an infinite number of more or less symmetrical, artistic and developed forms from an external initiative and hand.

Each of them then quite simply supposes that he is himself, wearing the hats of organizer, prophet, legislator, teacher, or founder, this driving force and hand, this universal dynamo and 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, distaffs or fans, each socialist, according to his vision, prunes poor humanity into groups, series, centers, sub-centers, honeycombs and social, harmonious or contrasting workshops, etc., etc.

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

It is so true that the socialists consider humanity to be material that can be modeled to fit social templates 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 [6] come in all seriousness to ask the constituent assembly to give them a commune with all its inhabitants in order for them to carry out tests.

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 reagents and farmers a little seed and a corner of a field in order to test an idea.

But what incommensurable distance there is between a gardener and his trees, the inventor and his machine, the chemist and his reagents and the farmer and his seed! This is the very 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.

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

What is more, while they have agreed to acknowledge a principle of action in the hearts of men and a principle of discernment in their intelligence, they have thought that this was a fatal gift from God and that humanity, under the influence of these two stimuli, 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 destitution.

“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 communal powers to enable them to substitute their own propensities for those of the human race. 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 alike life, organization, morality and wealth from government”

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and wealth from government, an idea born of 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. Classic conventionalism 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*, [7] moves humanity, brings it to life, enriches it and infuses it with morality.

[We have cut Bastiat’s extensive quotation of the works of Bossuet, Fénelon, Montesquieu, Rousseau, Raynal, Mably, Condillac, Robespierre, and others. We resume where Bastiat’s concludes his criticism of 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 right awarded but in the *power* given to man to develop and exercise his faculties under the rule of justice and the safeguard 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 instruments 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?”

Thus freedom is power. In what does this POWER consist? "In taking possession of 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.

“One of the strangest phenomena of our time ... is that the doctrine based on this triple hypothesis, the radical 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.”

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 radical 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*.

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

Since it is *social*, it ranks it lower than mud.

Is it a question of human rights, or of producing a legislator from its bosom? 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 guardianship? 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 electoral meetings through the elections, oh, how he changes his language! The nation reverts to passiveness, inertia and nothingness and the legislator enters into possession of omnipotent powers. Invention, direction, inspiration, and organization are all up to him! All humanity has to do is go along with

it; 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 propensities, 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, according to M. Considérant, *freedom inexorably leads to monopoly*? 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*? That it is for this reason that peoples 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, a good bargain leads to exaggerated prices*? *That competition leads to the drying up of sources of consumption and propels production to become a devouring activity*? *That competition forces production to increase and consumption to decrease*? From which it follows that free peoples produce in order not to consume and that *competition is simultaneously oppression and dementia* and that it is absolutely essential for M. Louis Blanc to meddle with it.

What freedom, besides, can we leave men? Will it be freedom of conscience? But we will see them all take advantage of permissiveness 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, if education were left to national freedom, 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, they have the good fortune to be raised according to the noble views of the Romans. Freedom to work? 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 carry out free trade 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.

“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 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 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.”

You can thus see clearly that social democrats cannot, in all conscience, leave men any freedom, since by their very nature, and if these fine gentlemen did not put it right, they would all tend everywhere towards all forms of degradation and demoralization.

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 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 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, 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 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.

Note that what I am questioning is not their right to invent social combinations 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 public compulsion and finance.

“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 guarantees, they nevertheless remain the most governed, directed, administered, taxed, hobbled, and exploited of all peoples.”

I demand that the followers of Cabet, Fourier, and Proudhon, the academics and protectionists renounce, not their specific ideas, but the idea that is common to them, which is to subject us by force to their causes and writings, to their social workshops, “free” banks, their Greek and Roman systems of morality and to their hindrances to 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 more 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 guarantees, they nevertheless remain the most governed, directed, administered, taxed, hobbled, and exploited of all peoples.

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

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 drive from the government"; as soon as men consider themselves to be sensitive but passive, incapable of lifting themselves up by their own discernment and energy to any form of morality or well-being and reduced to expecting everything to be provided by the law; in a word, when 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 and evil, 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 answers 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 remove its freedom from it, and if it suffers, whose fault is it? By interfering in adjusting the balance of trade by playing with the 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?

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 earnings and cannot do this, if it makes itself responsible for giving assistance in 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 allocating 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, "The state has set itself the mission of enlightening, developing, enlarging, fortifying, spiritualizing and sanctifying the souls of peoples," 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: immediately after economic science and at the start of political science [8] an overriding question is 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 attributions of the legislator cease?

I have no hesitation in replying: *the law is the common power organized to obstruct injustice* and, in short, the law is justice.

“as each individual has the right to have recourse to force only in the case of legitimate defense, collective force, which is just the union of individual forces, cannot reasonably be applied in any other case. Therefore, the Law is solely the organization of the pre-existing individual right of legitimate 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 mission is to protect them.”

It is not true that the Legislator has absolute power over our persons and property, since they existed before it and its task is to surround them with guarantees.

It is not true that the mission of the Law is to rule over our consciences, our ideas, our will, our education, our feelings, our work, our trade, our gifts and our enjoyment.

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

Because it wields the necessary sanction of coercion, the law can have as its legitimate domain only the legitimate domain of force, that is to say, justice.

And as each individual has the right to have recourse to force only in the case of legitimate defense, collective force, which is just the union of individual forces, cannot reasonably be applied in any other case.

Therefore, the Law is solely the organization of the pre-existing individual right of legitimate 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 mission 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; that is contradictory. The law cannot fail to act with regard to our persons or our property; if it does not guarantee 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, uncertainty, the unknown and in an imposed Utopia or, what is worse, in the host of utopias struggling to take over the law and impose themselves, for fraternity and philanthropy, unlike justice, do not have established limits. Where will you stop? Where will the law stop? One person, like M. de Saint-Cricq, will extend his brand of philanthropy only to certain sectors of industry and will demand of the Law that it *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 an *assured MINIMUM, by way 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 cupidity.

The law is justice.

“And I defy anyone to tell me how the thought of revolution or insurrection, or even a simple riot, could arise against a public authority that is limited to repressing injustice. Under a regime like this, there would be greater fulfillment, 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.”

Within this circle a simple, unshakeable government is 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 authority that is limited to repressing injustice. Under a regime like this, there would be greater fulfillment, 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 appeal or burst into the chamber of a justice of the peace to demand a minimum wage, free credit, tools for work, favorable tariffs or social workshops? They are fully aware that these arrangements are beyond the judge’s powers and will learn at the same time 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 misfortunes flow from it, that it is responsible for each individual 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 right? Are all rights not equal? How then could the Law intervene to subject me to the social designs of MM. Mimerel, de Melun, 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? Is it the role of the law to choose between so many illusions and assign public compulsion to serve just one of these?

The law is justice.

And let nobody say, as is constantly said, that if the law were thus designed to be atheist, individualistic, and with no substance it would make the human race in its image. That is an absurd deduction, only too worthy of this government obsession with seeing humanity in the law.

What then! Once we are free, does it follow that we would cease to act? Once we no longer receive our animation from the law, does it follow that we will be devoid of any stimulus? 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, systems 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 into atheism, isolation, ignorance, deprivation 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 achieving the perfection of our being?

The law is justice.

And it is under the law of justice, under the regime of 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, doubtless slowly but certainly, the progress which is its destiny.

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, right, justice, progress, responsibility, solidarity, property, work, trade, capital, earnings, taxes, population, credit, or

government, at whatever point on the scientific horizon I place the point of departure of 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 peoples? Those for whom the Law intervenes the least in private activity, by whom the government is the least felt, in which individuality has the most vigor and public opinion the greatest influence, in which the administrative systems are the least in number and degree of complexity, the taxes the least heavy and the least unfair, popular discontent the least heated and the least justifiable, in which the responsibility of each individual and each sector is the most active and consequently, where habits are imperfect, they tend most indefatigably to improve, in which transactions, agreements and associations are the least hindered, in which labor, capital and the population are subject to the fewest artificial displacements, in which humanity obeys its proper leanings most readily, in which the thought of God prevails the most over the designs of men, those in a word that come the closest to the following state of affairs: all things to be achieved through man's free and perfectible spontaneous action, within the limits of what is right; nothing by the law or by government other than universal justice.

It has to be said: there are too many great men in the world. There are too many legislators, organizers, institutors of forms of society, leaders of peoples, fathers of nations, etc. etc. Too many people put themselves above humanity in order to rule it and too many people make it their job to become involved with it.

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People will say to me: You yourself are becoming involved 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.

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

I am becoming involved 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 fortune tellers, warlocks and quacks were crowding around it, armed with rings, hooks and ties. 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."

“The social organs are also constituted so as to develop harmoniously in the fresh air of freedom. Away with you, therefore, you quacks and organizers! Away with your rings, chains, hooks and pincers! Away with your artificial means! Away with your social workshop, your phalanstery, your governmentalism, your centralization, your tariffs, your universities, your state religion, your free or monopolistic banks, your constraints, your restrictions, your moralizing or your equalizing through taxes!”

God has also provided humanity with all that is necessary for it to accomplish its destiny. There is a providential social physiology just as there is a providential human physiology. The social organs are also constituted so as to develop harmoniously in the fresh air of freedom. Away with you, therefore, you quacks and organizers! Away with your rings, chains, hooks and pincers! Away with your artificial means! Away with your social workshop, your phalanstery, your governmentalism, your centralization, your tariffs, your universities, your state religion, your free or monopolistic banks, your constraints, your restrictions, your moralizing or your 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 and at last put freedom to the test; freedom, which is an act of faith in God and in His work.

Notes

1 This extract of "The Law" comes from the Collected Works of Bastiat, Vol. 2 "The Law," "The State," and Other Political Writings, 1843-1850 (2012) <oll.libertyfund.org/title/2450/231339>.

2 (Paillottet's note) See vol. 5, the last two pages of the pamphlet entitled "Plunder and the Law." (OC, vol. 5, p. 1, "Spoliation et Loi.") [The last two pages are 14 and 15. [See also, this volume, "Plunder and Law," p. 000.]

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

4 Under France's restrictive eligibility rules for voting only the wealthiest tax payers were allowed to vote. Under King Charles X (1824-30) fewer than 100,000 taxpayers were able to vote out of a total population of about 32 million. By 1848 the increase in the size of the wealthy merchant and industrial classes had increased the number of voters to about 200,000 out of a total population of 36 million. 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.

5 (Bastiat's note) If in France protection were granted only to a single sector, for example to ironmasters, it would be so absurdly plunderous that it would be impossible to maintain it. For this reason, we see all forms of protected industry 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 as concealed as it is generalized.

6 Victor Considérant.

7 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.

8 (Bastiat's note) Political economy precedes politics; politics states whether human interests are naturally harmonious or antagonistic, which political economy ought to know before establishing the attributes of government.

Further Information

SOURCE

This extract of “The Law” comes from the *Collected Works of Bastiat*, Vol. 2 “*The Law*,” “*The State*,” and *Other Political Writings, 1843-1850* (2012) <oll.libertyfund.org/title/2450/231339>.

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LF’s edition of *The Collected Works of Frédéric Bastiat*, in 6 Vols. ed. Jacques de Guenin (2011). As each vol. is published it will appear on the OLL at <oll.libertyfund.org/title/2451>.

FURTHER READING

More works by Bastiat can be found here <oll.libertyfund.org/person/25>.

“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.”
(Draft Preface to Economic Harmonies, 1847)



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