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Pierre-Joseph Proudhon
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February 3, 1842

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2. Every political reform, intended or unintended, being an inevitable result of the law of progress, and for that very reason always based on the system in force, taking from it its principle and it point of departure, the critique of institutions is a right, and their conservation with an eye to the future a duty.

3. The equality of conditions and of fortunes, final end of progress, resulting from the organic movement of institutions, as well as from the economic theories and the evidence of history, from now on radical writers must place themselves on legal terrain, taking hold of the charter, strengthening themselves within the representative system, and, from that unassailable position, putting outside the bounds of legality and conventional right the adversaries of progress, however highly placed they may be found to be.

Let us hope that the author of the *Memoirs on Property*, understanding the full extent of his work, will not be slow to give to you, in an organized form, that "official" (so to speak) demonstration of his doctrine. Misfortune then, three times misfortune to the mad fools who want to stop the revolutionary coach by lying down across the rails!…

of Paris, accused of attacks against property and the family; he was acquitted by the jury, and today he renders eminent services to the country as a professor at the College de France, as a member of the Council of State and editor of the *Journal des Débats*.[3]

The president, Mr. Béchet summarized the debates, and discharged this difficult task with a concision and an impartiality that everyone admired.

After an hour of deliberation, the jury pronounced a verdict of "not guilty."

CONCLUSION

From this judgment and from the explanations that have just been read, and which seem to have motivated it, we can infer the following theoretical and practical consequences, which we will summarily express:

1. Every scientifically demonstrated proposition is outside the jurisdiction of the tribunals, and arises only for science itself. If the office of the magistrate is to watch over the novelties that threaten the established order, and to seek their authors, the duty of the jury, when the offending doctrine takes on a scientific character, is to abstain.

[3] Did Mr. Chevalier become conservative only in order to better serve equality? When we recall the old opinions of this famous publicist, opinions that he has never retracted; when we read the recent discourse of the College de France, and we think of the terrors he inspires, on the one hand, the retrograde movement of the men of power, on the other, the rapid disclosure of certain economic truths, we cannot help regarding Mr. Chevalier, egalitarian conservative, as a secret martyr to the reformist cause. Instead of listening foolishly, as we do, to these itinerant politickers who cry: *Democracy! democracy!* we would do better to inquire after the men who, among the auxiliaries of power, work, without encouragement or witness, to make the true principles of order and liberty penetrate into the highest social regions.

Contents

he says, possession is according to right, but property is against right. Possession, it is the right to use; but the right to abuse, that privilege of the right of property, he wants to destroy it by making of property a vicegerency whose source is in the government. According to this theory, property, it is robbery, because property is the sum of the abuses or the right to abuse. If the proprietor of a field which conceals ore does not want to exploit it, or to sell it, said Mr. Tripard, the law considers that this proprietor abuses his right to the detriment of the public good, and constrains him to allow the exploitation of the mine in exchange for an indemnity. Well! Mr. Proudhon wants to generalize this principle of the law, and make property an *administrative matter.* In this way, the abuses of selfishness will disappear and public utility will profit. The lawyer strove to point out that, seen in that sense, the expression, *Property is robbery*, loses its aggravating character and returns within the conditions of the discussion permitted by the law. He showed that the author always himself distinguishes between property and the proprietor; that he is without hatred against the proprietors, and, in support, he cited this passage from the author: *Me, hate anyone, Good God! You might as well say that the doctor hates the illness, because he describes it!* As to the means of realizing his theory, the advocate demonstrated, by numerous passages from the brochure, that he wants neither riots, nor revolutions; that everywhere, on the contrary, he considers *time, progress and the government* itself as the necessary agents of his reform.

The advocate recalled that in his brochure Mr. Proudhon has created a large overview, and that one could not split or divide it up, and grasp its true character. He set out to respond to the offending passages with others passages from the same brochure, in order to restore them to their true sense. He then discussed successively the four offenses of which the author is accused. In closing, he said that in a similar time, ten years ago, a young man, a Saint-Simonian, appeared in the Assizes

against them, and the Minister of Justice himself, M. Vivien, had decided that there was no cause for proceedings. Thus, M. Proudhon had reason to hope for the same freedom for this last booklet as for the first two. M. Tripard recalled the movements that, in 1834 and 1835, soaked Paris and Lyon in blood: the workers, armed and in the street, demanded labor or death. In that era, all the dynastic journals called serious minds toward that great question, which so strongly interested the proletarians, the organization of labor. Mr. Proudhon felt obliged to respond to this call, and today when he announced the results of his painstaking research, he is conveyed to the assizes! The lawyer showed Proudhon researching in history the principle of property and discovering beside quiritary domain a world of slaves; beside fief, serfdom; beside the *cens* or quitrent, the *censitaire* or sharecropper and the trades; and free people nowhere. It is only in 1789, when a transformation takes place in property, and notably in the property in money, the loan at interest, that liberty, and human equality are consecrated. Since that time, the laboring classes have fallen again into the malaise, ands M. Proudhon attributes this malaise to property. *Property is robbery*, Mr. Proudhon has said: but that is not the first time that property was attacked by men of the highest merit. The lawyer cited Vattel and Burlamaqui, who only considered property as *temporary* and *incidental;* Beccaria, who called it a *terrible right, though that right is necessary;* Pascal, who called it *usurpation*, but usurpation that should be hidden from the people, *if one does not want it to end soon;* finally Considérant, who calls it *a fundamental spoliation.* Usurpation, spoliation, these words have a great affinity with *robbery*, and M. Proudhon has not even the credit of the invention. M. Proudhon could be mistaken, but there are some eminent men to cover his responsibility. In addition, he asked, what does Mr. Proudhon mean by property? He distinguishes *domain* from *possession*, the *right of use* from the right *of abuse.* Property is distinguished then from *possession* by the *domain* of the man over the thing. And,

COURT OF ASSIZE OF THE DEPARTMENT OF DOUBS

(Session of February 3, 1842.)

Last February 3, there appeared before the jury of Besançon, the author of a brochure entitled *Warning to the Proprietors*, or *Letter to M. Considerant, editor of* la Phalange, *on a defense of property*, on the charge: 1) of attacking property; 2) of provoking various classes of citizens to hatred; 3) of inciting hatred and contempt of the government and king; 4) of offense against the catholic religion.

It is not our intention to give a detailed relation of that trial, which had in common with so many others of the same type only the form of the proceedings and the jurisdiction. The public minister invoked the *written law*, the accused spoke in the name of a *science*, and, by the form and content of his responses, seemed less to await a verdict of acquittal than a declaration of the court's incompetence. Thus, let no one accuse us of unfaithfulness, if we limit our account to that purely explanatory part of the defense which was intended by the accused as a sort of program of his researches on political and industrial organization, and the constitution of equality.

The advocate general, M. Jobard, defended the charges with all with all the skill of a consummate jurist, but was obliged to limit himself to the text of the law. After him, the accused read a written defense, from which we extract the following passages:

I have only written one thing in my life, gentlemen jurors, and I will tell you that thing right away, so there is no question: *Property is robbery.* And do you know what I have concluded from that? In order to abolish that species of robbery, it is necessary to universalize it. I am, you see, gentlemen, as conservative as you; and whoever would tell you the contrary, would

prove by that alone that they have understood nothing of my books, and, I would say, nothing of the things of this world.

It is up to the legislator, according to Justinian, to interpret the law; it is also up to the writer to explain his writings. Now, although I do not wish to make my defense a lesson in political economy, it is important to my justification that I explain how that *universalization* of property should be understood: that will be the best response to the charges of the advocate general. For if I prove that in order to render properties equal, it is necessary to preserve the existing rights, it follows that the thought of expropriation would be a contradiction in my own doctrine and, consequently, that it is logically impossible that I could be guilty of the act of which I am accused, and which is imputed to me only because the idea of dispossession, which I reject, has been confused with that of the abolition of the domain of property, which I proclaim.

Let us speak of labor. Labor, gentlemen, is, after God and religion, doubtless what you love and esteem most, and what you recommend every day to your children. It is though labor that you have become what you are; and whoever would try to prove to you—to you who have labored all your life, who have inherited legitimately from your fathers, who feel you have clean hands and pure conscience—whoever would try, I say, to prove to you that your possession could be, without your knowledge, vicious and founded on an illegitimate title, would not be heard. You would dismiss him as a sophist.

Thus, let us leave the metaphysics of right; it is not within the competence of the court of assize.

For you, gentlemen jurors, nothing is more justly acquired than that which you have gained by the sweat of your brow; nothing is more formally condemned by the catechism than holding back the wages of the workers.

Religion has made that crime one of the four sins which cry to the heavens for vengeance. That posited, I asked myself one day how many ways one can retain the wages of the worker;

to cry out against the socialists and the theoreticians, I have not been able to stop myself from making reprisals towards them, and I boast of it. I would never hear a French citizen say in cold blood that all those who possess nothing are the enemies of the government; or a president of the parliament declare that the chambers do not have a mission to organize labor and to provide bread to the workers, but to make law; or some deputies and some journalists, maintain that whoever only pays two hundred francs in taxes is stupid and unfit.

But what am I saying? Yes, gentlemen jurors, I have appealed to the passions; I have excited the passion for liberty against the passion for privilege; the passion for science against the passion for obscurantism; the passion for labor against the passion for idleness. I have done like the preachers, who excite the love of penitence against the love of pleasure; but they are hardly heard.

You will soon judge, gentlemen, if, in arousing all these passions against one another, I have acted like a good citizen, or if I have given in to an evil inspiration, to a detestable instinct for disparagement.

The accused then discussed the last three charges. We omit all that part of his defense, which keenly interested the audience, but which only connected in a distant manner to the great economic and social questions, alone worthy, in our opinion, of the honors of publicity.

The floor was turned over to the defender of the accused.

M. Tripard began by recalling that Franche-Comté is the region which, in our time, has produced the boldest thinkers and most innovative minds. Thus, in the order of the sciences, Cuvier; in the realm of letters, Victor Hugo; in the social sciences, Fourier. It is to that family of free thinkers that Proudhon seems to belong. The defense attorney recalled the first two booklets on property, so energetic in form, so bold in content, and remarks that in each of them we see a maxim established: *Property is theft*. However, no proceedings had been directed

Finally the constitutional charter itself implies equality; equality is at the base of the representative system, it is the consequence and result of all our institutions.

So it must be said with certainty:

Those who do not want the charter do not want equality.

Those who want more or less than the charter, want more or less than equality

Those who want something other than the charter do not want equality with the shortest delay. The charter! There are people who believe that the charter is the work of one Abbe Montesquieu, reviewed and corrected by a Mr. Bérard: this is to attribute large effects to very small causes.

The charter is the ensemble of the principles elaborated n French society since the establishment of the communes under Louis the Fat, and successively brought to light by the transient forms of feudalism, despotism, the republic and the empire.

The charter is the symbol of the spirit of liberty and equality which has tormented us for twelve centuries.

Doubtless the charter is incomplete and unfortunate in its expression, in its composition, and it is the work of Bérard and Montesquieu; but the core of the ideas belongs to the nation, and it is that core that I am interpreting.

And because it seems to me that the men of power brushed aside the charter, I have, as an egalitarian and friend of the charter, opposed those ignorant governors. Will they dare to claim that he who does not love them does not love the charter? I await that aphorism from them.

How then can the attorney general reproach me for *having appealed to the passions?* I have criticized violence, murder, riots, secret societies, and revolutions in twenty places in my brochure, in the very passages which serve as the basis for the accusation, so that I at first believed that it was a recording error on the part of the clerk. So much for the proletarians. As for those who, having the mission to instruct the people and see to their interests, only know how to insult and corrupt them,

and that examination showed me some very curious things—things that you, gentlemen, do not suspect.

If a laborer made three francs worth of products in a day, he is right to ask three francs for it. All deduction is a crime which cries vengeance, and do not forget it. Now, the world is full of people from whose daily wage a quarter, a third, or a half is retained every day, and that without the Code Napoleon, which certain people admire as the equal of the Decalogue, even anticipating the case.

A pair of shoes is worth, I suppose, five francs. Estimating at two francs and fifty centimes the supplies which enter into the fabrication of a pair of shoes, the rest makes up the wage of the worker, the price of his day of labor. And allowing that the worker is free, that he receives his wage entirely, and that every day he makes a pair of shoes, we would say of his that he gains two francs and fifty centimes per day. But it frequently occurs that a worker is not known in the business, or else that he lacks the means to form an establishment; besides, it is with a clientele as with a piece of land; it is attached to individuals, transmitted from father to son, and not obtained by just anyone. The public has its habits. It gives itself to a boutique, to a sign; nothing is more capricious than its favor. In this case, the worker who is without work offers his services to another worker who is established, and who is called *bourgeois.*

Like the other worker, the bourgeois sells his shoes for five francs. There is competition on one side, which prevents the indefinite increase of the price of merchandise; from the other, the value of supplies and the necessity to live, which prevents the lowering of prices below a certain level. If then, the bourgeois has work, it is probable that he will make his fellow labor, but on the condition that that fellow renounces a part of his wage, for it is necessary that *the master gain from the worker.* And so the worker will not receive all that is coming to him, every day he will see with his own eyes his product selling at

a price higher than he has received, and all this without any right to reclaim the deduction.

Soon, gentlemen jurors, I will show that this *bourgeois*, on whom you perhaps believe that I call all the fury of the populace, is in general a very honest man, who cannot do otherwise, and who is often more to be pitied than the one that he despoils.

But let us see what results from the deduction made from the daily labor of the workers.

When you buy a pair of shoes, you buy the day of a shoemaker. When a cobbler buy shoes, he buys back his own day. Thus if his day is worth fifty sous on the market, and he gains only forty at the workshop, how do you want him to pay his own goods? In that case, you say, he must make his shoes himself. He will have them at cost price, and escape the deduction.

The observation is fair, but we are not finished. The shoemaker cannot procure by himself all the things he needs, since he has only one profession; it is necessary, in order to survive, that he buy, by turns, the day of a tailor, the day of a baker, the day of a vintner, etc. And as he can buy all these days only by offering his own in return; as on the other hand, assuming equal pay for all the trades, and also an equal deduction, the price of all these days surpasses what the purchaser can offer for them. It follows that a worker who needs to buy three hundred sixty-five days of others' labor, at three francs, in order to live, and who receives only two francs and fifty centimes per day, finds himself at the end of the year damaged a sum of one hundred eighty-two francs and fifty centimes according to Barrême.

You will perhaps say that wages not being everywhere the same the worker at two francs fifty centimes makes up for the worker at two francs and below. But, gentlemen jurors, it is precisely that which makes the inequality of conditions; it because of this that there are *poor states*, as one says, although the ancient wisdom had declared that there were no *foolish trades*, but only *foolish people*. Society is like a pyramid: the lower courses

own distrusts, by the overwrought stubbornness inspired in it by the injustices and calumnies of the press, etc.

"The government is *anti-national*, because nothing suits the French character less than that rigamarole of ambition and cupidity, but especially because the present parliamentary form is the silliest, I mean the least French of all.[2]

"The government, finally, does not know itself, because it does not know where it comes from, nor where it is going, nor what it should do, nor how it should defend itself.

"From all that results a system of uncertain legislation, a hesitant and confused administration; an antagonistic magistracy and endless pains which make the poor patients cry and swear.

"For why, I ask, do we have a town hall, an institution from the Middle Ages, rivaled by a prefecture, a creation of the empire? Why a double parliament? Why one administrative jurisprudence and one civil; one procedure for the criminal, another for the civil, a third for commerce, a fourth, which will soon come, for the administration? Why these institutions placed side by side as enemies, these jurisdictions and these great bodies which have no common principle and do not understand one another, these incoherent, inharmonic judiciary formalities, when they should be unified, centralized, coordinated?"

That, gentlemen of the jury, is the series of my ideas on property.

Metaphysics, right, economy, concluding with the equality of fortunes.

Then comes history, which shows us society subject to the metaphysical, jurisprudential and economic laws, even when it has neither metaphysics, nor jurisprudence, nor economy, and advancing instinctively for centuries towards the realization of that equality.

[2] And what government in France was never called a *foreign government?*

and invectives become vehement. I have followed, like all the others, the universal practice: am I less excusable?

"I said on page 7 of my last book: *Is the government the most hypocritical, the most perverse, the most voracious, and the most anti-national that has ever been?*

"I must make more intelligible to you, or if you like, monsieur, more *tolerable* each of these epithets.

"The present government, with regard to its tendency (what in the individual we call *intention*), is better than those that came before; as to its present effects, it is still all that I just described. The uncertainty and the fear of the future; the shouts and the bad faith of the factions; the ambition, venality, and flagrant corruption of several of those who hold the tiller of affairs; a mass of general and particular causes make the government what it is today, and justify all the charges I make against it. If there is one that I regret, though, and in which I have only just perceived the ambiguity, it is that of being *perverse*, which marks the depravity of the reason, reflected in crime: I meant to say *perverted.*

"In short, I regard the vices of the government as engendered by its precarious and false position, not as the result of an abominable calculation.

"Yes, the government is *hypocrite*, because it is forced to use deception and cunning every day; to respect certain prejudices, whether aristocratic or popular; to yield before the errors of opinion, and transform itself by means of intrigues. And it becomes more hypocritical, as those who rise within it become more clever and more dishonest.

"The government is *voracious:* you know better than me, Monsieur Minister, what certain accessions cost it, and all the shameful necessities to which survival forces it to submit.

"The government is *perverted* by the bad passions of its adversaries, by the incomplete knowledge and the false prudence of its partisans, by the concessions that one rips from it, by its

support the upper, and sink under the weight. In addition, it suffices for a rule of proportion in order to find the mean of the deductions, and consequently the arithmetic reason for the impoverishment of certain classes of laborers. That is calculated exactly like the tables of mortality.

And that is what explains to us the hopeless profundity of the popular proverb: *The cobblers are always the most poorly shod;* that is also why the masons find themselves the most poorly housed, why the vintners often drink only water, and rarely of the best sort; why the bakers cry famine in the very heart of abundance. It is because there are some bourgeois, some masters, placed over the workers, who make a deduction from their wages, because they are themselves robbed by others, until finally we come to a privileged few who, raised above all the others, profit from all the deductions, but do not suffer any, for the excellent reason that they work for no one.

Now, gentlemen jurors, political economy, a science of recent date, but which already promises marvels, gives the means of escaping that impasse, without harming anyone's lifestyle, without detracting from any interest, without taking anything from the rich, without asking anything of them but the permission to work more and better than one has done up to this day.

Like geometry, political economy has its axioms, its definitions, its laws and its formulas; like geometry it proceeds methodically from the known to the unknown, and starting from the most trivial truths, it raises itself to the intelligence of divine and human laws.

What say the geometers?

The straight line is the shortest route between one point and another.

All the radii of the circle are equal.

Every straight line which falls on another straight line, forms with it two adjacent angles, which are equivalent to two right angles.

It is with this that the geometers measure the circumference of the globe and the height of mountains, calculate the course of the celestial bodies, predict eclipses, weigh the moon and planets, and find the distance and diameter of the sun.

The economists, in another order of ideas, proceed in absolutely the same way. Here are what principles they rely on.

Man produces nothing except by labor.

Wages must be equal to product.

The productive force of labor is in direct relation to its division.

With the aide of these simple principles, and of some others which follow from them, the economists propose to abolish robbery and property without dispossessing anyone. To organize labor, to explain the causes and the accidents of revolutions. To plumb the secrets of God and to calculate the future. And they will come to the end of it, do not doubt it, gentlemen of the jury, for every question that the human mind can address, it can also resolve.

According to this new species of levelers, of which I count myself a member, who hardly resemble those who terrified France fifty years ago, according to these reformists who are so slandered and so little understood, it is absurd to give six thousand francs to a rector and fifteen hundred francs to a judge, and we know why; according to them, property is a monopoly the temporary existence of which entered into the views of Providence, and we explain what those views have been. But also, according to them, it is necessary to always increase the income of the proprietors, in order to make possible the equality of conditions. I will, gentlemen of the jury, give you an idea of their theories in this regard, theories that the government, which will soon be as egalitarian as I am, has already begun to put into practice.

Let us speak of finance.

We call a *rentier* every capitalist who loans to the State, in perpetuity, a sum of money, at 3, 4, or 5 percent interest. Now, the smallest sum the State accepts in loan being, I believe, 100

government, if, taking the radicals at their own principles, we knew how to make the form of government under which they live precious to them, and lead them to forcefully declare themselves conservatives,—I mean conservative in the sense implied by progress. Indeed, break the egg before the day fixed by nature for the hatching of the animal, and you will obtain only a miscarriage; kill the bird before the eggs are laid, and you will have no clutch; give the child ideas and tastes which are not for its age, and you will make it a depraved subject. Thus every social doctrine which cannot prove its direct and legitimate descent from the system in force, is by that fact alone a false doctrine, condemned in advance; every premature attempt at reform is an assassination. It was according to this principle, implicitly or explicitly accepted by all reformists, that I propose to develop this thesis soon, which seems so eminently paradoxical today: *The interest of the people, like the duty of every radical writer, is to attach themselves to the charter, and, provisionally, to the government of July.* That will be one of the most curious elements and, I hope, the most conclusive of my next work.

"What I have just outlined for Your Excellence, Monsieur Minister, explains sufficiently, it seems to me, the sometimes heated critiques that I have made of men and things, and the always increasing fear that I have helped, perhaps more than any other, to spread among the proprietors. Starting from an essentially different principle of property, since property is only one of its elements, and reasoning with an inexorable rigor, I should appear, and have been called, *demolisher*. All critique, by itself, is alarming, especially in matters of society; but also, in matters of society, it is far from critique to destruction. Moreover, how do we correct and heal ourselves, how do we know ourselves, without critique? On the other hand, the more the insights increase and spread, the more the disorder becomes apparent and grows in the imagination; the more the feeling of unease penetrates us, the more the vices of power seem to increase with the years: the more, consequently, the complaints

people reflect and reason, we no longer need to fear that they will revolt. For it is in the nature of science to stop the enthusiasm of the mind by the contemplation of its problems and mysteries; the difficulties show themselves more formidable as the intellectual develops, the imagination disciplines itself to the extent that the reason is enlightened, and consequently the furor of revolutions fades before the conditions of reform.

"But what are these conditions? Do they exist apart from active society and the power that directs it? Must we, finally, destroy in order to build?

"Here, Monsieur Minister, is my thought in that regard, a thought expressed more and more energetically in the series of my publications, and which I am about to demonstrate by the deepest and most certain proofs that economic science can offer.

"Society, like every organized and living being, develops continuously, without leaps or jolts, without interruption or substitution. *Interruption*, I said somewhere, *for society as for men, is death*. Thus we must not think to replace the present government and the institutions which serve as its cortège for others; but we must make it produce, by natural means, the government and the institutions that it contains potentially, as the animal and plant are contained in the germ. After that, a revolution would only be a grievous upheaval and a time of suffering for society, that the prudence of the men of state must seek to forestall.

"You sense now, Monsieur Minister, without me needing to press the argument further with a man as perceptive as you, how vain all these theories of equality, abolition of property, community, and phalanstery are, if the authors do not prove that the reforms they propose and the systems of which they demand the application arise necessarily from accomplished facts and existing institutions; and, on the contrary, how advantageous they are to society if that correlation is true. Finally, you must see how easy it will be to turn them to the profit of the

francs, and the share of the loan limiting to a small number of persons the advantage of the rent, it follows that the constitution of that rent, always much sought after, creates a true privilege. That creation dates from the National Convention.

But all the French, according to the Charter, are equal before the law; as a consequence, the government, not being able to abolish the privilege of the rent, has occupied itself in recent years with making all the French privileged on the same basis, but how much better it is to interest them in order and public peace. Hence the savings banks, where one receives from 1 franc up to 200, and where interest is paid from 2 up to 4 percent.

Now, gentlemen of the jury, let the worker who does not receive from his bourgeois all the wages from his labor, come in the end, by dint of economies, to create a little income, and you will understand, on the one hand, that this income will form the supplement of the wages that he was expecting to gain, and that he had not received completely; on the other hand, that this rent paid by the State to the thrifty workers being taken from the revenues of the State, and these revenues being deducted in the form of a tax on the proprietors, the State would have to make a part of the revenues pass from the latter into the pockets of the former, an operation which, in the long run and with a bit of consistency, would lead to the equality of all the revenues.

Thus the whole secret consists in making the deduction take place in a circular manner from the one to the others and come back to its point of departure, that is to say that the citizens all work for one another, and, by turns robbed and reimbursed, receive a profit equal to the loss they suffer. At first glance, it seems much simpler that each wage be equal to each individual product; but things could not happen in this way at first, and the organic reason for *this rotation of profit*, if I dare put it that way, is perhaps the most admirable secret of political economy.

Thus, profit, interest, the right of increase, property or suzerainty, is a usurpation, a theft, as Diderot said, more than a century ago, and yet society could live only with the aid of that theft, which will no longer be one, as soon as by the irresistible force of institutions it will become general, and which will cease completely when an integral education has rendered all the citizens equal in merit and in dignity.

In order not to prolong this audience, I will spare you, gentlemen of the jury, some detailed means and processes by the aid of which the egalitarian economists propose to accelerate the realization of that future. Nothing is more curious than to see them transform by circulating money houses, lands, furniture and even tools; to constantly increase everyone's income, by decreasing the fatigues of labor, and gradually enriching the workers, by making greater and greater deductions from their wages.

Those are some trade secrets that I do not have to teach you.

You see, gentlemen, why the true egalitarian is necessarily a conservative; it remains for me to show you how the adversaries of property are necessarily friends of order and government.

The Code Civil, article 556, states:

"The deposits and increases which form successively and imperceptibly on the banks of a river or a stream are called *alluvium*. Alluvium profits the riparian proprietors.

Art. 557. "It is the same with the relays formed by the current, which insensibly remove material from one of its banks and carry it to the other: the proprietor of the increasing bank profits from the alluvium, without the resident on the opposite side being able to come to demand the land that he has lost.

Art. 559. "If a river or a stream, navigable or not, carries away by sudden violence a considerable and identifiable part of a field on its banks, and bears it to a lower field, or on its opposite bank, the owner of the part carried away may reclaim his property, etc."

the people and long agitations among the masses. The minister has proven it quite recently in the matter of the census.

"Mixed with pure democracy, the absolute monarchy has produced, according to the differences in the doses, the varieties of constitutional government that we have seen in England and France. Granted by turns to the prince or the nation, the election of a Senate, a body aristocratic by its nature, gives either a house of peers or a house of deputies, assembled sovereigns in which nothing oligarchic or feudal will any longer be found. Similarly, introduce into diplomacy and the parliamentary cabals the elements and methods of science, and you will soon arrive at a system of true government, rid of all the wars of parties, and all the intrigues of the opposition.

"Property, according to Mr. Rossi, is a monopoly, but a necessary monopoly. Now, this is the gloss that I have made on that definition of the learned author. Mix the general interest, up to the point of saturation, into monopoly property, and you will have a new principle, analogous, but not identical, to the right of possession and use, known to the old jurists.

"The phenomenon of political composition is precisely that which has passed before our eyes and which, stopped by various obstacles, causes all the anxieties of society and all the confusions of government. There, monsieur, is the fact of social progress that I have labored to record for eighteen months, and of which I hope to determine the laws and calculate the consequences. Society advances, without hardly sensing it, toward a political organization that is absolutely and divinely true, legitimate, perfect, and eternal. It is no longer a question here of ontological aphorisms on equality, fraternity, the rights of man and the citizen, the sovereignty of the people, etc. The metaphysics of the *Social Contract* and *The Spirit of the Laws* is worn out; in the place of these hollow theories rises a new science, exact and mathematical, before which the uncertainties of journalism and the tempests of the gallery must cease forever. Already the people begin to reason and reflect. Now, when the

day when that proposition has become an article of faith and principle of government.

"In the past, victories and conquests were the sole source of the legitimacy of the sovereign; Voltaire, hardly more than a century ago, still celebrated that barbarous right. Today the king holds his powers as a result of elections and the law: that is certainly progress, but the constitutional monarchy is not the last word of the political creed, nor the last expression of sovereignty. As for the sovereignty of the people, constantly alleged by those who know nothing more, I regard it simply as an abstraction of words, an ideological generality, but not as a principle, much less as a formula.

"Now, just as the royalty constituted by the Charter is a middle term between divine right, or conquest, and the ideal of government, just so, between brutal force and association there is, in relation to civil right and political order, a legal intermediary that all existing institutions, all tendencies of opinion, and all the acts of the government work to eliminate; that middle term between barbarity and civilization is property.

"But, Monsieur Minister, it is with these political elements as with simple bodies: combined in certain proportions, they produce chemical compounds with properties totally different from those of the principle components. Thirty-three parts oxygen and sixty-seven of hydrogen give water, a liquid body, stifling, and anti-phlogistic, formed from the combination of two gases, the one breathable by itself, and the other highly combustible.

"Thus, in the political order, the institutions change by the addition of new elements. Sadly, society is not always conscious of the metamorphosis that happens to it. Hence, there is an extraordinary effervescence, and sometimes dangerous resistances in the heart of the nations. If the new idea comes from an individual, it raises general disapproval against it; if it comes from the reigning powers, it excites the trembling of

It is useless to add that on this point there exist as many customs as countries, as many opinions as doctors; this much jurisprudence has known how to work in matters of economy!

Such is the spirit of the Code: if the water takes from me a chunk of the field that I possess, I can reclaim it, provided that I make my demand within a year; if it takes it from me grain of sand after grain of sand, then I lose my property. Too bad for me if my field is found too close to the stream: the legislator will do nothing for me. We see that the spirit of conquest has passed this way.

The economist, on the contrary, maintains that the property must be restored; he demonstrates, by a mathematics of his own, that all the riparian proprietors are connected with one another; that none of them can ever be dispossessed; that all are responsible for the property of each, and each interested in the property of all; that it falls to the municipal authorities ensure the maintenance of the possessions, and to their perfect development. Now which of these two appears the better friend of order and society, gentlemen of the jury, the conquering legislator or the egalitarian economist?

The economist also proves, by analogous principles, that the worker without clientele is like the proprietor dispossessed by a flood; that the homeless proletarian falls under the charge of those housed; that it is among the duties of the administrative authorities to see to it that the laborers are housed according to their nature and the demands of their position in life; that a mayor, a prefect, can and should in some cases require, in return for rent, the rich citizen to house the poor one; to order the restoration of a property, at the expense of the selfish proprietor who has let it degrade and become ugly, as well as the demolition of a shack that disrupts the alignment of a road; to ensure finally that each uses his goods as prescribed and for the greatest advantage of industry, architecture, commerce, morals and hygiene.

That is what the egalitarian economists call *disciplining possession*, or, in other words, *abolishing property*. What is so frightening about that abolition?

But they add, these economists, that to succeed in that enterprise, it is necessary above all to abstain from dividing goods and establishing an agrarian law; it is necessary to teach, with the national spirit, the spirit of family, and instead of changing the systems of institutions, to develop all the institutions.

The economists, gentlemen, may be wrong, and I doubt that you will give the least bit of faith to the things that I announce. But in the end, their errors are at least very innocent, since instead of tending to destroy, they tend to preserve.

And what I say here is not a subterfuge devised to support my cause; nor is it a tactic of opposition. Might it please God that the radicals had pursued a similar tactic! We would have long since ended our disputes, the government would be tranquil, and the royals would be secure. What I have just said in my defense, for two years I have not ceased to repeat it: I will, among other proofs, read a letter addressed by myself to the Minister of the Interior, a few days before the seizure of the work which is remanded to you. You will see how, after having destroyed the right of property by critique, I propose to transform it by means of organic and industrial development, and you will ask yourself if the author of such a program is a despoiler and anarchist.[1]

[1] The public minister, in response to these words of the accused, has cited a passage fro the First Memoir, in which the author declares himself *anarchist*. The public minister has not understood that the word *anarchy* was meant in this place in the sense of the *negation of sovereignty*, that is, a substitution of pure reason for caprice in the government. In a word, the author believes in science and recognized the sovereignty of no one. But, in his defense, in conformity with received language, he declares himself non-anarchist, by which he means "a friend of order."

To M. Duchâtel, Minister of the Interior.

"If we want to spare society new upheavals, we must shake up jurisprudence; we must reconstitute it with the help of a new administrative right, and by imbuing it with the economic element.

"Such is the opinion today of the most learned jurists. According to the Attorney General of the Court of Cassation, our Civil Code needs to be rewritten from one end to the other. We can say as much for the other codes, and for the Charter itself. But, in order to accomplish that great work, we must associate three powers, until this time lamentably enemies, civil jurisprudence, the administration, and political economy: that is the aim of the memoirs that I have published.

"Property, basis of our social order, is also, by the transformation of its principle into that of sovereignty, the basis of our government. But what is that property? it is *quiritaire* property, jealous, invasive and antisocial property; property which gives all to the citizen to the detriment of the State, which consecrates individual monopoly to the detriment of the general interest. Now, that property, as it was established by Roman law and preserved by the Code Napoleon, is no longer sufficient, in its ancient form and determination, to the needs of civilization: all persons, finally—philosophers, jurists, economists, and men of State—and all doctrines—theories about centralization, industrial solidarity, the organization of labor, the systematization of rights, mortgage reform, the progressive abolition of commercial duties, the allocation of taxes, etc., etc.—conspire to restrain, modify, and transform the ancient right of property.

"It is in consideration of that movement of the public spirit that I dared to describe property as *theft*, expressing in this way a sort of anticipation of future views, and not intending to formulate an accusation against the proprietors. And allow me to say, Monsieur Minister, that the nation's repose, the strength of its powers, the grandeur of France, will only date from the