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VOLUME 27.1

THE
THEORY
OF
PROPERTY

[THIS *DRAFT* TRANSLATION *WILL* BE REVISED
AND SHOULD BE USED WITH CAUTION]



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NOTICE THE READER

In the preface placed at the beginning of the book on *Art*,¹ we have undertaken to tell the public the state of the manuscripts of each of Proudhon's posthumous works.

The one that we publish today contained these two notes:

I. "To inform the reader to clearly distinguish the form of possessing (*possession*), which everyone, learned and ignorant, even some jurists, confuse with property, giving the name of the one to the other."

II. "PROPERTY. To give an exact and firm analysis of all my critiques:

"1st *Memoir* (1840)

"2nd *Memoir* (1841)

"3rd *Memoir* (1842)

"*Creation of Order* (1843);

"*Economic Contradictions* (1846);

"*The People*, etc. (1848-1852);

"*Of Justice* (1858);

"*Of Taxation* (1860);

"*Of Intellectual Property* (1862)."

Proudhon did not want to publish his *Theory of Property*, although it was ready in 1862, as he announced in his *Majorats Littéraires*, before the program sketched in the two preceding notes, and especially in the second, was fulfilled. The author not having had time to do this work himself, we have thought, in the interest of his memory, that it fell to us to supply it. It was for him principally a question of showing that his ideas on property developed according to a rational series in which the last term always had its point of departure in the preceding term, and that his present conclusion is not at all contradictory with his premises.

This summary forms the first sixty-two pages of the Introduction. We have used the form *I*, as if Proudhon himself had written: 1) because the idea of that analysis belongs to him; 2) because the work sketched in advance does not constitute on our part an individual, original production; 3) because it is composed in large part of textual citations from the author; 4° because we have inserted some of his unpublished notes; 5) finally, because, in the last pages of the chapter, Proudhon takes over, as if he had made the summary himself.

The reader thus informed, we do not hesitate to cite, in support of the author's idea, a judicial act which has occurred since his death, and which has inspired Mr. Eugène Paignon to one of his best articles (see the *Introduction*, page 7).

¹ *Du principe de l'art et de sa destination social*

In the rest of the work we have only done, as in the book on *Art*, some arrangement and ordering; choosing, between several expressions of the same idea, the most lucid, and most complete; transporting to the chapters that they concern the scatter supplementary and explanatory notes scatter, whose place was naturally indicated by their content.

Let us add finally that the chapter divisions had not been made, but that the titles were all found in summary form on the first page of the manuscript.

J. A. LANGLOIS.
G. DUCHÊNE.

F. G. BERGMANN.
F. DELHASSE.

Contents

Introduction

1. Of the various meaning of the word *property*
2. Summary of my previous works on property
2. That property is absolute: prejudice unfavorable to absolutism
3. Different ways of possessing the land: in community, in feudality, in sovereignty or property. — Study of the first two modes. — Rejection
 1. In community
 2. In feudality
4. Opinion of the jurists on the origin and principle of property: refutation of these opinions
5. Historical glance at property: causes of its uncertainties, its variations, its abuse and degeneration; it has existed nowhere in its truth and fullness, in accordance with the wishes of society, and with a perfect knowledge of itself
 1. Property among the Romans
 2. Property in the Middle Ages
6. New Theory: that the motives, and thus the legitimacy of property, must be sought, not in its principle or its origin, but in its aims. — Account of these motives
 1. Necessity, after having organized the State, to create a counterweight to the State in the liberty of each citizen. Federalist and republican character of property. Observations on the poll tax and confiscation
 2. Abstention from all regulatory law concerning the possession, production, circulation and consumption of things. — Analogy with love and art. — Mobilization of the immovable. — Character of the true propertarian
7. Equilibration of property. System of guarantees
 1. Action of property on itself
 2. System of guarantees: influence des institutions. !79
8. The criticisms of the author explained
9. Summary of this book
- Appendix. — Society/Company for a Perpetual Exposition: proposal

THEORY OF PROPERTY

CHAPTER ONE

INTRODUCTION

§ I. — Of the various meanings of the word *property*.

In 1840, I promised to give a solution to the problem of property, and I renewed my promise in 1846. Today I keep my word. It is my turn to defend property, not against the phalansterians, the communists and the agrarians, who are no more, but against those who *saved* it in June 1848, in June 1849, in May 1830, in December 1851, and who have since brought it low.

Property is a question rendered formidable by the interests that it puts into play, the desires that it awakens, the terrors to which it gives rise. It is a word made terrible by the numerous meanings that our language attributes to it, the equivocations that it allows, and the nonsense that it tolerates. Who has never, through ignorance or through bad faith, followed it onto this very terrain? What can I hope or do, when I see jurists, law professors, and laureates of the Institute confuse PROPERTY with all the forms of *possession*, rent, farm rent, emphyteusis, usufruct, and the enjoyment of things that are consumed by use?

"What!" someone says, "I would not be the proprietor of my furnishings, of my coat, or my hat, for which I have well or duly paid!"

"You would dispute with me," says another, "my property in my wages, which I have gained by the sweat of my brow!"

"I have invented a machine," cries this one. "I have made twenty years of studies, research and trials, and someone will take it from me. They will steal my discovery!"

"I have," responds that one, "produced a book, the fruit of long and patient meditations; I have put my style, my ideas, my soul, and all that is most individual in a person into it, and I would not have a right to remuneration!"

I was responding to the logicians of this caliber—who push the confusion of the various senses of the word *property* to the point of absurdity—when, in 1863, in my *Majorats littéraires*, I wrote: "This word is subject to very different meanings, and it would be a buffoonish sort of argument to pass, with no other transition, from one sense to another, as if it were always the same thing. What would you say to a physicist who, having written a treatise on light, and thus being the owner of this treatise, claimed to have acquired all the *properties* of light, arguing that his opaque body has become luminous, radiant, and transparent, that he travels seventy thousand miles per second and thus enjoys a kind of ubiquity?... In spring, the poor peasant women go to the woods to harvest strawberries that they bring to the city. These strawberries are their product, and therefore, to speak as Father Pluquet does, their *property*. Does

this prove that these women are to be called proprietors? If you said so, everyone would think they own the wood from which the strawberries come. Alas! just the opposite is true. If these sellers of strawberries were their owners, they would not go to the woods to seek what belongs to the owners, they would eat them themselves."

Let us seek, then, to better understand my thought and to banish all ambiguity, and all other meanings of the word *property*.

Article 534 of the Civil Code says: "The proprietor of the land who has made constructions, plantations, and works thereon with materials which do not belong to him must pay the value thereof; he can also be ordered to pay damages, if proper; but the *owner of the materials* does not have the right remove them."

Conversely article 555 decrees: "When the plantations, constructions, or works have been made by a third party and with his materials, the owner of the property has the right to keep them or to compel said third party to remove them. — If the owner of the land asks to have the plantations or constructions removed, it shall be done at the expense of the person who has made them, without giving him any indemnity, and he can even be ordered to pay damages, if proper, for the injury which the owner of the land may have suffered. — If the owner prefers to keep the plantations and constructions he must repay the value of the materials and the price of the labor, *without regard to the increase or loss in value which may have been occasioned to the land*."

Although the legislator uses the word *proprietor*, whether it is a question of land or materials, we see, however, that the two persons are not on an equal footing. The possessor, simple user, tenant, farmer, who has planted, reforested, drained, or irrigated, can be condemned to destroy with his own hand his own works of development, amendment, and improvement of the soil, if the owner of the capital does not wish to pay him back for his materials and labor, taking freely and completely the surplus value given to the land by the work of the settler. Thus regulated by the first and second chapters of title II, book II, of the civil code on the *right of accession*: "All that which is united and incorporated with the property belongs to the proprietor."

Things do not occur otherwise in practice.

For example, from time immemorial, Sologne² has been cited as a cursed land, barren, sandy, swampy, as unhealthy as infertile, filled with some warrens, some poisonous pools, some heaths, some gorse, some poor grazing for the sheep, whose teeth gnaw the grass to the roots, some rare fields of buckwheat and other inferior crops, where fifteen or twenty hectares were required to provide for a family: such was the condition of this sad country. For about twenty years, the attention of the capitalist cultivators has been attracted to the region; they have said that with the railroads, it would be possible on the one hand to bring to the *solognais* soil the elements that it lacks: plaster, lime,

² Sologne is a region of north-central France.

manure, fertilizing refuse from the large towns, waste from the barracks, etc. And, on the other hand, the agricultural products they would obtain would all find outlets through the same means of circulation. What to do? Buy lands and form immense estates? That is bad speculation from the point of view of the goal that it is a question of achieving. Someone who, having 100,000 francs, ties up 50,000 in the acquisition of lands, has only 50,000 francs to dedicate to enrichment and labor; he diminishes his means of action by half. So, instead of buying the land, the new settlers will contract leases of thirty, forty, or fifty years. The example was followed, and Sologne is today on the road to transformation, or let of say, of creation: draining, sanitation, plastering, liming, marling, manuring, plantations of pines and other species proper to poor lands, establishment of artificial pastures, large-scale livestock raising, as much for fertilizer as for other products, substitution of industrial grains and plants for the buckwheat, clearing of heaths, replacement of gorse with clover, sainfoin, and alfalfa: such are the marvels begotten by intelligence, science and labor on the cultivated estates of the idle and contemplative proprietor, whose only merit is *to be willing to leave things be*, IN RETURN FOR INCOME³ AND TRIBUTE.

It is easy to understand that at the expiration of the leases of thirty or forty years, the original value of the lands will carry little weight in the inventory of the enterprise, and that if the property was truly the fruit of the labor, the landlord's portion would not be hard to repay. But the right of accession has arranged things in another manner: the proprietor keeps everything *by right*, without regard for the increase in value his capital has received. So the tenant, if he renews the lease, must pay the proprietor interest on sums that he has himself spent to improve the land; in short, whether he remains or he withdraws, his asset is lost to him.

We are far from the eclogues of Troplong, Thiers, Cousin, Sudre, and Laboulaye on property and its legitimation through labor, first occupancy, the affirmation of the self, and other transcendental or sentimental considerations. Does the public already understand that between a hat or coat, and a plot of land or a house, there is an abyss, with regard to the manner of *possessing*, and that if grammar allows us to say, as a figure of speech, "the property of a bed, of a table," as we say "the property of a field," jurisprudence does not tolerate the same confusion?

Let us take another example: "Ownership of the soil," says article 552, "involves ownership of what is above and below it." Great was the astonishment and loud the clamor of the gas-lighting companies, when the city of Paris informed them that by virtue of the aforementioned article, the property in the pipes established beneath the roads belonged to it. The law here is strict and does not include any shadow of ambiguity; the companies objected in vain: We have bought our pipe, and have installed it at our own cost; we have still paid the city for all the rights of way demanded in such circumstances; you rob us of

³ Rente: Income

our property: it is confiscation. The city responded, Code in hand: There is property and property; mine is national and yours serves it, that is all. If you do not want to come to terms with me for the use of your materials, which have become mine, I will sell them or lease them to others.

Let us note here that the city does not claim, as the representative of a collectivity, a higher right than that of the individuals. What it does, the first proprietor of land who comes along can do, and they do not miss the opportunity. A vast speculation has been established around Paris on this provision of the law, unknown to the masses. You see many signs: *land for sale, with easy payments*. Numerous petit-bourgeois, well-to-do workers, bitten by the proprietary tarantula, are allotted lands at 6 francs, 10 francs or up to 20 francs per meter, without first thinking that the price of 10 francs per meter brings the land to 100,000 francs per hectare; so they have bought junk at ten times the price of the best natural grasslands of Normandy or Angoumois. Then, the first payments and the costs of transfer paid, they begin to build. While a few have been able to guide the enterprise to its goal, the majority are worn out. Unable to make their payments, they must abandon the beginnings of construction, along with the land, to the seller. Thus, the proprietor ends up having, for free, a house for which one has paid for the excavation and foundations, another the bare walls, this one the roofing, and that one the interior fittings. So ease in payment is granted in direct proportion to the presumed insolvency of the buyer: it is in the interest of the speculator that his buyer does not pay. The Parisians, thanks to the ceaselessly growing number of the victims of eviction, are beginning to understand that justice and property are not synonyms.

Let us end this popular account with a still more striking example than those preceding:

A manufacturer takes a lease for twenty years, at a fabulous price, on some corner in one of the nicest quarters de Paris, in order to establish a café; he pays religiously, in conformity with the customs, his six months in advance; then he calls the painters, decorators, upholsterers, gas-fitters, manufacturers of bronzes and chandelier; he furnishes his lounges and his cellar with a similar splendor, all on credit. Let us first observe this difference: while the suppliers agree to be paid on time, the proprietor is paid in advance. After some time, a year or eighteen months, the entrepreneur of the café goes bankrupt. None of his suppliers are paid; each comes to reclaim their candelabras and plumbing, their divans, armchairs, tables, and chairs, their wines, liquors and cordials, their mirrors, etc., only too happy to mitigate the loss that much. But they count without the *privilege of the landlord*, articles 2100 and following. The proprietor, who has lost nothing, thanks to his six months of advance, steps in and says: I have the advantage of an attractive lease, on which there still remains nineteen years to run; I doubt that I will find such income from my building; that is why, to guarantee myself the full product of my contract, I seize all the furniture, mirrors, clocks, wines, liquors, and whatever other objects fill the place; it does

not trouble me that they have not been paid for. I am the privileged proprietor, while you are simply merchants and manufacturers; real property is regulated by the Civil Code, and that of products and commodities by the Commercial Code. You are free to call your merchandise and supplies *properties*: the title is simply honorific, not to say usurping. The law know how to reduce this impertinent designation to its true value.

Have we strained, in our hypothesis, the sense of the articles of the Code concerning the privilege of the proprietor-landlord? Here is what we read in the judiciary review of *la Presse* (September 11, 1865), under the signature of Mr. EUGÈNE PAIGNON:

“A question which has agitated the judiciary world, and also the world of business, for half a century, has shown itself in recent times with a great intensity, and we believe that it will be expedient to bring an end to the regrettable controversies that it has brought about, by resolving them in a definitive manner by a law. It is this: In the case of the bankruptcy of his tenant, does the proprietor have a debt currently due which allows him to obtain the immediate payment of all the outstanding rents and even those yet to fall due?

“The question having been presented, by reference to the Court of Cassation, to the imperial court of Orleans, and this court has recognized the right of the owner, in its broadest scope.

“There is not only a right of privilege founded on article 2102 of the Napoleonic Code that the judgment has established to the profit of the proprietor, for all the rents, even those not yet fallen due; the court of Orleans also recognize the proprietor's right to exercise a direct action, against the bankrupt or their trustee, tending to the payment of all the rents due or to come due, if not to the immediate termination of the lease.

“The case brought before the imperial court presented some circumstances of fact on which the tenant relied strongly to postpone the demanded termination, in default of payment, a termination disastrous for the liquidation of his bankruptcy.

“The proprietor demanded the immediate payment of around 58,000 francs for the rents to come due until the end of the lease. This payment would have absorbed, if it had been realized, even more than the assets of his bankruptcy. Paid into the hands of the proprietor, that sum makes for him, by its annual interest, a considerable profit.

“On the other hand, if the tenant alleged that, by the fact of his bankruptcy, he had diminished the securities of the proprietor, the securities that remained to him were however of a nature to shelter him from any serious fear:

“1) The property, leased already for six years, and for a period of twenty years, had been considerably increased in its market or rental value, by improvements worth more than 20,000 francs;

"2) The total value of the rentals agreed by the trustee totaling 5,000 francs instead of 2,800 francs, arising from the original rent;

"3) Finally, furnishing superior to the furnishings of the bankrupt, merchandise of a value at least equal to those which adorned the building during the bankrupt's occupancy, were sufficient guaranties for the proprietor.

"All these considerations have not appear to the referring court of a nature to modify the solution of the question. The court has only granted an extension of three months to the bankrupt and the trustee to satisfy the demand for payment; and in default of such payment within that period, it declared the termination of the lease.

"Following that judgment, which deprived the lessee of all hope of commercial future, he committed suicide.

"We cannot be mistaken about how harsh this solution is for the lessees and for their creditors.

"Some excellent have bowed before this jurisprudence and have proclaimed that only the legislature can remedy the perhaps excessive exercise of the right of the proprietor by modifying the legislation on this point.

"That is for the legislature to deal with, exclaimed the Advocate General Moreau—a vigorous mind, that one—before the court of Paris, in 1862, in his remarkable verdict; as for us, as organ of the existing law, it is enough for us to say: *Dura lex, sed lex.* »

"Our laws, says Mr. Mourlon, one of the most eminent jurists of our time, cited on this topic by the author of the article; do our laws give owner-lessors the right, when their tenant goes bankrupt, to enrich themselves at his expense or complete his ruin, although they have no legitimate and substantial interest? If we pose the question in these terms, we will doubtless be reproached for the strangeness and irreverence of such a paradox.

"However, we do not invent anything. Anyone who will consent to see things in their reality will be forced to recognize that, ingenious disguises, the question that we just posed is pleaded every day before the courts.

"For the rest, let us speak of the facts. Some huge stores, for example, have been leased for fifty years, at an annual price of 50,000 francs; the tenant has brought furnishings and goods in a great enough quantity to assure, to a reasonable degree, the tranquility of the proprietor. He has done more: he has, by considerable outlays, and by the very success of his commercial operations, greatly increased the rental value of the premises where he operated. If it pleases him to assign his lease, as his title allows him or gives him the right to do, it would be easy for him to find a taker at 60,000 francs per year. After ten years of prosperity, during which the rents have been paid as things go along at their due dates, some unfortunate events, some reckless actions, if you wish, intervene, which lead to the bankruptcy of the tenant. From this arise a dispute, between the proprietor on the one hand and the bankrupt tenant or his creditor on the other, which must be settled.

"I leave you the choice, says the proprietor: either pay me now all my future rents, that is to say forty times 30,000 francs, or terminate the lease.

"Your alternative, respond the other creditors, leaves us no liberty: how, indeed, to pay you two million right away? Two million, it is more than the assets of the bankrupt. Thus, it is the ruin of the bankrupt and our ruin at the same time, if the law obliges us to submit to your claim. If you had a legitimate interest to show yourself so implacable, the law could doubtless be understood in the sense of the alternative that you oppose to us; but to only consider equity, what could you claim? Some reasonable securities for the payment of your possible rent? These securities, we are ready to give it to you. The leasehold rights which the bankrupt has, according to the arrangements you made with him, the full and complete disposition, we will assign to a third who will provide and even bring, to the premises leased, as much furnishings and merchandise as are necessary to shelter your interests from the dangers that you rightly fear.

"Let us take, if you like, another combination. An advantageous arrangement is proposed to us, and we are ready to accept it. The bankrupt, whom we will reestablish at the helm of his business, will leave in the leased premises all the furnishings and all the merchandise that were there during his bankruptcy; he will even, if you insist, bring new objects which will give your security an extent they never previously had, and which you could not even count.

"Do our propositions lack justice? What honest motive could make you refuse them? Is your security compromised? Instead of diminishing it, we strengthen it. Now, if no serious danger threatens you, if the bankruptcy of our tenant does you no harm, or if the damage that it cause you is completely erased, what aim could you pursue, if not to do evil for its own sake, or to enrich yourself at the expense of others? To pay you right now, without discount, the total of your rents that have come due: that would truly be to pay you *twice* at least what could be due to you. To terminate the lease would be to transfer from the hands of the bankrupt into your hand a portion of his capital, since that termination would award to you, to his detriment, the increase in rental value that he has created, either by the relations that they have established between the public and the leased premises, or by the work that they have performed there. Know it well: what you demand is outside all justice.

"What does it matter? replies the proprietor; the law grants me what I claim; submit yourself to it.

"It is painful to say, responds the jurisprudence in its turn, but what he claims and seeks is truly his by right."

The reader should now understand the difference which exists between *possession* and *PROPERTY*.⁴ It is only the latter that I have called theft. Property

⁴ See, on the same question, *de la Capacité politique des classes ouvrières*, pages 136 and following.

is the greatest question facing the present society; it is everything. I have occupied myself with it for twenty-five years; but before I say my last word on that institution, I think it will be useful to summarize here my previous studies.

§ 2. — Summary of my previous works on property.

In 1840, when I published my first *Memoir on Property*, I took care to distinguish property from possession or the simple right of use. When the right of abuse does not exist, when society does not recognize it for anyone, there is not, I said, a right of property; there is simply a right of possession. What I said in my first memoir, I still say today: the proprietor of a thing, — land, house, instrument of labor, raw material or product, it matters little, — perhaps a person or a group, the head of a family or a nation: in one case as in the others, he is truly a proprietor only on one condition: it is to have an absolute sovereignty over the thing; it is to be its exclusive master, *dominus*; it is that the thing be his domain, *dominium*.

Now, in 1840, I frankly denied the right of property. All those who have read my first memoir know that I denied it to the group as well as to the individual, to the nation as well as to the citizen: this excluded every communist or governmentalist affirmation on my part. — I have denied the right of property, that is the right of abuse, over all things, even those that we call our faculties. Man has no more right to abuse his faculties than society has to abuse its force. “Mr. Blanqui,” I said in response to the letter that estimable economist had just addressed to me, “acknowledges that property is abused in many harmful ways; I call *property* the sum of these abuses exclusively. To each of us property seems a polygon whose angles need knocking off; but, the operation performed, Mr. Blanqui maintains that the figure will still be a polygon (an hypothesis admitted in mathematics, although not proven), while I consider that this figure will be a circle.” (Preface to the second edition, 1841.)

As laborer, I said at that time, man has an incontestable, individual right to his product. But of what does the product consist? It is the shape or form of fashioning that he has given to the material. As for that material itself, he has in no way created it. If then, prior to his working, he had a right to appropriate that material, it is not a title as laborer, but another title. Victor Cousin understood this very well. For that philosopher, the right of property is not just based on the right of labor; it is founded at the same time on this right and on the prior right of occupation.—No doubt! But this latter right, which is not yet that of property, belongs to all; and when Mr. Cousin recognizes a right of preference to the occupant, he supposes that the materials are bestowed on everyone, that they are lacking to no one, and that each can appropriate them. In this supposition, I do not hesitate to recognize that, subsequent to labor, the individual right to possession of the form entails an individual right to possession of the materials fashioned. But is the supposition in agreement with the facts?

Where land is lacking to no one, where each can find it freely at his convenience, I admit the exclusive right of the first occupant; but I acknowledge it only on a provisory title. As soon as the conditions are changed, I only acknowledge an equal division. Otherwise, I say, there will be abuse. I certainly agree that the one who has cleared land has a right to compensation for their labor. But what I do not agree to, is that, with regard to the soil, the form given implies the appropriation of the matter formed. And, it is important to not, the proprietors do not agree any more than I do. Do they recognize that their tenants have a right of property to the land that they have cleared or improved?

In good justice, I said in my first memoir, the equal division of the land should not exist only at the point of departure; it must, in order that there be no abuse, be maintained from generation to generation. That is for the workers in the extractive industries. As for the other industrial workers, whose wages, for equal labor, should be equal to those of the first category, it is necessary that, without occupying the land, they have the free enjoyment of the materials that they need in their industries; it is necessary that in paying with their own labor, or, if you prefer, with their products, for the products of the holders of the materials, they only pay for the form given by them to the materials; it is necessary that labor alone be paid for with labor, and the materials must be free. If it is otherwise, if the landowners collect a profit in rent, it is an abuse.

The excess of the value of the gross product over that of the costs of production, among which must be included, with the wage of the cultivator, the repayment or amortization of the expenses of the business, the land-rent, — what I called *fermage* in 1840, — exists every bit as much for the proprietor when he farms himself as when a tenant farms in his place. The manufacturers are, like the cultivators who are not proprietors, are excluded by it from the division of the land, from the free enjoyment of materials, of natural forces not created by men. They can enjoy it only at great expense, with the permission of the landowners, to whom they yield a part of their products or their wages, in order to have that permission. Let them yield it to them directly or indirectly. No matter, the land-rent is a tax collected by the landowners on all wages, including their own. And as that tax is not the remuneration of a labor, as it is something other than the amortization of expenses applied to the land, I call it *aubaine*.⁵

“According to Ricardo, MacCulloch, and Mill, land-rent, properly speaking, is simply the *excess of the product of the most fertile land over that of lands of an inferior quality*; so that farm-rent is not demanded for the former until the increase of population renders necessary the cultivation of the latter.... How can a right to the land be based upon a difference in the quality of the land?... If they had gone no farther than to say that the difference in land has been the *occasion* for land-rent, instead of the *cause* of it, this observation would have taught us a valuable lesson; namely, that land-rent grew out of a desire for

⁵ An aubaine is a *windfall* or unearned *increase*.—Translator’s note.

equality. Indeed, if all men have an equal right to the possession of good land, no one can be forced to cultivate bad land without indemnification. Land-rent — according to Ricardo, MacCulloch, and Mill — would then have been a compensation for loss and hardship. This system of practical equality is a bad one, no doubt; but it sprang from good intentions. What argument can Ricardo, Macculloch, and Mill develop from this in favor of property?"

What did I attack in particular in 1840? The right of *aubaine*, a right so inherent in, so intimate to property, that where it does not exist, property is nothing.

"Increase receives different names according to the thing by which it is yielded: if by land, *land-rent*; if by houses and furniture, *rent*; if by land held in perpetuity, *revenue*; if by money, *income*; if by exchange, *benefice*, *gain*, *profit* (three things that must not be confounded with wages or the legitimate price of labor).... The republican constitution of 1793, which defined property as 'the right to enjoy the fruit of one's labor,' was grossly mistaken. It should have said, 'Property is the right to enjoy and dispose at will of another's goods, — the fruit of another's industry and labor.'

"In France, twenty million laborers, engaged in all the branches of science, art, and industry, produce every thing which is useful to man. Their annual wages amount, it is estimated, to twenty thousand millions; but, in consequence of the right of property, and the multifarious forms of increase, premiums, tithes, interests, fines, profits, farm-rents, house-rents, revenues, emoluments of every nature and description, their products are estimated by the proprietors, and employers at twenty-five thousand millions. What does that signify? That the laborers, who are obliged to repurchase these products in order to live, must either pay five for that which they produced for four, or fast one day in five."

The first consequence of that *benefice* is, by making universal competition impossible, the destruction of the equality of wages between the various professions or social functions, and, by destroying it, the creation of an irrational division of these functions. The division of the laborers into two classes, unskilled workers and engineers, the directed and the directors, is at once irrational and unjust. The inequality of wages between the various social function is unjust, since these functions are equally useful, and since by their division we are all associated in production. No one can say that he produces alone. The blacksmith, the tailor, the shoemaker, etc., etc., cooperate with the cultivator in the plowing of the earth, just as the cultivator cooperates in the manufacture of their products. The manual worker is a cooperator in the work of the engineer, as the engineer is a cooperator in his own.

In affirming in my first memoir that with equal labor, wages must be equal among all the professions, I had forgotten to say two things: first, that labor is measured according to both its duration and its intensity; second, that we must include in the wages of the laborer neither the amortization of the costs of his education and of the labor he has invested in himself as an unpaid apprentice, nor insurance premiums against the risks that he courts, which are far from

being the same in every profession: risks of unemployment and loss of social position, infirmity and death; this last risk, because the head of a family must provide, even after his death, for the existence of his wife and minor children.

I put right these two omissions in my second *Memoir* (1841), in the *Notice to the Proprietors* (1842) and in the *Creation of Order* (1843). "To establish equality among men," I said to Mr. Blanqui in my second *Memoir*, "it is only necessary to generalize the principle upon which insurance, agricultural, and commercial associations are based." In the farming and commercial societies, — all the accounts are there to affirm it, — the right of increase is only applied against foreigners; it is no more applied to the real associate than against the fictive associates: capital, funds, portfolio, raw materials, various merchandise. When an associate, fictive or real, suffers a loss, that loss is borne, like the profits, by all.

A contradictory thing, which I have had occasion to stress several times: if we treat everyone as strangers, as enemies as proprietors, we will never fail to treat one another as associates as trading laborers. By exchanging our products against theirs, don't we compensate the tenant farmer for the rent that he has paid to the owner of his land; the borrower, for the interest that he has paid to his creditor; the merchant and the manufacturer, for the rents they have paid to the owners of their stores and workshops? — Let us suppress all the *aubaines* by which we act as proprietors; and *ipso facto* we are all associated; to insure the perpetuity of the association, we only have to organize it by creating collectively a number of institutions of mutuality: mutual insurance, mutual credit, etc.

When the worker includes in his apparent wage an insurance premium against the special risks that he faces, it is the consumer of the product of his labor that pays it. By exchanging products for products, and more generally services for services, everyone is mutually insured against their respective risks; and, as it is those who court the greatest risks receive the highest premiums, we can say that the society or universal association of the laborers aims to achieve the equality of wages. Let the *aubaines* be suppressed; let all the premiums be deposited in the corporative societies of mutual insurance; and, without charity, which is always insufficient because it is inorganic, needing to intervene, wages will be equal between all the professions. If they are not, it is because the premiums have been badly calculated. But the statistics being thus organized, the rectifications will not be long in coming. Doubtless, one will never have absolute equality; but, by a series of oscillations whose amplitude will diminish more and more, we will progressively approach it; and the approximate equality will soon be a fact.

Let us now suppose, to establish the ideas, a profession which counts 115 laborers—namely 100 journeymen, all capable of creating products of the same quality, and 15 apprentices. Should these last, for equal labor, receive the same wage as the first? I have never maintained it. Should the 100 journeymen earn, for the same labor, the same wage as those of other professions if, according to

the population figures, the state of needs and that of industry, 98 of them would suffice? Not at all. I have always said, notably in *The Creation of Order*, that it was up to the consumers to themselves inform the laborers of each profession when their numbers surpass the normal proportion. I have only said that, in a well-organized society, the notice should be given otherwise than by a decrease in wages; and that decrease, which is an act of war, should only be made in a case of stubbornness of the laborers advised.

I have said that, in any case, it was the laborers who should make themselves the internal police of their profession and reduce it to the normal number; — that that reduction necessarily implied the negation of the closed guilds; — that the internal policing of the professions should be made by war, or what we today call competition, only in cases where it could not be done amicably; — that in that capacity the laborers of a single profession should organize in a society for mutual insurance in order to indemnify those among them whose displacement will be exaggerated by the social interest.

I have said that once there is a normal number of laborers in each profession, the journeymen capable of creating products of the same quality no longer have to compete for the orders: they necessarily divide them among themselves in an equal manner, if, for example, there are 1,000 of them, they are each equally capable of satisfying a thousandth of the orders. I have said that if some among them, 100 for example, had then the strength and will to each perform a thousandth beyond the thousandth, that would be a proof that the guild contained 10 journeymen too many, and that the number of these journeymen should be reduced from 1,000 to 990; that demonstrates the hypothesis.

Thus I have had the right to affirm that the inequality of wages between laborers of the same profession is possible, when they are in normal numbers, only if some among them do not want to fill, or cannot fill, their share of the total orders. If they do not wish to, and are content with a lower wage, justice is satisfied. If they cannot, if they are incapables of earning, in the profession that they have embraced, a wage roughly equal to that of the others, they are either disabled, or they are displaced laborers.

The disabled, those who are born, or become incapable of earning, not only in one or more professions, — in which case they will only be displaced workers,— but in all of them, a wage approximately equal to that of the others, should be indemnified by mutual insurance against the risk of infirmity, by means of premiums paid by fathers for their children, born or to be born, and by the laborers for themselves. With the principle of mutuality, which has always been my principle, and which defies all attacks, because it is a corollary of justice, charity is useless, or, if one prefers, it becomes justice once again by being organized in an intelligent and intelligible manner.

The misclassified laborers only demonstrate one thing: the poor organization of society and of professional education. When they are very numerous, they attest above all to the extreme inequality of fortunes, a

consequence of the right of *aubaine*, which rarely permits the son of the poor man to embrace the profession that suits him best, and which makes the son of the rich man seek professions which do not suit him at all.

Let the citizens cease to recognize the right of *aubaine*; let them organize the city according to the concepts of justice and science, and there will no longer be a single misclassified laborer; all will earn, for equal labor, roughly equal wages.

You forget, one objects, that all the laborers in a single profession are not equally capable of creating products of the same quality. To the Saint-Simonians and phalansterians, who made that objection to me, I responded in the *Avertissement aux propriétaires*: "All strongly pronounced talent gives rise to a division in labor, in short, to a *function*. That talent falls under the law of equality in exchange, formulated by Adam Smith." Will the shoemaker who has learned in a few months to make shoes of cheap stuff want to try to make boots of superior quality: he will earn less than the worker whose apprenticeship has been complete, encyclopedic; and that is only justice, since he is only an apprentice, ignorant of his trade. But let him decide to only make cheap shoes, and his real wage, that is his apparent wage, decreased by the depreciation his costs of apprenticeship, will be the same as the real wage of the shoemakers of *the other profession*. Deduct the *aubaines* and their consequences; you will see that it is thus in the present society.

There are, one says, good and bad artists, who each, however, spend as much time and money in the exercise of their art as the others: laborers well or badly fitted to their tasks. I refer, however, the question of the wages of artists to the analysis that I will make further along in my works of literary and artistic property.

In attacking property, I took care, from 1840, to protest, in the name of liberty, against governmentalism as well as communism. The horror for regulation has always been very strong in me; I have considered central, monarchic omnipotence an abomination, from the beginning, when I called myself an anarchist. In 1848, I declared myself opposed to the governmental idea of the Luxembourg. I have praised the provisional government for its discretion in matter of social reform, and I have since declared many time that that reserve, so often reproached, was a title of honor in my eyes. My antipathy for the principle of authority has not weakened. For ten years, the study of history, made in my moments of leisure, has proved to me that there was scourge of society. The people have not been communist in France in 1848, nor in 89, nor in 93 or 96; there have only been a handful of sectarians. Communism, which was the despair of the first utopists, the shout of destruction of the Gospel, is among us only an error of equality.

Liberty is the right belonging to human beings to use their faculties and to use them as they please. Doubtless this right does not go so far as the right to abuse. But it is necessary to distinguish between two sorts of abuse: the first including those in which the *abuser* alone suffers the consequences; the second

includes all the abuses which hinder the rights of others (right to liberty and right to the free use of land and materials). As long as individuals only abuse themselves, society has no right to intervene; if it intervenes, that is abuse. The citizens should not have any other legislator here than their reason; they would lack respect for themselves, they would be unworthy, if they accepted another policy than that of their liberty. I say more: society should be organized so, that the abuses of the second sort being more and more impossible, it has less and less need to intervene pour repress them. If not, if it progressively approaches communism, instead of approaching anarchy or the government of human beings by themselves (in English: *self-government*), the social organization is abusive.

Thus, I do not limit myself to protesting against the abuse that the citizens, taken individually, can make of the land or the materials that they share; I protested no less energetically against the abuse that, under the name of the State or of society, these same citizens can make when taken collectively.

Thus, I said to myself in 1844, no regulated possession. Provide that he has paid the wages of those who have, before him, given a form, a shape, or a new utility to the materials of which he is the holder, the manufacturer should be free to consume these materials as he pleases. And there is more! He must be free to refuse the sale of his products below the price that suits him. It is not by establishing a *maximum* that society will destroy the profits of commerce; it is not by forbidding usurious loans that it will destroy interest: it is by organizing within itself institutions of mutuality.

Once these institutions are created, what difference would there be, with regard to chattel goods, between property and unregulated possession? None.

If, like the interest on capital and the profits of commerce, land rent was a pure product of the selfishness of persons, if it did not also and especially result from the nature of things, from the difference in the fertility of the lands and of population numbers, it would not be impossible to annul it by institutions of mutuality. In this case, I would say of property in land what I have already said of movable property: that it can become irreproachable without ceasing to satisfy the definition given to it by the jurists. But what I understand perfectly, and what I must not forget in seeking to resolve the problem of property in land, is that the liberty of the laborers must be as great in the extractive industries as in the manufacturing industries.

Does the manufacturer need, in order to be industrially and commercially free, to be proprietor of the house or the apartment that he inhabits with his family, of the workshop in which he labors, of the storehouse where he keeps his raw materials, of the shop where he displays his products, of the land on which his residence, workshop, storehouse and shop have been constructed? Not at all. Provided that he obtains a lease long enough to give him time to recover the complete amortization of the capital that he has used in his location, and that because of the nature of the things he cannot take with him to the end of his lease, the manufacturer enjoys, as tenant, a sufficient liberty.

Does the cultivator who farms a piece of land as a tenant farmer enjoy the same liberty? Obviously not, since he cannot, without the explicit authorization of the proprietor, transform a vineyard into a forest, a pasture, a wheat field, an orchard, a garden, or vice versa. If the difference in land was such that such transformations were always absurd, the industrial liberty of the tenant farmer would be sufficient: the individual appropriation of arable land, grasslands, forests, vineyards, orchards and gardens would have no more reason to be than that of rivers and canals, bridges and roads, mines and railroads.

Thus, when we disregard the rent, or, more accurately, those who profit from it, property in land is justified by the necessity of leaving to the cultivator a liberty equal to that of the manufacturer. But it is no longer justified as soon as possession exists without property, and property without possession, as soon as the proprietor and the cultivator are two different persons.

On the other hand, — and this is one of the antinomies or counter-laws of property in land, — if we disregard the liberty of the cultivator, a liberty which is not complete when he is simply a tenant farmer, the idle proprietor fulfills with regard to him a function upholding justice. How? Beginning by taking from the tenant farmer, for the whole duration of his lease, the *rente*, to which he has no more right than the other citizens; then by taking from him the increase in value that he can have given to that *rente* that we would be tempted to award to himself.

Hasn't the tenant farmer who promises to pay a certain annual *rente* to the landowner evaluated in advance the expenditures of all sorts that he will have to make on the land for the full duration of his lease? Hasn't he calculated what he will recover in the market price of his harvest the full amortization of all these expenditures at the same time as the fair remuneration of his labor? I confess that the landowner, who has not made these expenditures, and returns at the end of the lease to possession of improved land, land which can return to him a larger rent without labor, has no more right than the tenant farmer to profit from this increase in value. I admit that if I was forced to choose between the idle proprietor and the laboring tenant, I would not hesitate to declare myself in favor of the latter. But the farmer who has calculated well has no more right to the increase in the value of the *rente*, when he has contributed to its creation by his labor, than when society has created it by the progress of its population, by the opening of a new road, a bridge, a canal, or a railroad. The idle proprietor certainly has no right to keep the increase in value for himself; but he accomplishes an act of justice by taking it from the tenant, whom society has paid for the work.

"Thus," I said in 1846 in the *System of Economic Contradictions*, "property comes behind labor in order to take from it all that which, in the product, exceeds the real costs. The proprietor fulfilling a mystic duty and representing the community vis-à-vis the tenant, the farmer is no more, in the expectations of Providence, than an accountable laborer, who must give an account to society of all that he collects in addition to his legitimate wage; and the systems of tenant

farming and sharecropping, livestock leases, emphyteutic leases, etc., are the oscillating forms of the contract which is then made, in the name of society, between the proprietor and the farmer. The rent, like all values, is subject to supply and demand; but, like all values, rent also has its exact measure, which is expressed to the profit of the proprietor and to the detriment of the laborer, by the totality of the product, setting aside the costs of production.

"By essence and aim, rent is thus an instrument of distributive justice, one of the thousand means that the economic genius puts to work in order to arrive at equality. It is an immense cadastre executed contradictorily by the proprietors and farmers, without possible collusion, in a higher interest, of which the definitive result must be to equal the possession of the land between the exploiters of the soil and the industrialists. Rent, in short, is that agrarian law so much desired, which must render all laborers, all men, equal possessors of the land and its fruits. It is no less necessary that the magic of property extract from the tenant farmer the excess of product the he cannot stop regarding as is own, and of which he believes himself exclusively the author. Rent, or rather property, has broken the agricultural egoism and created a solidarity that no power, no division of the land would have been able to give rise to. Through property, equality between all men becomes absolutely possible; the rent operating between individuals like duties between nations, all the causes, all the pretexts for inequality disappear, and society no longer awaits anything but the lever which must give the impetus to that movement. How will the authentic proprietor succeed the mythological proprietor? How, by destroying property, would men all become proprietors? Such is from now on the question to resolve, but that question is insoluble without rent.

"For the social genius does not proceed in the manner of the ideologues or by fruitless abstractions... It always personifies or realizes its ideas; its system is developed in a series of incarnations and facts, and in order to constitute society, it always addresses itself to the individual... it was necessary to reconnect man to the land: the social genius instituted property. It was then a question of carrying out the cadastre of the globe: instead of publishing to the sound of trumpets a collective project, it put the individual interests into conflict, and from the war of the sharecropper and the rentier results for society the most impartial arbitration. At present, the moral effect of property obtained, it remains to make the distribution of the rent... A simple mutuality of exchange, aided by some bank combinations, will suffice..."

The expression was inadequate. Something else was necessary in my thought: it required the internal application of the principle of the balance of commerce.

"This principle," I had said in the same work, "results synthetically: 1) from the formula of Say: *Products are purchased only with products*, a formula on which Mr. Bastiat has made this commentary, for which the first honors return to Adam Smith: *Remuneration is not proportional to the utilities that the*

producer brings to market, but to the labor incorporated in those utilities; — 2) from Ricardo's theory of rent...

"Equal exchange, which property and political economy reject with the same enthusiasm for private industry, all the peoples have been in agreement to desire it, when it is a question of exchanging among themselves the products of their territories. Thus they are both/all considered as so many independent and sovereign individualities, exploiting, according to the hypothesis of Ricardo, lands of unequal qualities, but forming between them, according to the hypothesis of the socialists, for the exploitation of the globe, a great company each member of which has a right to undivided property over the whole of the earth.

"And here is how they have reasoned.

"Products being purchased only with products, that is to say that the product must be on account, not of its utility, but of the labor incorporated in that utility. If then, by the unequal quality of the soil, country A gives 100 in gross product for 50 of labor, while country B gives only 80, A must give B a ten 10 percent premium for all its crops.

"That *bonification*, it is true, is only demanded at the moment of the exchange, or, as one says, at the importation; but the principle remains..."

Publishing, in the last months of 1846, the *System of Economic Contradictions*, or *Philosophy of Poverty*, I announced to my readers a new work: *Solution progressive du problème social*. The events of 1848 did not allow me to finish it. It was only in 1850, in *The General Idea of the Revolution in the Nineteenth Century*, that I explained how I intended/understood the liquidation of property in land *qua* property-theft; for, the reader must have understood, I had never for a single instant stopped desiring it *qua* property-liberty. That is, moreover, what I had recalled in 1849 in this passage for the *Confessions of a Revolutionary*:

"In my first memoirs, attacking the established order head on, I said, for example: *Property is theft!* It was a question of protesting, of putting in relief, so to speak, the nullity of our institutions. I had not then to occupy myself with anything else. Also, in the memoir where I demonstrated, by A plus B, that astonishing proposition, I took care to protest against any communist conclusion.

"In the *System of Economic Contradictions*, after having recalled and confirmed my first definition, I added that was quite the opposite, but based on considerations of another order, which could neither destroy the first argument, nor be destroyed by it: *Property is liberty!* Property is theft; property is liberty: these two propositions are equally demonstrated and persist side by side in the *System of the Contradictions*... Property thus appeared here with its reason to *be* and its reason to *not be*."

Accustomed to long studies, to patient research, to mature deliberations, I was at first thunderstruck by the coming of the Republic and by the quantity of problems posed by the sole fact of that coming. Called upon to take part in the daily discussion and to work in journalism, I opposed my incompetence, the

impossibility for me of improvising, the peril of speaking too hastily before a passionate public, on poorly put together questions. Like Béranger, who refused the mandate of deputy because he had not studied specifically to be a representative, I did not believe myself up to the mission with which some wished to entrust me, to teach the people from day to day. Yet finally made my decision; I was not long in perceiving the truth of the proverb: the first step is always the hardest

The readers then did not demand solutions justified eruditely, and at length, by the study of history, justice, and law; they wanted practical solutions feasible from day to day: the Revolution by legislative bills, article by article, according to one expression of the times.

I was naturally led, by the necessities of the program, to neglect my studies in depth and to demand of political economy an end of the crisis. The great questions with which I was preoccupied in that era are found scattered in the papers *le Représentant du Peuple*, *le Peuple* and *la Voix du Peuple*, under the headings of *Organisation du crédit*, *Banque d'échange*, *Banque du peuple*, *Mutuellisme*, etc. The question of property did not appear there in a specific manner; it only figures there because of the intimate links which exist between all the economic categories.

My famous proposition of July 31, for a tax of one-third on income, one-sixth to profit the farmer or tenant, one-sixth to profit the nation, should not even be considered as an application of my principles. It was a question, let us not forget, of immediate solutions, from day to day. In the crisis which struck all the forms of production, agriculture, manufacturing industry, commerce, income [*rente*] remained, inviolable and inviolate; agricultural products declined by half, land rent did not decrease; the tenants saw their wages reduced by fifty percent; the proprietor did not accept a reduction in his rent; taxes had been increased by the famous 45 centimes, and the *rentier* of the State received his annuities; he even received them in advance. In a nutshell, labor produced less by half and paid just as much to the right of *aubaine*. Celui-ci, receiving as much as in the past, bought the products at half the cost. The Republic was short on resources. So I made my tax proposal. By giving up a third of his income, the national [*domanial*] proprietor was still less effected by the crisis than the average laborers. The collection/allocation of the tax being entrusted to the diligence of the debtor, it would have cost the State neither costs of inspection, nor costs of receipt. The tax relief of one-sixth for the profit of the tenant and farmer was a compensation arriving just to the appropriate persons, without costing a penny to the tax authorities; the government finally found a considerable resource, as easy to realize as it was certain.

Despite the scandal that was made around my proposal and the developments that I had given it, I persist in saying that I had found a solution of irreproachable circumstances, and of a complete efficacy; and that all the detailed expedients imagined then and since, have weakened the institution of property more than my project, without pulling us from the crisis.

To say that I expected the la solution of the problem of property from the success of my proposition would be absurd. I was aiming then at comprehensive solutions, the plan of which is sketched out in my *General Idea of the Revolution in the Nineteenth Century*.

The liberty of the agricultural laborer being, from the economic point of view, the only reason to be for property in land, I naturally had to ask myself: How can society help the agricultural workers to replace the idle proprietors? To which I responded: By organizing the *crédit foncier* [land bank].

"A young peasant, about to start housekeeping, wants to buy a farm: the farm is worth \$3,000.

"Suppose that this peasant, with the marriage portion of his wife, a trifle inherited, and some savings, can raise a third of this sum: the Land Bank upon a pledge of \$3,000 will not hesitate to lend \$2,000, payable, as we have said, by annual installments.

"This will be as if the cultivator had to pay rent for 15, 20 or 30 years, in order to become the owner of property worth \$2,000. Thus the farm rent is not perpetual: it is annually charged off the price: it gives a title to the property. And as the price of real estate cannot be raised indefinitely, since it is only the capitalization of twenty, thirty or forty fold of the part of the product which is in excess of the cost of working the land, it is evident that the peasant cannot fail to obtain the property. With the Land Bank the farmer is released; it is the proprietor who is caught. Do you understand now why the conservatives of the Constituent Assembly were unwilling to permit a Land Bank?..."

I would stray too far from the specific question of property if I explained how the Banque Foncière can be ballasted with capital repayable in the long term, with or without premium replacing the interest. The Crédit Foncier, as it exists today, would impel, although very slowly, in agreement with the Revolution, — the substitution of the laborer for the idler as the proprietor, — if it made advances only on labor.

The first duty of the Crédit Foncier is to aid the cultivator who is not a proprietor to become a proprietor, just as the first duty of the Banque de France is to discount negotiable instruments. If there then remains to the Crédit foncier some available capital, it must lend them only for the improvement of the properties on which it takes mortgages.

Today, the Crédit Foncier does just the opposite. It acts like a pawnshop. To those who offer a security valued at 100,000 francs, it loans 60,000, without troubling itself about the purpose of its loan. As a result: 1) in fact, the cultivator-proprietor, as borrower from the Crédit Foncier, is the exception, as all the reports testify; 2) that the borrowers, who pay to the institution an annual installment of six percent, have no other worry than to find in some speculations on the stock-market, in land, or in merchandise, a higher annual profit. It is the same for the Crédit Foncier as for the Banque de France when it makes loans on the deposit of titles: the two institutions serve here only to

favor the stockjobbers and monopolists. Both must be revolutionized, radically reformed.

Suppose now that, free credit, or credit without interest, being organized for long-term as well as for short-term loans, all the agricultural workers would end by acquiring property in the land. The other laborers, competing, would sell their goods at cost price. Some could realize some profits, while some suffer some losses. But, even if these workers had not organized among themselves a society for mutual insurance against commercial risks, the market price of the manufactured products would always regulate the average of the profits and losses.

Would it be the same for agricultural products? Obviously not. Ricardo has demonstrated this ad nauseam: the price of these products is regulated by their costs of production on the least fertile lands. If it decreased and remained below that level, those lands would not be cultivated. Setting aside the proprietors of these lands, the cultivating thus collect from the manufacturing workers an *aubaine* more or less great, depending on the greater or lesser fertility of their lands. So what does justice demand? That the market price of agricultural products be regulated by their costs of production on the lands of average quality, and, as a consequence, that the proprietors of lands of less quality be compensated in such a way as to obtain a legitimate wage. By whom could they be compensated? To ask the question is to answer it: by the proprietors of the lands of superior quality. Then, and then only, the land rent will be equitably divided among all the citizens, whatever profession they practice. Then, and then only, without the *property-liberty* having received the least infringement, the *property-theft* would have disappeared. — It goes without saying that, in the interesting hypothesis, the land tax would become a crying injustice. And I took care to say, in *The General Idea of the Revolution in the Nineteenth Century*, that that tax should be abolished then.

All the Socialists, Saint-Simon, Fourier, Owen, Cabet, Louis Blanc, the Chartists, have conceived agricultural organization in two ways: either the laborer is simply a workman associate of a great farming association, called the Commune, or the Phalanstery; or each cultivator becomes a tenant of the State, which is the only proprietor, the only landlord; all land having been taken by it. In this case, the ground rent becomes part of the taxes, and may replace them entirely.

“The first of these two systems is governmental and Communist at the same time: through this double principle it has no chance of success. It is a utopian conception still-born....

“The second system seems more liberal.... I admit, for my part, that I hesitated for a long time over this idea, which grants some liberty, and which I could reproach with no injustice. Nevertheless I have never been completely satisfied with it. I find in it always a character of governmental autocracy which is disagreeable to me: I see in it a barrier to liberty of transactions and of inheritances; the free disposition of the soil taken away from him who cultivates

it; and this precious sovereignty, this *eminent domain*, as the lawyers say, forbidden to the citizen, and reserved for that fictitious being, without intelligence, without passion, without morality, that we call the State. By this arrangement, the occupant has less to do with the soil than before; the clod of earth seems to stand up and say to him: You are only a slave of the taxes; I do not know you!

"But why should the rural laborer, the most ancient, the most noble of all, be thus discrowned? The peasant loves the land with a love without limit; as Michelet poetically says: he does not want a tenancy, a concubinage; he wants a marriage."

It goes without saying that in reasoning from the hypothesis of the organization of free credit in the long term, and in thus demanding an indemnity for the proprietors who cultivated land of inferior quality, I only intended to compensate the differences in natural fertility of the lands and those resulting from *force majeure*. When, by the opening of a road or a canal, certain lands are favored without others being [favored], the latter obviously have a right to compensation, for the same reason that the sugar from La Réunion are today granted relief in relation to those of Guadeloupe and Martinique.

To compensate beyond that, would obviously be to grant a premium encouraging incompetence. The cultivating proprietor must know how to preserve his land at its value. If he does not, if, by his relative inability, he lets his competitors create a new income [rente] on the lands that they cultivate with a superior intelligence, he has no right to demand that income as compensation. The competition of workers who are equal in capacity, equally enjoying a credit sufficient for the improvement of their lands, must constantly destroy all these new returns, all these surplus values/capital gains given to certain properties.

It is by placing myself in this point of view that I affirmed, in 1850, the *right* of the cultivator to the *plus-value* of the property that he cultivated, subject to some restrictions that I had indicated in the *Economic Contradictions*.

"A farm worth 40,000 francs, is leased to a farmer for 1,200 francs, a year; that is, at 3 percent. At the end of ten years this farm, under the intelligent management of the farmer, has gained 50 percent in value: instead of 40,000 fr., it is worth 60,000. This improvement, which is the exclusive work of the farmer, not only profits him nothing, but when the lease has expired, the idler, the proprietor, comes along, and raises the rent to 1,800 francs. The laborer has created 20,000 for somebody else; more than that, in augmenting the fortune of his master by a half, he has increased proportionally what he himself must pay; he has given his master a stick to beat him with, as they say.

"The peasant understands this injustice; and, rather than fail to obtain reparation for it, he will, sooner or later, overthrow government and property, as in '89 he burned the charters..... The *Right to the value of Improvements* is one of the first which the legislator must recognize, at least in principle, on pain of revolt and perhaps a *jacquerie*.

"As for myself, I do not believe that such an innovation is practicable in our system of laws and the condition of property; and I doubt whether the hopes of the peasants can triumph over the innumerable difficulties and complications that are involved. I am the first to recognize the legitimacy of the right to the value of improvements; but it is one thing to *recognize a right*, and another to *grant it*; the latter is incompatible with all the laws, traditions, and usages which control property. Nothing less is needed than a complete recasting of the second third books of the Civil Code, with suppressions, additions and modifications at each sentence, almost at each word; *seventeen hundred and sixty-six articles* to revise, discuss, analyze, abrogate, replace, and develop; more work than a National Assembly could do in ten years.

"All that concerns the recognition of goods, the right of accession, usufruct, servitude, succession, contract, prescription, mortgages, must be harmonized with the right to the value of improvements, and remodeled from bottom to top. However willing the representatives, whatever light they can shed. I doubt whether they can devise a law which will satisfy their constituents or themselves. A law which separates, consecrates and regulates, under all conditions, the right to the value of improvements, and the consequences which follow it, is simply an impossible law. It is one of the cases in which the Right, although perfectly clear, escapes the definitions of the legislator.

"The right to surplus value has one more, much more serious defect: it is to lack logic and boldness."

"Just as farm land does not increase in value but by the labor of the farmer, so it does not maintain its value without labor. Abandoned or ill-worked land loses in value or deteriorates, while if properly worked, it increases in value. To preserve farm land is to create it, because it means to make it over again every day, in proportion to its loss. Therefore if it is just to recognize a share in the value of improvements for the farmer, it is also just to recognize his share in the value of maintenance. After recognizing the right to the value of improvements, we must further admit the right to the value of conservation. Who will make this new ruling? Who can embrace it in legislation: who enshrine it in the Code?...

"To raise such questions is to cast a plummet into an abyss. The right to the value of improvements, so dear to the heart of the peasant, and admitted by the fair-mindedness of many owners, is impracticable because it lacks generality and depth, in a word, because it is not sufficiently radical. It is with it as with the RIGHT TO LABOR, of which no one in the Constituent Assembly contested the justice, but of which the codification was equally impossible... "

There was a moment, in the Middle Ages, when the Church was morally sovereign. Then, as in the times of its Fathers, it recognized as legitimate only loans without interest. Why had it lacked logic? Why hadn't it included the rent paid by the farmer or tenant to the proprietor among the disguised form of interest that it outlawed with Saint Ambrose? Why did it not decree:

"All payment of fees for the exploitation of an immovable property will acquire for the farmer a share of the property, and will earn him a mortgage."

If the Church had issued this decree, if it had instructed its clerics to publish and comment on it in all the parishes of Christendom, Jacques Bonhomme would have made it his mission to execute it. And, in the very likely case where the temporal powers, — lords, barons, counts, marquis, dukes, kings and emperor, — should have opposed it, it would have proven by its strength that the spiritual power is all when it is in accordance with the logic of Justice.

The Church would not have been defeated, it would not be drawn towards the loss of the spiritual power after having lost the temporal power, if it had acted as I just said. That is what a certain number of Catholics understood perfectly. So there is no reason to be astonished by the cooperation that I received from them from 1848 to 1861.

My studies of economic reform in the same period related especially to the *objective* side of the question. We were overwhelmed by fraternary, communitary sentimentality; it seemed that the solution of the problem of the proletariat was simply a matter of preaching and propaganda; that the Jews and the Philistines, if sufficiently sermonized and evangelized, would give up spontaneously, and make themselves our leaders and our clerks for the organization of equal exchange.

In my book on Justice, in the third study, on *Goods*, I took up again, from a more elevated point of view, all these questions that the heat and the demands of the polemic had not allowed me to time to elaborate upon during the period of revolutionary struggle. I came to pose a great principle, the immanence of Justice in humanity; and it is according to that criterion that I intended to judge all institutions. That was the first time that I sought in a somewhat profound manner to legitimate property from its *subjective* side, the dignity of the proprietor.

I had written in 1852 (*The Social Revolution Demonstrated by the Coup d'Etat*):

"The principle on which French society—and let us say all free society—has rested since 89, principles prior and superior to the very notion of government, are: 1) *free property*; 2) *free labor*; 3) the *natural, egalitarian and free distinction* of the specialties (industrial, mercantile, scientific, etc.), according to the principle of the division of labor, and apart from any spirit of caste.

"1. *Free property* is what they called *quiritaire* in Rome, and *allodial* among the invading barbarians. It is absolute property, as much at least as there can be found among men something absolute: property which falls directly and exclusively to the proprietor, who administers, rents, sells, gives or pawns it according to his will, without accounting to anyone.

"Property must doubtless be transformed by the economic revolution, but not insofar as it is free: it must, on the contrary, constantly gain in liberty and in guarantees. The transformation of property relates to its *balance*: it is

something analogous to the principle which was introduced into the rights of nations by the treaties of Westphalia and of 1815."

I added in 1858:

"It is by Justice that property conditions and purges itself, renders itself respectable, that it determines itself civilly, and, by that determination, which it does not draw from its nature, becomes an economic and social element.

"As long as property has not be infused with Right, it remains, as I demonstrated in my first *Memoir*, a vague, contradictory fact, capable of producing good and evil indifferently, consequently a fact of ambiguous morality, that it is impossible to distinguish theoretically from the grasping acts that morale condemns.

"The error of those who have attempted to avenge property for the attacks of which it has been the object has been to not see that property is one thing and the legitimation of property by right is another; it is having believed, with the Roman theory and the spiritualist philosophy, that property, manifestation of the self, was holy simply because it expressed the self; that it was of right, because it was needed; that the right was inherent in it, as it is in humanity itself.

"But it is clear that it cannot be so, since otherwise the self must be reputed just and holy in all its acts, even so, in the satisfaction of all its needs, of all its fancies; since, in a word, that would reduce Justice to selfishness, as the old Roman law made it by its unilateral conception of dignity. It is necessary, for property to enter into society, that it receives it stamp, legalization, and sanction.

"Now, I say that to sanction, to legalize property, to give it the legal character that alone can make it respectable, that can only be done on the condition of a balance, and that apart from that necessary reciprocity, neither the decrees of the prince, nor the consent of the masses, nor the licences of the Church, nor all the verbiage of the philosophers on the self and the non-self, are of no use."

The legitimation of property by right, by its infusion with the idea of Justice, without prejudice to the economic consequences previously elaborated, such is, with the substitution of the principle of *balance* for that of *synthesis*, what distinguished my study on *Goods* from my previous publications on property. I had hitherto believed with Hégel that the two terms of the antinomy, *thesis*, *antithesis*, should be resolved in a higher term, *SYNTHESIS*. I perceived since that the antinomic terms do not resolve any more than the opposite poles of an electric battery destroy each other; that they are not only indestructible; that they are the generating cause of movement, of life, of progress; that the problem consists of finding, not their fusion, which would be the death, but their equilibrium, continuously unstable equilibrium, variable according to the very development of the societies.

I frankly explained my error in the book on *Justice*.

"With the regard to the *System of Economic Contradictions*, I said that if that work left, from the point of view of method, something to be desired, the cause was the idea that I had made, following Hegel, of the antinomy, which I supposed should resolve itself into a higher term, the synthesis, distinct from the first two, the thesis and the antithesis: an error of logic as well as experience to which I return today. THE ANTINOMY DOES NOT RESOLVE ITSELF: there is the fundamental vice of the whole Hegelian philosophy. The two terms of which they are composed BALANCE, either among themselves, or with other antinomic terms: which leads to the result sought. But a balance is not a synthesis as Hégel understood it, and as I had supposed following him: that reservation made in the interest of pure logic, je maintain all that I said in my *Contradictions*."

Chapter VI of the study on goods is title: ECONOMIC BALANCES: *Workers and bosses, — Sellers and buyers, — Circulation and discount, — Lenders and borrowers, — Proprietors and tenants, — Tax and rent, — Population and subsistances.*

I said, speaking of taxation:

"There exists, outside of the fiscal series, an untaxable matter, the most untaxable of all, which has never been taxable, the taxation of which, pushed to the complete absorption of the matter, would never prejudice in any way either labor, or agriculture, or industry, or commerce, or credit, or capital, or consumption, or wealth; which, without putting a strain on the people, would not prevent anyone from living according to their abilities, in ease, even luxury, and to fully enjoy the products of their talent and science; a tax that would, moreover, be the expression of equality itself. — Indicate this matter: you will have been well worthy of humanity. — The land-rent..."

"...However, I would not seem good to me that the State absorbed each year for its expenses the totality of the rent, and there are several reasons for this: first, because it is important to always restrain, as much as possible, the expenses of the State; in second place, because that would be to recognize in the State, sole rentier from now on and proprietor, a transcendent sovereignty, incompatible with the revolutionary notion of Justice, and it is better for public liberty to leave the rent to a certain number of citizens, exploiting or having exploited, than to give it over entirely to some functionaries; finally, because it is useful to the economic order to preserve that ferment of activity that, within certain limits and under certain conditions, does not appear susceptible to abuse, and furnishes, on the contrary, the most energetic counterweight against the invasion of the tax authorities."

I was already on the path that would lead me to the theory that I publish today. By inviting proposals on the question of taxation, the State Council of the canton of Vaud committed me to it once and for all. I thank them more for that than for the prize that they awarded me.

The so-called democratic papers have said nothing of my *Theory of Taxation*, published in France in 1861. The conspiracy of silence already

existed. I have not even had, on the occasion of that work, the honor of exhaustion.

I do not have to make the analysis here of my *Theory of Taxation*. I only take from the book what concerns property and *rente*.

I have not failed to return to this idea that the *rente* should above all serve to compensate the differences of quality of the soil. But it can serve another purpose, for example to pay the expenses of the State; and, since it is demonstrated that apart from the one that strikes them specifically, all taxes lead ultimately to a capitation paid by the laborers, I conclude, in the present state of society, on the necessity, in order to relieve these laborers, to balance the greater part of the expenses of the State by the tax on the land-rent, which must not be confused with any other land tax. Up to this point I am in agreement with the physiocrats, Quesnay, Turgot, Mirabeau père, Dupont de Nemours, with Adam Smith and with Rossi. Here now is what is original in my idea:

"In a country like France, the land-rent, according to the estimates that seem most probable, is in the vicinity of 1,800 million, being around one-sixth of the national production. Conceding for the portion of the State a third of that *rente*, 600 million: of the budget of expenses was settled at such a sum, it is clear that the State would have nothing to ask of the citizens, its rights recognized, we would finally have discovered that happy phoenix of a *government without taxation*.

"But if, by the effect of extraordinary circumstances, the State found itself in need of increasing its outlays, it would be easy for to provide for it, on the one hand, by imposing on the non-cultivating citizens or landed proprietors some individual contribution, moveables or any other; on the other hand, by raising proportionally its share of the rent, so that instead of the third, it would collect $\frac{2}{5}$, $\frac{1}{2}$, $\frac{3}{5}$, $\frac{2}{3}$, $\frac{4}{5}$, $\frac{5}{6}$, $\frac{7}{8}$, etc."

Introduce this system into the political Charter Constitution of the nation; insert there this simple article :

The tax on the land-rent will always be equal to three-fifths of the budget, ordinary, extraordinary, supplementary or complementary, it matters little; and *ipso facto*, the government, which only lives by taxation, with be brought to heel.

"It is especially in contemplation of the large budgets that the tax on rent is admirable. The more the outlays will increase, the more the rent will be struck. If, for example, instead of a tax of 500 million, the country should furnish to the State, on a collective production of 10 billion, the tenth, *the tithe*, a billion, the rent should pay 600 millions: if the budget was a billion and half, the income would pay 900 million; if, finally, that same budget reached, as it threatens to in France, two billions, a fifth of the gross product of the nation, the income would pay 1,200 million. So that a property that, under the present regime, gave 3,000 francs net to the proprietor, would not longer return more, if the budget remained the same, than 1,000 francs. So you would see the rentiers, the proprietors, the whole bourgeoisie, high and middle, join with the proletariat to

demand the reduction of the tax, the *fisc* stopped in its invasions and government brought to reason."

One last citation, and the intelligent reader will understand in advance the political spirit of the book that I submit today for their evaluation.

"It is up to the landed proprietors to reflect on their position and to measure the immense danger that makes them pursue their mad alliance with the political powers, I nearly said their complicity with the tax authorities... it is by accepting, by demanding the duty/task which intended for them by reason, by right, and of course by their interests, it is by making themselves the jailers of the tax authorities instead of being their *commensaux*, that the proprietors will make the agitation of the masses cease and can escape the final expropriation..."

in the meantime, my attention called, by the kindness of an unknown person, to the distinction between two forms of property, *allod* and *fief*, I saw straightaway that there was an opposition there of a new sort, which should have its use in general economy. Then I gathered in a single bundle all my observations, all the facts established, and the *Theory of Property*, as I present it today, found itself complete.

After this summary, I would have nothing to do but to enter into the matter and present my final conclusions, if the ignorance and folly had not come to shove in the question a completely irrelevant episode, under the title of *artistic and literary property*. All the men of letters, poets, fantasists, novelists, vaudevillians, historians, have wanted to say their piece about the business. None of them have even known the capital difference that exists between PROPERTY and *possession*, a difference that we have taken care to highlight. They confused the rights of labor with income; the appropriation of the IDEA with that of the *form*; the venal, industrial side of the work with its aesthetic side. Never has the confusion of tongues produced such a mess.

It was in 1858, with regard to the Congress of Brussels, that I was led to deal specifically with literary property. The principles that I laid out on the matter, namely that the domain of the true, the just, and the beautiful is not appropriable; that it cannot be divided, nor parceled out, nor alienated; that its products do not fall within the category of venal things, these principles, I say, are summarized in my book on the *Majorats littéraires*.

"The things that, by their excellence, leave the circle of utility are of several categories: religion, justice, science, philosophy, the arts, letters, government." Why? Because they are the moral substance of humanity, and because humanity is not appropriated, while the earth and industry products, fungible things, servile matter, that man has made or only shaped, are venal, foreign to man. To ensure the complete triumph of liberty, we had to prohibit the appropriation of ideas, truth and right, at the same time we authorized the appropriation of land. The sovereignty of the citizen does not exist in undivided terrain, it would perish with intellectual appropriation. These two truths, the inverse of one other, are supported by the distinction I made between venal and non-venal

things. Indeed, the land can be sold, dominated without offense; man cannot be sold, and to traffic in certain ideas is to traffic in humanity, to remake slavery .

"The French law on patents has specifically declared that philosophical or scientific *principles*, the knowledge of the laws of nature and society, are not open to appropriation. The sale of truth, like that of justice, is something repugnant, says the legislator... The unknown speculator who invented the numerals called *Arab*; Viète, who created algebra; Descartes, who applied algebra to geometry; Leibnitz, creator of the differential calculus; Neper, who discovered logarithms; Papin, who recognized the elastic power of steam and the possibility of using it as a mechanical force; Volta, who constructed the famous battery; Arago, who in electro-magnetism signaled electric telegraphy fifteen or twenty years before it existed; none of these men, whose discoveries dominate science and industry, could not have been patented. For these intelligences of the first order, the most absolute selflessness is imposed. Would the law that has made that strange division between the learned inventor of the principle, to whom it grants nothing, and the industrialist, who applies the principle, and whom it privileges, be unjust, perchance? No, it is our conscience that is weak; it is our dialectic that is mistaken... Truth in itself is not an object commerce; it cannot be the matter of an appropriation... To lead truth to the fair is immoral, contradictory."

We could not insist too much on the difference between the *materiel*, appropriable world, and the *spiritual*, non-appropriable world. The one is nothing other than man himself: ideas, the ideal, conscience, science, right, justice, virtue, fine arts, all that is humanity.

"The soldier gives his life for his country, without receiving anything but his pay, that is the bare necessities. The singer, who puts in words, who puts in music, if you wish, what the other puts in action, *dying for the homeland*, demands more than the *vivre*: he demands a crown, some country, some fields, some vines, some properties!

"Lucy of Lammermoor expires on learning of the return of his fiancé: she gives her life with her love to the man that she has deserted by obedience, believing him dead, and who can no longer give her anything. The *maestro*, who developed an opera on this theme, claimed for his notes perpetuity of privilege; the actress who sings them also gold, gold, gold. Lais, demanding of Aristippus a thousand drachmas for one night, understood love as the cantatrice understands art. Fathers of families, what practice do you recommend to your daughters: that of Lais or that of Lucy of Lammermoor?

"There is in the Bible a story, not more touching, but incomparably more instructive than that of Joseph: it is the story of the Tobits. The elder Tobias, having become blind, having lost all his goods, his wife old and doddering, takes the part of sending his only son to an old associate Gabélus to demand the repayment of a debt, his last resource. The voyage is of three hundred leagues, in barbaric country, without roads, without police, full of cut-throat regions and infested with criminals. So young Tobias, with his stick for *viaticum*, succeeds in

passing, it is a safe bet that with his money he will not make it back. The mother makes a desperate opposition. But he must go. Chance gave the young man a travelling companion. Raphael has visited all the countries; he knows all the paths, speaks all the languages, has studied all the sciences; he has talked with all of Israel. He takes Tobias under his protection, saves his life in the passage of the Euphrates, makes him wed a rich, beautiful heiress, charges himself with making the deposit of the bill of exchange; then he brings back the young couple safe and sound, loaded with wealth; gives sight to the old man, the son to the mother. And when the good people, who owe all to that unknown, life and sight, love and wealth, offer to share their fortune with him, he responds: *I do not thrive on that meat*. Don't we seem to hear one of those workers, of which Paris is full, who, going to his work, throwing himself, on the way, into the icy Seine, saves the life of a clumsy child, a desolate woman, and will not even let himself be reimbursed for the quarter of the day's wage that his boss withholds? Raphael, whom the Bible calls an *angel*, is the genius who devotes himself, and accepts for wages only the gift of the heart, equal to him and alone capable of paying it. Let a man of letters, on this canvas, write a new one: his first thought would be banning reproduction. — I am not an angel, he observes. — Of course, crude soul, we know it well: you are an ogre."

Do I need to clear my name of preaching the plundering of genius? What is it really a question of? Of paying the writer, artist, scientist, or judge? Not at all. It is a question of *property*, of *domain*: let us not lose sight of the question. Now property, even property in land, is *free*; it is a political institution, not economic; it aims to contain the government, not to reward the proprietor for any service rendered. Compensation for the products once qualified by the school as intangible products is subject to the same laws as that of the agricultural and industrial production.

"The work of the writer is, like the harvest of the peasant, a *product*. Go back to the principles of that production, we arrive at two terms of the combination from which the product results: on one side labor; on the other a stock, which for the farmer is the physical world, the earth; for the man of letters, the intellectual, the mind... I grasp so distinctly the distinction between the agricultural *product* and the *PROPERTY* in land, and I say: I see clearly, in that which concerns the writer, the product, but where is the property, and where can it be? On what basis will we establish it? Will we divide the world of mind in the manner of the terrestrial world?"

The question of property, stranger to any idea of remuneration, once dismissed from the debate, what remains? The much more modest question of *authors' rights*. The French law, in according to writers and artists a publishing privilege for life, and by extending for thirty years, after their death, the monopoly to the profit of their heirs, we appear to have given full satisfaction to their interests. What work, fifty years after its appearance, if it is even still spoken of, does not need to be retouched, rebuilt, rejuvenated and returned to the crucible?

The reader can judge by this summary of all my publications on property than my ideas, parts of a formal negation, but in some ways inorganic, have not been turned aside, by developing and taking a more and more positive character, from my first thesis of 1840. Each publication contains the subject in germ, the new point of view which much be elucidated in the next publication. And it is not the least proof of my good faith that this progressive evolution of my thought, arriving to give the institution of property the explanation that Thiers, Laboulaye, Cousin, Sudre, Troplong, the Phalansterians and all my adversaries and detractors have sought in vain.

My critique is indestructible in itself, outside of a single hypothesis that I will make known later. It follows:

That property is inadmissible from the point of view of communal, Slavic, Germanic, or Arabic right; and that in fact it has been condemned.

That it is equally inadmissible in the Christian or ecclesiastic theory, which condemns it;

That it is once again [inadmissible] in the feudal system, which subordinates all the possessions and opposes fief to it;

That it has been condemned by the Latin authors as contrary to liberty and the Roman nationality, *latifundia perdidere Italiam*;

That, finally, it is inadmissible in the system of political centralization; that from this point of view as well it has only been tolerated Robespierre, and that it is still rejected today, with reason, by the Jacobins.

There is only one point of view from which property can be accepted: it is the one which, recognizing that man possesses JUSTICE within himself, making him sovereign and *upholder of justice*, consequently awards him property, and knows no possible political order but *fédération*.

Thus I will strengthen all my earlier criticisms with considerations of history and politics, and show in the end that if property is a truth, this can only be on one condition: that the principles of *Immanent Justice*, *Individual Sovereignty* and *Federation* are accepted.

Sancta sanctis.

Everything becomes just for the just man; everything can be justified between the just. — Thus the sexual act [*l'œuvre de chair*] is permitted in marriage, and sanctified; but woe to the man who behaves with his wife as with a courtesan.

Beati pacifici, quoniam ipsi possidebunt terram.

That maxim (*sancta sanctis*) contains the whole secret of the solution. The act appropriation in itself, considered objectively, is *without right*. It can be legitimated by *nothing*. It is not like *wages*, which is justified by LABOR, like *possession*, which is justified by necessity and the equality of shares; property remains absolutist and arbitrary, invasive and selfish. — It is only legitimated by the justice of the subject itself. But how do we make me just? That is the aim of education, of civilization, of manners, of the arts, etc.; it is also the goal of the political and economic institutions of which property is the principal.

In order for property to be legitimized, it is necessary that man legitimize himself; that he desires to be just; that he intends Justice as the goal, in all and everywhere. He must say to himself, for example: Property in itself not being just, how would I make it just?

First, by recognizing in all the same right of appropriation, of usurpation; second, by *regulating the usurpation*, like the corsair dividing the loot among his companions; so that it tends spontaneously to level itself.

If I do not do that, property follows its nature: it is exaggerated for one, annihilated for the other; it is without manners, immoral.

A few words on politics to end this preamble.

We work to avoid the economic question.

It is from that point of view that I judge contemporary politics.

We imagine satisfying the necessities of the situation with free exchange, pension funds, company towns, agiotage, and pisciculture, with the jockey-club! — We are deceived...

We excite the hatred of the populations against the old *dynasties*; we hope by this sacrifice to save the ARISTOCRACIES. The Romanovs, the Habsburgs, the Hohenzollerns, the Bourbons, etc., that is what we serve up to the hydra.

But one works to save the old nobilities, to reconstruct the aristocracies.

Now, it is the opposite that I demand.

The unity of Italy, the reconstitution of Poland and Hungary, the annexations, war: backward-looking fantasies, now meaningless.

The Pope reduced the spiritual; a Catholic restoration; a second edition of the concordat: a backward-looking fantasy.

We must destroy the Polish nobility, the Hungarian nobility, like the Russian nobility. We must make possessors of the peasant, the worker, the proletarian, in France, Italy, Belgium, Germany, Austria, and everywhere.

We must stop the distinction of bourgeoisie and plebian, of capitalist and employee, worker and master.

The *individual right*, which leads to equal exchange, which has decreed universal suffrage, perhaps a bit too soon, guides us there.

CHAPTER II

That property is absolute: prejudice opposed to absolutism.

The recognition or institution of property is the most extraordinary, if not the most mysterious, act of the Collective Reason, an act that much more extraordinary and mysterious because, in principle, property rejects collectivity and reason equally. Nothing is more simple, more clear than the material *fact* of appropriation: a corner of land is unoccupied; a man comes and establishes himself there, exactly as the eagle does in its **canton**, the fox in its burrow, the bird on the branch, the butterfly on the flower, the bee in the hollow of the tree or the rock. This is, I repeat, just a simple act, solicited by need, accomplished by instinct, then affirmed by egoism and defended by force. That is the origin of all property. Then comes Society, Law, General Reason, Universal Consent, all the authorities, divine and human, which recognize, consecrate that usucapion, say,—you can do it without fear,—that usurpation. Why? Here Jurisprudence is troubled, lowering its head, pleading that one not question it.

"The possession of the soil is a *fact* that force alone makes respectable, until society takes it in hand and sanctions the cause of the holder; then, under the empire of that social guarantee, the *fact* becomes a Right; that right, it is property. The right of property is a social creation: the laws do not only protect property; they are what give rise to it, determine it, and give it the rank and scope that it occupies in the rights of the citizen." (E. Laboulaye. *Histoire du droit de propriété*, a work awarded by the Académie des Inscriptions et Belles-Lettres, August 10, 1838.)

It is necessary to observe here that the *sanction of the fact* is still not property, since the possession of the soil cannot have the same character for the tenant farmer, the *feudataire*, the Slavic possessor, the leaseholder or the proprietor. Now, if possession is understood, marvelously, as fact and as right, it is not the same with property, of which the motives are as unknown to Mr. Laboulaye as the others.

So do not ask him how the good pleasure of the lawmaker, or of society, of what he is the agent, has been able to transform the *fact* into a RIGHT: Mr. Laboulaye knows nothing of it, and you declare it clear-cut. The fact posited, the right supposed, and all of that in ten lines, he unfolds his *History*, at first very interesting, *of the right of property*; he recounts all its vicissitudes, contradictions, corrupt practices, abuses, violences, iniquities, corruptions, degradations and transformations. Of the reason for all these things, he does not know the first word; he does not even seek it. A prudent jurist, he withdraws into a significant silence: "The appropriation of the soil," he says to you, "is one of these facts contemporary with the first societies, that science is obliged to admit as a point of departure, BUT THAT IT CANNOT QUESTION, *without running the risk of putting society itself in question.* »

Powerful philosopher who does not want to discuss either fact or law, and who dares to call a *social creation* a pure arbitrariness, where abuse, contradiction and violence abound, withdraws to cast back the responsibility for the disasters, sometimes on the presumed consent of the people, sometimes on the decrees of Providence, sometimes, finally, on the irresistible course of revolutions and the force of things! Silence on that which they do not understand and that appears dangerous to them to delve into: such is, in general, the motto of the gentlemen-laureates of the Institute.

For you reader, whom this academic hypocrisy could not please, you, proprietor, who doubtless desire for society and for yourself some guarantees a bit more serious than the elegance of phrases and the force of bayonets, you want it to be discussed, even if society itself be put in question, if you should restore to the mass what a caprice of the lawmaker would have wrongly auctioned off to you. Listen then; listen without fear, and be convinced in advanced that Truth and Justice will reward your good will.

Right is right: Law is uncertain, sometimes obscure, mysterious; and it is no small thing to be able to show what is just or unjust despite appearances. Jurisprudence is nothing other than the philosophy of Right. One is not a jurist for having acquired the erudition of the texts and the knowledge of the argot of the schools; one is not even a jurist for having learned the origins and filiation of the usages, customs and legislations, their analogies, their correlation, and the texts. One is a jurist when one knows à fond la raison of the laws, their scope and their aim; when one knows the superior, organic, political thought, that rules all; when one can demonstrate that such a law is faulty, insufficient, incomplete. And for that there is no need to be a laureate of the Academy.

Every man who reasons about the Law is a jurist, just as he is a theologian if he reasons about his faith, is a philosopher if he reasons on the phenomena of nature and the mind. One is, to a greater or lesser degree, philosopher, theologian, jurist, as one brings more or less persistence, scope and depth to the research of causes, of reasons and ends. Mr. Laboulaye has done a great wrong in reproaching Michelet et Guizot for not being jurists; they are his equals and more.

Property, psychological by its nature, by constitution a matter of Law, and, I will soon add, social by destination, is ABSOLUTE: it cannot not be so. Now, before entering into the examination of motifs, we should not one thing religiously: it is that this absolutism forms against property a *prejudice*,—if you'll allow me the word,—which has up to this moment appeared invincible.

The absolute is a conception of the mind indispensable for the advance of reasoning and the clarity of ideas; it is a hypothesis necessary for speculative reason, but that is rejected by practical reason as a dangerous chimera, a logical absurdity and an immorality.

Religion, in the first place, declares to us: sovereignty, property, sanctity, glory, power, in a word, the absolute, belongs only to God: the man who aspires to it is impious and sacrilegious. The Psalmist said, with regard even to

property: "The earth is the Lord's, and all that it contains: *Domini est terra et plenitudo ejus*." Notice to the chiefs of the tribes and to the proprietors to show themselves beneficent towards the people, not miserly. As if he had said: The true proprietor of the nation of Canaan is Jehovah; you are only its managers. That idea is found at the origin among all peoples: Mr. Laboulaye is in error when he says that *property is a fact contemporary with the first society*. What is contemporary with the first society is momentary occupation, or possession in common: property only comes later, by the progress of liberties and the slow elaboration of the laws.

The absolute is no less inadmissible in politics. That fullness of autocracy that attracts the theologian, because it is an image of the government of God; that the people conceive and accept with so much ease, because the absolutism is in essence religious, from divine right, is precisely what everyone condemns today, and that gives the lie to the theory of the separation and equilibrium of powers.

Political economy is in the same case as politics: just as the theory of government aims to make the State come out from the regime of the absolute, so economy science, by its theory of values, credit, exchange, taxation, division of labor, etc., has for object to make the operations of industry and exchange, the facts of circulation, production and distribution, come out from the absolute. What could be more opposed to the absolute than statistics, for example, la commercial accounting, the law of population, the dispute between supply and demand?...

Do I need to say that philosophy, or study of the reason of things, is the war of reason against the absolute? And science, finally, whose first name is *analysis*, science is the exclusion of every absolute, since it invariably proceeds by decomposition, definition, classification, coordination, harmony, enumeration, etc., and that where decomposition becomes impossible, or distinction is stopped, where definition is obscure, contradictory or impossible, where, finally, the absolute begins again, science ends.

Metaphysics, which gives us the notion of the absolute, joins its testimony to the others, as soon as it is a question of making the absolute enter into practice, of realizing it. Try as it might, the *moi* cannot appropriate the *non-moi*, assimilate it and merge it with its own substance; they are fundamentally separated; try to confound them, or to suppress one or the other, both are ruined, and you no longer see anything.

How then could the proprietary absolutism justify itself, and become a *law*? Doubtless, the *moi* needs a *non-moi* in order to sense itself; doubtless, as we have said in the beginning, the citizen needs a reality that ballasts and fixes it, on pain of fading away like a fiction. But does that prove that the *non-moi* belongs to the *moi*, and is its product; that the earth could be give to the citizen as property and absolute domain? Isn't it sufficient that he obtains possession, usufruct, tenancy, on the condition of good administration and responsibility?

This is how it has been understood, in the beginnings, by the Germans, the Slaves, etc., how it is still practiced by the Arabs.

What strengthened this prejudice, is that the Law-maker divides it.

Thus, property is defined according to Roman Right: "*Dominium est jus utendi et abutendi re sua, quatenus juris ratio patitur*; domain is the right to use and abuse one's thing, as far as the reason of Right will suffer." — The French definition comes down to this: "Property is the right to enjoy and to dispose of things in the most absolute manner, provided that one does not make a Usage of them prohibited by the laws and the regulations." (Code civil, art. 541) — The Latin is more energetic, perhaps more profound than the French. But take notice of one thing, one marvelous thing, that the jurists have never grasped: it is that these two definitions contradict one another, in that each sanctions a double absolutism, that of the proprietor and that of the State, two manifestly incompatible absolutisms. Now, it must be thus, and it is here we find the wisdom of the Legislator, a wisdom assuredly very few of the jurists have been in doubt up to now.

I say first that property is absolute in its nature, and, in all of its tendencies, absolutist; that is to say that nothing must hinder, limit, restrain, or condition the action and enjoyment of the proprietor: apart from this there is no property. Everyone understands this. It is what the Latin expresses by the words: *jus utendi et abutendi*. How then, if property is absolute, can the legislator express reservations in the name of *legal reason* [*raison du Droit*], which is evidently nothing other than the reason of the State, organ and interpreter of Law [*Droit*]? Who will say how for these reservations will reach? Where, with regard to property, will the legal or State reason stop? What reproaches, what criticisms can we make against property? What conclusions can we posit which reduce its absolutism to nothing? The French Code is more guarded in the expression of its restrictions; it says: "Provided that one cannot make a use of property prohibited by the laws of regulation." But one can make an infinite number of laws and regulations, laws and regulations which, perfectly well motivated by the abuse of property, would tie the hands of the proprietor, and reduce his sovereignty—egoistic, scandalous, and culpable—to nothing.

These *à priori* considerations against every pretention of humanity to absolutism, are the stumbling block on which are wrecked all those who have tried to resolve the problem of the origin and principle of property. They have furnished to the adversaries of the institution some formidable arguments, to which the only response has been persecution, or else, as in the case of M. Laboulaye, silence.

And yet, property is a universal fact, if not in actuality, at least in tendency; an invincible, fixed fact, to which the legislator must sooner or later give his sanction; which is reborn from its ashes, like the phoenix, which it has been destroyed by revolutions, and which the world has seen present itself in

every epoch as the antithesis of caste, the guarantee of liberty, and I would almost say the incarnation of Justice.

Such is the mystery of which we are finally going to give the explanation.

CHAPTER III

Different ways of possessing the land: in community, under the feudal system, in sovereignty or property. — Examination of the first two modes: rebuttal.

The earth can be possessed in three different ways: in community, under the feudal system, and as property. These modes, by combining, give place to a great variety of applications: we will limit ourselves to recounting their general characters.

I. — Community is not unjust in itself. Its principle is that of the family itself, the principle of fraternity. It is the spirit of the patriarchy, of the tribe, of the clan, of all these elementary groups born from the soil that they cultivate, and of which the vastest States are only developments. The primitive Christian church made community almost a dogma, obeying the ideas of Plato, of Pythagoras, renewed from Lycurgus and Minos, and then in favor. Soon, however, the lay world escaped it: the communist regime no longer exists today except in the convents and among the Moravians. Formerly, in France, community was rather commonly used in certain provinces, as a mode of agricultural exploitation: the Civil Code civil has sanctioned it under the name of *universal societies of goods and gains*, and has outlined its rules. It is on the principle of that society that Cabet attempted, in Texas, to realize his Icarian utopia. It is presently very rare: I do not know if we could cite even a single example.

The undivided possession and exploitation of the soil, is rational, just, fruitful, necessary even, as long as the exploitante society does not exceed the limits of a close kinship, — mother, father, grandmother, grandfather, children, step-sons and step-daughters, domestics, uncles and aunts; — it is as solid as the family itself. At the same time that it constitutes a community for all the members of the family, it can be, and nearly always is, with regard to strangers, either a property, or a fief. This double character, joined to the exploitation by the family, is what give the institution the greatest morality and the greatest strength. An effect of opposites, that the social genius is pleased to unite, while the individualist reason most often only knows how to put them in discord! But as soon as the families multiply within the primitive community, disagreement is introduced, the zeal for community, par suite le travail relaxes; the universal society of goods and gains changes into a society of goods alone, and tends to approach from day to day a society for commerce, from a society of mutual insurance or benevolence, to simple participation; the community fades away.

This phenomenon of inevitable degradation, which has been observed in all eras and in all the countries where community was instituted, puts us on the path of disadvantages, abuses and vices peculiar to this system.

Man, by virtue of his personality, tends to independence: is it a bad inclination on his part that he must fight, a perversion of liberty, an exorbitance of selfishness, which puts the social order in danger, and which the legislator much repress at any cost? Many have thought so, and one could not doubt that such was at base the true Christian doctrine. The spirit of subordination, obedience and humility can be called a theological virtue, as much as charity and faith. In this system, which, in one form or another, is still that which still gathers the greatest number of votes, AUTHORITY is imposed as law. Its ideal, in the political order, is absolute power; in the economic order, community. Before the power, the individual is zero; in the community, he can possess nothing of his own: everything belongs to everyone, nothing belongs to anyone. The subject belongs to the State, to the community, before being of the family, before belonging to himself. Such is the principle, or rather such is the dogma.

Now, note this: man being supposed resistant to obedience, as he is indeed, it results from this that the power, that the community which absorbs him does not subsist by itself; it needs, in order to make itself accepted, reasons or motives which act on the will of the subject and which determine it. In the child, for example, it will be the love of the parents, the trust, tractability and lack of competence of youth, and family sentiment; later, in the adult, this will be the motive of religion, the hope of rewards or the fear of punishments.

But filial deference weakens with age. The day when the young man thinks to form for himself in his turn a new family, that deference disappears. Among all peoples, marriage is synonymous with emancipation; the parents themselves invite their children to it. In the citizen, lay or faithful, religion also weakens, or at least it thinks to itself. Every religion has its leaven of Protestantism, by virtue of his the most pious man rises sooner or later and says, in the most honest tone and with the most complete good faith: I have the spirit of God in me; the worshiper in spirit and in truth has no need of priest, or temple, or sacraments... As for considerations drawn from force or from wages, they always imply that the authority that they employ is an authority without principle, and that the community does not exist.

Thus, let one think what they want of human rebellion; let one make it a vice of nature or a suggestion of the devil, it always remains that against that serious affection of our humanity there is no remedy; that authority and community cannot give proof of their rights; that they occur only for particular circumstances, and with a reinforcement of conditions which, on ceasing, render authority illegitimate and community null and void.

In short, the only legitimate authority is that which is freely submitted to, as there is no useful and just community except that to which the individual gives its consent. This asserted, we have only one thing left to do: it is to seek the causes for which the individual can withdraw its consent from the community.

Man is endowed with intelligence; he has, in addition, a conscience, which makes him discern good from evil; finally, he possesses free will. These three

faculties of the human spirit, intelligence, conscience, and liberty, are not vices, distortions caused in our soul by the spirit of evil: on the contrary, it is because of them that, according to religion, we resemble God; and it is to them that community or public authority appeal, when it gives us its decrees, distributes its justice and its punishments. The responsibility that the law imposes on us is the corollary of our free will.

If it is thus, the community cannot do otherwise than to leave to the individual that it makes responsible a liberty of action equal to its responsibility; the contrary would involve tyranny and contradiction. The community even has an interest in that liberty which dispenses with a costly surveillance, and is not a mediocre means of raising the moral standards of individual, who becomes at once more valiant and more worthy. Thus here is communism undermined, obliged to abdicate itself, in the presence of individual initiative, even in the smallest matter. But individuality becomes more demanding as the individual is endowed with more reason and moral sense: where would the concessions stop? That is the stumbling block for authority and communism. Well! I respond that liberty is undefined, that it must go as far as the intelligence, the dignity and the force of action which is in it entail. Ensuring that public authority and common interest should appear only where liberty ends, where the action, genius, and virtue of the citizen becomes insufficient.

The same reasoning applies to the family, to the distribution of services, to the separation of industries and the allocation des products. Every family, every new household is a little community, in the midst of the large community, which disappears more and more to give place to the law of the *mine* and *thine*; every distinction of industry, every division of labor, every idea of value and wage is a breach of the common domain. Depart from that, try to combat that tendency, to suppress that evolution: you will fall into promiscuity, fraud, disorganization, envy and robbery.

The same reasoning applies with regard to the relations between the citizen and the State. It is precisely because the individual is free, intelligent, industrious, attached to a special profession, because he has a domicile, a wife, des children, he demands not only to be freed from the communist verges, but he considers the entire community from a particular side; he discovers in the [reigning] power defects, gaps, and parasitic branches which do not appear to others; he has an opinion, finally, of which, for good or ill, the government must take account.

Open the door to this torrent of opinions: now you are carried in the system of States to separate powers. On the contrary, try to curb the universal and you return to tyranny; take the middle ground and make of politics some balance or happy medium, now you are in the most immoral and cowardly of Machiavellianisms, doctrinaire hypocrisy. Here then, as before, with regard to liberty and the family, you have no choice; in it necessary, and it is inevitable, to crush liberty in the barracks, to make opinion die under the threat of bayonets,

or to retreat before liberty, reserving public authority only for the things that the suffrage of the citizen cannot resolve or deign to hear.

From the preceding, it follows that the earth cannot be possessed or exploited, and, by analogy, no industry [can] be practiced in common, and that, like the sons of Noah after the flood, we are condemned to division. By what title would we possess now? That is what we will examine below.

The idea of applying the *universal society of goods and gains* to the exploitation of the land, and to introduce it into large populations, is not primitive; it is not a natural suggestion, since we see, from the beginning, in the embryonic valley, the family multiplies its tents of fires, in proportion to the formation of couples; the State develops in hamlets, villages and cantons, each having its separate administration, and constitutes itself bit by bit according to the principle of individual liberty, the suffrage of the citizens, the independence of groups and the distinction of cultures. Community, as an institution or form given by nature, is at its highest point of concentration in the family; beyond that, it breaks its frame and soon no longer exists except as the relations of proximity, similarities of language, worship, customs or laws, at the most as mutual insurance; which, involving the idea of a covenant, is the very negation of communism. It is only subsequently, when aristocratic insolence and the harshness of their servitude has provoked a reaction from the people, that community presents itself as a disciplinary means and state system: it is enough to cite the examples of Lycurgus, Pythagoras, Plato and the first Christians. But experience has soon done justice to the hypothesis: everywhere and always liberty has risen up against communism, which has never been able to establish itself except on a small scale, and as an exception among the masses. The largest community that has ever existed, that of Sparta, was founded on slavery and war; as long as the Christians only formed a sect lost in the immensity of the empire, their communities, sustained by the zeal for the new dogma, appeared flourishing; still they had no object but prayer, charity and meals/the repast. Those who wanted to mix love with it soon fell under their own infamy. The day when Christianity declared itself the universal religion, it abandoned its communism, which the agitations of the Middle Ages could not revive. The Moravians are *sociétaires* rather than communists. (See, for the critique of Community, *The System of Economic Contradictions*, V. II, chap. 12.)

II. — The second manner of possessing the earth is the one that I called, from my first controversy on property, *possession*, from the Latin word *possessio*, which in the jurisprudence of ancient Rome had roughly the sense that I will tell.

In the state of familial joint possession, the idea of property still had not appeared, since everything remained united with the family, in the communion of/with the father. One thing alone could make that idea emerge: it was the case where one family encroached on the farm of another family. Then the usurpation would give rise to the idea of domain; but then also the right of nations would be changed, humanity would endure its first revolution. Humanity

would not wait so long: the idea of the proper, in opposition to the common, would rise from community itself, on its own.

The primitive family multiplying or dividing in its subjectivity though the marriage of its offspring; liberty, on the other hand, showing itself irreducible in the individual, individuality in the conjugal couple inviolable, there is a case for following that multiplication or that division of the family, in its objectivity, that is to say in the possession and exploitation of the soil: that is still not property, as we will see later; but it is already the distinction of the mine and thine, within a limit determined by the need of each family and by its labor. Some markers are planted, not, as Rousseau believed, to mark the alienation of the territory, but only to mark the limits of the cultivations and the division of the products. The reign of Cain, the landed possessor, commences; it prevailed against that of Abel, the keeper of herds; war broke out between the plowing and the open pasture, between the sedentary producer of wheat and the nomadic shepherd. That dramatic moment, to which all the traditions relate the end of the golden age, that the Hebraic cosmogony has cursed, and probably slandered in the person of Cain the fratricide, became on the contrary, among the peoples of Italy, the point of departure of religion. The family is sanctified; its head, *paterfamilias*, is judge, priest, and warrior; the spear with which he forms his palisade, and with which he fights in war, sign of his dignity and strength, is at the same time the symbol of the God who presides over war and possession. The planting of the markers is a religious ceremony; les surveyors who are in charge of them are ministers of the cult; the boundary marker itself, of stone or of wood, *Terminus*, is a divinity contemporary with Vesta and the Lares. It is thus that the same fact has been seen with a different eye in the cantons of ancient Hesperia, in the deserts of Arabia and the steppes of the Scythians. Each people speaks according to its inclinations and its prejudices: it is for the philosopher to assess the facts according to reason.

So what is the scope of the right of the holder of the soil? That is what it is important to define will. In this system, which must have been introduced at the same time as began the clearing of the soil and the overflowing of the families, the original community, having become the State, or the prince who represents it, is supposed to have received from God, creator and only true proprietor, investiture in the soil. Admire that fiction; it shows with what qualms of conscience, with what soundness of good sense the first founders of nations would proceed. They did not say, in the manner of the conquerors who came after: This field is mine because I occupy it, because I have won it with my sword; or else because I have first returned to it with my plow. No; they understood that neither occupation, nor might, nor even labor conferred domain over the soil; and they declared it frankly, tracing the right of the prince back to God, source of all the others; they were far from thinking that one day this divine right, rigorous formula of justice, would degenerate into a monstrous abuse, and become a synonym of the most abominable despotism.

So the prince, head of State, having received the earth from God, possessing it in all sovereignty, and disposing of it according to his prudence and pleasure, then distributed it to his warrior, heads of families; we would guess that he had only received his investiture for that. On what conditions was the earth **sous-cédée** by the chief to his companions? It is here that it is appropriate to study up close this system of possession, a system which, in its terms, offers no grip to the critique, and that we can regard as the purest expression of individual jurisprudence.

Since the land belongs originally to God, who has given it, and since it is from him that the community has received it, without exclusion or distinction of persons, and since the division has only taken place with a view to insuring the liberty and responsibility of each, and preventing the promiscuity of the families, it follows that the eminent domain in that land, or, as we say today, property, remains with the State, and what passes to the head of the family is nothing but a power of exploitation and a guarantee of usufruct; that thus the portion of land released to each citizen cannot be sold and alienated by them, as he does with the products of his farming and the growth of his livestock; that if he cannot alienate and sell, neither can he divide his share, nor adulterate and squander it; he must, on the contrary, act as a *good father*, the expression has remained in the language; so that, while drawing from his lands the part most advantageous for himself and his own, the holder is bound to conserve it and reproduce it, as it were, whenever required.

Indivisibility and *inalienability*, such are, in two words, the general characteristics of possession. Heredity follows, not as a prerogative, but rather as one more obligation imposed on the possessor. We understand that the division of the soil being made especially with an eye to families, it is not because the right of the holder is absolute that he transmits his possession, it is on the contrary because his right is limited, that possession is hereditary.

Finally, to these fundamental conditions are added the obligation of a royalty to pay to the prince, in fruits, livestock, money, men or services: sign of tribute to the suzerain, and of the circle of influence or tenure of the possessor.

I say that this system, which, in a more or less explicit form, was originally that of all the peoples, Egyptians, Arabs, Jews, Celts, Germans, Slavs, and of the Romans themselves, is perfectly rational, I mean with a particularist rationality and simple good sense; and that from the point of view of justice and public economy, it defies criticism. It is landed possession that the emperor of Russia, Alexander II, just gave to the peasants with liberty. It is that same possession which, modified according to the views of Catholicism, the Latin traditions and warrior traditions, has reigned all through the Middle Ages, under the name of fief. The individual conscience, which alone could direct the legislator, in an era when society, scarcely formed, furnished nothing, went no farther. And we see that, in fact, if the collective reason raises itself later to a superior conception, if today it affirms property, the jurisprudence of the schools has thus far shown itself incapable of taking account of it.

Landed possession, such as I have just defined it, conditional and limited, excludes every abusive disposition: we could define it, towards property: Right to use the land, but not to abuse it, *jus utendi, sed non abutendi*.

That possession is essentially egalitarian: in Russia, the commune, alone supposed to be a proprietor, must furnish to each household a quantity of workable earth; and if the number of families increases, the division is redone, in a manner by which no one is excluded. That rule is common to all the Slavic peoples; it has been maintained in Russia by the decree of emancipation.

Political economy, which considers the laws of production, irrespective of individual interests and the inequality of fortunes, can not itself demand better than this simple tenure. What does political economy demand? That the laborer be free: this is what takes place today for the Russian peasant, as in France for every usufructuary; that he be master of his movements: which he is as soon as he works for himself, save for the contribution/tax to pay to the commune and the State: this takes place as well. Here, no individual servitude, no *salariat*, no proletariat, no regulation: what more could science demand? Has any economist has ever claimed that our tenant-farmers and share-croppers are in conditions of poor cultivation because they are not proprietors? No, tenant-farming and share-cropping are accepted by all the economists as rational conditions for agricultural exploitation. The land rent is accepted by them as one of the natural phenomena of public economy, and yet the condition of the tenant-farmers and share-croppers is much less good than that of the possessors of which I speak, since not only do the aforementioned tenant-farmers and share-croppers not have property, they do not even have possession; they do not produce for themselves alone, like the Slavic possessor; they divide with the proprietor. To maintain, from the economic point of view, that non-abusive possession is defective, unfavorable to the laborer and to the production of wealth, it is to condemn tenant-farming, attack the income [rent], as a consequence deny property: which becomes contradictory.

If the maxim *Each in their place, each for themselves* can be considered a truth of political economy and right, it receives its application as well with possession or limited property as with absolute property: there is even in the former a touch of fierce selfishness which is not found in the latter. From the point of view of morals, as from that of liberty, possession is irreproachable.

Moreover, it is acknowledged that possession, despite its modest figure, has held up to the present much more place in civilization than property. The earth, for the immense majority of those who cultivate it, when they have not been serfs of the glebe, have been held in *metayage*, *emphyteusis*, *bénéfice*, *précaire*, *commande*, *main-morte*, *farm and livestock lease*, etc., all synonyms or equivalent terms for *possession*. The very small number has arrived at property. Then, when the proprietary class has multiplied, — which has only been seen two or three times in history, after the triumph of Caesar, later following some invasions, and at the end of the eighteenth century, during the sale of the goods called *national*, — straightaway property, burdened by taxes and easements,

given over to anarchy, to parceling, to competition, to agiotage, threatened, as by a sword of Damocles, by the law of expropriation for reasons of public utility, eroded by mortgage, diminished by the development of industrial and moveable wealth, it is found beneath the ancient possession. The praetorian has sold his plot and retired to the grand'ville; the barbarian has sought protection for his *freehold* [alleu], and converted it into a fief; and we see today a mass of proprietors, big and small, fatigued and disappointed, make money from their patrimony, and take refuge, whether in traffic, in public employment, or in the house staff and the *salarial*.

Nothing, it seems, was easier than to sort out and strengthen that possession, to which inequality is contrary, and which excludes every sort of privilege and abuse. The feudal exaction, has had dishonored possession during the Middle Ages, and raised in the end the anger of the peoples, for from being inherent in that mode of tenure, is diametrically opposed to it, as well as the hierarchy of titles and fiefs. Equality before the law being posed as a principle, equality of possessions became its consequences; it sufficed, to maintain it, a ruling of the rural police, defending accumulation and parceling out. Common sense indicated nothing more; the masses would not have demanded more. That, however, was not the case: the Declaration of Rights of 1789, at the same time that it abolished the old feudal right, it affirmed property, and the sale of the national goods was accomplished. This phenomena is one of the most significant of our era: what are its secret causes? That is what it has still not come to the mind of anyone to resolve.

CHAPTER IV

Opinion of the jurists on the origin and principle of property: refutation of those opinions.

Property is the eminent domain of the man over the thing: "It is, according to the definition of the Code, art. 544, the right to enjoy and to dispose of things in the most absolute manner, provided that one makes no use of it prohibited by the laws or regulations." The Roman law says: "*Dominium est jus utendi et abutendi, quatenus juris ratio patitur*: property is the right to use and abuse, as long as it includes the reason of right/law." It seems that the legislator, in positing that absolute, has wanted to render more striking by the very vagueness of that reservation, *quatenus juris ratio patitur*, in French, "provided that one makes no use of it prohibited by the laws or regulations." From one side property is called absolute; from the other, reservations are made for the rights of the State, manifested by the laws and regulations.

But what is that right? We do not know; it is a sword of Damocles of which, in fact, we have no view, but whose thread can break and lead to the death of property. Nothing is easier, by means of two or three articles of law and a few regulations, than to reduce that absolute and abusive property to a conditional and limited property, to a simple possession. I would even say that at the hour when I write, the movement seems determined in this sense. That contradictory definition, which gives and holds back, which affirms and denies at the same time, is not a good omen for the certainty of jurisprudence and the morality of the institution.

Roman and French law have obviously implied that the true sovereign, the one in whom resides the eminent domain, *dominium*, is not the possessor or holder of the thing; that there is only a fictive, honorary proprietor; that the true sovereign is the State. That was the theory of the *ancien régime*, towards which Napoleon and Robespierre were inclined. But then why this privilege accorded to the usufructary proprietor of use and *abuse*, while the true sovereign, the State, does not abuse? Why that latitude to iniquity? Why that holiday for evil-doing? Why this divestiture of public oversight over the collective domain? Isn't it the case of saying that the proprietors have made the laws, and that they have taken care of themselves? What then becomes of respect for the law in the face of that suspicion?...

Whichever way you turn, you see the dagger contradiction turned against you: it is impossible to escape.

Before this analysis, all the apologies for property that we have produced in recent years, all the explanations we have given for its origin, fall; they are ridiculous bucolics. For in the end, I would say to these clumsy apologists, I grant the good faith, I recognize inheritance, possession, prescription, the sacred right of labor, even the interest of the State: but, finally, why this *abuse*?

Why this ability to *dispose absolutely*? Have you ever heard of a Law, of a Morality, which authorizes vice, debauchery, arbitrariness, impiety, murder, theft, abduction, subject to punishing the delinquents who have passed a certain limit, which the Law does not even define?

Let us take the most respected property of all, that which is acquired by labor. Why, I would ask, in addition to the price legitimately due to the producer, to the compensation for his labors and cares, why concede this right of abuse, of disposing absolutely: what wouldn't a good father do for the dearest of his children?...

Note that this definition of the Gallo-Roman Legislator is that much more astonishing, I would say almost scandalous, because it has perfectly distinguished PROPERTY, deliberately by declaring it abusive, from *possession*, which is not. That distinction has been so well made that it has produced two different points of view on which roll the whole of civil rights, which we call, in school terms, *possessoire* and *pétitoire*. The possessory is all that which is related to non-abusive possession; the *pétitoire*, everything related to property, to abusive and absolute domain. Why is that? It is a principle of political economy that *products are purchased with products*; which leads to that rule of commercial law, that a value is payable by an equal value; in short, that equality in the law of exchange. Why does the civil legislator trample that rule under foot, by declaring property, acquired by labor like everything else, abusive and absolute: which is positively to grant to the proprietor more than his services are worth?

It is clear, and I can not understand the stubbornness that refuses to see, that property is eccentric to right; it surpasses right; so that we can say of the definition which poses it, that it is the legal recognition of an injustice, the legitimization, in the name of right, of that which is not right.

Whatever it may be, it results from the absolutist definition of property, that in contrast with possession, which we have seen to be indivisible and inalienable, property can, at the will of the proprietor, be divided, hired, sold, given, alienated for ever. Such is, in the practice of the transactions and the current usage of the proprietors, the fundamental character of property: that is to say that by a new fiction, diametrically opposed to the one that, considering the State or the Prince as representative or vicar of God, attributed to him the eminent domain of the land, the individual is himself considered as sovereign, holding the land by his acts and of his own right, and relevant to no one. Political economy furnishes a still more expressive analogy: just as the industrious has absolute property in his product, because he has produced it; just so the new law, assimilating the possession of the soil to that of the products of industry, makes the landholder proprietor, as if, by laboring on the earth, he had produced it. We sense how open this assimilation is to criticism: and criticism has not been lacking.

Thus, the possessor of the soil having been considered of the soil itself, his right has received a prodigious extension; what could be neither divided, nor

alienated, nor destroyed, although he was free to leave it, he can today treat in the most arbitrary manner, give it to whoever he pleases, exchange it for money or a plate of lentils, fritter it away or devastate it : all that is within his rights.

For the same reason, the proprietor may frustrate his children, transferring his property to a stranger. It is no longer, in fact, with \ as with possession, of which the institution had had for an object the distinction and preservation of families. Under the new regime, the political element is no longer the family: it is the individual, the proprietor. Just as the head of the family has the ability to enjoy and to dispose in the most absolute manner of the products of his industry, he has that of disposing, in a no less sovereign manner, of his property and the income from his property: the earth and the fruits of his labor belong to him by the same title; the Declaration of Rights placed at the head of the Constitution of Year III expressly joins these two species in one single category. Inheritance, which in the first case was by right for the children of the proprietors, is no longer anything but a presumption.

With regard to taxation, the position of the proprietor is no longer the same as that of the simple possessor: the latter was held to a *royalty*, sign of his subordination and of the suzerainty of the State; the proprietor owes nothing; only, as he is part of a political association, he will contribute from his fortune to the general expenses of the association, costs that he will have by agreement.

Finally, a last consequence, property no longer necessarily implies, like possession, equality. Since it involves division transfer, it is susceptible to acquisition and accumulation; the greatest inequality will reign among the domains, there will be a great number of the dispossessed, and some proprietors whose land holding would be enough for a nation and who could form a kingdom.

We see that if property is of an obscure and scabrous definition, nothing is more clear on the other hand than its characters: we have only to take in everything the opposite of possession.

At present it is a question of explaining, of justifying that astonishing constitution, so distant from the moderation of our beginnings, and in which the legislator seems to have made his task to gather, with some unintelligible reservations, all the genres of exorbitance. For, we must recognize it, property, in its absolutism, is as coherent, as logical, as possession is in its equity; and that it is not by forgetfulness, but rather with intention, that it is affirmed.

Nothing is more amusing that the ramblings of the legists, interpreting property or defending it against innovative criticisms. We perceive immediately that they have other reasons to give to establish that than those which served to establish possession itself; and we have already foreseen that their insufficiency comes solely from the fact that they want to account for a conception of the collective reason with the sole data of individual reason.

The most ancient legists said frankly that property had its principle in the right of the first occupant, and rejected any other hypothesis. Then came others, such as Montesquieu and Bossuet, who maintained that property drew its existence from the law, and who consequently rejected the old theory of

manucaption. In our times, the opinion of Bossuet and Montesquieu has in turn appeared insufficient, and two new doctrines have been produced: one which relates the right of property to labor; that is the doctrine supported by Mr. Thiers in his book *Property*; the other which, going back even farther, judging even the idea of Mr. Thiers compromising, imagines it has grasped the true cause of property in the human personality, and regards it as the manifestation of the self, the expression of liberty. This is the opinion of Victor Cousin, the philosopher, and Frédéric Passy, the economist, among others. There is hardly an need to add that this opinion has appeared in its turn, either to the partisans of Bossuet and Montesquieu, to those of Mr. Thiers, or to the theoreticians of the old stamp, as useless as it is pretentious. They ask, in effect, how, if it is the will, liberty, personality, the *self*, which makes property, everyone is not a proprietor?... The wisest, such as Mr. Laboulaye, have abstained from taking part in the debate. And property, by the very acts of its advocates, finds itself in more danger than ever.

It is clear for every man of good sense, and I believe on my part I have made a sufficient demonstration of it, that all these theories are equally insufficient, and come down to a begging of the question, affirming gratuitously, without any proof, for absolute and abusive property, that which is only true of possession or conditional and limited property; that the *fact* of occupation, for example, is not a principle of legislation, a legal reason, and does not create by itself an prerogative; that it is simply an act of taking possession which does not entail the exclusion of others, and limits itself naturally to the quantity of land that a family use; — that the authority of the legislator is very respectable, and that there cannot be a question here of disobeying the law, but that it is a question of justifying the law itself and of furnishing its grounds; that, in the regime of possession, is understood marvelously, and that its equity, its foresight, its high morality leap to the eyes, but that it is no longer the same for the regime of property, for which we still have to ask ourselves the motives, the aim and the causes;—that labor is a sacred thing and that the right that it gives to the laborer over the *product* is absolute, but cannot extend, without some other form of proceedings, to the land, which man did not create, but from which his is himself created; that the very idea of a remuneration to pay to the cultivator for the shaping given by him to the soil is still not enough to legitimate property, since every remuneration is determined by the economic formula: service for service, product for product, value for value, and that if in the transfers it is just to take into account the improvements made to the land, there does not result from it a collation for property; finally, that the self is most certainly, with the land, the stuff of which property is made, which supposes two terms, a thing appropriated and a subject which appropriates it, but that this need of the self to combine with an external world, to raise itself a fortress there, to leave its mark there, to incorporate itself, is satisfied by possession, which takes into account the whole *self*, while it is outflanked by property, tending to accumulation, to monopolization, to the stripping of one

part of the *self*: which entails a contradiction. (See my *Memoirs on Property*, the *System of Economic Contradictions*, etc.)

Add to that ineluctable refutation the authority of experience, which shows property degenerating everywhere into frightening abuse; one part of society dispossessed for the profit of the other; servitude reestablished, labor without inheritance or capital, discord between the classes; the revolutions in permanence; liberty lost, depopulation increasing because of the *latifundia*; finally society falling into dissolution by the universality of absolutism. history and political economy are full of lamentations on the *abuse* of property, without anyone every wanting to understand that with regard to property use and abuse are identical, and that a property that ceases to be abusive, or which loses the ability to be abusive, would become pure and simple possession again; that it would not longer be property.

We sense what must be, at certain moments, the anguish of the proprietors, in the presence of a furious criticism, which, wisely, denied their right, demonstrated, with documents in hand and in a peremptory manner, that, according to all the data of civilization, the insights of jurisprudence, the economic and religious doctrines, the traditions of divine right themselves, even more so according to the theory of modern right, from whatever point of view and in whatever hypothesis one places it, property, save more ample information, was reduced to a violent usurpation, sanctioned by a legal uncertainty. Go back to the origins, one says to the proprietors, examine the social pact, consult pure reason, analyze the conditions of labor and exchange: you should always recognize that your eminent domain is an act of encroachment, like the one of an stripper of boundary markers, an institution of selfishness, extra-legal and anti-social, the sole result of which has been to dispossess the multitude for the profit of one caste, and that it has pleased the legislator to sanction, we ask for two thousand five hundred years why?

This then is the problem that lawyers and economists have in vain pretended to oppose the previous question: is property, as we have defined it above, as the Code expounds it, and as modern society practices it, really, in the view of civilization, an inspiration of that immanent reason which directs human collectivities, and of which the conceptions surpass the natural scope of individual reason; or else is it an act of subversion, a fatal prejudice, one of these aberrations of opinion which infects the social body, and prepares its ruin? In the first case, to give a reason for the institution otherwise than by the laws of general security and hypocritical clamors; in the second, — logic and right are pitiless, — come back to legitimate possession and proceed to a new division.

As in a discussion of such great interest we would not know how to surround ourselves with too many precautions and insights, I would ask permission, before deduce the considerations of universal right which I believe push society to the institution of property, to examine whether, as it already appeared to us, we can regard it as the product of a tendency that is organic,

natural, inevitable, and consequently legitimate; or if we must only see it as an abuse, an exaggeration of possession, introduced under cover of the revolutionary tumult, accepted by the reason of State and set up as a principle by the tolerance, negligence or ignorance of the legislator. It is a rapid glance that we will cast over the history of property.

CHAPTER V

Historical look at property: causes of its uncertainties, its variations, its abuses and its lapses; it has existed nowhere in its truth and fullness, in accordance with the wishes of society and with a perfect understanding of itself.

Property in Europe is Roman in origin; at least it is in Rome that it appeared for the first time with its absolutist character, its legal pretensions, its rigorous theory and inflexible practice. We would, however, be mistaken if we imagined that it arose from the first day, armed completely, like Minerva emerging from the head of Jupiter.

Like all ideas, good or bad, that take hold of opinion and govern the world, it emerged bit by bit from possession, with which it found itself mixed, and from which it has completely separated only lately.

The reasons that made me supposed that in Rome property was long confused with Germanic or Slavic possession, and what was called, in the Middle Ages, *fief*, are the following:

1. Romulus divided the soil into thirty equal portions, which he distributed to the thirty curias. Of the surplus, he allocated on part to the cult, the other to the State. That is a division that was accomplished with a definitive and fixed character: on the one hand, the State's share forms an indivisible, enduring, inalienable domain; the share for religion is in the same condition; on the other, the portion assigned to each warrior, citizen and head of family, *hæreditas*, in the manner of the allocations made to Religion and the State, must not be envisioned at first from another angle. These *domains* all resemble one another. But precisely because the patrician, comrade at arms of Romulus, *quiris*, master of the house, head of the family and possessor of land, is assimilated in his right to the State, he takes after the proprietor: subordinated to the king, as to investiture only, he only relieves himself in the administration of his curie, he is *sut juris*; political leader, he does not pay royalty. Come the occasion to free himself from royalty, he will transform his possession, *possessio*, into property, *dominium*. The lands of the State, cultivated by slaves or plebeian tenant farmers, provide for the public expenses. This right of the patrician, compared with the one that was later accorded to the plebeian, takes a special name: it is the quiritary right, *jus quiritarium*.

2. The plebes were excluded by Romulus from the division. This is not an egalitarian institution such as we have understood possession; but, in fact, it is a restriction of the patrician right, which would not go so far as to be able to make quiritary land pass into plebeian hands.

3. It was King Servius who first conceded some land to the common people. Later, after the fall of the Tarquins, the aristocracy interested the people in the revolution by distributing to each citizen seven *jugera*, taken from the goods of the ex-king. In 454 B.C., Aventine Hill, communal pastureland, was also divided

among the plebs. But all these allocations were made by title of *possession*, that is to say that the commoner possessed only by usufruct title; he could neither rent nor sell, the State preserving domain and naked property. Finally, in 376, by the law of the tribunes Licinius Stolon and L. Sextius, the plebeians were admitted, like the patricians, in the division of conquered lands, or of the *ager publicus*; a numerous middle class formed with the aid of these *possessions*, which the nobles coveted fervently. But, remarkably, all these lands removed from the *ager publicus*, in whatever hands they passed through, patricians or plebeians, preserved their ties to the State; it was only those from the original division that were by quiritary title. So that we can say that possession is the rule, and property the exception. At base, the whole difference between possession and property, in that era, is in the potential of the quiritary right rather than in the exercise; for if the noble could alienate his good, in fact, that would not occur: property remained immutable. Far from thinking of relinquishing, the ambition of the *quirite* was to grow, if not with the aid of new properties, at least by possessions.

4. What makes the quiritary domain indivisible, in fact, and inalienable, like a fief, was the spirit of the family, so powerful in Rome, that was the basis of the constitution.

"At the birth of societies," says Mr. Laboulaye, "where the aristocracy demonstrates, the family is one of the *political elements* of the State. The State is only a federation of families, little independent societies whose chief is at once the magistrate, the pontiff and the captain. Such a family is never dissolved as long as its head lives; at his death, the son takes the place of the father; and the link is still preserved when several generations passed no longer leaves of the common origin anything but a distant memory, preserved by the community of names and sacrifices. In such a system, it is much less the link of blood that constitutes the family than the political link; and the individual, despite some rights that appear to us most sacred, is pitilessly sacrificed to that public necessity. It is in this point of view that we must place ourselves to understand the Roman laws: complete power of the father of the family, preference for males, guardianship of women, exclusion of their descendants from the goods of the paternal line."

Where the family obtains that importance, where it is a *political element*, property, as we understand it today, can hardly exist except potentially; it is neither alienated nor divided; the patrician would in vain call himself *sui juris*, absolute master of his land, being able to dispose of it in the manner that suits him, his greatest concern and his first care always being to transmit it whole to his family; and that is why I repeat that in Rome, in the times of the republic, property, either in the patriciate, or among the plebs, was almost nothing. But already, from that point of view, the designation of proprietor begins to take precedence over that of *paterfamilias*. The father is absolute master; he is master, not to destroy his goods or his family, but to dispose of them as he will, the duty of preservation remaining implied; he summarizes the whole family in

his person; he can disinherit his children and institute in their place, to continuer that ideal family, a foreign heir: that is what is said on the Twelve Tables: *Uti legassit super familiâ, pecuniâ, tutelâve sucæ rei, itajus esto.*

"The Roman testament was more than a donation of the goods of the testator: it was the transmission of the entire *familia* and of the domestic cult (*sacra privata*), the maintenance of which was the object of such keen concern.

"The legally established heir continued the person of the deceased, like the inheritor by blood. That importance attached to the title of heir, and the indivisibility of the religious duties that it imposed had rooted in the minds of the Romans the idea that the *familia* could only be transmitted in its entirety, with it benefits as well as its responsibilities: *nemo pro parte testatus, pro parte intestatus decedere potest.* To accept the testamentary succession and the legitimate succession in competition would have been a contradiction of the very nature of the testament."

"Among modern peoples, the right of succession is founded solely on the link of blood." That is to say that the principle of heredity has been materialized, and that the notion of the family, instead of being perfected, is erased. Among the Romans, it was different: if the father died *intestate*, the FAMILY inherited; that meant nothing but the children and close relations, although both could be included. In short, the family was a *civil and political condition, status, caput*, independent of birth and blood, like the condition of free man and citizen. The son by marriage, the adoptive, the wife *in manu* had equal right to inheritance; on the contrary, the son emancipated or given in adoption, the married daughter are not longer part of the family, and lose their right to succession.

5. The solemn forms demanded, as much for the contract for transfer as for the testament, how serious a thing the transmission of property was considered; how much it came from the family and how little, consequently, it left it. In summary, it was in Rome for property or quiritary domain as for marriage: the ability to alienate, like that of divorcing, was recognized; in fact, long centuries passed without alienation or divorce.

Such was property at its origin. I ask myself now if in all that, there is nothing disgusting to public or private morals, to the elementary or synthetic notion of right; if consequently it would be permitted to see there a datum, suggestion or premise of the Collective Reason, in which the idea and the right, intelligence and conscience are merged.

So what is it that distinguished property or quiritary domain? Two things, neither of which, in my opinion, implies by itself the negation of right, or immorality: the first is that the proprietor is only responsible to himself, not the prince or the commune; the second, that in him the authority of the father is also his responsibility alone, and is not responsible before anyone else. Now, we have seen that in the regime of possession, the holder is responsible to the State, which is supposed sovereign by divine institution divine or fiction of the law, which are at base the same thing. But, fiction for fiction, why will the citizen, member of the State, political element, not fall directly under God, not

be, by a fiction of the law, sovereign over his land, without passing by that channel of the prince or the community? What is there in this hypothesis more illogical, more anomalous than in the other? Why, in the second place, would the father of the family hold his authority from anyone but himself, from the very nature that has made him lover, spouse, father; which has given him, to fulfill this triple duty, strength, love, and intelligence?

Note that our previous deductions favor this new conception. We have seen that the universal community of goods and gains had to be abandoned to make place for the federation of the families, which leads to attributing independence and autonomy to each of them. Now, the independence of the family is expressed by the absolute authority of the father. Deny that authority, you attach the family to the State by a thread; you return the wife and children, to a certain degree, to the community; you cast between them and the father a catalyst for division. Which, do you think, is most advantageous to the children: to be placed under the exclusive care and authority of the father, or to have recourse against him before the magistrate? — In the first case, you can rely on the man's love, honor and dignity, on his best sentiments; in the second you make him a simple delegate of the State, with obligation and responsibility. The question is, as you see, most serious; and if the second part seems more sure, the first is incontestably of a superior morality. In Rome, where divorce was the prerogative of the husband, more than five centuries passed without a single example; I have read nowhere that during the same lapse of time the father took pleasure in disinheriting their children, or devouring their inheritance in debauchery. On the contrary, when the *préteur* took the women and children under his protection, limited the testament, there was no more family; the manners had perished from other causes.

It results from this analysis that, despite the privilege raised, in Individual Reason, against every sort of absolutism, property, absolute by nature, has been able to appear at the commencement of a hypothesis as legitimate, as rational, and as moral as possession itself; and this by a very simple consideration: it is that possession, as conditional as we have seen it, falls definitively under the competence of an absolute, which is the State, or, what is not more comforting, God. Wouldn't it be better for man, the citizen, the father, instead of falling under the divine or governmental absolute, to be responsible only to his individual absolute, his conscience?

I say that no argument can establish the negative *a priori*; consequently, that it is perfectly licit to see in the institution of property, as to its principle, a hypothesis every bit as plausible as that of possession; it only remains to comparer them both in their constitution, and to judge them according to their effects.

From what has just been said two things result, which are in my opinion very remarkable: one is that the immanent reason that governs society, the Social Providence, if I dare say it that way, starting from an absolute conception to found possession of land, or conditional and limited property, has been well

able, without contradiction, to make the absolute intervene in a most immediate, most direct manner, by instituting the domain of property, and making the citizen the fellow and equal of the prince; the other is that, in all probability, that institution would never have been proposed in a human council; it would not come from the mind of a philosopher, nor of a magistrate, nor of a priest; it would appear to everyone as the greatest of impieties, not to say the greatest of iniquities. Man arrogates to himself sovereignty over the land, that the Creator has made and given to him! *terram autem dedit filiis hominum!* The cultivator erects himself as a god, the possessor as proprietor! What sacrilege! The idea of such a crime would appear worthy of the greatest tortures. The religion of the peoples would have ranged around it among the great condemned: Ixion, Tantalus, Salmoneus, Theseus, Prometheus, if the author of such an idea could have been a man. So we see ourselves slip it unnoticed under the respected veil of possession. Once posed, surrounded by that same religion of which it affects/feigns the prerogative, we will see it develop, extend, and, with the same good faith that first made it accepted, obtain a more and more marked preference, and triumph over its rival.

Beginning from the Licinian law, the people were increasingly admitted to the sharing of conquered lands, but always, of course, by title of possession. At the same time, judiciously observes Mr. Laboulaye, popular power increases; it also eventually prevails over the patrician power. *Plebiscites* become state law. Thus ruled, in 337 by Publius Philo. As the possession of the land had been for the aristocracy the sign and pledge of political power, so it became for the plebs. It was a revolution in the republic, which the patricians had naturally opposed with all their might.

We have reproached this haughty caste for its advance, its cruelty, its fanaticism for privilege: there is much that is true in all that. But it do not find that we have considered the patricians enough for one thing: they defended principles, and if they resisted what we call progress today, of which no one Rome certainly had the idea, they had their logic; they were the true preservers of the Republic. In that which concerns the soil, for example, the patricians could say that, royalty having been abolished, the patriciate had replaced it; that the sovereignty was in it, that it was thus natural that they should have *eminent domain*; that as a consequence, it was to them along that the conquered lands should return, as in the past they would have devolved to the king; that the plebeians could only be their tenant farmers, their husbandmen; that admitting them, as we did, *ex æquo*, with the patricians in the division of the *ager publicus*, was to overturn all the social and political relations, make the subject equal with the sovereign; that the title of *possession*, given to these lands, was illusory, since the concessions were irrevocable; that the plebeian, so-called tenant farmer of the State, was not subject to any royalty, and that, apart from the tribute to the State, he disposed of his possession as the patrician did his property; in short, that to call to possession of land the multitude, who would only consider the material advantages of it, but would not understand its duties,

was to debase the nobility and doom the Republic. If such was not the discourse of the nobles, it was at least their thought. Already they began to foresee that the plebs, no less greedy than the aristocracy, but much less possessive of public liberties and of the constitution, the plebs, materialist and sensual, would devalue the laws and kill the Republic.

The opposition of the senate was powerless, and had to be. Its observations were fair, but did not respond to the arguments, so urgent and so simple, of the plebeian party: We too want to be free; we too mean only to depend on the law; we too demand the right to the land, as we demanded the right to the family, as we demanded the right to religion. Why would we remain without sacrifices, without altars, without gods, rather than you? Why should our women be concubines, and our children bastards, rather than yours? Why, if we have religion and the family, should we not have the land, token of inviolability, as much as you? Do you claim to make our daughters your mistresses eternally, as Appius did with Verginia, our sons your favorites, like Papirius?... The response was violent and at point blank range: and the victory of the people was not doubtful for a moment.

In 286, a new distribution of lands to the people and the abolition of debts by the dictator Hortensius. Seven *jugera* were given to each poor citizen.

In 133 the Gracchus brothers appeared; they succumbed in their struggle against the aristocracy. The plebs, expecting nothing more from legal means, put themselves at the service of the ambitious. Sulla distributed land to forty-seven legions; Caesar followed the tracks of Sulla: he established a hundred and twenty thousand legionnaires. Anthony and Octavian imitated his example: the land became the land with which despotism pays its partisans. Around 90 B.C., political rights had been conferred on the Latins, a few years later, on the whole peninsula; the quiritary domain was extended to all of Italy, of which Rome was no longer anything but the capital.

With the Empire, the *ærarium*, the public treasure, is replaced by the *fiscus*, treasure of the prince. The attacks on quiritary property will commence. Auguste established the tax on successions and adjudications. If Caracalla conferred, in 212 B.C, right of citizenship to the provinces, it was in order to be able to impose on them the *judicate* contributions that already weighed on Italy, while leaving them straining under the land tax, which was their own. In Roman ideas, that tax was a contradiction: it would have marked a subjection; it was reserved for the provinces, which did not have the *dominium*. The substitution of the Empire for the Republic had so changed the idea, that Maximien finished by establishing the land tax in Italy.

The imperial domain, which has replaced the *ager publicus*, as the *fisc* had replaced the *ærarium*, is immense, but deserted. To render the land productive and bring back the population, the emperors conceded, under title of possession, part of their domain with certain exemptions of rights. Constantin instituted the colonat, condition midway between property and slavery, the analog and origin of what would later be called servitude. The tax and the servile concurrence

discouraged small property, to the extent that under Honorius, there was in Campaniz alone 528,042 *jugera* of deserted lands.

The concessions made on the imperial domain, as later on the lands of the Church, affected the form of emphyteusis: *emphyteusis*, implantation (of men). The barbarians, under the single condition of military service, were admitted en masse to the emphyteusis, which then took the name of benefice.

Thus, it is the empire that has lead the barbarians to Italy and everywhere, after having destroyed the inhabitants; it is the empire that has killed property, and has then had to replace it by colonat, emphyteusis, and benefice, and thus has been a prelude to feudalism. "Between the empire, purely Latin, and the barbarian monarchies, called Chateaubriand, there was a barbaric Roman empire that endured for close to a century before the deposition of Augustulus. This is what we have not noticed, and which explains why, at the moment of the foundation of the barbarian kingdoms, nothing appears to have changed in the world: to the near misfortunes, it was always the same men and the same customs."

With the right of property, the empire attacked the paternal power: Auguste established the *peculium castrense*; Trajan, Adrien, Alexandre-Sévère, Constantin transferred family justice to the tribunals. The right of succession to the goods of the mother was granted by Adrien, Constantin, Théodose, Arcadius and Honorais, Justinien. The condition of women was changed: they were no longer in an agnate guardianship. The ancient right was too rigorous for them, the imperial right too relaxed: the first made them slaves, the second made them foreigners. By these transformations of the Law, the family was no longer considered an inviolable whole; the children belonged to the State before belonging to the father; they were a nest egg, a property, some obligations, some rights. From there, restrictions to the testament: creation of a *legitime*, or conjunction in the same inheritance of the succession *ab intestat* with the testamentary succession. Here again the ancient right, by domestic religion, was too rigorous; always far from the appropriate balance, it became too relaxed and degenerated into a kind of governmentalist communism. The family perished; it has not been revived. In vain the laws *Julia* and *Poppia Poppœa* granted encouragements to marriage and struck celibacy with penalties: it required an agrarian law, fewer taxes, fewer soldiers, and Liberty. The goal is missed; promiscuity takes over. The legislator is forced to recognize concubinage, which the Council of Toledo authorized in its turn: « *Si quis habens uxorem fidelem concubinam habet, non communicet. Ceterum qui non habet uxorem, et pro uxore concubinam habet, à communione non repellatur : tantumtunius mulieris, dut uxoris, aut concubines, ut ei placuerit, sit conjunctione contentus*: If someone, having a faithful wife, takes a concubine, let him be exluded from communion. As to the one who is not married and takes a concubine, that he will not be rejected from communion, provided that he contents himself with a single woman, spouse or concubine, according to his liking." The imperial law, which

had thus passed into the Church, is found again in the laws of the Lombards and the Franks.

Thus, all the expectations of the aristocracy were realized. The plebs, called to possession of the land, but incapable of understanding the duties involved, left the field free to despotism; they sacrificed everything to the material interests. Republic and liberty, family and marriage, all perished with the ancient property. As Justinian observed later, from the moment when Caracalla extended quiritary domain, the privilege of Italy, to all the provinces of the empire, the distinction between *possession* and *property* became null.

We see that the idea of property did not come by itself to the plebs, they were inoculated with it by the *conscript fathers* [Roman senators], founders of the Republic; it entered into their mind with the very notion of right, with religion.

The people, in principle, did not demand the quiritary domain; they were content with simple possession, and they demanded that possession as a guarantee of liberty, morality, justice and order. It was not its fault if it was then confounded with property; that was the deed of the events of irrevocable history.

The empire fallen, the Germanic hordes spilled from all sides on the quiritary soil and divided it. The land was treated as a booty, divided into lots and raffled off: from which comes the name *allod*, *lot*, *alleu*. Immediately, comme as if by a higher inspiration, the conquerors renounced their traditional mode de possession and adopted the principle of property. In fact, among the Germans, according to Tacitus, the land, divided among the ranks, remained in the state of simple possession. "*Agri, pro numero cultorum, ab universis per vices occupantur, quos mox inter se secundum dignationem partiuntur : facilitatem partiendi camporum spatia præstant. Arva per annos mutant, et super est ager : nec enim cum ubertate et amplitudine soli labore contendunt, ut paucaria conserant, et prata separent, et hortos rigent : sola terræ seges imperatur. Unde annum quoque ipsum non in lotidem digerunt species; hiems, et ver, et æstas inllectum et vocabula habent; autumnus nomen perinde ac bona ignorantur.*"

The eagerness of the conquerors to take the laws, customs, institutions and arts of the empire is remarkable in more ways than one: with regards to property, it denotes the good faith of the masses and the firm conviction that this form of possession was superior to the one that they had practiced previously. The ancient property had been subordinated, distorted by the imperial regime;⁶ the occupation by conquest was, in large part, a freeing of the soil. If in that era there had only been barbarians, the entire empire would have been filled with cultivating proprietors, some possessing more, others less,

⁶ Property among the barbarians, once established, is less absolute than among the Romans; the right of the family is distinct from the paternal power, and if the proprietor can dispose in a sovereign manner with his *receipts*, he cannot with his *own*, that is to say with his *allod*: the presence and consent of his heirs is required.

according to the importance of the ranks. But there were slaves, colons (serfs), *emphytéotes*, *bénéficiaires*; the newcomers had only to follow the route traced by the emperors. "The administration of the Ostrogoths, says Mr. Laboulaye, was like that of the empire; Cassiodorus could believe himself returned to the most beautiful centuries of the Caesars."

Originally, Romans and Barbarians lived side by side, each according to its own rite and customs. The Germans, dividing the land, still preserved their association: leaving the cities to the Romans, the countryside was divided into cantons, cantons into hundreds, hundreds into tens, tens in individual manors; what remained outside the manors was common property or marches. Each canton has at its head a count, every hundred a centurion, a *dizainier* each decade, all of which had their jurisdiction like the count. This is quiritary property where the father is king and head of all his own. We are back to Roman property under the name of allod; this was not the barbarian who created it: he gave the name to it, and that is all. It is impossible to ignore the entirely Germanic spontaneity of that formation. Freedom is no doubt found there, but establish a relationship of subordination, and feudalism is established there. Now, the subordination is Roman, imperial, above all Christian. The fusion occurring over time, between winners and losers, we foresee that a transformation will ensue.

Under the influence of Christianity, which considered property as an institution of paganism and an effect of original sin, a movement of pronounced reaction appeared; the Church attempted to make itself suzerain. Benoît, founder of the abbey of Mont-Cassin, a contemporary of Justinian, gave the signal for monopolization. From all sides, small property, powerless, was converted into a thousand forms of possession. The spirit of the Church was recognized everywhere here: in *colonat* and servitude, in emphyteusis, in recommendation, in *précaire*, in benefice,⁷ in the hierarchy of the nobility, in the exemption from military service, which the Church enjoyed, and in view of which the small proprietors hurried to commend themselves to the abbots and bishops.

Charlemagne, as temporal prince, resisted this movement and denounced it in his *Capitulaires*. But he contradicted himself: while he was thundering against

⁷ The *recommendation* is the act by which a free man commends himself to one more powerful, to whom he promised faith and tribute, one of the effects of that act was that the property, at first tax-free [*franche*], was declared tenure, received from the *commandeur*. Sometimes that latter, taking things too literally, made his *recommandés* into serfs. The Church did the same. In order to engage the laypeople to deliver (*recommander*) their goods to it, the Church, giving them back, by *provisional* title, to the *donataire*, often adding a certain quantity of its own: thus, a man abandon six arpents, which they held in allod, to receive nine by provisional title. The precarious property was returned to the Church upon the death of the *donataire*. Such was the origin of the main-morte. The sharers of the precarious property were subject to a royalty, and submitted to perform certain services.

clerics who monopolize the land, under the pretext of restoring it to the Lord, and convert the allods into benefices, he multiplied as he could, in the sphere of his action, those same benefices, and burst into threats against the nobles who, by a **rubrique de légiste**, after having alienated the royal benefice, bought it as an allod in the assembly of the canton. Defender of freedom and progress with regard to the Church, Charlemagne, making, by means of the benefices, centralization in its own way, shows himself backwards with regard to his warriors. His system is a vast communism, rival to that of the Church, but which only existed in draft and fell with him. Besides, everyone made this swing. Charlemagne's death was at once the signal of triumph for the great *bénéficiers*, demanding independence and heredity from royalty, that is to say, the conversion of benefice into allod, and the defeat of smallholders, whose freeholds were converted by the great *bénéficiers*, became large proprietors, into fiefs. Charlemagne had only really founded the *papal theocracy*, which lasted as long as the faith of the people supported it.

Doubtless there is mingled in this petition for property a great deal of selfishness, much indiscipline, and with regard to the fellow man much bad faith. But the goal is always the same, and that goal is not at all blameworthy in itself: it is the guarantee of liberty and law. If the smallholders, desperate to support themselves, are donating their property to the bishop, the count, the abbot, who then give them back as benefice, fief, *précaire* or *commande*, it proves not that they reject the property, but that such as it is given to them, it is not considerable enough that they can, by themselves and alone, defend themselves. It is a question of strength, not of principle. Also, we see feudalism destroy its from its birth by the idea with which it is inevitably associated, which it implies and which contradicts it, the allodial idea. First, each small proprietor, forced to accept a suzerain, chooses the most powerful that he find in his scope: this leads to the subordination of all the allods, become fiefs, to a single lord, the king; then a coalition of industrious commoners forms, with the protection of the king, against the bishops and nobles; these are the communes: so much and so well that at the age of Louis XIV, there is only one large landowner, more fictitious than real, the king, dominating a nation of privileged tenants with various titles, nobles, clergy, bourgeois, villeins. Now comes the Revolution, and all, at every opportunity, shaking that ultimate and monstrous despotism, again become, **qui pour plus, qui pour moins**, like Caesar's plebs, proprietors.

Thus, from before the reign of the Tarquins, even from the time of Romulus, 754 years before our era, we see property, quiritary right, eminent domain, allod, **sous-introduite**, if I dare put it that way, by possession, become imperceptibly—for right of wrong, that is what remains for us to know—the formula, the sign and the gage of the liberty of man, the inviolability of the family, the security of the producer, in a word, of everything that makes up the essence of right. It is the absolute, the unconditional, taken for political element, foundation of mores, instrument and organ of society.

Hasn't humanity, by committing itself to this absolutist path, got on the wrong track? Is property still truly a creation of social spontaneity, or an aberration of the *irascible appetite* of the masses, which thinks to triumph over absolutism by making it universal, and, in order to shield themselves from the whims of the prince, imagines nothing better than to oppose their own arbitrary will to his? The question still not having been so clearly posed, the facts could appear doubtful. Consequently, we have only to assure ourselves of their signification.

THE THEORY OF PROPERTY

CHAPTER VI

New theory: that the motives, and thus the legitimacy of property, must be sought, not in its principle or origin, but in its aims. Presentation of these motives.

Philosophy has had, over three centuries, many institutions and many beliefs: will it be the same for property? If my opinion is of any weight here, I dare to respond that it will not. Jurisprudence has not grasped thus far the causes or the reasons for property, because property, as it has come to reveal itself to us in its principle and in its history, is a fact of collective spontaneity of which nothing would have been able *a priori* to detect the spirit and the reason; because, on the other hand, it is still in the process of formation, and in this regard experience is incomplete; because, until the last few years, philosophical doubt has struck it only timidly, and because it is necessary, beforehand, to destroy its religion; because in this moment it appears to us rather as a revolutionary force than as an inspiration of universal conscience, and that if it has reversed many despotisms, overcame many aristocracies, one cannot finally say that it has founded anything at all.

The moment has come when property must justify itself or disappear: if I have obtained, these last ten years, some success for the critique that I have made of it, I hope that the reader will not show themselves less favorable today to this exegesis.

I will first observe that if we want to be successful in our research, it is completely necessary that we abandon the road where our predecessors became lost. In order to make sense of property, they returned to the origins; they scrutinized and analyzed the principle; they invoked the needs of personality and the rights of labor, and appealed to the sovereignty of the legislator. That was to place oneself on the terrain of possession. We have seen in Chapter IV, in the summary critique that we have made of all the controversies, into what paralogsms the authors were thrown. Only skepticism could be the fruit of their efforts; and skepticism is today the only serious opinion which exists on the subject of property. It is necessary to change methods. It is neither in its *principle* and its *origins*, nor in its *materials* that we must seek the reason of property; in all those regards, property, I repeat, has nothing more to offer us than possession; it is in its aims.

But how to discover the purpose of an institution of which one has declared it useless to examine the principle, the origin and the material? Is it not, to lightheartedly pose an insoluble problem? Property, indeed, is absolute, unconditional, *jus utendi et abutendi*, or it is nothing. Now, who says absolute, says indefinable, says a thing which one can recognize neither by its limits nor its conditions, neither by its material, nor by the date of its appearance. To seek the aims of property in what we can know of it beginnings, of the animating

principle on which it rests, of the circumstances under which it manifests itself, that would be always to go in circles, and to disappear into contradiction. We cannot even bring to testimony the services that it is supposed to render, since those services are none other than those of possession itself; because we only know them imperfectly; because nothing proves besides that we cannot obtain for ourselves the same guarantees, and still better ones, by other means.

Here again, and for the second time, I say that it is necessary to change methods and to start ourselves on an unknown road. The only thing that we can know clearly about property, and by which we can distinguish it from possession, is that it is absolute abusive; Very well! It is in its absolutism, in its *abuses*, if not worse, that we must seek the aim.

Do not let these odious names of *abuse* and *absolutism*, dear reader, frighten you unnecessarily. It is not a question of legitimating what your incorruptible conscience condemns, nor of misleading your own reason in the transcendental regions. This is an affair of pure logic, and since the Collective Reason, the sovereign of us all, is not at all frightened of proprietary absolutism, why should it scandalize you any more? Should we be ashamed, perhaps, of ourselves? Certain minds, from an excess of puritanism, or perhaps a feebleness of comprehension, have posed individualism as the antithesis of revolutionary thought: it was simply to drive the citizen and man from the republic. Let us be less timid. Nature has made man individual, which means rebellious; society in its turn, doubtless in order not to remain at rest, has instituted property; in order to achieve the triad, since, according to Pierre Leroux, every truth is manifested in three terms, man, rebellious and egoistic subject, has dedicated himself to all the fantasies of his free will. It is with these three great enemies, Revolt, Egoism and Good Pleasure that we must live; it is on their shoulders, as on the back of three caryatids, that we will raise the temple of Justice.

All the abuses of which property can make itself guilty, and they are as numerous as profound, can be reduced to three categories, according to the point of view from which one considers property: *political abuses*, *economic abuses*, *moral abuses*. We will examine one after another these different categories of abuse, and, concluding as we go, we will deduce the aims of property, in other words its function and social destiny.

§ 1. —Necessity, after having organized the State, of creating a counterweight to the State in the liberty of each citizen. Federalist and republican character of property. Observations on the electoral census and confiscation.

Considered in its political tendencies and its connections with the State, property tends to make of government and instrument of exploitation, nothing more, nothing less.

In that which concerns the system of power—whether monarchic, democratic, aristocratic, constitutional or despotic—property is by nature perfectly indifferent: what it wants is for the State to be its creature, for

government to move by it and for it, at its pleasure and for its benefit. Surplus, division of powers, proportionality of taxes, education of the masses, respect for Justice, etc.—these matter little to property. More than anything, that the government be its creature and its slave, otherwise it will perish. No power prevails before it; no dynasty is sacred, no constitution inviolable. From two things one: it is necessary that property reign and govern as it pleases, otherwise it declares itself anarchical, regicide.

Romulus, original author of the division of land, founder of the *quiritary* domain, was brought down by the patricians: that was his fault. Why, if he wanted to subordinate the aristocracy to his power, did he give to them a superior force, by conferring on each noble a title equal to his own, that of proprietor?

Servius Tullius affects popularity, seeks support in the multitude. Tarquin the Superb, his successor, continued that policy and threatened the heads of the aristocracy.

But the Tarquins are driven off, royalty is vanquished by property. From that moment, up until the law of Licinius Stolon, in 376, the government at Rome was nothing other than a means of the exploitation of more into the hands of the patricians. The plebs were reduced to servitude, the constitution of the State summed itself up entirely in the patrician prerogative; that is, in the most perfect arbitrariness. The decision acquired, in 450, to dispatch to Athens commissioners to study the Greek laws proves it. It would have been better to distribute, from time to time, some land to the plebs, carved from the *ager publicus*; military service and public charges ruined the plebian, forced him to sell, and the land always returned to the great. However, by the egoistic and anarchic nature of property, internal jealousies, divisions arise in the aristocracy; at the same time, the plebs are increasing in number, and the Licinian law admitting it to the division of conquered land, property turns against itself: that is what made the triumph of the plebian party. Never, without that possession, which was such only in name, would it have prevailed on the patrician party, and never would the plebs have obtained land without the proprietarian anarchy.

It is the conversion of benefices into allodium which reverses the Carolingian power; on the contrary, it is the conversion of allodium into fief which little by little leads to feudal servitude.

The noble, from pride, in contempt of common birth, attaches himself to his fief, disdains allodial property. The law of primogeniture comes to add more to the immobilism of the fief. The bourgeois follow the Roman right; allodium unites with the king against the fief, which succumbs everywhere. In England, things occur otherwise, but always according to the same law. The barons, that threaten the royal power, seized the opportunity offered them by the poverty of King Jean, called *Sans-Terre*, to extract from him the Magna Carta, foundation of all English liberties; then, uniting themselves with the communes, fief with allodium, they definitively dominate the crown. The constitution of England and

all its history is explained by that. Today industrial property, joined to a portion of the soil possessed by the bourgeoisie, balances the aristocratic power: thus the present predominance of the house of commons over the upper house. Where one finds the greatest sum of wealth united to the greatest liberty of action, there is the greatest force. But feudal property, rendered inferior, is not for that annihilated; far from that, its conservation has become a political element of English society. That is why England is at once monarchic, aristocratic and bourgeois: it will only be democracy like a France the day which the good of the nobles have been made by law alienable and divisible, and primogeniture abolished, as takes place for allodial properties.

We know how the French Revolution took place. Sales and mobilization of a third of the territory, as allodial property, abolition of all the old feudal rights, the abolition of primogeniture; conversion of fiefs, not sold, into allodial properties: that is what made France a democracy.

In 1799, the new property manifested itself by a *coup d'État* and abolished the Republic. Fourteen years later, dissatisfied with the Emperor, who had contained it, it abandoned Napoleon and decided the fall of the imperial system. — It is property that, in 1830, made Charles X fall; it is property again which, in 1848, brought down Louis-Philippe. The high bourgeoisie or great proprietors were divided; the middle class or small proprietors were stirred up; a handful of Republicans, followed by some men of the people, decided the thing. Louis-Philippe brushed aside, it was logical that power would thus pass to the republicans. But logic did not make force: property, surprised for a moment, soon reappeared, and for the second time rid itself of the republic. The plebs having nothing, democracy rested on nothing. The *coup d'État* of December 2 succeeded, like that of the 18 Brumaire, by the support of property. Louis-Napoleon had only to anticipate the wishes of the bourgeoisie, so much more certain of success as the plebs saw in him a protector against bourgeois exploitation.

Thus it is proven that property, by itself, holds to no form of government; that no dynastic or juridical link shackle it; that all of its politics is reduced to a word, exploitation, if not anarchy; that it is for power the most redoubtable enemy and the most perfidious ally; in a word that, in its relations to the State, it is directed by only one principle, a single sentiment, one sole idea, personal interest, egoism. It is in this that consists, from the point of view, the abuse of property. Whoever will research what it has done in all the States where its existence was more or less recognized, in Carthage, Athens, Venice, Florence, etc., will always find there the same. On the contrary, whoever will study the political effects of possession or fief, will be led constantly to the opposite results. It is property which makes liberty, since the anarchy and finally the dissolution of the Athenian democracy; it is communism which sustained the tyranny and stasis of the noble Spartan, engulfed in the ocean of wars, who perished with weapons in hand.

And this is also why every government, every utopia and every Church mistrust property. Without speaking of Lycurgus and Plato, who chased it, along with poetry, from their republics, we see the Caesars, leaders of the plebs, who have conquered only to obtain property, scarcely in possession of the dictatorship, attack the quiritary right in every way. That quiritary right was the apanage [the concession of a fief], so to speak, of the Roman people. Augustus extended it to all Italy, Caracalla to all the provinces. One combats property with property: it is for politics to balance. Then one attacks property by taxation; Augustus established the tax on successions, 5 p. 400; then another tax on adjudications, 1 p. 100; later one established indirect taxes. Christianity, in its turn, attacked property with its dogma; the great feudal lords with military service: things come to a point that under the emperors, the citizens renounce their property and their municipal functions; and under the Barbarians, from the sixth to the tenth century, the small allodial proprietors regarded it a pleasure to attach themselves to a suzerain. As much as, in a word, property, by its own nature, shows itself redoubtable to power, that much power attempts to avert the danger by protecting itself against property. One contains it by the fear of the plebs, by permanent armies, by divisions, rivalries and competition; by restrictive laws of all sorts, by corruption. Property is thus reduced little by little to being only a privilege of the idle: at this point, property is tamed; the proprietor, from warrior or baron, is made *péquin*; he trembles, he is nothing anymore.

All these considerations recalled, we can conclude: property is the greatest revolutionary force which exists and which can be opposed to power. Now, the force itself cannot be said to be beneficent or maleficent, abusive or non-abusive: it is indifferent to the use in which it is employed; as much as it shows itself destructive, so much can it become conservator; if sometimes it sparkled in subversive effects, instead of giving out useful results, the fault is in those who manage it, and who are as blind as it.

The state, constituted in the most rational and liberal manner, animated by the most just intentions, is none the less an enormous power, capable of crushing everything, all by itself, if it is not given a counter-balance. What can that counter-balance be? The state draws all of its power from the support of the citizens. The state is the gathering together of the general interest, supported by the general will and served, if necessary, by the combination of all the individual forces. Where will we find a power capable of counter-balancing that formidable power of the state? It is nothing other than property. Take the sum of the proprietors' force: you have a power equal to that of the state.—Why, you ask me, isn't that counter-balance also found in possession, or in fief?—Because possession, or fief, is itself a dependence of the state; it is encompassed by the state, and consequently, instead of opposing it, it gives it aid; it weighs in on the same side of the scale: which, instead of producing an equilibrium, only aggravates the power of government. In such a system, the state is on one side, all the subjects or citizens with it; there is nothing on the other side. It is

governmental absolutism in its highest expression and in all its immobility. Thus Louis XIV understood it, who not only was in perfectly good faith, but logical and just from his point of view, when he claimed that everything in France, persons and things, answers to him. Louis XIV denied absolute property; he acknowledged sovereignty only in the State represented by the king. In order that one force could hold another force in respect, it is necessary that they be independent from one another, that they are two and not one. In order for the citizen to be something in the State, it is not enough then that he be free in his person; his personality must be supported, like that of the State, on a portion of material that he possesses in all sovereignty, as the State has sovereignty over the public domain. That condition is fulfilled by property.

To serve as counter-weight to the public power, to balance the State, and by that means to insure individual liberty: such is then, the public system, the principal function of property. Suppress that function or, what amounts to the same thing, to remove from property the absolutist character that we have recognized in it and that distinguishes it; impose conditions on it, declare it not transferable and indivisible: at that instant it loses its force, it no longer carries any weight; it becomes again a simple benefit, a flimsy thing; it is a movement of the government, without action against it.

Thus the absolute right of the State finds itself in struggle with the absolute right of the proprietor. It is necessary to follow closely the course of that combat.

Generally, where the State has started from conquest, as in France after the invasion of the Barbarians, it is the absolutism of the State which posits itself first: divine right sort from the patriarchy. The social pact comes down from heaven; it is God who has instituted the priesthood and royalty; it is to his vicars that everything must lead. The dependence of man, the hierarchy of society, the exclusive attribution to the prince of eminent domain, is a result of that conception. From that a first form of appropriation celebrated under the name of *feudal property* or *fief*, for the constitution that the Church gave it in the Middle Ages.

The fundamental characteristics of that form of property are:

1. Dependence (all land belongs to the king, or to the emperor);
2. Primogeniture;
3. Immobilization or inalienability;
4. Thus, the tendency to inequality.

It is from that conception that we born subsequently, from the point of view of exploitation of the land and of taxation: emphyteusis, lease for farming and grazing, duty, tithe, mainmorte and all the seigniorial charges, and *serfdom*.

That form of property carries with it a special form of political organization, the hierarchy of classes and ranks, in a word the whole system of feudal rights.

But soon the proprietary absolutism reacts against imperial absolutism, the domain of the citizen against the domain of the State; then a new form of property is constituted, which is allodial property

The characteristics of that property are, contrary to the preceding:

1. Independence;
2. Equal division between the children after the death of the father;
3. Mobilization and division, or alienability;
4. Finally, a clear tendency towards equality.

Allodial property engenders, as a consequence of its principle, credit by mortgage;⁸ it makes a veritable moveable property of the land; it tends to make the sharecropper participate in the profits of the farm, in the rent, by rendering real property less and less productive for the non-working proprietor; it changes the nature of taxation, by making the fiscal system turn on the land-rent, instead of leaving it on capital and consumption.

Allodium implies a special form of government, the representative and democratic regime.

Property in England has never ceased to be organized feudally. The famous law on cereals, of Robert Peel, large exception to the principle protection, by bringing down the price of grains, has attacked small culture, and allodial property. That is why the political system of England, on which one does not cease to repeat that the charters of 1814 and 1830 were traced, is entirely different from ours; that is why the representative government of France must not be confused with that of England: the English government is an aristocracy; the French government, — Louis-Philippe has said it with a great hauteur de raison, and his misfortune was to have forgotten it, — was, had to be, from 1814 to 1848, a monarchy surrounded by republican institutions.

Historically, allodial property has outstripped feudal property in the countries conquered by the Germans; the invading soldiers having divided the conquered territory as spoils, without making application of the national customs on property. But that society was not mature; also, at the end of several centuries the allods were converted into fiefs: as if liberty and equality had never existed in the camps of the French kings. It would take a period of historical evolution to restore the present form of property, allodium.

We could classify the nations, States and governments according to the form of property which is in force there; that would be a simple way to explain their history and predict their future. Indeed, the history of nations, As I will demonstrate it with regard to Poland, is very often only that of property.

It is not necessary however to believe that the State, in passing from the feudal to the allodial system, had lost all of its prerogatives and its superior domain. At the same time that property gained independence, mobility, equality of division, the ability to loan by means of mortgage, etc., the State, by virtue of

⁸ Sadly, in all our setbacks, we have established credit in feudalism, as if its goal was to absorb property and restore the fiefs: something I know certain people believe.

its prerogative, had established servitudes, made regulations *de commodo et incommoda*, decreed a law of expropriation for the cause of public utility; one asks it today to set a limit on division: it is thus that the absolutism of the State opposes itself to proprietary absolutism, and that they act on each other, constantly engendering, by their mutual action and reaction, new sureties for society, new guarantees to the proprietor, and make Liberty, Labor and Justice triumph definitively.

It is well understood that, for the sincerity of that system, it is absolutely necessary that the government had cast off every despotic aspect; that it be representative, parliamentary, republican in forms, based on a serious responsibility, not of the prince, but of his ministers. It is necessary, in a word, that the nation be governed by itself, so that the reaction of the prerogative of the State against the prerogative of the proprietor stems, not from the free will of a man, of a despot, which would make a bascule of the system, but the reason of the State expressed by national representation. Without that, property is placed in the hands of the autocrat; it is in peril of feudalism.

Such is, since 89, the constitution of property. It is easy to see that as much as allodium is superior to fief, so much it would be impossible *a priori* to discover it: it is one of the things which surpasses philosophical reason, and that the genius of Humanity alone can produce.

Who does not see, indeed that the feudal constitution has come from a perfectly reasoned respect of Right, from an idea of justice which refused itself to that proprietary absolutism, judging it irrational, usurping, immoral, full of menaces and egoism, injurious to God and men? It is the calculated respect of Right that has created that enchained, non-transferable, indivisible, dependant property, guarantee of subordination and of hierarchy, as of protection and surveillance. And it was found, by experience, that tyranny was there precisely where one had believed to find right; anarchy, where hierarchy manifested itself; servitude and misery, where one had flattered oneself to create protection and charity.

It is permitted to believe that in the times of the Roman republic and of the omnipotence of the patricians, the definition of property was simply unilateral: *Dominium est jus utendi et abutendi*; and that only later, under the emperors, the jurists would add the restriction: *quatenus juris ratio patitur*. But the evil was done; the emperors could do nothing about it. Roman property remained untamed; and it was in the hatred of this proprietary absolutism, without counter-weight, in hatred of the senatorial tyranny and of the *latifundia*, that, at the heart of the Christian societies, was conceived the system of feudal property, renewed from the ancient patriarchate, by the papacy united with empire and sustained by the prestige of religion.

Modern property, constituted, as it appears, against all thought of rights and all good sense, on a double absolutism, must be considered as a triumph of Liberty. It is Liberty which has made it, not, as it seems at first glance, against law or right, but by an intelligence superior to those. What is Justice, indeed, but

the equilibrium between forces? Justice is not a simple relation, an abstract conception, a fiction of the understanding, or an act of faith of the conscience: it is a real thing, all the more obligatory because it rests on realities, on free forces.

From the principle that property, irreverent with regard to the prince, rebellious against authority, anarchic in the end, is the only force which can serve as a counter-balance to the state, follows this corollary: property, absolutism piled on an absolutism, is still for the state an element of division. The power of the state is a power of concentration; give it freedom to grow and all individuality will soon disappear, absorbed into the collectivity; society will fall into communism; property, on the other hand, is a power of decentralization; because it is itself absolute, it is anti-despotic, anti-unitary; it is because of this that it is the principle of all federation; and it is for this reason that property, autocratic in essence carried into political society, becomes straightway republican.

It is entirely the opposite with possession or fief, which has a fatal tendency to unity, to concentration, to universal subjection. Of all the despotisms, the most crushing was that of the czars, to the point that it became impossible, and that for half a century one has seen the emperors of Russia labor of themselves to lighten the weight. Now, the first cause of that despotism was in Slavic possession, against which the reforms of Alexander II just struck a first blow.

One of the most odious abuses of property, which from its origins has raised against it the complaint of the masses, is monopolization. The great properties have ruined Italy, *latifundia perdidere Italiam*. It is the cry of the historians who have recounted the last days of the empire. It can be a very good thing that a vast domain well worked, well enclosed, and giving regularly to the proprietor a good revenue. Society has its part in that wealth: so that one can say up to certain point the public is in agreement with the large property. But it is encore more sad to see companies of farmers without patrimony, wandering on the roads, chased from the land that seems to belong to them, and forced by the latifundia into the proletariat of the large cities, where they stagnate, without rights as without holdings. Now, it is that which would not occur in a system of conditional and restricted property, which forbade the division and the alienation of the soil. For it is by division and sale that monopolization is made possible: take from property its absolutist prerogative, and the earth will be possessed by all, precisely because it will belong as domain to no one.

This comes down to saying that the citizens all have the same rights and the same dignity in the State; that if nature has created them unequal with regard to faculties of realization, the tendency of civilization and of the laws is to restrict in practice the effects of that inequality, by giving the same guarantees to all and, as much as possible, the same education; but that property hinders this happy tendency, by its constant mutations and

monopolizations. Consequently, one accuses property of being hostile to equality, and places it in this regard below possession.

The abuse denounced here exists: Heaven forbid that I should fail to take it into account, because it is in the abuse of property that I seek its organic function and providential destination. But, singular thing, the reproach that one addresses here to property of being an obstacle to the equality of conditions and of fortunes, is merited much more by fief and possession, which seem to be instituted by a thought and for an end that are diametrically opposite. It is a fact of universal history, that the land has never been divided more unequally than there where the system of simple possession simple has been predominant, and where fief has supplanted allodium: and conversely, that the States where one finds the most liberty and equality are those ruled by property. It is enough to recall here the existence of the large fiefs, the feudal rights, and the servitude or feudal serfdom. Perhaps, one will reply, the principle of possession was violated, and it is not just, in theory, to charge a principle with the malversations of its applicators. But it is exactly that which is the illusion, as I will demonstrate.

We have recognized that the faculties of realization between individuals and races were unequal; that at least the development was not the same for all: some showing more, others less precocity; that it was necessary to attribute to this cause the inequality conditions, fortunes and ranks; but that the laws of the political organism were contrary to this inequality; that there was, consequently, a general effort of humanity towards leveling, and that it was in order to reestablish the social level that the principle of equality before the law had been posited by unanimous consent.

We have remarked that this principle, of an incalculable significance, must have the effect, in a society of justice and order, of reducing the inequality of conditions and fortunes, always tainted by arbitrariness, to that of services and products; in other words, to make the fortune of each citizen the exact expression, not of his capacity or his virtue, things which are not measured, but of his works, compared to the works of his fellow citizens. One can see, by the comparison of the rates of wages in the various industrial categories, even taking account of all the anomalies of trade, how much that mercantile manner of proceeding is favorable to equality; how much, in the sphere of labor, the inequality of goods is far from reaching the proportions that politics allows it to take, and which manifests itself especially in territorial possession.

In a society where land is nearly the only capital, and the harvest of the cultivator the sole product, the sovereign, before taking account of the natural inequalities and having no means of assess it, the distribution of the soil will occur, not according to the rate of services, but rather according to dignity and rank. Just as in our time one gives a hundred thousand francs of rent to the general who commanded at the taking of Sebastopol, and a medal of brass to the soldier who mounted the attack, so, in a society constituted on the regime of possession, the king gives to his barons, counts, dukes, princes, a thousand, ten

thousand or a hundred thousand hectares of land, and only four to the man-at-arms. The costs of exploitation, risks of culture, the deductions to make in exchange, the disadvantages of isolation, soon come to add themselves to that defective mode of division in order to augment the inequality. The small possessor, forced to beg assistance of the large, becomes his tenant farmer; the small tenures, grouping together, form a sort of rustic commune, the principal landlord of which becomes seigneur; with the result that finally, there where at first everyone was free, there no longer remains anything by nobles and serfs.

Now make that communal property and all its nobiliary domains could be divided and sold like quarters of beef, make them enter into exchange and be paid for in products, as if they were themselves only products: soon you will see the inequality decrease, and property, by the very property that it is given to monopolize, will become a leveling institution. Here, the tendency is the opposite of what it is there: while possession, beginning from liberty and primitive equality, sinks more and more into inequality and servitude, property, established on anarchic absolutism, anti-unitary and yet monopolistic, accumulating the most contrary vices, advances to equality and serves Justice.

Thus property is not posited *a priori* as a right of man and citizen, as has been believed previously and as the declarations of 89, 93 and 95 seem to say: all the arguments that one could make to establish *a priori* the right of property are *petitio principii*, and imply contradiction. Property reveals itself, in its abuses, as a function; and it is because it is a function to which every citizen is called, as he is called to possess and to produce, that it becomes a right: the right resulting here from the destiny, not the destiny from the right. (See my *Théorie de l'impôt*, chap. II, page 64, "Relations of Liberty and the State.")

The functional and, we can say, liberatory character of property, reveals itself at each step in our political and civil legislation.

Thus, article 57 of the Charter of 1814 holds that *confiscation is abolished*. Naturally, every proprietor is delighted by such a declaration; but he would not be mistaken in understanding its sense. Many people see in that abolition only a restriction on the greed of the taxman, a mark of the kindliness of the legislator towards families, that one punished for the offence of their heads, a softening of the penalty, a deference toward the proprietors. Egoism is so much of the essence of the proprietor, that it is as rare to see him understand his rights as to fulfill his duties. Under the previous regime, where all possession of land was considered an expression of the State, confiscation was a right of the prince, who claimed it, in certain cases, to punish crimes of high treason. The feudatory felon was despoiled of his tenure; he had broken the social pact; this was justice.

But the citizen proprietor is no longer in the same case. Politically, he is the equal of the prince; he does not hold his property from him, but from himself: accused of ordinary crime or political crime, he is only liable, apart from personal pains, afflictive or derogatory, for a fine or compensation, which fine or compensation must be proportional to the material damage occasioned by the crime or offence. Except for these repetitions, property remains to the

condemned and passes to his heirs. It is sacred, even as the product of labor. In short, the proprietor is, in the new political system, a confederate, just the opposite of the *fiefieux* or vassal: that quality excludes confiscation, which no longer makes any sense.

M. Laboulaye, in his *Histoire du droit de propriété*, makes this remark:

"The French civil code is the first which has confused (art. 1138 and 1583) obligation and property. To say that property is acquired from the right of the buyer with regard to the seller, as soon as one is agreed on the thing and the price, is a subtlety; if you respect the right of the third, the force of things resists the force of law. Your buyer, who does not have the capital and who cannot have it, is only a creditor with an eye to damages. If on the contrary you do not respect the right of the third possessor, it is a taut snare to good faith."

One can regret, with M. Laboulaye, in the interest of the mortgage system, that the French Code does not show itself more severe on the form and solemnities of the sale. But when he reproaches it for having confused obligation and property, I admit that I would not be of his opinion. In the true spirit of the institution, the proprietor in land possesses the soil by the same title, with the same plenitude of right, and by virtue of the same of the same absolutism as the producer possesses his product. The quiritary domain does not go that far, but leads there. As, in fact, property and the authority of the father of the family were instituted especially in view of the family, it was natural that the roman law surrounded the sale with a increase of precautions, and distinguished, more than the French Code, the obligation of property; but the roman tradition is not ours: French property is an antithesis of feudal possession, and, up to a certain point, to the ancient quiritary domain itself; industry, by developing a new species of property, has given still more extent to the concept. Thus it is natural, it is logical that the Code, treating obligations, has extended the rules to property as to all the rest. Property is a function; the promises that it gives the citizen in its regard are of the same nature and must have the same effect as those that gives a regard de its labor, its workers, its backers, its customers, etc.

But where the action of property manifests itself with the most energy is in the electoral system. Not only has the State lost its right of confiscation with regard to the proprietor; it has to submit to ask of that proprietor the periodic renewal of his own investiture: it is that which has taken place by the elections to Parliament. In that regard, one struggled against the principle that made of property the sign of political capital; one has declaimed against a regime which excluded from the elections men such as Rousseau, Lammenais and Beranger, and allowed the *Proudhomes*, *Jourdains*, *Dandins* and *Geronts* of every sort. The Revolution of February has replaced censitary privilege with universal suffrage; still the democratic puritanism has not shown itself satisfied: some wanted the vote to be given to women and children; others will protest against the exclusion of the bankrupt, of freed convicts and detainees; one very nearly demanded the addition of horses and mules.

The theory of property, as we would produce it at this moment, dispels all these clouds. According to that theory, property is not given as a sign or guarantee of political capacity: political capacity is a faculty of intelligence and conscience independent of the quality of being a proprietor; on this point one can say that everyone is in agreement. But we add that if the opposition to despotism is an act of conscience, which does not need, in order to be produced, the citizen to pay two hundred or five hundred francs of contributions, and enjoy some three thousand francs or more of revenue, that same opposition, considered as a manifestation of collectivity, has puissance with regard to power, and becomes efficacious only if it is the expression of a mass of proprietors. This is a matter of mechanics, and has nothing in common with the capacity and civic-mindedness of the citizens. One comparison will make me understood. Every individual male, of twenty years of age and able-bodied, is fit for military service. But it is still necessary, before sending him to the enemy, to exercise, discipline, and arm him; without that, he will serve absolutely nothing. An army of conscripts without arms would be as without effect in war as a cartload of matriculation registers. It is the same for the voter. His vote has real value, I do not say moral value, against the power, only if it represents a real force: that force is that of property. Thus, in order to return to universal suffrage, to the system of *have-not* electors, one of two things must occur: either they vote with the proprietors, and thus are useless; or else they separate themselves from the proprietors, and in that case the Power remains master of the situation, or they rely on the electoral multitude, either that it lines up on the side of property, or that, instead, placing itself between the two, it establishes itself as mediator and imposes its arbitration. To confer political rights on the people was not itself a bad idea; it would have been necessary only to begin by giving them property.

§2.—*Abstention from all regulatory law in that which concerns the possession, production, circulation and consumption of things. Analogies from love and art. Mobilization of the immovable. Character of the true proprietor.*

If the reader has understood what has just been said, from the political point of view, of property, namely: one the one hand, that it can only be a right if it is function; on the other, that it is in the very abuse of property that it is necessary to seek that function, he will have not trouble grasping what remains to be said about the ends of property from the point of view of public economy and morals: which will permit me to be more brief.

When I say that the ends of property, that is its functionality, and thus its right, must be sought in its abuses, each understands that in expressing myself in this way I do not intend in any way to glorify the abuse, bad in itself, and that everyone would like to abolish. I mean that, property being absolute,

unconditional, starting off indefinable, one can know its destination, if it has one, the function, if it is true that it is part of the social organism, only by the study of its abuses, if not by research then,—the function of property once understood and the right proven by the aim of the institution,—how one could triumph over this very abuse.

Property is abusive, from the economic point of view, in that not only is it an object of monopolization, as we have seen earlier, which tends to deprive a multitude of citizens of their legitimate share; but in that it can be parceled out and split up: which causes a serious harm to agriculture. I believe I recall that in France the 25 million hectares of workable land, in which is found included consequently neither woods, nor meadows, nor vines, nor garden plots, etc., and which form nearly half of the territory, are divided 290 or 300 million parcels: which makes the average of those divisions less than one-tenth of a hectare, a square of thirty meters on a side. There are many that are smaller. One conceives the harm done to the nation by this parceling out. Fourier estimated that the normal extent of an agricultural exploitation, together with the essential industries that it entails, and disposing of all the mechanical means, should be around a league square, served by a population of 15 to 1,800 persons of every age, sex, profession and grade. That was what gave him the idea of his phalanstery. One of the causes of the inferiority of agriculture in France is that excessive division, which does not exist in England, country of feudal tenure. We have thought many times of preventing that parceling out by facilitating the exchange of parcels: which would allow divided inheritances to be reconstituted. Nothing has succeeded. The division goes its way, without anyone being able to stop it, short of a law of public utility which would undermine property.

Another abuse, no less prejudicial than the preceding, is that of an anarchic exploitation, without concert between the farmers, without sufficient capital, given to ignorance and chance. It is to that evil that the schools of agriculture, the agricultural associations, the model farms, the *crédit foncier*, etc, attempt to remedy. Doubtless, we have already succeeded in obtaining some improvements: progress made itself felt little by little, even in the most remote countryside, and science wins everywhere. But it is necessary that the cure be better than the evil; far from that, it most often only aggravates the malady. It would be necessary to reduce the property taxes by half: is that possible? It would be necessary that the mortgage loans could be granted at no more than one and a half percent, half of the net revenue of the land; now, the rate of interest is regularly five. It would be necessary that the small proprietor would be able to profit from all the discoveries of science in order to withstand the competition of the large farms, but that is what can take place only by associating the small properties; which is indeed to return to Slavic possession, and to renounce that which is most attractive in property, the free and absolute disposition. This is the objection that I made, twenty years ago, to the disciples of Fourier, who claimed to preserve property to the phalanstery.

The third abuse, still more serious than those preceding, since it involves at once public economy and morals: property has found means of separating, in agricultural exploitation, the net product from the gross product. That separation has led to the divorce of man from the earth, and makes of the earth an object of speculation [agiotage], I nearly said of prostitution.

It is here that property appears decidedly inferior to feudal tenure, and I have never been able to conceive how the economists, denouncing and combating all the abuses, protesting against division, routine and bad methods, preaching to the proprietor love of the soil, and residency, and labor, riding roughshod over politics, how, I say, they can consider themselves partisans of property. The *rent* is doubtless a good thing for the one that consumes it and who takes no part in the agricultural labor: but what it is not easy to accept, is that the country and its customs find it equally good. Christianity had abolished slavery; the Revolution suppressed feudal privileges: but what is it then, I ask you, but tenant farming?...

Here is what I wrote in that regard, in 1858, in my work on *Justice in the Revolution and in the Church*, 5th study:

"The metaphysics of property has devastated the French soil (by the arbitrariness of the exploitations), decrowned the mountains, dried up the headwaters, changed the rivers into torrents, graveled the valleys: all with the authorization of the government. It has rendered agriculture odious to the peasant (tenant farmer); more odious still homeland; it encourages depopulation... One no longer values the soil, as in the past, because one inhabits it, because one cultivates it, one breathes its emanations, one lives on its substance, one has received it from his fathers with the blood, and one will transmit it from generation to generation in his race, because one taken there his body, his temperament, his instincts, his ideas, his character, and could not separate himself from it without dying. One values the soil as a tool, less than that, at an inscription of rents by means of which one collects each year, on the common mass, a certain revenue. As to that profound feeling for nature, that love of the soil which the rustic life alone gives, it is extinct. A sensibility of convention, particular to the blasé societies to which nature no longer reveals itself except in the novel, the salon and the theater, has taken its place.

"... Man no longer loves the land: as proprietor, he sells it, he rents it, he divides it by shares, he prostitutes it, he trifles with it, he makes it an object of speculations; the cultivator, he torments it, violates it, he exhausts it, he sacrifices it to his impatient cupidity, but he never unites with it..."

The practice of net product, much more clever in our day than it was in antiquity, has carried human egoism to the last degree of refinement. Certainly, the old Roman patrician was miserly, more harsh with his slaves than we are with our domestics; but in the end he worked with them, he inhabited the same holding, breathed the same air, and ate at the same table; from him to the absentee landlord, the difference was enormous. So Italy was beautiful, rich, populous and healthy as long as it was cultivated by its proprietors: it became

deserted, pestilential when it was abandoned to slaves, and the master went to Rome to consume its/his immense revenues. And mores will fall with the culture, at the same time that the proprietor, exercising his right, was unaware of his duties.

Such are, from the economic and social point of view, the abuses of property, flagrant abuses, that every conscious reproves, but which do not constitute, in the eyes of the law, either crime or offense, and that official justice could not pursue, since they are an essential part of the right of the proprietor, and one could not suppress them without destroying property by the same blow; abuses, consequently, that we are careful not to conceal or diminish, since they should serve to reveal to us new ends in property, the knowledge of which will serve us to master its excesses.

One of the attributes of property is the power to be divided, parceled out, the division the division pushed as far as the proprietor pleases. It is necessary for the mobilization of the soil: there indeed is the great advantage of allodium over fief. With feudal tenure or the ancient Germanic or Slavic possession, still in use in Russia, society advances all of a piece, like an army ranged in battle. It is in vain that individuals have been declared free, and the State subordinated to the assembly of the people; the freedom of action of the citizen, that faculty of initiative, that we have indicated as the character of constitutional States, remains powerless; the immobilism of the soil, or, to put it better, the incommutability of the possessions always returns to social stasis, and consequently autocracy in government. Property must circulate itself, with man, like a merchandise, like a currency. Without that, the citizen is like Pascal's man that the universe crushes, who knows it, who senses it, but who cannot prevent it, because the universe does not hear him, and because the law that presides over the movements of the heavens is deaf to his prayers. But change that law, make it so that universe moves at the will of the imperceptible creature who is for it only a thinking monad, and straightaway all will change: it is no longer the man who will be ground between the worlds; it is the worlds which will whirl at his command, like pith balls. That is exactly what occurs by the mobilization of the soil, accomplished by the magic power of that single word, property. It is thus that our species has elevated itself from the inferior regime of patriarchal association and undivided land to the high civilization of property, a civilization to which no one can have been initiated, and wish to turn back. Let on figure what will happen if suddenly, property abolished, the land divided new, all possessors of land were forbidden from selling, exchanging, alienating their share; if, I say, the soil was again, and for good, immobilized! Isn't it true that the possessor, although working for himself alone and no longer paying any rent, would believe himself tied, as in the past, to the glebe?... I leave it to the reader to explore more deeply that which I can only indicate here.

Another attribute, another abuse of property, is in the faculty recognized in the proprietor to *dispose in the most absolute manner*. Give for the products of labor and genius; give for what we may call the proper creations of man; but for

the land, nothing, it seems, is more contrary to all legal and contractual habits. The sovereign who makes a mining concession, for example, the proprietor who leases his land or who leaves it in an annuity, both never fail to impose certain conditions on the *cessionnaire*, the tenant farmer, the donee. He must preserve the thing, *exploiter en bon père de famille*, etc. Here the sole condition imposed is that of the Abbey of Thélème, to do as one wills.

It looks like a comedy of Panurge. Never, certainly, were legislators, prince or national assembly, advised of any such idea, and that is for me proof that property is no legislative institution; it has not been declared by an assembly of representatives, pronouncing after careful deliberation and in knowledge of the causes; it is the product of social spontaneity, the expression of a self-confident will, which is affirmed equally in individuals and in the mass.

Let us note the profound reason for this constitution. There are things, expressed the wisdom of nations, for which the human conscience demands full and complete freedom, and rejects any sort of regulation. Of this number are love, art and labor; we must add property to the list.

From the point of view of moral perfection, every affection of the soul, every act of the will, being more or less tinged with selfishness, may be deemed as sin or as inducing sin. There is only the sense of right that is pure; justice is incorruptible by nature, never being able to harm, serving on the contrary as panacea. Thus love, flower of life, sustains the creation, without which all existence is desolated, love is not pure: despite the charms that poetry gives it, it resolves itself finally in immorality and corruption. What then will the moralist legislator do here? Will he, after having established the marriage and the pulled the family from promiscuity, impose a regulation on the husband, to make *lois d'alcôve*, [laws regulating marital relations and sexual relations] sometimes to invite action, sometimes to prescribe abstinence, to give amorous recipes and to make an art of conjugal love? No: the law of marriage extends a veil over the nuptial bed. It imposes on the conjoined fidelity and devotion; it forbids the husband from fixing his regard on the wife and child of his neighbor; the wife from looking at a stranger; it reminds them to respect themselves [with respect to themselves?], and then abandons them to their own discretion. Let them go now in the mutuality of their tenderness, conscious of the rights of the other and of their own dignity, and it will be on love transfigured by Justice that the unshakeable edifice of the family will be raised; it will be by this that the wife, immodest and provocative by nature, will become holy and sacred.

What we have just said of love is equally true of art and of labor. That does not mean that the works of genius, the labors of the industrious, know neither rule nor measure, nor rhyme nor reason: in that regard, the romantic school taken a completely false route. That means that the operations of the industrial worker, of the artist, the poet and the thinker, though subject to principles, to technical procedures, exclude on the part of public authority, as of the Academy, every sort of regulation, which is very different. Liberty, such is here the true

law: in which I am of the opinion of M. Dunoyer and of the majority of the economists.

I add that it must be with property as with love, labor and art. Not that the proprietor is to imagine that he is above all reason and all measure: as absolute as the law makes him, he will soon perceive, at his cost, that property cannot live with abuse; that it too must bow before common sense and before morals; he will understand that if the absolute aspires to depart from its metaphysical existence and to become something positively, that can only be by reason and justice. As soon as the absolute tends to realize itself, it becomes amenable to science and right. Only, as it is essential to the progress of justice that the conformity of property to truth and morals be voluntary, that to this end the proprietor must be master of his own movements, no obligation will be imposed on him by the State. And this fits perfectly with our principles: the aim of civilization, we have said, he work of the State being that every individual exercise the right of justice, becomes organ of right and minister of the law; which leads to the suppression of written constitutions and codes. The least laws, I mean of regulatory prescriptions and official statutes, possible, such is the principle which rules property, the principle of an obviously superior morality, by which alone the free man is distinguished from the slave.

In the system inaugurated by the revolution of 89, and consecrated by the French Code, the citizen is more than a free man: he is a fraction of the sovereign. It is not only in the electoral associations that his sovereignty is exercised, nor in the assemblies of his representatives; it is also, it is especially in the exercise of his industry, the direction of his mind, the administration of his property. The legislator has desired that the citizen enjoy, at his own risks and perils, the most complete autonomy, responsible only for his acts, when they harmed a third party, society or the State considered itself as a third. In these conditions only, the revolutionary legislator has believed that society could prosper, advance on the paths of wealth and justice. He has rejected all the feudal hindrances and restrictions. That is why the citizen, in so far as he works, produces, and possesses,—*function of society*,—is not at all a functionary of the State: he depends on no one, does what he wants, disposes of his intelligence, of his arms, of his capital, as it pleases him; and the events proves that indeed, it is in the countries where that industrial autonomy, that proprietary absolutism reigns, that there is the most wealth and virtue.

The legislator, in order to guarantee that independence of initiative, that unlimited freedom of action, has thus wanted property to be sovereign in all the force of the expression: one wonders what would have happened if he had wanted to submit it to regulation? How to separate the use from the abuse? How to predict all the malpractice, repress the insubordination, to remove the laziness, the incapacity, to monitor the clumsiness, etc., etc.—In a few words, exploitation by the State, the governmental community rejected, there was no other choice.

Thus, let the proprietor separate as much as he wants the net product from the gross product; instead of attaching himself closely to the land by a religious culture, let him seek only the rent, responsible only to the conscience and opinion, he will not be pursued for that. It is good, in itself, that the rent be distinguished from the gross product and become an object of speculation; lands being of different qualities, social circumstances favoring unequally these exploitations, the calculation and pursuit of the rent can become an instrument of better division. Experience will tell individuals when the practice of rent becomes detrimental and immoral to all; the abuse will then be restrained by itself, and there will remain only right and liberty.

Let the same proprietor borrow on his title, as on his clothes or his watch: the operation can become very dangerous for him, and full of miseries for the country; but the State will not intervene anymore, if it is not to compete with the usurers, by providing money to the borrowers at a better price. Mortgage credit is the means by which property in land enters into relation with movable wealth; agricultural with industrial laboratories: an excellent thing in itself, which facilitates enterprises, adds to the power of production, and becomes a new means of leveling. Experience alone can determine for each with regard to it, the liberty, to fix the measure and impose a curb.

Let the proprietor, finally, turn and turn again his earth, or leave it to lay, as he intends; let him make plantations, seedbeds or nothing at all; that he raises thorns there, or puts in cattle, he is the master. Naturally, society will have its part of the damage occasioned by an operation that is lazy or badly intended, as it suffers from every vice and every individual aberration. But it is still better for society to support this prejudice, than to ward it off with regulations. Napoleon I said that if he saw a proprietor leave his fields fallow, he would take his property from him. It was a thought of justice that the conqueror said, but it was not a thought of genius. No, not even in the case where it pleases the proprietor to leave his land without cultivation, you must not, you chief of State, intervene. Let the proprietor be the example will not be contagious; but do not commit to a labyrinth without exit. You permit one proprietor to fell a forest that provided heat for an entire district; another to transform five hectares of land in wheat into a park, and to raise foxes there. Why would you not allow him to grow bramble, thistle and thorn? The abuse of property is the price you pay for its inventions and its efforts: with time it will correct itself. *Laissez faire*.

It is thus that property, founded on egoism, is the flame which will purify egoism. It is by property that the self,—individual, unsocial, greedy, envious, jealous, full of pride and bad faith,—is transfigured, and makes itself like the collective self, its master and model. The institution which seems made to deify concupiscence, as it has been so often reproached by Christianity, is precisely that which will return concupiscence to conscience. If selfishness never becomes in us identical and adequate to Justice; if the moral law is sought with the same zeal as profit and wealth; if, as Hobbes claimed, the rule of utility can

one day serve as the rule of right; and one cannot doubt that would be, indeed, the aim of civilization; it is to property that the world would owe this miracle.

Depending on whether we envision property according to its principle or its ends, it will appear to us as the greatest and most cowardly of immoralities, or as the ideal of civil and domestic virtue.

Look at that vulgar face, on which shines no glint of genius, love or honor. The eye is suspicious, the smile false, the front inaccessible to shame, features clash, the formidable jaw, not the jaw of the lion, but of a hippopotamus. The whole physiognomy seems to say: All is nothing, except to have goods, to have enough of them, in whatever manner they have been acquired. The character is not so coarse that he does not understand that property is no merit; but he makes no case for merit, convinced that nobility, bravery, industry, talent, probity, everything that men esteem, without *Holdings*, is zero, and that he who can say: *I have*, can very well pass on the rest. He will not argue with you about the origin and legitimacy of property; he is inclined to believe, *in petto*, that property was in its origin only a usurpation which the legislator has just let slide. But as, according to him, what was good to begin is good to continue, he has only one thought: it is, aside from respect for the sergeants, to increase his *Holdings*, by all the dubious means which have served to establish them. He exploits the poor, disputes wages with the worker, plunders everywhere and gleans, digs a furrow in the field of his neighbor, and moves the markers when he can do it without being seen. I have seen one who took up in his hand the earth in the ditch and removed it from his side: one would have said that he ate it. To his is rendered of the rent, of the interest on money, all that they can render: so he is the worst usurer as he is the worst master and the very worst paymaster. For the rest, hypocrite and poltroon, fearing the Devil and Justice alike, afraid of effort, not opinion; measuring all men by his own yardstick, which is to say regarding them as rogues; foreign especially to public affairs and not mixing with the government, if it is not in order lighten his share of the tax or pay for his vote, happy that he finds around him citizens to the prejudice of which the incorruptible suffrage permits him to make a good profit of his own. This is the proprietor according to the letter and principle, which amounts to saying, according to egoism and matter.

Cast your eyes now to the other side, and consider that figure on which is painted, with dignity and sincerity, the high thoughts of the heart. What distinguishes this subject first of all, is that never, in the candor of his soul, would he have invented property. He would have protested with all the force of his conscience against that institution of absolutism and abuse; out of respect for the right, in the interest of the masses, he would have maintained the ancient possession; and without being aware of it, against his formal intention, he would have eternalized despotism in the State, servitude in society. Property exists presently; the accident of birth has made him one of its owners. He possesses without being possessed; he believes in good faith in a principle that he has not wanted, and the responsibility of which weighs on everyone. But he

said at the same time that property obliges, and if the law demands nothing of him, his conscience imposes all. Prince of labor, the guardian of law and of liberty, the life of the owner is not to be a life of enjoyment and parasitism, but a life of struggle. He was in the old Rome, noble laborer, head of the austere family, reuniting in his person the threefold capacity of priest, justice and master, made immortal, glorious like the kings, the name, today almost ridiculous, of citizen. It was he who, in 1789, armed both against feudal despotism and against the world. Conscription has replaced the battalions of *volunteers*, but if the armies of the Empire have rivaled in courage those of the Republic, they have remained inferior in virtue. Friend of the working people, never its courtesan, awaiting the progress of equality; it is also he who said in 1848 that democracy was intended not to shorten coats, it is to lengthen jackets; he finally who supports contemporary society against the assaults of an unbridled industrialism, a corrupt literature, a long-winded demagoguery, a Jesuitism without faith and a politics without principle. Such is the proprietor according to the aims, that one could also call the proprietor according to the spirit.

CHAPTER VII

Equilibration of property. System of guarantees.

One thing remains for us to do, the most difficult of all.

I believe I have proven, to the reader's satisfaction, on one hand, that property cannot find its logical justification in any juridical, economic, psychological or metaphysical principle; in no origin, adverse possession, prescription, labor, conquest or concession of the legislator, and that in this regard jurisprudence has been completely misled, if it has even understood the question. Such was from 1839 to 1858, the object of my polemic. I add now that if we study in its political, economic and moral consequences, the essentially abusive power of property, we disentangle from that bundle of abuses an energetic functionality, which immediately awakens in the mind the idea of a highly civilizing goal, as favorable to right as to liberty. So that if the State, with the division and balancing of its powers, first appear to us as the regulator of the society, property in its turn shows itself as its mainspring, so much so that if it is suppressed, distorted or diminished, the system is stopped; there is no longer life or movement.

However, even with that collection of happy effects, that we have managed to disengage by the analysis of the proprietary absolutism, reason remains in abeyance. The evil is such, the iniquity so great, that we do not know if the benefits of the institution are not more than made up for by the abuses, and we ask if, at the end of the day, the communist lethargy or feudal purgatory would not be better than the hell of property.

On many occasions, since the beginning of civilization, property has run aground, sometimes on its excessive abuses, sometimes on its excessive fickleness and weakness. It expands or contracts *ad libitum*, from the point of servitude to property, we find no perceptible line of demarcation: we understand them well only by their extremes. It is an elastic circle in a perpetual movement of expansion and contraction. In Rome, at the same time that the *quiritaire* right was generalized by the triumph of the plebs, it lost its political prerogative, degenerated into a monstrous privilege and broken up under the Christian malediction, carrying along in its fall the empire and society. After the invasions of the Barbarians, who, under the Germanic name of *allod*, allodium, hastened to adopt Roman property, as they did with some many other things, we saw them regress anew and perish. Under the combined action of the empire and the Church, allodial property was converted into fief, less this time by the abuse that is inherent to it than by unconsciousness of itself and discouragement. The barbarian was too young for property. The French Revolution came in its turn to inaugurate, consecrate and popularize property, and again we saw it, at least for seventy years of existence, dishonor itself by the most cowardly selfishness and the most scandalous agiotage, undermined by the bankocracy, attacked by governmentism, demonetized by the sects, despoiled without a fight of its

political prerogative, delivered to the hatred of the laboring classes, and ready to submit with gratitude to the last of the affronts, its conversion into a pecuniary license fee.⁹ Will it be true that, like the warriors of Clovis and Charlemagne, like the plebe of the Caesars, the French of 89, 1830 and 1848, have not been ripe for liberty and property?

Thus society would be subject to a sort of flux and reflux: it rises with allodium, and descends again with fief; nothing abides, everything oscillates; and if we know at present to what we hold regarding the ends of property, and consequently regarding the causes of its progress, we also know to what to attribute its devolution. The same absolutism produces in turn the ascension and the subsidence. The proprietor battles first for his dignity as a man and citizen, for the independence of his labor and the liberty of his enterprises. He asserts himself as upholder of justice and sovereign, possessing by virtue of his humanity and without being responsible to anyone, and he declines all political or religious suzerainty. Then, fatigued from the effort, sensing that property is more difficult to maintain than to conquer, finding the enjoyment better than the glory and his own respect, he compromises with power, abandons his political initiative, in exchange for a guarantee of privilege, sells his birthright for a plate of lentils, eating his honor with his income, and provoking by his parasitism the insurrection of the proletariat and the negation of property. Can we finally break this circle? Can we, in other words, purge the propertarian abuse and render the institution blameless? Or must we let ourselves be carried away by the current of revolutions, today with property against feudal tyranny, tomorrow with absolutist democracy and agiotage against the bourgeois and his quiritary right? There is from now on the whole question. Before this problem, antiquity and the Middle Ages have failed; I believe that it is up to our era to resolve it.

Property is absolute and abusive: it is in order to destroy it that conditions are imposed on it and it is regulated. Convinced from now on of this principle, that property, the omnipotence of the citizen over the portion of the national domain which has been destined, is above every law; we have to be careful not

⁹ We can say that by placing itself under the protection of power, in 1851, property has, in fact, abdicated; it has virtually fallen back into fief. The emperor has against it his imperial right, the plebe, the army; he can do anything, it can no longer do anything; with the restriction *quatenus juris ratio patitur*, it is at the complete discretion of power. Thus, the right of expropriation, reserved for cases of public *necessity*, accounted for today by the much vaguer word of *utility*. The jury, instead of having to pronounce on necessity, now only has to estimate the value; it is the prince pronounce the utility. With this word, we overwhelm and overturn everything. We expropriate a river for a whole region; we expropriate, instead of one rickety, unhealthy house, embarrassing the neighbors, a whole quarter; we expropriate a whole town. We remove, for reasons of State, from a citizen his study, his establishment, his clientele; we expropriate cantons under the pretext of model farms, of stud farms; we recreate the *latifundia* in the guise of high culture, and for their formation we expropriate masses of small proprietors.

to fall into the errors of the reformist schools and decadent governments, which all, falsely interpreting the Latin definition: *Dominium est jus utendi et abutendi, quatenus juris ratio patitur*, have only been able to work at the destruction of liberty itself, by conditioning and regulating property. We must take other paths.

Let us first remark that property, being abusive and absolutist, must be contradictory to itself, as I have demonstrated, in the *System of Economic Contradictions*, vol. II, chap. xi; it must oppose and compete with itself, tend to limit, if not to destroy itself, consequently, consequently to balance itself. The action of property on itself, beyond power and the laws, such then will be our first/primary means.

Let us observe further that property, whatever its importance in society, does not exist alone as a political function, economic and social institution; it does not constitute the whole system. It lives in an organized milieu, surrounded by a certain number of corresponding functions and special institutions, without which it could not subsist, with which, consequently, it must watch. Thus, the free man lives in the midst of his fellows, with whom he watches; in the heart of nature, surrounded by all sorts of animal, vegetable and mineral creations, which he could not do without, with which he must count equally; which does not prevent him from being free and from being able to see dire inviolable, as much as a creature composed of flesh and blood, and living in the midst of other creatures, can be. The influence of institutions, such will be, if I dare to put it that way, our second means of government, with regard to property.

§ 1. — Action of property on itself.

The same liberty of action being thus accorded to all the proprietors, and the same law protecting them all equally, it must necessarily occur, in the economic milieu where they are placed, that the properties enter into competition with one another, tending to mutually absorb one another. This is what has, in fact, taken place, and what we observe everywhere where properties exist as neighbors or rivals in use, as much for agriculture as for industry. The struggle engaged, what will the outcome be? It is easy to predict.

If the protection of the State with regard to the proprietors is insufficient or nonexistent; if there is favoritism, distinction of persons or castes; if the conditions of exploitation are unequal, the large proprietors will absorb the small, the big businessmen will kill the weaker ones, the privileged will crush the unprivileged: such was, in Rome, the fate of plebian possession in the face of patrician property; such was later, under the empire, the result of the struggle between the slave plantations of the nobles, against the small estates cultivated by free hands; such, in the Middle Ages, was the destiny of the small freeholds, forced, under pressure from the counts, bishops, etc., to convert into precarious *commands* and fiefs; so today we see the bad fortune of the small manufacturers crush by competition with the big capitals. If, on the contrary, the protection of

the State is strong and guaranteed to each; if, by a set of liberal institutions and by the good execution of the public services, the conditions of exploitation are made equal; if, finally, by a good system of public education, individual abilities are rendered less and less unequal, the effect of the competition between the properties will appear in the opposite manner. As it is obvious that, all things being equal, the maximum power of property is encountered where the property is put in use by the proprietor, the struggle becomes disadvantageous to the large *apanager*, and as favorable to the small. The large proprietor, in fact, requiring for his service domestics and *salariat*, or tenant farmers, two substitutes for feudal servitude, costs more, produces less. So give education to the masses, instruct the peasants, inspire in all a sense of their dignity, teach them to know their power and their rights: soon you will see the *salariat* and domestics decrease, the conditions of tenant farming change, and bit by bit the properties reduce one another to the average extent of what a family of peasants, strong of arms, intelligence and union, can make use. Nothing then prevents several families from associating for certain operation, the advantages of large-scale farming are found united with those of small-scale property; then, the dissolution of the vast estates becomes inevitable, and every new conglomeration impossible. What I have just said is only the indication of a first means, which would still be insufficient if, for all the rest, the economic anarchy continued to exist, capitalism to squeeze labor, and the abuse of centralization to hobble society and devour the State. It is thus to new auxiliaries that we should now make appeal.

§ 2. — System of guarantees; influence of institutions.

Among the institutions determinative of liberty and equality, and of which the existence, prior or subsequent to the establishment of property, if from right, I count: 1) the *separation of the powers of the Stat*; 2) *decentralization*; 3) *taxation* (see my *Theory of Taxation*, awarded a prize by the state council of Lausanne); 4) the regime of public, mortgage and commanditaire *debts*; 5) the *banks* of circulation and credit; 6) the *organization of public services*, post offices, railroads, canals, ports, roads, depots, stock markets and markets, assurances, public works; 7) the *industrial and agricultural associations*; 8) *international commerce*.

Again, for twenty years, I have dealt with these graves questions, whether separately, or in an overview, but always by preference in the special interest of the working classes. I believed that the circumstances did not permit me to do otherwise. Things, however, spoke so much for themselves in order that the small and middle-sized proprietors, small and middle-sized culture, small and middle-sized industry, understood that it is hardly less a question of them than of the proletariat. It is obvious that if we represent the right of each citizen par 100, every individual whose assets are, due to the effects of the political, economic and social aberrations, below 100, must be reputed creditor for the

difference, and that in speaking in the name of those who have lost everything, I do not mean to exclude those whom the general bankruptcy only took 30, 50 or 80 ; nor yet those, having the good fortune to find themselves either at par or above par, lack guarantees for the future. The cause is the same for all, and consequently the principles of the reform are also the same.

There is not space here to enter into a detailed discussion of these ways and means; it would exceed the proportions of this study, and those of my readers who, for ten years, have done me the honor of following me, know what I would have to say. It is enough, for the moment, for me to show, in a few words, the relation of these various institutions to property.

The *separation of powers* in the State is essentially linked to property, since, without that separation, the government, and society with it, falls back into hierarchy: which leads to the conversion of property into subordinated possession or fief. I say the same of *decentralization*: property is federalist by nature; it rejects unitary government.

In that which concerns *taxation*, I have shown elsewhere that, under the regime of liberty and property, it is no longer the expression of a royalty/fee, but the price of a service, in short, an exchange; that this tax, being the some of services to demand of the State, must not, in good economy, exceed one-twentieth of the gross product of the nation; that the least onerous mode is to make bear, for two or three fifths, according to the country, la contribution on income [rente], by combining the progression and the various natures of taxes in a manner to approach as close as possible of the equality of division. It is clear, in fact, that what matters to property, considered in the general case of the institution, is much less what we ask of the rent, than the equality of conditions that we assure, by this means, between the proprietors, since, as we have just demonstrated, property flourishes and is developed by equality, while it is corrupted and perishes by inequality.

I say as much of *debts*, and consequently of *credit*. A nation of 37 million souls, on which weights a debt, public and private, of 25 to 30 billion francs, at an average interest of 6 percent, twice the net product of the earth, is overloaded. One of two things is necessary: either reduce the amount of the debts and limit it to 5 or 6 billions, 5 percent; or else, by a new organization of credit, set the rate of interest at 1/2 or 1 percent.

To limit loans would not be favorable to property, whether industrial or agricultural, which needs capital; it remains to obtain the lowering of interest by the mutuality of credit and by a liquidation made with intelligence. The land-bank [crédit foncier] neither can nor should be anything but the very savings of the nation; it is the bank of deposit for all the producer-consumers who, spending less than they receive, seek, for their savings, a place of security with a slight earnings, until they find a better use for their funds.

As for the *public services*, surrendered today to companies with monopolies, where is the proprietor and the industrials who does not understand that his own greatest advantage is in having the transport, the

commissions, the fees for ports, stations, warehouses, etc., like the interest on money, at the lowest rate possible? It is only thus that small farms and small businesses will be able to support themselves, the better part of the profits realized by big business and large-scale industry coming most often from the discounts that they obtain, because of the scale of their business, des guarantees that they offer to the bankers, brokers and intermediaries of every sort.

The industrial and agricultural *associations*, in which are included the workers' associations where those can usefully form, have for aim, not to replace individual initiative by societary action, as some madly believed in 1848, but to insure to all entrepreneurs of small and medium-sized industry, as well as to the small proprietors, the benefits of the discoveries, machines, improvements and processes otherwise inaccessible to modest enterprises and fortunes. To combat individualism as the enemy of liberty and equality, as some imagined it in 1848, is not to establish liberty, which is essentially, not to say exclusively individualist; it is not to create association, which is made up only of individuals; it is to return to barbaric communism and feudal servitude; it is to kill society and individuals at the same time. (See, on the organization of the workshop: *de la Justice dans la Révolution et dans l'Église*, 6e livraison, chap. v, Bruxelles, 1859.)

One question which interests property to the highest degree, and which puts its character singularly in relief, is that of *international commerce*. For thirty years, the sect of the economists has issued on this subject so many declamations, equivocations, calumnies, and sophisms, that it is no small affair to bring the problem back to some clear and intelligible facts.

Let us suppose a State, like the present Egypt, constituted as a sort of governmental communism, where the prince is the sole proprietor, sole exploiter of the soil, sole manufacturer, and sole merchant, the whole nation being tenant farmer, worker and employee; in such conditions, the question of external commerce would present no embarrassment. All the interests are summed up in a single interest, personified in the head of State, the one who would only have to account with himself, and, barring error in the calculations, would be sure, whatever he did, of acting at least in his interest, which would at the same time be the general interest. He will glance over his books, examine his cost prices, take not of his needs and existences; then he will offer his excesses, either in exchange for other products, or for cash. If among the similar foreign products who finds some of which the prices are less than his own, we will decide to reduce his costs and maintain the competition; he could even, in certain cases, abandon some disadvantageous productions, and indulge by preference in others that are less costly and more lucrative. But that would be on the condition, of course, that the nature of the country, the state of industry, the popular talents, the ease of transition, the sum of the resources will allow it; never, never ever, will he abandon a variety of agriculture or industry, especially of first necessity, under the specious pretext that the same products would come to him from

abroad at a lower price. The first law for the man condemned to live by his labor is to draw part from what he has, and to do without the self-serving assistance of others. What is more, the great entrepreneur of whom I speak will occupy himself with importing certain knowledges and certain industries from abroad, whose products are indispensable to him; and he will do it, as much to exempt himself from that sort of tribute, as to create, at need, a guarantee against the demands of the importers. On everything he will take care not to buy more goods than he could ordinarily pay for with his own excesses: which will demand on his part a balance in cash, strip him of precious metals, and making him a debtor, would detract from his political independence.

All of that is simple good sense: it is not in the world of merchant and of businessman which is governed by other principles.

Let us suppose now that a revolution overthrowing the despot, the country of which I just spoke passes from the state of governmental community to that of property. The land is divided, industry, commerce are distributed between a series of entrepreneurs: all, exploiters of the soil, industry contractors, ship-owners, etc., are declared independent of one another, in conformity with the law of property. What will happen? Each proprietor and contractor will reason individually, with regard to foreigners, as the ex-king did; but, since by the division the interests become divergent, we will see one fraction of the nation increase its income, profiting from offers from abroad, while the others, finding buyers neither domestically, nor abroad, will be ruined. Then will burst that unpleasant contradiction: while the law of property, unanimously acclaimed, declares all proprietors, industrialists, cultivators, traders, and sailors, independent in their commerce and industry, the nature of the things that are grouped on the same soil, political economy, which makes all the arts, professions, and trades, divisions and subdivisions of the same labor, pronounce from their side that all these freed slaves are united [*solidaires*].. And experience demonstrates it: under the *ancien régime*, all had their existence assured; they lack only one thing, liberty; since the Revolution, they are free; but while some prosper, the others go bankrupt and fall into indigence. It is the same cause which produces this double result: freedom of relations with the foreigner, individualism of exchange.

I know nothing more unworthy, more foolish, more abominable than the organized agitation for twenty-eight or thirty years, in England, in France and in all of Europe, by the Cobdens, the Bastiats, the whole sect of so-called economists, supported by the Saint-Simonian sequel. We have abused with opposition some principles, inherent in society, in order to render obscure the clearest thing in the world; we have pushed against one another some interests that the fatality of their situation rendered antagonistic; we have surprised the religion of a head of State, to thought he made an act of patriotism and progress by sacrificing to an absurd experiment the fortune and subsistence of several million of his subjects... It is true that among the plaintiffs several were disposed to the critique, and that if the protection, in certain cases and to a

certain degree, can be judged necessary, too often it has served as a pretext for shameful subsidies and odious monopolies. Here, as always, property is indicated by the effrontery of its abuses; and if, with regard to *free exchange*, we have heard it cry out against itself, it is because it knows itself well.

Now what to do? Must we once again recoil before the consequences of the principle; and, after having shown the marvelous destinies of the institution of property in its most frightening abuses, declare it powerless before the foreigner? Must we rehabilitate the customs office; and, when we are exasperated with police, with governmentality, swaddle ourselves once more with a protective web? No, it will not be said that Right and Liberty were disconcerted by one antinomy more. Of what is it a question? Of making two irreconcilable principles live together. Well! Political and economic science consist only of this. Have we ourselves, in this whole chapter and in those that preceded, done anything else?

Doubtless property, absolute, abusive, independent, is insolidary with property: such is its nature; let us refrain from contradicting it. Doubtless also in an organized society, the interest, the fortunes, like the labors and functions, are linked, solidary, like the soil which sustains them. All that is true at the same time. All the more reason then for you to accomplish the reforms previously indicated relative to taxation and credit. It is up to property to guarantee property as well as to stand up to power. By the progressive reduction of the rate of interest, by the equally progressive reduction, as well as by the equalization of taxation, by the abolition of debts, etc., the costs of production in France can be reduced from 15, 20 and 25 percent. That is what gives from the margin to the suffering industries. At the same time, metal, thanks to that reduction in interest, being less and less sought, the demand for products increases: that is what facilitates exchanges. Let then every proposition of encouragement to a new or backward industry be submitted to the national assembly, and the protection [be] reduced to the expenses of installation and apprenticeship, which dispenses with all oversight and exercise; and you have the greatest possible liberty of commerce, property and industry, joined to the most effective guarantees.

Between nations reputed equal, enjoying the same civil and political guarantees, competition must be free and consequently unlimited. The only protection, or, if one prefers, to only obstacle to the importation of similar products, is in the distances. When one nation can go make competition with another nation even in that nation, to take away its own market, to bear for that, in addition to the ordinary costs of production, some considerable costs of transport, that proves that the nation thus attacked and defeated is decidedly incompetent, or that it is badly administered, badly exploited, overloaded with taxes, with parasitic costs; that proves it needs reform. (Consult on all these matters, *Organization of Credit, Theory of Taxation, System of Economic Contradictions*, vol. II, chap. ix.)

It is thus that the leveling and consolidation of property must occur, under penalty, for that property, of falling back into guardianship, and for the society of beginning again a career of revolutions and catastrophes. And, to return to the fundamental thought of this book, it is thus that property, by surrounding itself with guarantees which render it at once more equal and more unshakeable, serves itself as guarantee of liberty and ballast to the State. Property consolidated, moralized, surrounded with protective institutions, or, to put it better, liberators, the State finds itself raised to the highest degree of power, at the same time that the tiller remains in the hands of the citizens. Politics becomes a science, better than that, a form of Justice; individual interest becoming identical with the general interest, each citizen is in a position to evaluate, according to the repercussions that he feels in his property and industry, the situation of business and the advance of the government. The end of doctrinarism and of the proletariat, these two wounds of modern times, has come.

The constitution of property, with the circle of institutions which guarantee it and to which it serves as pivot, now explains to us two things which at first seem contradictory: how property can be purged of its abused and nonetheless preserve its inviolability; how then we can define the right of use and abuse, and have at the same time reservations against it for legal reason, *juris ratio*, and for the observation of the regulations.

I have already remarked that the creation of new institutions, analogous to property, the organization of certain services, the establishment of certain functions, will not infringe on property more than the existence of animals and plants detract from the liberty of man. Property exists in the midst of these creations of society, like man in the midst of the creations of nature; they do nothing for him, if he does not like to use them; as also it obtains some new forces, some more powerful means of action, as soon as, all the properties being put into use, each begins to feel the effect of competition. What now will be the result of the struggle, when the individual, no longer being abandoned to himself, will find all around him aid, guarantee, protection? This is what it is time to demonstrate.

The instinct of acquisition, in all men, is indefinite, although equal. Served by unequally realized faculties, this same instinct can only lead to some unequal results: let us represent that inequality by the numbers 1, 2, 3, 4, 5, which comes down to saying that in milieu where society does nothing for the individual, a single man, considered as a power of action, can be worth as much as 2, 3, 4 or 5 others; enormous disproportion, which, should national prejudices, the organization of power and the relations of individuals and families lend themselves to it, will lead to inequalities of fortune a thousand or a hundred thousand times greater.

It is quite another thing with the institutions I call **guarantees**. New means of action, superior forces are put at the disposition of the head of the family: represent these forces by 10. The inequality of the subjects, which at first was

like the numbers 1, 2, 3, 4, 5, will no longer be [but] like these: 1+10, 2+10, 3+10, 4+10, 5+10, or, by performing the additions, 11, 12, 13, 14, 15. By raising, by an identical allowance, the average level of the capacities from 3 to 13, we have considerably diminished the inequality fortunes. Establish the competition at present; in other words, make it so that each citizen, equal before the law with all others, free in his action, master of his own person, works only for himself, or, if he enters the service of another, that he works at the negotiated price: the faculties, as much natural as acquired of the best endowed individual, remaining fixed, which his enterprises increase; he insufficiency consequently increasing in a progression much more rapid than his property, the inequality of fortunes will still diminish; it will tend to approach some numbers 101, 102, 103, 104, 105, that is to say that it will become insignificant. In what, in all that, is property violated, individual liberty harmed? And what need have we of regulation? Property, precisely because we have made it absolute, shows itself egalitarian: something which is unexpected, but irrefutable.

That's it for practice, I mean for general economy. Regarding the definition, or, in other words, the relation of property with the State, the contradiction that has troubled us so much is no less resolved.

The Roman law says: "*Dominium est jus utendi et abutendi re suâ, quatenus juris ratio patitur*"; property is the right to use and abuse of its possession, provided that legal reason allows it." The definition of the Napoleonic Code, section 544, amounts to this: "Property is the right to enjoy and to dispose of things in the most absolute manner, provided that one does not make a use of them prohibited by the laws and regulations." The Latin, I repeat, is more vigorous, more profound than the French; but it is less clear. We could believe that the reservation "*quatenus juris ratio patitur*, provided that legal reason allows it," only relates to our innermost being; that the *préteur* has wanted to declare the abuse of property above any legal proceeding, although that same abuse was condemned by conscience. But that interpretation is not true, as article 544 formally states: it is with an eye to the State that the reservation is expressed, the State, official and armed organ of Right/Law, while only the proprietor is answerable. What then did the legislator mean? It is highly probable that he did not know himself, and that he has only spoken thus from the abundance of his feelings. The truth, in my opinion, is that if property is absolute, the State is also absolute; that these two absolutes are summoned to face to face with one another, as the proprietor is called to live opposite his neighboring proprietor; and that it is the opposition of these absolutes that busts out in political movement, in social life, just as the opposition of two opposite currents of electricity shoots forth the driving, luminous, invigorating spark, the lightning.

Thus, the right to abuse is granted unconditionally, in the sphere of property; what is forbidden is to encroach on the right of the neighbor, and even more so on that of the State. Let all the proprietors, and the State along with them, abuse their properties as they desire, they can do it; what they cannot do,

is to reciprocally prevent one another from abusing. As soon as abuse is taken as a matter of right, like labor, farming or enjoyment, it is subject, a thing both astonishing and logical, to the maxim of the law: "*Do not do to others what you would not want them to do to you.*" And why this mutual respect of abuse? That is a still more astonishing thing: precisely so that the proprietors, free to abuse, abuse no more; so that the State, the holder of the great domain, becomes the type of the administrator, the model of the user [usager]. We have demonstrated that in face the abuse of property is neutralized by the guarantees with which the State takes care to surround it, just as the absolutism of the State is regulated/rectified, and becomes justice and truth, through the reaction of the proprietor.

I have said that the constitution of property should be the work of our era: never, in fact, in the twenty-five centuries that it has existed, has it been constituted anywhere in the fullness, I do not say of its right, but of its guarantees. Rome knew perfectly and rigorously defined the right of property, *dominium est jus utendi et abutendi*; but until our time, the abuse has killed property; and, as in the time of the Caesars, as in the Middle Ages, it is once again in peril. What it has always lacked, and of which the Revolution has only been able to give it the promise, are guarantees. Without these precious guarantees, property is disorganized and tends to its ruin, dragging with it society and the State, that it forgets in the materialism of its enjoyment, or that it allows to be silently undermined by the taxing authorities, mortgage, parceling out, the recomposition of the great domains, regulation, the abuse of expropriation for reasons of public utility, nobiliary creations and grants, the work of the sects, the seductions of stockjobbing, or finally that, stripped of its political prerogatives, brought to the jealous notice of the plebs, acceptant lâchement what the political powers wish to leave to it, and allowing itself to be converted into a pure privilege, it withdraws from action and leaves to act in its place the unleashed forces of ignorance, tyranny and poverty.

Certainly, the danger is grave, and it is not by the providentialist doctrines of our legal experts that we will manage to avert it. They have never known anything about property; they have understood neither its high destiny nor its history, and the deepest part of their science on this taxing matter is an immoral skepticism.

"Whenever," says Mr. Laboulaye, "society, without straying from its providential route, changes means, whenever it displaces inheritance or the political privileges attached to the soil, it is within its rights, and no one can find fault with it by virtue of a prior right; for before it and apart from it, there is nothing; within it is the source and origin of right."

This is how the historian of property explains its vicissitudes! Society, instrument of Providence, has planted the markers of the inheritances, and society pulls them up; society has instituted property in the place of possession, then it has returned to possession by abandoning property; society has changed allod into fief and fief into allod: *e sempre bene*. Society, — I fear that one day,

too soon perhaps, society will mean the government, — is within its rights, whatever it does; it follows its providential route, and no one has a right to find fault with it.

“The civil law of property is slave to the political law; and while the right of the conventions, which only rules the interests of man to man, has not varied for centuries (if not in certain forms which relate more to the proof than the very basis of obligation), the civil law of property, which regulates the relations of citizen to citizen, has been subject several time to changing completely, and follows in its variations all the social tribulations.

“The law of the conventions, which keeps to these principles of eternal justice engraved in the depths of the human heart, it is the immutable element of right, and as it were its Philosophy; on the contrary, the law of property is the variable element of right; it is its HISTORY, it is its POLITICS.”

It would be difficult for a legal expert to be more completely mistaken than Laboulaye has been here. Property is not the *slave* of politics; it would be instead the opposite that is true. Property is the natural, necessary counterweight of the political power; the civil right of property, the inspector and *déterminateur* of the reason of State. Where property is lacking, where it is replaced by Slavic possession or fief, there is despotism in the government, instability in the whole system. The law of the conventions cannot be posited as an antithesis to that of property, as absolute in its essence as the other is immutable in its principle. They differ from one another only in that the first will give the *philosophy* of right, while the second will only give its *politics* or *history*; they differ in that the law of the conventions is a principle, an elementary notion of simple and primitive perception, while the law of property is a constitution which is posited, develops and is consolidated only with time. It is with property as will all the great laws that rule the universe, even though the reason of the philosophers deny them and the vulgar violate them at every step. Thus right governs civilization; but where are its essence and laws well known? Where is its observance complete and sincere? Thus equality of exchange is the law of commerce: and agiotage is universally accepted in practice. Thus equality before the law is as ancient as the institution of the tribunals; and humanity has still not stopped having slaves, serfs, and proletarians. All the same property governs the States: present, it holds them in equilibrium; absent, it abandons them to revolutions and dismemberments, carrying with it its sanction, whether it chastise, or it rewards. No one can say at this moment that from here to the end of the century, whatever is decreed by that Providence that Mr. Laboulaye worships will not have destroy property in France; what is certain, is that then France would have lost, with the sentiment of liberty, the sense of right. It is that it will be the scourge of the nations, and that it will only be justice to treated as Poland was treated in the eighteenth century.

But let us discard these somber prognoses. The institution of property is finally understood. Its theory is given: let the society or government, which

interferes to speak in its name, *shift* the *inheritances* as much as they wish, as Mr. Laboulaye says; so simple individuals will suffer from it; as for property itself, we can declare it indestructible! It is up to the working classes to understand now their destiny and to determine as a consequence their actions. All those economic reforms, which we suggested in 1848 as the conditions of the abolition of the proletariat, and in which some have thought they saw a conveyance to communism, lead to the leveling and the consolidation of property. Estimate, as a hypothesis, the moveable and immoveable wealth of France at 120 billion, the number of families at 10 million: the average fortune in capital, for each family, would be 12,000 francs. A property of 12,000 francs, well cultivated, is enough for the occupation and subsistence of a family. Your future, laborers, the future of the homeland is there. Set aside your ideas of division, your plans for requisitions, for progressive taxation, maximums, corporations, tariffs; the division, which is to say the leveling, will be made by itself, better and more quickly, by labor, economy, the organization of credit and exchange, inexpensive services, the equalization of the tax and its reduction to one-twentieth, transfers [mutations], public education, and, in all things, Liberty.

Chapter VIII

The Author's Critique Vindicated.

As a complement to this theory, I don't believe I could do better than to recall here my previous studies, the summary of which forms the introduction of this book, and to recount my own history. The critique that I once made of property has had enough impact, it has earned me enough disappointments and insults that one will allow me to claim its profits today; for it is by that critique, and by it alone, that we can arrive at the understanding of property, and, thus, at its definitive constitution.

In 1840, more than twenty-two years ago, I made my debut in economic science by the publication of a brochure of 250 pages, entitled: *What is Property?* I do not need to recall what scandal was caused by my response, a scandal which did not cease growing for twelve years, even after the coup d'état. Today let imaginations be calmed, especially as I myself publish a theory of the property which, I dare say, can defy all attacks,—one could say *with interest*,—especially if one better understands my explanations.

It had been hardly three months since I had commenced my studies of political economy when I realized two things: first, that there existed an intimate connection, though I did not know of what sort, between the constitution of the State and property; second, that the whole economic and social edifice rested on that connection, and yet its institution was given neither in political economy nor in natural right. *Non datur dominium, in oeconomiâ*, I said to myself, paraphrasing the aphorism of ancient physics concerning the void; property is not an economic element; it is not essential to the science, and nothing justifies it. Where does it come from? What is its nature? What does it want? That was the subject of what I called my first *Memoir*. I predicted that from then on material would be abundant, and that the subject was far from exhausted.

Now there is no longer any reason to tremble for property. Since we have made an emperor to defend it, and since I myself have taken its part, there is not, I flatter myself, a reader suspected of even a bit of good sense, having the least glimmer of logic, who will not recognize how right I am. Is the principle of property the right of the *first occupant*? That is absurd. Does it come from conquest? That would be immoral. Perhaps we must attribute it to labor? Labor gives rights only to its fruits, at most an indemnity for the improvement of the soil, perhaps even a preference of possession—of possession, let's be clear, never, never to sovereignty over the land itself, to what the Roman law called the *eminent domain of property*. Otherwise it would be necessary to say that every tenant is, *ipso facto*, a proprietor, and that he who leases his land relinquishes it. All that is reeled off in our days about the struggles and merits of the cultivator is sentimental verbiage: it neither a matter of philosophy, nor of right. The work published by Mr. Thiers, in 1848, for the defense of *Property*,

is a pure bucolic. Is it the legislature that created property? But for what motives? By virtue of what authority? We know nothing of it. If it is the legislature which, by an act of its own good pleasure, has instituted property, the same legislature can repeal it and *dislocate inheritances*, as Mr. Laboulaye said, then from that point property is only a legal fiction, a caprice, and a caprice that much more odious, because it excludes the majority of the people. Must we say, with some who pretend to metaphysics, that property is the expression of individuality, of the personality, of the self? But possession largely suffices for that expression, and, once again, if it is enough to say *this field is mine*, in order to have property, all are proprietors by the same title; there is civil war ignited, with servitude as the conclusion. Now, when you have passed in review first-occupation, conquest, labor, the authority of the legislature and the metaphysics of the self, you have exhausted all the hypotheses of the jurists on the origin and principle of property. You can close the libraries; there is nothing more. What then! Must we believe, with Mr. Laboulaye, that property is an article of faith, of which the discussion should be banned, because to do otherwise would be to put society in danger? But justice is a friend of the light; only crime seeks the darkness. *Cur non palam si decenter?* Is property, then, robbery? ...

That dialectic,—let us admit it, since we can do it without peril,—was as invincible as it was inexorable; and the testimony I delivered to the legislature itself was not meant to diminish it. What are we to say, for example, of that Roman definition: *Dominium est jus utendi et abutendi re sua, quatenus juris ratio patitur!* Or of that French definition, still more shameful: “Property is the right to enjoy and to dispose of thing in the most absolute manner, provided that one does not make a usage prohibited by the laws and regulations.” Isn’t it worse to say yes and no about the same thing, to give and to hold back, to posit a principle and to deny it immediately by the exception? So be it, I said: property will be all that you want, within the limits of public right and the regulations. Now, let us see the public right; let us see the regulations!...

Absolute property! But, as a disciple of Kant and Comte, I rejected the absolute as much as the supernatural; I recognized only intelligible, positive laws, as astronomy, physics, zoology, right, political economy itself offer us so many examples.—Republican by principles, partisan of constitutional guarantees in the mean time, I fought with all my might against the absolutism that the French people had sacrificed in the person of Louis XVI and that they wanted me to worship in property.

Property, *abusive!* Doubtless, it could not be otherwise, since as soon as abuse ceases to be its prerogative, it is no more. Now, it is exactly for that reason that I reject property. If you said that marriage is a man’s right to use and abuse, not only his wife, which would already be an infamy, but his daughter, his mother, his female servants, etc., would you pretend that marriage is a respectable institution? Absolutism raised as an idol, abuse taken for an ideal; property, declared everywhere an in everything eccentric, unconditional,

without limits, without restraint, without rules, without laws, prior and superior to right, even to society: it was exorbitant, inadmissible, and unfortunately one could say that all that was not invented. The facts—the facts abound in history and in modern times, and cry vengeance against property.

Penetrating deeper still into the psychology of the proprietor, following the most profound moralists and even of the Gospel, what would I discover? That property, that is praised to us as the remuneration of labor, the sign of human dignity, the pivot of society and monument of legislative wisdom, was nothing else, at base, than the sovereign act of our egoism, the solemn manifestation of our concupiscence, the dream of a perverse, avaricious, anti-social nature, which wants everything for itself, appropriates that which it has not produced, demands that one return to it more than it lends, makes itself the center of the world, scorning God and men provided it enjoys! Oh! Christianity, which one will doubtless not put in the dock, has judged property well; it has excluded it from the kingdom of heaven: Those alone, it says, among the proprietors will be saved, who practice the detachment of the heart, and are guardians and dispensers of their fortune rather than its consumers. *Beati pauperes spiritu, quoniam ipsorum est regnum cœlorum.*

Let the reader here allow me to interrupt myself. Was that critique justified, or not? Do I have anything to regret and recant? And will, by chance, the theory of property that I publish at this time be considered a retraction? ... We will see that it is nothing of the sort.

The critique made, it was necessary to conclude. At the same time that I pronounced, by virtue of my analysis, the condemnation of property, as it has been produced, in the Roman and French law, in political economy, and in history, I rejected, in no less energetic terms, the opposite hypothesis, communism. That exclusion of communism is recorded in my first *Memoir* of 1840, chapter V, and reproduced with more depth and force in the *System of Economic Contradictions*, 1846, chapter XII.

What has my thought been since then? It is that property being an absolute, a notion which implies two contraries—yes, as I said with Kant and Hegel, an *antinomy*—*must be synthesized* in a higher formula which, giving satisfaction equally to the collective interest and to individual initiative, must, I said, bring together all the advantages of property and those of association without any of their drawbacks. I gave to that higher formula, anticipated and maintained by me, from 1840, in virtue of the Hegelian dialectic, but still not explained or defined, the provisional name of *possession*, an equivocal term, which recalled a form of institution that I could not want and that I have abandoned.

Things remained this way for several years. Against all the attacks that I had to bear up against from right and left, I maintained my critique in all its terms, announcing a new conception of property, with the same certainty with which I had denied the old one, although I could not say of what that conception consisted. My hope, with regard to its merits, should be unmistakable, as one

sees today; but the truth that I sought could be grasped only after a rectification of method.

Thus I pursued, without letting myself be rattled by the noise that was made around me, my studies on the most difficult questions of political economy, credit, population, taxation, etc., when, around 1854, I noticed that the dialectic of Hegel, that I had followed in my *System of Economic Contradictions* as trustworthy, was faulty in one point and served to confuse my ideas rather than clarifying them. Thus I have recognized that if the antinomy is a law of nature and intelligence, a phenomenon of the understanding, like all the notions that it affects, it does not resolve itself; it remains eternally what it is, the first cause of all movement, principle of all life and evolution, by the contradiction of its terms; it can only be *balanced*, either by the equilibration of opposites, or by its opposition to other antinomies.

I ask pardon for this detail, without which one could perhaps not explain how, having begun the critique of property in 1840, I only produced its theory in 1862. Without speaking of the powerful distractions that 1848 and 1852 have hurled through lives, each will understand that, in studies so arduous, where the philosopher works, not on bodies, but on ideas, the least inexactitude of method, leading to false results, lead to incalculable delays. We no longer think of intuition today, and our impulsive reason long since said its last word. The experiment must be made for everyone: good sense all alone, assisted by a stronger dose of erudition and of all the arts of speech, no longer suffices for the solution of the serious problems that assail us.

In order to follow truth in the more and more elevated regions where it calls us, the thinker, like the physician and the astronomer, requires the supplement of an instrumentation which the vulgar do not doubt.

The theory of LIBERTY (*Justice in the Revolution and in the Church*, 8th study) had also taught me that the absolute, with regard to which I had declared all direct research banned, absurd even (*Ibid.*, 7th study), nonetheless intervenes as an actor in human affairs, as well as in logic and metaphysics. Finally, I had on many occasions remarked that the maxims of General Reason, which end by imposing themselves on Individual Reason, are often the opposite of those given us by the latter: so that it could very well happen that society was governed by entirely different rules than those indicated by what we are in the habit of calling common sense. From that moment property, which had first appeared to me only in a sort of half-light, was completely clarified; I understood that it should be transported, as I had critiqued it, with that absolutist, abusive, anarchic, rapacious, libidinous nature, which it all times has been the scandal of the moralists, into the social system, where a transfiguration awaited it.

These explanations were indispensable in order to make well understood how the theoretical negation of property was the essential preliminary for its confirmation and practical development. *Property, if one grasps it at its origin, is a principle vicious in itself and anti-social, but destined to become, by its very generalization and with the assistance of other institutions, the pivot and the*

mainspring of the whole social system. The first part of that proposition has been demonstrated by the critique of 1840-48; it is up to the reader to judge now if the second is proven in a satisfactory manner.

Is it true that the State, after having been constituted on the principle of the separation of powers, requires a counter-weight which prevents it from swinging and from becoming hostile to liberty; that counter-weight cannot be found either in the exploitation-in-common of the soil, nor in possession or conditional, limited, dependant and feudal property, since that would be to place the counter-weight in the same power that it is a question of counter-balancing, which is absurd; while we find it in absolute property, which is to say independent, equal in authority and sovereignty to the State? Is it true, as a consequence, that by the essentially political function conferred upon it, property, precisely because its absolutism must oppose itself to the absolutism of the State, and present itself in the social system as liberal, federative, decentralizing, republican, egalitarian, progressive, and in the service of justice? Is it true that these attributes, none of which are found in the principle of property, comes to it as it goes along from its generalization, to the degree that a greater number of citizens acquire property; and that to bring about that generalization, to insure its leveling, it is enough to organize around property, and in its service, a certain number of institutions and services, neglected thus far, abandoned to monopoly and anarchy? That is what the reader is invited to pronounce upon, after careful consideration and serious reflection.

The political and social goal of property recognized, I will call the attention of the reader one last time to the sort of incompatibility which exists here between the *principle* and the AIMS, and makes property a truly extraordinary creation. Is it true, I ask, that this property, now without reproach, is yet the same as to its nature, its origins, its psychological definition, and its passional virtuality, as that of which the exact and impartial critique has so greatly surprised opinion; that nothing has been modified, added, subtracted, or sweetened in the first potion; that if property is humanized, if from a villain it becomes a saint, it is not because we have changed its essence, that we have on the contrary respected it religiously; it is simply that we have enlarged its sphere and generalized its development? Is it true that in this selfish, satanic and stubborn nature that we have found the most energetic means of resisting despotism without bringing down the State, and also of equalizing fortunes without organizing plunder and muzzling liberty? Is it true, I ask, for I cannot insist too much on that truth to which the school logic has not accustomed us, that to change the *effects* of an institution which, in its beginnings, was the height of iniquity, to transform the angel of darkness into the angel of light, we have only needed to oppose it to itself, and to [governmental] power at the same time, to surround it with guarantees and increase its means tenfold, as if we had wanted to constantly exalt, in property, absolutism and abuse?

Thus, it is on the condition of remaining what nature has made it, on the condition of preserving its entire personality, its untamed self, its spirit of

revolution and of debauchery, that property can become an instrument of guarantee, of liberty, of justice and of order. It is not its inclinations that must be changed, it is its works; it is no longer by combating, in the manner of the ancient moralists, the principle of concupiscence, that it is necessary from now on to think of purifying the human conscience; like the tree whose fruit, bitter and green in the beginning, turns golden in the sun and becomes sweeter than honey; it is by lavishing on property light, fresh breezes and the dew that we will draw from its seeds of sin some fruits of virtue. Thus, our previous critique remains: the theory of liberal, egalitarian, and moralistic property will fall if we pretend to distinguish it from the property that is absolutist, monopolistic and abusive; and we have obtained that transformation that I had sought under the name of synthesis, without any alteration of principle, by a simple balance.

I have been accused of being only, in that critique the importance of which each can appreciate today, a plagiarist of Brissot. It will soon be said, I expect, that for the theory of which I have just given the sketch, I am also only the plagiarist of some stillborn author, lost in the dust of the libraries for two or three hundred years. So much the better if one finds predecessors; I would only have more confidence in myself and more bold. Until then, I knew the work of Brissot only by the extracts from it published, in 1850, by a Mr. Sudre, in a work crowned by the French Academy. That was the time when one called the young men of letters to the rescue against socialism, where one lavished encouragements to those who burned the most incense before la property. It appears from the extracts published by Mr. Sudre that Brissot had said before me, but only in the form of hyperbole and in the heat of declamation, property, it is theft! If it is the priority of expression that is claimed for the young publicist who later became the head of the Gironde, I cede it willingly. But Brissot has not understood the sense of his own words, and his critique is erroneous on all points. First, in saying that property is a theft, he did not intend to attack the principle of concupiscence condemned by the Gospel and from which arise these two economic equivalents, theft and property: yet it was only on that condition that Brissot's invective could have a philosophical value and be considered as a definition. Far from that, what Brissot blamed and condemned in property and what he called theft, is precisely what gave it energy, without which property is no longer anything, and gives way to tyranny, absolutism and abuse. What he asked, is that we return to *natural property*, as he calls it, to that conditional, restricted, lifelong, and subordinate possession, the formation of which we have described at the end of primitive community, and that we have then had to reject as a lower form of civilization, proper only to consolidate, under some appearances of equity, despotism and servitude. Brissot, in a word, after having seen very well the excesses of every sort which have at all times dishonored property, has not understood that property as, by nature and destination, absolutist, invasive and abusive, *jus utendi et abutendi*, that it should be maintained so, if one wanted to make it a political element, a social function; he wanted, on the contrary, to render it reasonable, moderate, to make a

Pythagorean of it: what made it only just fall back in the state of subversion to which it was a question of putting an end.

Others have claimed that in 1840 and 1846, as in 1848, I had aimed for celebrity through scandal. This time they will say, already they right it, that I seek to restore to myself the attention of the public, which abandons me, by a new contradiction, still more impudent than the first. What would you like me to say to these one-eyed intelligences—Fourier would have called them *simplicist*—fanatical for unity in logic and metaphysics as much as in politics, incapable of seizing that very simple proposition that the moral world, like the physical world, rests on a plurality of irreducible and antagonistic elements, and that it is from the contradiction of these elements that the life and movement of the universe result? They, on the contrary, explain nature, society and history like a syllogism. They derive everything from the ONE, like the ancient mythologists; and when we spread before them that multitude of inconsistent, undefined and uncontrollable [elements] that wreak havoc on their unitary cosmogonies, they accuse you of polytheism and maintain that it is you who are in contradiction. These men, in whom the loquacity equals the ineptitude, have acquired a certain respect in the world of onlookers, delighted to hear it said, by these fine babblers, that there is nothing true apart from what they have learned from their nannies, and that the supreme wisdom consists what their fathers thought. The reign of these charlatans will only end with the bankruptcy of the last prejudice: that is why, while scorning them, we should arm ourselves with patience.

I have outlined the sentiments which have dictated my conduct for twenty-five years. I have not been animated, whatever has been said, by a thought fundamentally hostile to the institution of property, of which I sought the key, or for the class of beneficiaries. I have demanded a better justification for the established right, in the aim of consolidation,—as also, as a matter of course, where appropriate,—of reform.

And thus I say today that, in this last regard, I am not deceived in my hopes. The theory of property, that I finally produced, not only satisfies a logical need of which few people have been aware; it opens tremendous prospects; it casts a bright glare on the basis of the social system; it reveals to us one of the most profound laws of our nature, namely that the selfish faculty, which ancient and Christian morals, and the instinct of all the first societies had rejected, was precisely designed by nature to be the first representative, the agent of Right.

Perhaps I would have done better to *keep silent* than to shake up the public with a frightening controversy, which could have its dangers.

To this I reply that my intention was to appeal to scholars and lawyers;—that I posed the question in a time of perfect calm, 1840, in the midst of social peace, eight years before the Revolution of February, when Mr. Thiers was minister, Mr. Vivien and Mr. Dufaure, with him;—that in 1848 I held myself at a distance; that the cries of the conservative press alone obliged me to break the

silence, and that it is only to defend myself that if I have gone from being an isolated writer, to a journalist and publicist.

I do not believe that philosopher or scholar has ever pursued a truth so long, and surmounted so many obstacles: that called for more from me than the love of truth and justice: it required obstinacy against the opinion of my contemporaries. I count for nothing all my trials. Never had such anguish been experienced; never had a more dangerous skepticism emerged from a critique. If property is shown to be illegitimate, and we could not destroy or change it, what then is human morality? What is society? Seek the right, despairing of the cause, in the abuse, where it was never noticed!

As a result of the perseverance and sincerity that I have brought to my studies, I have the right to complain to the public and ask why injustice has constantly be done to me. Why? Is it because I preach right, all the right, nothing but right, and that 97 men in 100 want more or less than the right.

Of 100 individuals, there are 25 villains, convicted or not, notorious or concealed, 50 rogues, 15 shady characters, 7 passably good, who never do wrong, on their own, to anyone, but would not sacrifice a cent for truth, and 3 men of truth, virtue and integrity.

Some cry out that I am a *demolisher*. That name will stay with me to the end; it is the flat refusal that is opposed to all my labors: a demolition man, powerless to produce!... Yet I have already given some passable demonstrations of very positive things, such as:

1. A theory of the Collective Force: metaphysics of the Group (it will be especially demonstrated, along with the theory of Nationalities, in a book which will be published shortly);

2. A dialectical theory: Formation of genera and species by the serial method; expansion of the syllogism, which is good only when the premises are allowed;

3. A theory of Right and of Moral Law (doctrine of immanence);

4. A theory of the Liberty

5. A theory of the Fall, that is of the Origin of moral evil: Idealism;

6. A theory of the Right of Force: Right of war and right of peoples;

7. A theory of Contract: federation, public or constitutional Law;

8. A theory of Nationalities, deduced from the collective force: *indigénat*, autonomy;

9. A theory of the Division of Powers, correlative of collective force;

10. A theory of the Property;

11. A theory of Credit: Mutuality, correlative of federation;

12. A theory of the literary property,

13. A theory of taxation;

14. A theory of the balance of commerce;

15. A theory of population;

16. A theory of the family and of marriage;
Without considering a mass of incidental truths.

I first revealed the phenomenon of the antinomy in political economy. I have freed Justice from Religion, the moral element from the religious element.

As a philosopher, if I reject all metaphysical, absolutist hypotheses, which mean nothing, I have posited as fixed point, law of nature, mind and conscience, this universal fact: Justice, equality, equation, balance, accord, harmony.

I am a demolisher. But on the strength of what principle is it that I demolish? For there must be one here; on the basis of what idea, what fact or theory? For there must be one.—By virtue of Right and Justice. All of my critique of Property, all my theory of Love and Marriage, like that of War and Peace, rests on the notion of JUSTICE; my *Economic Contradictions* are a work of balance. I am a demolisher; but I show today the political and social system in a new light. Against the irreparable abuses of sovereignty, I demand then, and more than ever, the dismemberment of sovereignty;—against the fantasy of individual power, I demand the alliance proprietary selfishness with liberty;—against the excess of taxation and the extravagances of the tax officials, I demand a tax reform, established on the rent itself for pivot:—against the civil list, I demand, with the division of the landed estates, participation in the land-rent;—against the feudal opposition to change which takes hold of us, against the majorats, the corporations who pour in on us, I demand allodial property. That is, I think, every bit as many affirmations as negations. What of it? I am a demolisher, incapable of reconstructing! ...

Another opinion that I dread, because it offers almost no opportunity for replies, is that of some people of good faith, who, intending to speak of these controversies, say: God! Is so much wit required to know that each must be master of that which belongs to him? That is what you say to us now that we are no longer robbers: we knew it before you; we have never doubted our right. What attraction is served by learning to doubt, since in the end the right is indubitable?

Well! Good friends, have you never heard of revolutions? Or rather are you like the hare, who always returns home by the same path, despite nearly being taken twenty times? Ask Mr. Laboulaye, a wise jurist, worthy of your confidence, who does not have too much wit: he will tell you that all revolutions are made for or AGAINST property, and that in one case as in the other, there is a great *displacement of inheritances!*... Do you think you feel safer today than in 1848, more reassured than the clergy and nobility were in 1789?—The government watches, you say.—Oh! You know well that revolutions do not await the permission of governments. Moreover, which it is not the agrarians who attack property, it is the government that restricts it. And it is always property that pays, unless it lacks the talent to make itself pay. Now, the theory that I propose to you aims to show you how, if you wish, nor revolution will happen again. It is simply a question, for the non-proprietors, of facilitating their means

of acquiring property, and for the proprietors, of better fulfilling their duties to the government. Take care!

Chapter IX—Summary

The developments that I have given to my theory of property can be summed up in a few pages.

A first thing to observe is that, under the generic name of property, the apologists for that institution have confused, either through ignorance or through artifice, all manners of possession: communal system, emphyteusis, usufruct, feudal and allodial systems; they have reasoned about capital as if it was income, of fungible property as if it was immovable property. We have done justice to that confusion.

Possession, indivisible, untransferable, inalienable, pertains to the sovereign, prince, government, or collectivity, of which the tenant is more or less the dependent, feudataire or vassal. The Germans, before the invasion, the barbarians of the Middle Ages, knew only it; it is the principle of all the Slavic race, applied at this moment by the Emperor Alexander to sixty millions peasants. That possession implies in it the various rights of use, habitation, cultivation, pasture, hunting, and fishing—all the natural rights that Brissot called property according to nature; it is to a possession of that sort, but which I had not defined, that I referred in my first Memoir and in my Contradictions. That form of possession is a great step in civilization; it is better in practice than the absolute domain of the Romans, reproduced in our anarchic property, which is killing itself with fiscal crises and its own excesses. It is certain that the economist can require nothing more: there the worker is rewarded, his fruits guaranteed; all that belongs legitimately to him is protected. The theory of possession, principle of civilization of the Slavic societies, is the most honorable of that race: it makes up for the tardiness of its development and makes inexpiable the crime of the Polish nobility.

But is that the last word of civilization, and of right as well? I do not think so; one can conceive something more; the sovereignty of man is not entirely satisfied; liberty and mobility are not great enough.

Simple or allodial property—divisible and alienable—is the absolute domain of the holder over something, “the right of use and of abuse,” known initially as the *quiritaire* law; “within the limits of the law,” the collective consciousness adds later. Property is Roman; I find it clearly articulated only in Italy; and still its formation is slow.

The justification of the domain of property has always been the despair of jurists, economists, and philosophers. The principle of appropriation is that every product of labor,—such as a bow, some arrows, a plow, a rake, a house,—belongs of right to whoever has created it. Man does not create matter; he only shapes it. Nevertheless, although he did not create the wood from which he fashions a bow, a bed, a table, some chairs, or a bucket, it is the practice that material follows the form, and that property in labor implies property in materials. It is supposed that this material is offered to all, that no one is excluded, and that each may appropriate it.

Does that theory, that "the form carries the content," apply to cultivated land? It is well-proven that the producer has a right to his product, the settler to the fruits that he has created. It is proven as well that one has a right to limit his consumption, accumulate a capital, and dispose of it at one's will. But the land question cannot be answered in this manner; it is a new fact which exceeds the limit of the right of the producer. That producer did not create the soil, common to all. It is proven that he who has readied, furnished, cleaned up and cleared the soil has a right to remuneration, to compensation; it will be demonstrated that that compensation must consist, not in a monetary sum, but in the privilege of planting the cleared soil during a given time. Let us go all the way: it will be proven that each year of culture, involving improvement, entails for the cultivator the right to a fresh compensation. Very well! The property is not perpetual. The farm leases of nine, twelve, or thirty years can take into account all of that with regard to the farmer, with respect to whom the proprietor represents the public domain. The land tenure of the Slavic commune also takes into account the *partiaire* peasant; the law is satisfied, labor compensated: there is no property. The Roman law and the Civil Code have perfectly distinguished all of these things: rights of use, usufruct, habitation, exploitation, possession. How do the economists pretend to confuse these with the right of property? What are we to make of the bucolic of Mr. Thiers and all the stupid declamations of the coterie?

Social economy, like right, knows no domain, and exists entirely outside of property: concept of value, wages, labor, product, exchange, circulation, rent, sale and purchase, currency, tax, credit, theory of population, monopoly, patents, rights of authors, insurance, public service, association, etc. The relations of family and city have no more need of property; domain may be reserved to the commune, or to the State; rent then becomes tax; the cultivator becomes possessor; it is better than tenant farming, better than metayage; liberty and individuality enjoy the same guarantees.

It must be well understood: humanity even is not proprietor of the earth: how could a nation, how could a private individual say that it is sovereign of the portion which it is due? Humanity has not created the soil: man and the earth have been created for one another and come under a higher authority. We have received the earth in tenancy and usufruct; it has been given to us to be possessed, exploited by us solidarily and individually, under our collective and personal responsibility. We become the cultivator, the possessor, by enjoying, not arbitrarily, but according to rules that consciousness and reason discover, and for an end which goes beyond our pleasure: these rules and this end exclude all absolutism on our part, and refer terrestrial domain to a higher authority than ours. Man, said one of our bishops one day, is the foreman of the globe. That speech has been highly praised. Well, it does not express anything but what I have just said, that property is superior to humanity, superhuman, and that every attribution of that sort, to us poor creatures, is usurpation.

All of our arguments in favor of property, that is, of an eminent sovereignty over things, only succeed in demonstrating possession, usufruct, usage, the right to live and to work, nothing more.

We must always come to the conclusion that property is a true legal fiction; only it could be that the fiction is grounded in such a way that we must regard it as legitimate. Otherwise, we do not depart from the realm of the possessory, and all of our argumentation is sophistic and in bad faith. It may be possible that this fiction, which appalls us because we do not see the sense of it, is so sublime, so splendid, so lofty in its justice, that none of our most real, most positive, most immanent rights approach it, and they only survive themselves by means of that keystone, a true fiction.

The principle of property—ultra-legal, extra-juridical, anti-economic, superhuman—is nonetheless a spontaneous product of the collective Being and of society, and it falls to us to search in it for, if not a complete justification, at least an explanation.

The right of property is absolute, *jus utendi et abutendi*, the right of use and abuse. It opposes itself to another absolute, government, which begins by imposing on its antagonist the restriction, *quatenus juris ratio patitur*, "within the limits of the law." From the reason of the law to the reason of the State is only a step: we are in constant danger of usurpation and despotism. The justification of property, that we have vainly sought in its origins—first occupancy, usucapion, conquest, appropriation by labor,—we find in its aims: it is essentially political. Where domain belongs to the collectivity, senate, aristocracy, prince or emperor, there is only feudalism, vassalage, hierarchy and subordination; no liberty, consequently, nor autonomy. It is to break the bonds of collective sovereignty, so exorbitant, so formidable, that the domain of property has been raised against it, true sign of the sovereignty of the citizen; it is to break those bonds that this domain has been assigned to the individual, the State only keeping the parts deemed indivisible and common: waterways, lakes, ponds, roads, public places, waste lands, uncultivated mountains, forests, deserts, and all that which cannot be appropriated. It is in order to increase the ease of transport and circulation that the earth has been rendered mobilizable, alienable, divisible, after having rendered it hereditary. Allodial property is a division of sovereignty: on that account it is particularly odious to power and democracy. It is odious first because of its omnipotence; it is the adversary of autocracy, as liberty is the enemy of authority; it does not please the democrats, who are all on fire for unity, centralization, and absolutism. The people are cheerful when they look to make war against the proprietors. And yet allodium is the basis of the republic.

The constitution of a republic,—permit me at least to use that word in its high juridical sense,—is the *sine qua non* condition of safety. General Lafayette said one day, in presenting Louis-Philippe, "This is the best of republics;" and the constitutional royalty was defined: "A monarchy surrounded by republican

institutions." The word republic is not then seditious by itself: it responds to the views of science as much as it satisfies desires.

The immediate consequences of allodial property are: 1) administration of the commune by the proprietors, farmers and workers, gathered in council; starting from communal independence and the arrangement of its properties; 2) administration of the province by the provincials: thus decentralization and the germ of federation. The royal function, defined by the constitutional system, is replaced here by the citizen proprietors, having an open eye on public affairs: nothing is in need of mediation.

Feudal property will never engender a republic; and similarly a republic which would allow allodium to sink into fief, which would return to slavish communism from property, will not remain; it will become an autocracy.

Likewise, true property will not engender a monarchy; a monarchy will not engender true property. If the opposite was achieved, if an agglomeration of proprietors elected a head, by that same they would abdicate their share of sovereignty, and sooner or later the proprietary principle would be altered by their hands; or if a monarchy created proprietors, it would implicitly abdicate, it would demolish itself, unless it transformed itself voluntarily into a constitutional royalty, more nominal than effective, representing the proprietors. We have seen this in France, when, under Louis-Philippe, liberals and republicans made war on parochialism, *l'esprit de clocher*. The cause of royalty was served.

In this way, all of my previous criticisms, all the egalitarian conclusions that I have deduced from them, receive a brilliant confirmation.

The principle of property is ultra-legal, extra-legal, absolutist, and egoist by nature, to the point of iniquity: it must be this way.

It has for counter-weight the reason of the State, which is absolutist, ultra-legal, illiberal, and governmental, to the point of oppression: it must be this way.

Here is how, in the projections of universal reason, the principle of egoism, usurper by nature, without integrity, becomes an instrument of justice and of order, to the point that property and right are inseparable ideas and nearly synonyms. Property is egoism idealized, consecrated, invested with a political and juridical function.

It must be this way: because right is never better observed than when it finds a defender in egoism and in the coalition of egoisms. Liberty will never be defended against power, if it does not have at its disposal a means of defense, if it does not have its impregnable fortress.

The reader must take care not to see in this antagonism, these oppositions, these equilibrations, a simple witticism, a *jeu d'esprit*. I know that a simplistic theory, like communism or the absolutism of the State, is easier to comprehend than the study of the antinomies. But the fault is not in me, a simple observer and seeker of series. I hear certain reformers say: Let us suppose all of the complications of authority, liberty, possession, competition, monopoly, tax, balance of trade, public services; let us create a uniform plan of society, and all

will be simplified and resolved. They reason like the doctor who said: With its diverse elements,—bone, muscles, tendons, nerves, viscera, arterial and venous blood, gastric and pancreatic fluids, chyle, lachrymal and synovial humors, gas, liquids and solids,—the body is ungovernable. Let us reduce it to a single, solid, resilient matter, bone for example; hygiene and therapy will become child's play.—So be it, only society cannot ossify any more than the human body. Our social system is complicated, much more than one would have thought. If, today, we have acquired all the data, it needs to be coordinated, synthesized according to its own laws. There, a thought exposes itself, an intimate collective life that develops apart from the laws of geometry and mechanics; that is reluctant to assimilate to the rapid, uniform, infallible movement of a crystallization; of which the ordinary, syllogistic, fatalist, unitary logic is incapable of taking account, but which is explained marvelously with the aid of a larger philosophy, admitting in a system the plurality of principles, the struggle of elements, the opposition of contraries and the synthesis of all the indefinables and absolutes.

Now, as we know that there are degrees in intelligence as well as in force; degrees in memory, reflection, idealization, the faculty of invention; degrees in love and in thought; degrees of sensibility; degrees of self or of consciousness; as it is impossible to say where that which we call the soul begins and where it ends, why refuse to admit to us that the social principles,—so well linked, so well thought out, and in which are found so much reason, foresight, feeling, passion, and justice,—are the sign of a true life, of a higher thought, of a reason constituted differently from our own.

Why, if it is thus, won't we see in these facts the achievement of the direct creation of society by itself, resulting from the simple connection of the elements and of the play of forces which constitute society?

We have surprised a logic apart, maxims which are not those of our individual reason, although that reason comes, by the study of society, to discover them and to make them its own. There is then a difference between individual reason and collective reason.

We have been able to observe again, thanks to property and its accompaniments, another phenomenon, another law, the one of free forces, going and returning, indefinite approximations, latitude of action and of reaction, elasticity of nature, harmony extended, which is the distinctive character of life, of liberty, and of imagination. Property and government are to spontaneous creations of a law of immanence which denies itself to the idea of a foreign initiation, in which case each human group would need a special initiator.

This understood, we will remark that the general laws of history are the same as those of social organization. To assemble the history of property among a people is to tell how it has gone through the crises of its political formation, how it has produced its powers and its organs, equalized its forces, regulated its interests, endowed its citizens; how it has lived, and how it has died. Property is the most fundamental principle by the aid of which one may explain the revolutions of history. It has not yet existed in the conditions where theory

places it; no nation has ever been up to that institution, but it positively governs history, although absent, and it hastens the nations to recognize it, punishing the traitor.

The Roman law had recognized it only in an incomplete manner, unilaterally. It had well defined the sovereignty of the citizen on the land due to him; it had not recognized the role and defined the right of the State. Roman property is property independent of the social contract, absolute, without solidarity or reciprocity, prior to and also superior to the public right, egoist, vicious, sinful, and thus justly condemned by the Church. The Republic and the Empire have crumbled, the one atop the other, since the patriciate had only wanted property for itself alone; because the victorious plebe has not known how to acquire it, to put it to work, and to consolidate it; and because slavery and the colonat spoiled everything. For the rest, it is by allodial property that all the aristocracies and all despotism have been defeated, from the end of the western empire up to today. Allodial property, abandoned by the nobility to the communes and to rotture, stifled the lordly power, and, in 1789, gobbled up the fiefs;—it is the same principle which, after having brought about the usurpation of the Polish nobility, simple usufructaries in the beginning, turned against it and cause it to lose the nation; which, in 1846, has brought about the massacres of Gallacia.

It is against the allodial principle that England stiffened itself, preferring, following the example of the Roman patricians, to throw the world to its workers¹⁰ than to allow the division and mobilization of the soil, and to equalize property.

The principle of synthetic, allodial or equal property, would have progressively conducted the France of '89 to an egalitarian Republic, without or without dynasty: the dynastic principle having to be subordinated in France as it is in England, but following another system. There was a moment of hope in 1830. Sadly, the minds predisposed to English ideas did not grasp the profound difference which must distinguish the French Constitution, based on allodium, and the English constitution, based on fief. It was Sieyès, one of the most profound of our politicians, who spread the error.

An electoral census was then established, of large and small colleges: these supposed large and small property holdings; imperceptibly, while possession of the soil eroded dramatically among the lower class, it was gathered anew, and large property reformed itself with the aid of industrial capital; feudalism,—financial, manufacturing, transport, mining, Judaic,—followed; so that today France no longer knows itself; some say that the constitutional government, imported from England, was not made for it; a small number, who affirm the Republic and desire only a Chamber, do not themselves know the reason for their desire, or the constitutive principles of the government of the Revolution.

¹⁰ "jeter la monde en pâture, as one would throw food to hungry animals."

Property has undergone numerous eclipses in history, under the Romans, among the barbarians, in modern times and in our own day. We find the causes of those lapses in ignorance, incompetence, and especially in the indignity of the proprietors. In Rome, the avarice of the nobles, their blind resistance to the legitimate complaints of the people, the decline of the plebians, preferring to culture the brigandage of armies, military pillage, and the caesarean grants, made a clean slate, along with property, of law, liberties, and nationality. Feudal oppression, in the Middle Ages, drove all the small proprietors from allodium to fief. Property, eclipsed for more than a thousand years, reappeared with the French Revolution. Its ascendant period stopped at the end of the reign of Louis Philippe; since then, it is in decline: indignity.

The mass of the proprietors are disgraceful, especially in the countryside. The Revolution, in selling the goods of the Church and of émigrés, has created a new class of proprietors; it has believed them to be interested in liberty. Not at all: what has interested this class is that the émigrés and the Bourbons do not return, and that is all. To that end, the beneficiaries have imagined nothing better than to given themselves a master, Napoleon. And when, exercising clemency, he authorized the émigrés to return, they made it a crime: they would never have thought them far enough away.

Property, created by the Revolution, no longer thinks of itself as a political institution, counter-balancing the State, as a guarantee of liberty and good administration; it considers itself, by force of habit, as privilege, enjoyment, as a new aristocracy, allied to the poor by the division of employments, consequently of taxes, and it is interested in that way in the exploitation of the masses. It has only to think of its prey. The chaos is profound and it is not clear which particular system to accuse. The legislature of '89 lacked foresight; the new proprietors, purchasers of national goods, have lacked character and public spirit, in saying to Napoleon I: Reign and govern, provided that we enjoy. Under the Restoration, there was an instinct of reform; the bourgeoisie passed into the opposition, which is its place; it made an antithesis to the State; but this was accidental: some saw in the Bourbons the princes of the ancien regime; some made war for the maintenance of sales; and when the Revolution of July had changed the dynasty, property devoted itself to power. Their deal was soon concluded: the bourgeoisie, through its deputies, consented to the tax, nine-tenths of which returned to them by employment. It had created corruption in a system, and dishonored property by agiotage; it wanted to join the benefits of the bank to those of rent; it had preferred the stipends of the state, the gains of traffic and of the stock market to production and to commerce; it is the serf of the big companies.

A key point that must not be forgotten is that the citizen, by the federative pact which confers property to him, brings together two contradictory duties: he must follow, on one side, the law of his interests, and, on the other, he must make sure that, as a member of the social body, his property is not detrimental to public affairs. In short, he is constituted police agent and watcher over

himself. That double quality is essential to the constitution of liberty; without it all edifices crumble; it is necessary to return to the principle of police and authority. Where is public morality in that chapter?

We have had a regulation of the baker's shop. Now, it would have been useless if the social body had been organized in such a manner that the making of bread, the sale of wheat, was made truthful and upright, which has not taken place and will not take place so long as our morals are not renewed. Anyway, regulation has never had any power against the pact of famine, as real today as before '89. We have regulated the butcher's shop, which sells cadavers for fresh meat, and dogs for beef; regulation of the markets: weights and measures, quality and quantity. Vegetables, fruits, poultry, fish, game, butter, dairy,—all is defective, all is over-priced. There is not a remedy in suppression, so long as public consciousness is not renewed, so long as, by that regeneration, the citizen producer does not become his own strict supervisor. Can he do that, yes or no? Can property become holy? Is the condemnation, which the Gospel has placed on it, indelible? In the first case, we can be free; in the second, we have resigned ourselves; we are fatally and always under the double law of the Empire and the Church, and all of our displays of liberalism are pure hypocrisy and increase of misery.

All things considered, it is a question of knowing if the French nation is capable today of supplying true proprietors. What is certain is that property is to be regenerated among us. The element of that regeneration is, along with the moral regeneration of which we have just spoken, equilibration.

Every institution of property supposes either: 1) an equal distribution of land between the holders; or 2) an equivalent in favor of those who possess none of the soil. But this is a pure assumption: the equality of property is not at all an initial fact; it is in the ends of the institution, not in its origins. We have remarked first of all that property, because it is abusive, absolutist, and based in egoism, must inevitably tend to restrict itself, to compete with itself, and, as a consequence, to balance. Its tendency is to equality of conditions and fortunes. Exactly because it is absolute, it dismisses any idea of absorption. Let us weigh this well.

Property is not measured by merit, as it is neither wages, nor reward, nor decoration, nor honorific title; it is not measured by the power of the individual, since labor, production, credit and exchange do not require it at all. It is a free gift, accorded to man, with a view to protecting him against the attacks of poverty and the incursions of his fellows. It is the breastplate of his personality and equality, independent of differences in talent, genius, strength, industry, etc.

"Suppose," I said in 1840, "that this daily social task consists in the plowing, hoeing, or reaping of two square decameters, and that the average time required to accomplish it is seven hours: one laborer will finish it in six hours, another will require eight; the majority, however, will work seven. But provided each one furnishes the quantity of labor demanded of him, whatever be the time

he employs, they are entitled to equal wages. Shall the laborer who is capable of finishing his task in six hours have the right, on the ground of superior strength and activity, to usurp the task of the less skilful laborer, and thus rob him of his labor and bread? Who dares maintain such a proposition? ... If the strong come to the aid of the weak, their kindness deserves praise and love; but their aid must be accepted as a free gift,—not imposed by force, nor offered at a price.”

Under the communist or governmentalist regime, it is necessary for the police and authority to guarantee the weak against the strong; sadly, the police and authority, as long as they have existed, have only ever functioned for the profit of the strong, for whom they have magnified the means of usurpation. Property—absolute, uncontrollable—protects itself. It is the defensive weapon of the citizen, his shield; labor is his sword.

Here is why it is suitable for all: the young ward as much as the mature adult, the black as the white, the straggler as the precocious, the ignorant as the learned, the artisan as the functionary, the worker as the entrepreneur, the farmer as the bourgeois and the noble. Here is why the Church prefers it to wages; and, for the same reason, why the papacy requires, in its turn, sovereignty. All the bishops, in the Middle Ages, were sovereign; all, until 1789, were proprietors; the pope alone remained as a relic.

The equilibrium of property still requires some political and economic guarantees. Property,—State, such are the two poles of society. The theory of property is the companion piece to the theory of the justification, by the sacraments, of fallen man.

The guarantees of property against itself are:

Mutual and free credit.

Taxes.

Warehouses, docks, markets. (See my project for the Palais de l'Exposition universelle, p. 249.)

Mutual insurance and balance of commerce.

Public, universal and equal instruction.

Industrial and agricultural association.

Organization of public services: canals, railroads, roads, ports, mail, telegraphs, draining, irrigation.

The guarantees of property against the State are:

Separation and distribution of powers.

Equality before the law.

Jury, judge of fact, and judge of law.

Liberty of the press.

Public monitoring.

Federal organization.

Communal and provincial organization.

The State is composed: 1) of the federation of proprietors, grouped by districts, departments, and provinces; 2) of the industrial associations, small worker republics; 3) of public services (at cost-price); 4) of artisans and free merchants. Normally, the number of industrialists, artisans, and merchants is determined by those of the proprietors of land. Every country must live by its own production; as a consequence, industrial production must be equal to the excess of subsistences not consumed by the proprietors.

There are exceptions to that rule: in England, for example, industrial production exceeded that proportion, thanks to foreign exchange. It is a temporary anomaly; unless certain races should be doomed to an eternal subalternization. Moreover, there exist exceptional products in demand everywhere: those from fishing, for example, and those from mineral exploitation. But, measured over the entire globe, the proportion is as I say: the quota lot of subsistences is the regulator; consequently, agriculture is the essential and predominant industry.

In constituting property in land, the legislator wanted one thing: that the earth would not be in the hands of the State, dangerous communism or governmentism, but in the hands of all. The tendency is, as a consequence, we are constantly told, toward the balance of property, and subsequently to that of conditions and fortunes.

It is thus that, by the rules of industrial association, which sooner or later, with the aid of better legislation, will include large industrial bodies, each worker has his hand on a portion of capital.

It is thus that, by the law of the diffusion of labor, and the ramification of taxes, everyone must pay his more or less equal part of the public expenses.

It is thus that, by the true organization of universal suffrage, every citizen has a hand in government; and thus also that, by the organization of credit, every citizen has a hand in circulation, and finds himself at once general partner and silent partner, banker and discounter before the public.

It is thus that, by enlistment, each citizen takes part in the defence; by education, takes part in philosophy and science.

It is thus, finally, that, by the right of free examination and of free publicity each citizen has a hand in all the ideas and all the ideals which can be produced.

Humanity proceeds by approximations:

1st. The approximation of the equality of faculties through education, the division of labor, and the development of aptitudes;

2nd. The approximation of the equality of fortunes through industrial and commercial freedom.

3rd. The approximation of the equality of taxes;

4th. The approximation of the equality of property;

5th. The approximation of anarchy;

6th. The approximation of non-religion, or non-mysticism;

7th. Indefinite progress in the science, law, liberty, honor, justice.

It is proof that fate does not govern society; that geometry and arithmetic proportions do not regulate its movements, as in mineralogy or chemistry; that there is a life, a soul, a liberty which escapes from the precise, fixed measures governing matter. Materialism, in that which touches society, is absurd.

Thus, on this great question, our critique remains at base the same, and our conclusions are always the same: we want equality, more and more fully approximated, of conditions and fortunes, as we want, more and more, the equalization of responsibilities. We reject, along with governmentalism, communism in all its forms; we want the definition of official functions and individual functions; of public services and of free services. There is only one thing new for us in our thesis: it is that that same property, the contradictory and abusive principle of which has raised our disapproval, we today accept entirely, along with its equally contradictory qualification: *Dominium est just utendi et abutendi re suâ, quatenus juris ratio patur*. We have understood finally that the opposition of two absolutes—one of which, alone, would be unpardonably reprehensible, and both of which, together, would be rejected, if they worked separately—is the very cornerstone of social economy and public right: but it falls to us to govern it and to make it act according to the laws of logic.

What would the apologists for property do? The economists of the school of Say and Malthus?

For them, property was a sacrament which remained alone and by itself, prior and superior to the reason of the State, independent of the State, which they would humble beyond all measure.

They would desire then property independent of law, as they want competition independent of law; freedom of import and export independent of law; industrial sponsorship, the Stock Exchange, the Bank, the salariat, tenant farming, independent of law.—That is, in their theories of property, of competition, of concurrence, and of credit, not content to declare an unlimited liberty, a limitless initiative, which we also desire, they disregard the interests of the collectivity, which are the law; not understanding that political economy is composed of two fundamental parts: the description of economic forces and phenomena apart from law, and their regularization by law.

They would dare to say that the equilibration of property, as I mean it, is its very destruction. So what! Will it no longer be property, since the farmer will share in the rent and the surplus value; because the rights of the third who have built or planted will be established and recognized; because property in the soil will no longer necessarily mean property in that which is above or beneath it; because the lessor, in case of bankruptcy, will come with the other creditors to a division of the assets, without privilege; because between legitimate holders there will be equality, not hierarchy; because instead of seeing in property only enjoyment and rent, the holder will find in it the guarantee of his independence and dignity; because instead of being a ridiculous character, Mr. Prudhomme or Mr. Jourdain, the proprietor will be a dignified citizen, conscious of his duties as well as his rights, the sentry of liberty against despotism and usurpation?

I have developed the considerations which make property intelligible, rational, legitimate, and without which it remains usurping and odious.

And yet, even in these conditions, it presents something egoist which is always unpleasant to me. My reason—being egalitarian, anti-governmental, and the enemy of ferocity and the abuse of force—can accept, the dependence on property as a shield, a place of safety for the weak: my heart will never be in it. For myself, I do not need that concession, either to earn my bread, or to fulfill my civic duties, or for my happiness. I do not need to encounter it in others to aid them in their weakness and respect their rights. I feel enough of the energy of conscience, enough intellectual force, to sustain with dignity all of my relations; and if the majority of my fellow citizens resembled me, what would we have to do with that institution? Where would be the risk of tyranny, or the risk of ruin from competition and free exchange? Where would be the peril to the small, the orphan and the worker? Where would be the need for pride, ambition, and avarice, which can satisfy itself only by immense appropriation?

A small, rented house, a garden to use, largely suffices for me: my profession not being the cultivation of the soil, the vine, or the meadow, I have no need to make a park, or a vast inheritance. And when I would be a laborer or vintner, the Slavic possession will suffice for me: the share falling due to each head of household in each commune. I cannot abide the insolence of the man who, his feet on ground he holds only by a free cession, forbids you passage, prevents you from picking a bluet in his field or from passing along the path.

When I see all these fences around Paris, which block the view of the country and the enjoyment of the soil by the poor pedestrian, I feel a violent irritation. I ask myself whether the property which surrounds in this way each house is not instead expropriation, expulsion from the land. Private Property! I sometimes meet that phrase written in large letters at the entrance of an open passage, like a sentinel forbidding me to pass. I swear that my dignity as a man bristles with disgust. Oh! In this I remain of the religion of Christ, which recommends detachment, preaches modesty, simplicity of spirit and poverty of heart. Away with the old patrician, merciless and greedy; away with the insolent baron, the avaricious bourgeois, and the hardened peasant, *durus arator*. That world is odious to me. I cannot love it nor look at it. If I ever find myself a proprietor, may God and men, the poor especially, forgive me for it!

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