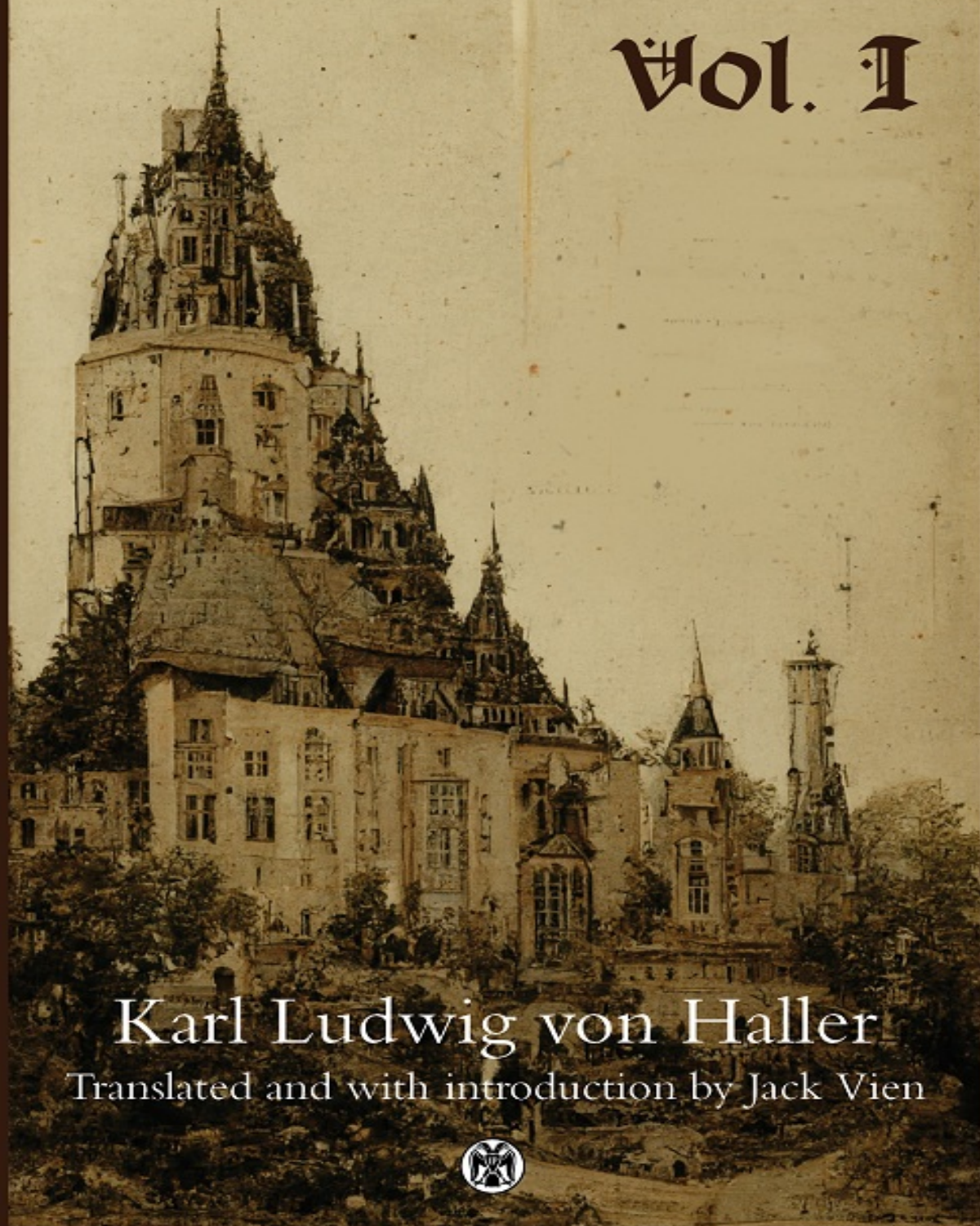


Restoration of Political Science

Vol. I



Karl Ludwig von Haller

Translated and with introduction by Jack Vien





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KARL LUDWIG VON HALLER was born in 1768 into a prestigious family in Bern, Switzerland; his grandfather was Albrecht von Haller, often called “the father of modern physiology”. Largely self-educated, he was originally a supporter of the French Revolution but soon swore off liberalism and became a reactionary. His influence is almost nil in the English-speaking world, but he has long been recognized as a crucial Counter-Revolution figure on the European Continent, with his scathing criticisms of the imaginary social contract and state of nature, as well as his critique of Roman law.

RESTORATION OF POLITICAL SCIENCE

KARL LUDWIG
VON HALLER

Translated and with introduction by
JACK VIEN



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TRANSLATOR'S INTRODUCTION.

WHAT EVENTUALLY came to be known as political Liberalism emerged out of various genetic strands from the late Middle Ages, found its first flowering in the England of the seventeenth century, and ascended to hegemony there by century's end. Thence it likewise ascended to dominance on the Continent and in North America over the course of the eighteenth and nineteenth centuries, and ultimately, by means of an enormous geopolitical sphere of influence opened up by Anglo-American economic, cultural, and military power, over much of the rest of the world as well over the twentieth. Liberalism audaciously styled itself the herald of a new dawn of human reason and freedom dispelling the darkness of a long night of "medieval" ignorance and tyranny. In this new, enlightened age, political power, supposed by Liberal juridico-political theory to have originally been a common good subsequently usurped by great men who abused it for their own selfish and despotic ends, was to be seized by revolutionary action and restored to the so-called "people", whose individual and collective birthright it originally was.

The individual members of the sovereign people, all of them absolutely equal in political rights by sole virtue of their standing as sentient beings and men, and released from the oppressive personal ties of lordship and dependence that bound them hitherto, were to unite in solidarity so as to form one corporate body, *e pluribus unum*. In order to provide for the protection of individual rights and the administration of common goods and affairs, the united body of the people was to create a political corporation endowed with a monopoly on the legitimate use of force, along with a full complement of legislative, judicial, and administrative powers. These powers were to be exercised on a strictly impartial and impersonal basis for the "public good" alone, never the personal interests of rulers or "private" individuals; and its exercise was to be regulated at all times by a written legal

code authorized by the supreme law, the Constitution, with its guarantees of equal rights for all and a representative or “democratic” form of government. The private citizen was to be left at liberty to enjoy his property and do whatever was not prohibited by law; and his intellect was to be liberated from the despotism of the priests by a secular State strictly neutral in matters of doctrine, leaving him competent to think for himself, decide right and wrong according to his conscience, and speak his mind freely on all subjects.

The present reality behind these fabled boasts is rather less than illustrious, even sordid. The now-longstanding effort to impose Liberal democracy on developing nations abroad has been an abject failure where it has not actually resulted in humanitarian catastrophes and/or inescapable military quagmires resulting in one humiliating defeat after another. At home, the very foundations of the Liberal political order are visibly beginning to crumble. Public confidence in major institutions that are no longer impartial and don’t even pretend to be has reached historic lows. The ostensible singularity of We the People has shattered into an infinity of competing special interests and “identity” groups. Unconditional loyalty to faction and party has replaced the old, unifying civic and national allegiances; partisans accordingly tend to see their counterparts less as fellow citizens and countrymen than unlawful enemy combatants (“domestic terrorists”, etc.) undeserving of rights or protection under the laws, as the goal of politics increasingly becomes less about securing the “public good” and more about plundering the public thing and distributing its resources to supporters whilst unleashing its coercive apparatus against opponents. Political, economic, and intellectual elites disdain the middle and working classes supposed to be their equals with open, virulent scorn, while popular remonstrances are suppressed with performative shows of brute force and pointedly blatant illegality, all in the name of “our democracy” and “the rule of law”. The individual bearers of putatively inalienable rights to act, think, and speak freely and for themselves now find their every action subject to regulation and restriction by a bloated administrative State on steroids, and their every thought and utterance subject to punitive censure by ideologues and activists, all with much more exhaustively punctilious exactitude and pitiless rigour than any King or “theocrat” of old would ever have been able to exercise, or wanted to, and without much, if any, substantial hindrance from Constitutional bills of rights. We could continue.

Explanations for the crisis of Liberal democracy abound. Some claim, à la Oswald Spengler, that Western civilization has simply entered the senescent stage of its life course, as all civilizations sooner or later do. Others point to the baleful effects luxury, effeminacy, irreligion, and the decline of martial spirit have on any Republic; others still, to physiological enervation produced by the consumption of denatured industrial foods and an unnaturally sedentary and constrictive lifestyle; others more, the socially-disorganizing effects of uncontrolled migration and the resulting fissuring of the body politic along racial and ethnic lines.

No doubt, all these factors have their share of explanatory power. But Karl Ludwig von Haller invites us to consider another possibility: that the crisis and evident impending collapse of the Liberal order cannot be altogether referred to a cosmic life-cycle about to complete another one of its endless rotations, nor some accident of social or physical pathology resulting in a tragic degeneration from former heights and deviation from founding principles. On the contrary, Haller argues: the crisis and demise of the Liberal order follows predictably, and *inexorably*, from its very Constitutional design. The failure of the Liberal experiment, far from being a consequence of deviation from its founding principles, is nothing but the logical culmination of those principles.

These principles, Haller shows, are fundamentally flawed, irremediably flawed; and the Liberal juridico-political theory predicated on them, what Haller derides as the “pseudo-philosophical system”, for all its pretensions to the status of a rigorous scientific theory of State, law, and society, is a worthless and unsalvageable ruin cobbled together from bits and pieces of misplaced and misconstrued Roman law; fanciful and wholly ahistorical speculation on the origins of the government; impoverished or wholly metaphysical abstractions that fall far short of adequacy to the reality of social life; fictions that correspond to no actual state of affairs and don’t even claim to, in what styles itself a *science*(!); and obfuscation-mystification of the nature and purpose of political power.

This Liberal pseudo-philosophy ultimately amounted to so many fraudulent pretexts for despoiling the principalities and free corporations of old Europe of the property and power hitherto acknowledged by all to have been legitimately theirs, by means of either surreptitious subversion and restructuring of their Constitutional systems, or preferably, violent

revolution. Moreover, the supposedly “enlightened” States erected in their wake, constituted according to the specifications of the new principles, are *artificial* contrivances, man-made constructs superimposed upon, and radically inimical to, natural human relations; as such redundant and pointless at best, destructive and despotic at worst, constantly rubbing human nature the wrong way and producing a plague of self-defeating unintended consequences as a result. Structurally unsound and inherently unstable, they are riddled with inextricable internal contradictions from top to bottom in theory and in practice, giving rise to an endless repetition of bitterly divisive controversies that admit of no resolution generation after generation. The only real question, for Haller, isn’t whether or not any such State will fail, but when, and how hard; if anything, perhaps what should surprise us isn’t the present existential crisis, but that it took so long for it to materialize.

Born in the former free city of Bern, Switzerland in 1768, Haller, by his own account, had initially been an enthusiastic champion of the Liberal principles then in vogue across Europe, but, disgusted by the horrors of the French Revolution, began to entertain grave doubts. The final straw came when a Revolutionary occupation force, in the name of the Rights of Man, invaded Switzerland and installed a national representative government, the Helvetic Republic. Bern and the other free cities were stripped of their political sovereignty and reduced to so many mere municipalities under the supreme authority of this national government; at the same time, theoretically they were supposed to retain the properties and assets they had owned. This disposition led Haller to observe that, in order to be consistent with itself, logically the formerly-free cities should have been allowed to retain their sovereignty and political independence, too—for that sovereignty and independence was the fruit of their property and wealth, which enabled them to attract people into their service and finally, raise themselves to a position where they could give the orders without having to take any themselves. Meanwhile, the new national government, its claim to legitimate supreme authority grounded only in high-sounding but empty rhetoric about universal rights and so on, with no property or wealth of its own, would quickly reveal itself an impotent nullity, a paper entity lacking the material wherewithal of actually wielding sovereign power. Speeches about popular sovereignty and the Rights of Man, after all, can’t pay the State’s bills or get anything else done in the real world.

In other words, and contrary to Liberal dogma, political rights are not natural rights, but *acquired* rights; they do not and cannot accrue from human species-membership alone, but are indelibly tied to the legitimate *personal* ownership of property or other material means of exercising power. For power is not an ontologically self-sufficient substance or thing-in-itself, but an emanation of private property, no more separable from the latter than, as Haller likes to say, the shadow from the body.

It follows that Liberal democracy grounded on equality of political rights entails usurpation and the violation of property rights as a matter of definition. For it would be impossible to give each and every man an equal share in power in the first place without either giving those among them who lack the requisite property or other resources a say in how the property and resources of others are to be disposed of, as though they have an ownership stake in that property when they in fact do not, or outright redistribution of those resources from haves to have-nots on equal terms, even where the haves had acquired them legitimately.¹ Hence *forced expropriation* and *collectivization-nationalization* are generic—indeed, primordially constitutive—features of the Liberal-democratic State. In the final analysis, the actual power of the Helvetic Republic, like that of any other Liberal State, was grounded in something rather more substantial than nebulous Rights of Man—namely, naked violence, which enabled it to seize the material means and resources its rhetoric could not supply. In this light, it comes as no surprise that Liberal pseudo-philosophy defines Statehood in terms of a *monopoly on the use of violence over* a territory, not titular proprietorship of a territory, as was traditionally the case. Technically, the Liberal State owns nothing—but it can take everything, all in the hallowed names of democracy, rights, and We the People.

These observations utterly demolish Liberalism's foundational myths. Liberal pseudo-philosophy boasted that its bloody revolutions and Constitutional projects had restored a primordial universal democracy, created *ex nihilo* by the governed where no government had ever existed before (the “state of nature”) through an originary act of political association (the “social contract”) in which the governed collectively delegated their individual power to a public monopoly in order to secure protection for their rights. Over time, with the growth of social inequality, the strongest men illegitimately usurped the public stock of power that had been held in

trust on behalf of the governed, treating it as their own personal possession and abusing it for their own gain, above all to oppress and exploit the weak. The formerly egalitarian and free social relations between men were replaced with relations of domination and despotism, and the governed disenfranchised and robbed of their birthright. Hence, as Jean-Jacques Rousseau, one of the most storied writers in this genre, had it, “man was born free, and everywhere he is in irons”.²

Among the many, many things wrong with this narrative (freely acknowledged as fictive by its own original proponents), one that stands out is the manifestly absurd idea that power really belongs to those over whom it is exercised, *by the very fact*, and that therefore the ruled are the rightful rulers of their rulers. (I might as reasonably argue before a court that my outstanding debts are proof that I am the true creditor of my creditors, and that they owe me money, not the other way around).

The mythical Liberal account of the genesis and historical development of States, says Haller, gets the actual sociological and historical process of State formation exactly backwards. The historic States that Liberals vilify as tyrannies and despotisms were not tragic aberrations of an original democracy. They were not founded by any sort of “social contract” between the governed, who did not create their rulers as though so many golems. They had no need of, or use for, Constitutional conventions and representative assemblies. They did not generally claim or exercise a monopoly on the use of force. And their power was never a common or public good subsequently usurped by strongmen and turned into a personal possession.

The very opposite was rather the case. These States were formed through a natural, spontaneous, and perfectly legitimate process in which great men, natural aristocrats distinguished by their innate superiority of talent, parlayed that superiority into the acquisition and accumulation of property and other resources, as a result attracting followers and dependents who, in order to satisfy their own wants and needs, attached themselves to these superior men and *freely* submitted to their authority, rendering them various forms of service in exchange for access to their resources. Given enough property, enough followers, and the right circumstances, some of these superior men grew strong enough to ascend to the rarefied position of having no authority above their own. Those who accomplished this by themselves became

sovereign Princes; those who did so in conjunction with peers with whom they aggregated their property and resources, sovereign corporations or Republics. (Of note here is that, for Haller, independence is not only a sufficient condition of sovereignty, but its sole truly meaningful defining feature; no monopoly on the use of force or any other special power is required).

Throughout human history up until the dawn of the Modern era in the West, it never occurred to anybody to question the legitimacy of these political arrangements. Then Liberal ideology appeared on the scene, and with its (avowed) fictions of the social contract, the original sovereignty of the people etc. (all inappropriately cribbed from Roman law), stood the evident facts of the matter on their head. What was hitherto thought by all to be the rightful personal possession of rulers, Liberalism asserted, really belongs to the ruled, the so-called “people”. The sovereign Princes hitherto acknowledged as the legitimate proprietors of the State were recast as mere functionaries or civil servants, chief executive officers of an imaginary corporation of the people, who had been appointed by the people (even though they hadn’t) and could be removed by the people (or more accurately, its self-appointed revolutionary spokesmen) at will. Their domains were deemed “national” domains, and accordingly expropriated as soon as the opportunity presented itself, along with the political power that stemmed from them. It was only *after* the State was usurped and collectivized, and its former proprietors deposed, executed, or perhaps, allowed to stay on as public servants, or figureheads, that the Constitutional conventions, collective deliberations, and so on supposed to have taken place as the founding acts of State actually took place, and the vaunted “democratic” form of government installed, for the very first time.

We can see that the Liberal State is an *artificial* State, one founded on precepts and claims that are entirely divorced from—indeed, stand in manifest contradiction with—actual reality and the nature of men and things; a man-made contraption contrived in the abstract and on paper by technocrats and then superimposed by violence on pre-existing, natural human political relations that had emerged organically, effortlessly and spontaneously, sometimes even unintentionally, in any case without any abstract design or grandiose purpose behind them.

In this respect, it is important to point out, with Haller, that the

asymmetric political relations of lordship and dependence, authority and obedience, that States involve in them *are by no means unique to States*. Society in general, and of *necessity*, is *shot through with them from top to bottom*. Liberal pseudo-philosophy, since it endows the State with a monopoly on the use of force and on power more generally, recognizes one, and only one, political relation: that between the State which commands, and the “private” individual who obeys. An absolute line of demarcation is thus drawn between the “public” power of the State and the “private” individuals it presides over, considered as a mass of interchangeable and isolate atoms, strictly equal at law, and who wield no legitimate power over one another. But, Haller points out, even under Liberal rule this image is fundamentally at odds with real life.

First of all, the Liberal cult of “equality” notwithstanding, actually-existing human beings are *not* equal in innate talents and faculties, nor in acquired means, and moreover cannot be made to be; even if the thing were possible, it would spell the complete abolition of human society. For, as the Liberal pseudo-philosophy itself intimated with its fiction of an asocial “state of nature”, if individuals were all perfectly equal, they would have no need of one another and no incentive to associate; moreover, social equals are notoriously belligerent to one another in a way that they simply are not to either inferiors or superiors. One picks fist-fights with one’s peers at the bar, not little kids or the head of State. Hence the Liberal ideal of “equality”, were it realizable, would result in the very Hobbesian war of all against all the Liberal State was intended to forestall in the first place.

It follows that most everyday human social relations are not in fact egalitarian, but asymmetrical; reciprocal relationships in which the weak attach themselves to and submit to the strong in order to satisfy the needs of life, with the strong, in turn, benefiting from the useful services the weak provide as part of the arrangement. These inegalitarian but mutually-beneficial relations are the very stuff of which society is made; they can certainly be abusive and exploitative, but are by no means *inherently* so, as Liberal dogma claims. On the contrary: they are necessary conditions of the existence of human society, by extension, the species itself; and nature therefore sees to it that they form readily, voluntarily and sometimes, even unintentionally, by means of innate reciprocal sentiments of benevolence and gratitude. This may be opaque to our learned social scientists and “experts”,

drunk on Liberal dogma as they are; but it is transparent to any child who, having fed a hungry dog or cat out of pity, all of a sudden finds he has a new best friend, a retainer who follows him everywhere he goes and guards the house or keeps it free of vermin for him.

Secondly, we have said already, these asymmetric natural social relations are *political* in character. They differ from (natural) States only in degree, not kind. As Haller shows at some length, all of the powers supposed by Liberal pseudo-philosophy to define sovereignty and Statehood (legislation, war and treaties, justice, taxation, etc.), and which it insists must be jealously reserved to the State, are in practice routinely exercised by even the most humble of “private” individuals in some sphere or other, however small. The only real difference between these private individuals and fully-fledged Sovereign actors is that the former are greatly limited in their ability to project power, since they lack the material wherewithal to do so; and only the latter are independent, with no power above them. Indeed, Haller argues, the embryonic form of the (natural) State is already present in any business enterprise with employees on its payroll who perform services for the proprietor and take orders from him in exchange for what they need to get by; any such enterprise, if it grew large and wealthy enough, could at least conceivably ascend to political independence and Statehood, and in fact history presents many such cases.

Relations of lordship and dependence are products of nature that form organically out of mutual self-interest and reciprocal aid, to some degree by instinct, and are indispensable to individual and collective survival; and in this respect, the (natural) State has no history. There is always a State. Wherever human beings are found, somewhere down the line there exists, by mathematical necessity, an individual or collective actor (King or Republic, by whatever name) that is politically independent, acknowledging no superior, and to whom the rest answer. The juridical fiction of an asocial “state of nature” anterior to all government is a ridiculous pre-scientific myth. The actually-existing state of nature, which is not wholly asocial, but always contains social systems or networks made up of various interlinked and inegalitarian relations of lordship and dependence, never ended; and States are but the capstones of those social systems or networks, the apex (but never the *only*) political relation. No “social contract” as imagined by Liberalism ever did, or possibly could, found a State where none existed

before.

It follows that all of Liberalism's bloody revolutions, Constitutional projects, and other social-engineering schemes cooked up by technocrats can only swap out a natural and organically-grown State for an artificial surrogate that is *at best* redundant; such endeavours are on a par with some absent-minded tinkerer building an impossibly awkward Rube Goldberg machine to serve as a combination mouse-trap/alarm-clock/bed-warmer when he already has a cat. In particular, and contra one of the most sacred articles of Liberal dogma, there is no need to institute a public monopoly on the use of force in order to see to the administration of justice, as though for the very first time in history; human beings are perfectly capable of doing justice for themselves and others without any such modern contrivance and have done so since the dawn of the species, and without it entailing an apocalyptic horror-show of anarchy and bloodshed out of one of Thomas Hobbes' nightmares, or the arm-flailing rhetoric of our present-day gun prohibitionists.

But this artificial State is not just superfluous; it is downright *destructive*. Because Liberalism insists that legitimate political power must never be a personal possession and never be exercised by "private" individuals, but strictly impersonal, monopolized by a faceless public corporation that exists only on paper ("the rule of law not men"), the artificial Liberal State does not merely superimpose itself on natural social relations as a redundant fifth wheel, but is intensely antagonistic towards and inherently subversive of them.

Most every reader will be all-too-familiar with the lengths to which Liberal ideology will go to purport to uncover forms of "oppression" and "violence" supposed to inhere in most every human relationship, no matter how innocuous or even mutually benevolent and affectionate. Exceptional cases of dereliction and abuse are held out as the norm. Some men are woman-abusers, and therefore all of them are; some Whites unjustly denied some Blacks their rights in the past, and therefore all Whites are congenital "racists", etc. *ad nauseum*. This genre of socially-disintegrative propaganda, which systematically foments serious social strife, discord, and distrust where none would exist otherwise, is by no means some kind of recent innovation of "Wokeness" or Critical Race Theory. Intentionally conflating personal power and its abuse, Haller documents, was already a stock tactic of anti-

Royal and anti-aristocratic rhetoric in the *ancien régime*; for that matter, the very premise of the State monopoly on force prescribed by Liberal pseudo-philosophy was that men, by nature, are all inclined to dominate and destroy one another, and would surely do so if the right to use force were left in “private” hands.

For all its highfalutin rhetoric about social solidarity and a We the People united as one, then, Liberalism is nothing less than a sociological solvent, a corrosive that eats away at the very fabric of society. It doesn’t just turn people against their natural Sovereigns, but against one another as well, to the extent that their interpersonal relations involve some sort of real or imaginary inequality. The sacred task of “liberating” individuals from the oppressive and stultifying natural social ties that hold them back in their journey of personal growth and self-fulfillment is to be effectuated by mobilizing the power of the State in order to dissolve those ties and relations, releasing a mass of socially isolated, faceless, and interchangeable individual atoms to be subsequently digested in the belly of the artificial mechanical Leviathan. Hence the artificial Liberal State, in stark contrast to the natural State, is intrinsically *totalitarian*. As Rousseau put it, with bloodcurdling candor and precision, “[e]ach citizen is to be made perfectly independent of all the others, and overwhelmingly dependent upon the public power [...] since only the power of the State makes its members free”.³

This totalitarian State embodies a really remarkable structural contradiction, one that can never be resolved or remediated, between its foundational cult of individual rights and its historically unprecedented, incessantly self-inflating juggernaut of a bureaucratic-administrative apparatus—the notorious *administrative State*. Theoretically, the artificial State exists for no other purpose than securing the rights of the individual, and thus is supposed to restrict the scope and exercise of those rights no further than the “public” or “common good” requires. But the State, and the State alone, makes this judgment call, which can never be second-guessed by the “private” individual, for his part expected to unconditionally conform his personal will to the “general will” embodied by the democratic State as a non-negotiable first condition of citizenship; and the call is made with a boundless fiat that admits of absolutely no extra-State limiting principle in the form of the Divine, natural, and customary laws that had hitherto held the so-called “absolute” power of the natural State within the most stringent limits.

There's more. Any Republic, as an association of co-proprietors, legitimately can, and must, make a variety of binding decisions, rules, and regulations concerning public or common goods and affairs. (N.B. the concept of a "public" or "common good" is wholly inapplicable to Principalities, since here a single man owns all goods of State without any partners). But in the pre-Liberal Republic (organized along exactly the same lines as the familiar condo associations, joint-stock companies, and other private corporations of today, albeit politically independent), the concept of the public or common good *strictly* denotes properties and assets held in common, common affairs, and the common goals for whose realization the association was created. The private goods and affairs of the individual members are absolutely no business of the association, which administers only shared infrastructure and the like, and is no more inclined or able to meddle in the private business of its citizens than a for-profit corporation today would be to meddle in the personal lives of its shareholders.

But in the artificial Liberal democracy, the scope of the public or common good is remarkably inflated so as to encompass *every conceivable aspect of private life and thought*, with the coercive power of the secular State taking over the all-embracing role once occupied by religion (which had exercised its own authority entirely through persuasion and non-coercive means).⁴ The State not only orders every social relation, as the Church before it had, but also undertakes to improve its population by means of an infinity of regulations enacted under its police power (above all, those made under the sign of *public health*), mandatory mass education, eugenics, and the like, all with the aim of making each individual more useful to the State. The very citizens for whose sake the State is supposed to exist end up figuring as so much livestock that exists for reasons of State, to be improved and perhaps, slaughtered accordingly (cf. Michel Foucault's important theses on "biopolitics").⁵

The freedom of the private individual, then, under Liberalism is doomed to infinitely recede before, and ultimately vanish in, the ever-lengthening shadow of the colossus of the administrative State. This stands in the most striking contrast with the natural State based on personal power, which, as Haller is fond of saying, administers *things* more than it does *men*, and the Sovereign's own business, not the business of others. Since the power of this State is grounded in property rights, not a monopoly on the use of force, its power cannot help but find its limits in the property rights of others; and the

rules and regulations made by the Sovereign generally pertain to the use of *his* properties by his subjects. The natural State does not assign itself the task of making the world safe for democracy, perfecting the race, bending the arc of history towards justice, or any other grandiose purpose, but exists solely for the personal benefit of its proprietor(s); it therefore contents itself with doing its fair share to help prevent and punish acts that are inherently wrong and already prohibited by Divine and natural law, and seeing to it that subjects honour the agreements they have entered into with their Sovereign. And the very natural and Divine laws the Sovereign helps enforce are limits on his own power (something positive laws made by pure legislative fiat of the State itself, by definition, can never be), as are his various agreements with his subjects, which like all contracts are reciprocal, and impose no obligations on the subjects other than those specified in the agreements.

Liberalism declaims against personal power on the superficially plausible but false grounds that the artificial State, with its Constitutional safeguards and democratic accountability, has the invaluable advantage of affording individuals recourse against the abuse of power. Certainly, the average person faces an uphill battle when it comes to vindicating his rights against a great lord really determined to violate them. But, Haller cautions, *no* Constitutional arrangement or political structure can possibly forestall or remediate all abuse of power; indeed, these Liberal solutions make the problem even worse in the very course of trying to solve it. First of all, logically any political entity capable of standing weak and strong at parity so as to afford the former effective protection and redress would have to be that much more powerful than the strongest, hence that much more irresistible itself, and its power accordingly that much more amenable to being abused with impunity. Against the natural power of some local big shot equipped with only his own private resources, I have a fighting chance; against the artificial State mecha-Godzilla, with its terrible public apparatus of organized violence, I have none. (John Locke admitted as much, in spite of himself).⁶

Secondly, delegated power, too, can be abused, if anything even more easily than personal power inasmuch as elected officials can invoke the sanctity of the general will and democratic procedure to legitimate the abuse. If you think something's unfair, our politicians like to remind us, you can always vote us out—but this advice, obviously unlikely to effectuate prompt redress of particular grievances, amounts to little more than the sarcastic taunt it is

generally offered as. As for the much-ballyhooed Constitutional safeguards, the artificial State can always elect to simply set them aside, as the government of Canada did in response to the Freedom Convoy protest of 2022; here the bearers of Constitutionally-guaranteed rights to peaceful protest found their personal assets frozen by executive order, and their persons savagely brutalized and then arrested and held indefinitely without bail, when the State invoked emergency powers in order to crush the perfectly *legal* protest. (The irony that the Emergencies Act had been specially framed and enacted precisely in order to *limit* the ability of the State to decide the Schmittian state of exception to legality speaks for itself in light of Haller).

In any case, abuse of personal power, while real enough, is certainly not the apocalyptic inevitability hand-wringing Liberal dudgeon makes it out to be. Again, this duplicitous rhetoric deliberately blurs the distinction between the abuse of personal power and power itself in order to poison sentiment against natural human relations and advance the dehumanizing and totalitarian ambitions of our activists and technocrats. Contra the inflamed imagery of over-wrought Jacobin and Whig propaganda endlessly recycled from generation to generation over the centuries as our received wisdom, it is simply no more true that every King or Republic of old was a despot or an oligarchy than it is true that every man is a rapist, every parent a child abuser, or every White person a Klansman. A bit of common-sense sociological reflection alone suffices to debunk this libel. For you can't rule over subjects who are dead, have fled the land in order to escape your depredations, band together and depose you, or petition a third party stronger still than you for relief. And even the conqueror who *intends* to rule as a despot finds himself acting as the protector of the very subjects from whom he exacts tribute from the moment he fends off an invasion from a rival warlord who seeks to do the same; he finds himself dispensing justice once the conquered start bringing their disputes to him for the uniquely decisive resolution his final authority can provide; finds himself keeping peace and order in the interest of preventing bandits from killing the geese that lay his golden eggs; and it keeps going like that, all in spite of himself.

The personal power of the great man, according to Haller, is therefore *necessarily* benevolent, *necessarily* beneficial to the inferiors over whom it is exercised. His might by no means makes right; the superior man never

stands “beyond good and evil” or creates moral values by fiat, as Nietzsche would have it, but is *strictly* bound by universal and immutable natural laws of Divine authorship at all times. And these natural laws are much more than mere value-judgments or ought-statements with no real-world efficacy. Haller isn’t a moralist, but a social scientist (an early adopter of the term) and scientific materialist. The laws of nature that prescribe duties of justice and charity binding on all men are natural laws in the sense attached to the term by modern naturalistic science; they aren’t just normative standards for judging the world as it is against what it ideally ought to be, but exercise real causal efficacy in the material realm of fact. It could not be otherwise; for these moral laws also define the *sociological conditions of the very existence of social relations*. Again, the abuse of power in a social relation is not only immoral, but, beyond a certain point, incompatible with the existence of the relation itself. A society that exists, then, is one that observes natural social law, at least to an extent great enough to allow for its functioning and ongoing reproduction as a society.

Natural social laws, to be sure, are not as proactively and uniformly deterministic in their causal effects as the natural laws of motion studied by the physical sciences; they rather establish a statistical average or norm of aggregate behaviour over time, as opposed to exhaustively and irresistibly determining each individual instance of behaviour. This means that, unlike the laws of gravity or thermodynamics, they can be violated, and in fact people do it all the time. But these natural laws of social life will correct or compensate for the disturbance to the internal stability and equilibria of social relations caused by their violation—and the offender probably won’t like how this natural self-correction plays out.

To begin with, such violations are met with widespread opprobrium, and possibly, swift and severe punishment from others; for the natural law is *innate*, instinctual, at a visceral level inspiring sentiments of revulsion and outrage in every human being when it is violated, and delight and approval when it is followed. Sovereigns, who after all have the same natural sentiments as any other human being, on average aren’t depraved enough to *want* to commit gross acts of injustice, and follow the natural law willingly (even though, according to Liberalism, their “absolute” power has corrupted them absolutely). And those few statistically aberrant and sociopathic despots who really do think they’re above the natural law learn the hard way that

they aren't when their unjust orders simply aren't obeyed or enforced, or when they are altogether abandoned or overthrown by their subjects.

The natural tendency of social relations towards homeostatic self-correction also guarantees a natural punishment in the form of the plague of unintended consequences that follows ill-advised Liberal social-engineering projects that upset the equilibrium of the natural social order or attempt to supplant it altogether. The effort will be rewarded by achieving the opposite of what it set out to as the laws of nature subvert and resist them—and this isn't a pain-free process. On the contrary: Haller provides several most suggestive case studies of various Enlightened despots of 18th century Europe who, having been duped by either French *philosophes* or German Illuminati into implementing their pet reform schemes, brought their own States to the brink of ruin; and he also details how that apotheosis of the Age of Enlightenment, the French Revolution, initially hoping to do away with the absolute personal rule of the King in favour of Liberal democracy, after one series of bloody atrocities after another failed completely, and wound up with the absolute personal rule of Napoleon Bonaparte to show for it.

A spontaneous recrudescence of natural social and political relations thus sooner or later confounds and undermines attempts by “enlightened” social engineers to modify or abolish those relations and replace them with unnatural and artificial surrogates. These Liberal experiments either fail quickly and catastrophically (as they did in the French Revolution, and continue to in various attempts to forcibly impose Liberal democracy on developing nations today), or at least result in permanent structural strain and pathology of varying degrees of severity as natural relations reassert themselves against the artificial structures like grass growing through gaps in man-laid stone.

For example, the legitimacy of the Liberal State is perennially challenged by both the political Left and Right through damning indictments of so-called “corruption” on the part of public officials. But no amount of moralizing exhortations, reform schemes, or even criminal prosecutions has succeeded in doing away with public corruption, or ever will. For governance based on reciprocal, person-to-person relations between patrons and clients comes most readily and naturally to the human being; heroically selfless governance “without regard to persons” on behalf of a faceless entity that, strictly speaking, doesn't even exist most certainly does not. Every grown-up knows

that, in real life, it is through informal patronage networks that the wherewithal needed in order to govern flows, and the actual business of governing carried out. The needs of live human bodies overwhelm the impossibly heroic self-abnegation demanded by the paper State; for impersonal and impartial public administration doesn't butter anyone's bread. Real-world governance, then, remains today what it was before Liberal democracy arrived on the scene, what it is by nature: a network of personal relations between superiors and dependents, patrons and clients, based on a reciprocal exchange of benefits. The difference is that, the State having long-since been collectivized, the favours dispensed by the superiors now involve misallocation of resources held and administered in trust on behalf of the taxpayers. The very structure of the Liberal State, with the contradiction that inheres in an artificial power that must nonetheless be exercised by natural persons, thus systematically generates serious and socially-debilitating conflicts of interest, dereliction of fiduciary duty, and even criminality where none would otherwise exist; in this respect, perhaps it is Liberalism itself that properly deserves the odious epithet, "corruption".

Haller's contention that inequality is socially indispensable and beneficial to weak and strong alike invites comparison and contrast of his political science with the power-philosophy of Friedrich Nietzsche. Both men seek to vindicate the personal power and personal greatness of aristocracy against the democratic and leveling spirit of modern times, with its cult of egalitarian mediocrity and the rule of the herd; both abhor the Liberal transvaluation and inversion of the order of nature in which the strongest rule, with its self-contradictory claim that the weak and inferior are the rightful superiors of their superiors and better than their betters. Both hold that power exists for the personal enjoyment and greater glory of those superlative few who, through their innate superiority and indomitable will, win it as life's supreme prize, and not in order to secure the utilitarian "greatest good of the greatest number", the progress of "reason" and "freedom" in History writ large, or any other grandiose, extra-personal end cooked up by moralists and metaphysicians. And both are champions of individual charisma, character, and force of personality against the dehumanizing machinery of faceless bureaucracy.

Nietzsche, though, abuses himself greatly by seeing nothing in personal power and the rule of the strong but violence, despotism, and pitiless

contempt for the weak, and morality as a wholly *subtractive* force, a drain on and hindrance to power, a conspiracy of the weak to bring down the strong, or at least reduce sovereign “masters” to so many mere “shepherds”.⁷ In both these respects, Nietzsche shows himself to be a prisoner of the very Liberal worldview he rebels against, uncritically taking its characterizations of, and the radical, zero-sum opposition it draws between, personal power and morality at face value, and merely inverting the valuation Liberalism attaches to each term in the binary.⁸

But where Nietzsche proved himself a dilettante, Haller, for his part, single-mindedly determined to destroy the Liberal pseudo-philosophy root and branch, and to develop a general science of law, politics, and morality that could feasibly replace it, thought things all the way through. Haller saw that the natural law of morality that regulates the exercise of power is not an antithesis that negates and denatures it, carving away its essential attributes or otherwise thwarting its full expression, but on the contrary derives from and inheres in its essential nature, and so enables power to *realize itself as such*. The moral laws of justice and charity thus take nothing away from power; they rather *complete* it. The proposition that morality seeks to reduce Sovereigns to shepherds is nonsense; for, as we have seen, there can be no Sovereign power that *doesn't* entail some form of pastoral care over the weak who are subject to it, helping them meet their various needs of life. This care isn't incidental to power, but *of its very essence*; if anything, it is force that is inessential, or at most a necessary, but far from sufficient, condition of existence of a power relation.

Nietzsche's problem is that he confounds power and *warfare*, lordship and the simple act of conquest or the defeat of an enemy, without putting too much thought into what comes next. Warfare, to be sure, may modify a power relation or beget a new one, but only once the war is concluded; it is not a power relation itself. Power, says Haller, is exercised by a superior who commands over an inferior who obeys, while wars are fought between peers and equals: rival Sovereigns who acknowledge no superiors on Earth, rival aristocrats who acknowledge no superiors within their social degree, and their men, all roughly equal in fighting capacity. Power rigorously so-called begins where warfare ends, in the treaty of peace that sorts the erstwhile peers into superiors and inferiors, rulers and ruled. Nietzsche's “will to power” would thus more aptly have been termed will to *conquest*, as the act

by which a hierarchal power-relation is formed, without regard to what must follow once the relation between victor and vanquished is established. Conquest is the terminus of a simple soldier's work, but only the very *beginning* of the work of an emperor, who, we have seen, ends up assuming duties of care over the conquered whether he intended to or not.

In light of the last point, it is probably significant that the itinerant warbands of old romanticized by certain Nietzscheans, with their feats of rapine and destruction, in actual history were but gangs of youths, bachelors who had yet to attain to their full manhood and their maturational destiny as more or less benevolent imperial governors of a set territory—failing which they either wound up getting killed or fading away.⁹ Nietzscheanism, in the final analysis, is the organic philosophical expression of the mentality of footloose young men of fighting age, yet to acquire property, families, dependents, and subordinates of their own, with no personal power other than the rude physical vigour and vitality youth bestows, and who participate in power only inasmuch as warfare is involved in it—things that conspire together to produce a cult of physical strength, violence, lawlessness, and above all, antagonism towards the religion of the priests.¹⁰ The “Bronze Age Mindset” is that of the lowliest brigand or buck private of a soldier, not the aristocrat, the ruler and benefactor who embodies the completed and mature higher form of the young man of arms.¹¹ It should go without saying that such an intrinsically puerile philosophy can hardly serve as the foundations of a post-Liberal, or any other, juridico-political order, or be taken seriously by mature men at all. In this respect, Haller figures as a sort of Nietzsche for grown-ups, vindicating inequality and personal rule by the strongest without seeming to confirm the dire warnings of fear-mongering Liberal rhetoric about what those things entail, and cognizant that wielding real-world power goes far beyond the romanticized exploits of heroic tough guys.

By the same token that wars are fought between equals, the ruthlessness Nietzsche sees and admires in the powerful, closely inspected, is in the main directed against *rivals*; contenders and challengers powerful in their own right and more or less equal in forces to those they challenge, or upstarts who by their defiance position themselves as such, not the weak *per se*. One is ordinarily, even by nature, ruthless with a defeated rival or challenger, someone who is “weak” only in that he could conceivably have won the

fight but wasn't quite up to the challenge, or shouldn't have issued it in the first place. But it is an altogether different story where the disparity between weak and strong is great enough for the overwhelming superiority of the strong to be incontrovertibly evident to all, and uncontested, or incapable of being contested, by the weak. Here the natural human want is to abstain from harming the weak, and to help them if they need help, to the exact extent that they are weak, and acknowledge it.

These sentiments of *mercy*, *charity*, and *pity* are also the public signs of overwhelming personal superiority. The omnipotent God of Abraham, with his terrible swift sword, is as merciful as could be. Conversely, cruelty towards the weak is personally disgraceful, not because of any slave morality that exalts weakness over strength, but precisely because *it is a sign of weakness*. Cruelty suggests that one has sunk beneath one's own proper rank in a hierarchy of strength to that of one's inferiors. Hence a man who beats on women and children is liable to be branded a weakling or coward by his peers by the fact alone, which is taken as evidence that he's too feeble to take on another man, or too afraid to, and must content himself with brutalizing those so weak they aren't even socially eligible to fight. By the exact same token, one delivers an especially grievous insult to an equal by disdaining to accept a challenge from him, or offering help in his time of need; either one suggests the stance of a stronger party towards a weaker.

Where politics are concerned, the same considerations raise the question of whether or not the violent despots vaunted by Nietzsche were really all that tough to begin with. Nietzsche had it that good people aren't strong enough to be evil;¹² Haller, that evil people are *too weak to be good*. "[T]hese tyrants of one or many heads", Haller asks, "these scourges of a mass of slaves, what were they themselves? Consult history, and you'll find that they were always weak men who, with no personal superiority, were only by chance burdened with the heavy load of a power they weren't accustomed to carrying". It isn't very well the Nietzschean superman who is insecure in his authority and sees threats to it everywhere, who constantly has things to prove, who can't command respect and has to shout, or resort to violence, to have his orders obeyed; who has to resort to foul means to prevail where his personal forces don't suffice, rob the poor because he is broke himself, etc. The image of the despot as some kind of awesome larger-than-life figure overflowing with personal force, then, is so much Liberal propaganda against the great,

properly deserving of the appellation, “herd morality”; like all Liberal tropes, it stands the reality on its head.

The last thing I will address in this Introduction concerns the practical implications of Haller’s thought for the present situation, which sees the great Liberal experiment in democracy appearing to draw to a conclusion. The *Restoration* offers no panacea, no facile ten-point reform scheme of supposed universal applicability; for Haller, that sort of thing is a hallmark of the Liberal pseudo-philosophy, and one of its very worst vices. What Haller stresses, and what comprised the whole impetus behind the *Restoration*, is that we stand no chance of moving past Liberalism and towards a reconstruction of more adequately humane and natural sociopolitical arrangements without an explicit and comprehensive understanding of just what Liberalism and its artificial State are exactly, and without sound *scientific* knowledge of the true nature of legitimate and natural political power and social relations.

Above all, this reconstruction of the natural State cannot be carried out for as long as the ghosts of the Liberal order continue to dwell in our heads, shaping our political thoughts and discourse, and hence our political acts, without our even being aware of it. It is true that few today read Locke, Rousseau, Hobbes, and other canonical founding figures of the Liberal tradition, and fewer still go around talking about the state of Nature, the social contract, popular sovereignty, the originary body of the people, and so on in everyday political discourse. But that is only because, when an ideology becomes truly hegemonic, its precepts become one of Michel Foucault’s “discursive formations”: an unconscious system of presuppositions that, while not explicitly stated themselves, determine the form, contents, and limits of what can be stated explicitly and moreover, taken seriously by others.¹³ In any case, these same premises are baked into the organizational structure and day-to-day workings of all major institutions now, so that nobody has to mention them by name anymore. And this surreptitious Liberal ideology is *all the more pernicious for it*. It is one thing to refute an explicit argument; quite another to inspect, examine, and modify all of one’s priors.

Hence, as was already case in Haller’s time, those who would reject Liberalism infallibly continue to retain its precepts, and from there reinvent its wheel. We have now lived under the Liberal form of State, and that form

alone, and spoken its political language, and that language alone, for so long that, unassisted by Haller's invincible science, we can no longer even *imagine* anything else, no matter how we may try. We have become completely unable to conceive of government as anything other than either an artificial corporation of the people by and for the people, personal despotism based on violence and usurpation, or some combination thereof; unable to conceive how power emanates naturally and non-oppressively from personal property (even though it is otherwise perfectly clear to anybody who ever had anything he could make use of at will, and perhaps, make use of in such a way that might entice someone else to do something useful for him).

Present thinking in the dissident counter-Liberal underground has it that dissidents ought to abjure electoral party-politics in favour of a revival of civic association, albeit this time in the form of person-to-person relations of a more intimate, substantial and solidary sort than the empty fiction of We the People. So far, so good. But almost invariably, these schemes betray the insidious influence of Liberalism in that this is to be accomplished through the creation of various brotherhoods, secret societies, intentional communities, and so on—in short, artificial and egalitarian corporations. Exactly how such association would seriously challenge, unseat, or provide a viable future alternative to the Liberal State tends to be unclear. These proposals, then, amount to little more than a re-branding of the old Liberal ideal of secondary associations independent of the State and supposed to be a societal-level countervail against its excesses. The nature of their organization leaves them vulnerable to the problems that inherently bedevil corporate association, above all destructive factional infighting. And whatever their other merits, they do nothing to help arrest the ongoing decline of individual charisma, personality, and excellence, and the transformation of the individual into one faceless insectile mediocrity amongst a homogeneous mass of others, since the overwhelming centre of all attention, of necessity, is the association itself, not its leader or any other superlatively outstanding individual member. Indeed, personal charisma is potentially toxic to such association (e.g. when it results in destructive personality contests), and all corporations accordingly demand that personal will and ambition yield to the greater good of the organization (“there is no I in the word *team*”).

A less collectivist and more meaningfully individualistic Hallerian alternative to this horizontal and egalitarian model of dissident networking

would be a vertical model in which the network, instead of assuming the form of a set of individuals uniting on equal terms with one another so as to form a single corporate body or community, would instead see them *individually* rally round *individual* big men, patrons able to dispense various forms of material benefits to clients in exchange for allegiance on a top-down basis, along much the same lines as the great *political machines* which traditionally supplied so much of the real-world governance of North America, and continue to. Such networks, solidified by the material resources that flow through them from the top down, would have something rather more substantial to offer than conjurations and brotherhoods based exclusively on camaraderie and/or allegiance to some religion or political ideology—namely, the means of satisfying the wants and needs of life, and accordingly would be that much better positioned to attract talent into the network and to get things done.

Where would these means come from? Well, there is an awful lot of money around nowadays, most of it concentrated in the hands of a few rich who have accumulated much more wealth than they can ever hope to spend. But these rich, although few in number, remain little more than ordinary nine-to-five bourgeois who happen to make more money, and own costlier things, than the others, inasmuch as they don't parlay simple personal wealth into personal *power*. They need to be convinced to ascend from the level of so many mere bourgeois distinguished from the rest only by quantity to the qualitatively superior level of *aristocrats*, by means of personal magnanimity and *largesse*. By this I assuredly do not mean altruistic sacrifice of a part of what they have for the public good or some other selfless end ("philanthropy"), but realizing their own greater glory and the true heights of personal achievement by becoming big men, larger-than-life figures, lords personally exercising power over legions of adoring loyal followers, as opposed to rich but still-faceless and relatively mediocre bourgeois who live in areas and move about in social circles in which everybody has as much money as the next guy, and nobody stands out in particular. For social status is relative and relational. One cannot be a big man in any meaningful sense except through direct relations with the smaller who depend on one's patronage and *largesse*, and reciprocate with their gratitude and deference.

Most importantly of all, the smaller reciprocate with loyalty, obedience, and the performance of useful services to their patron, enhancing his personal

power in ways far more substantial than respect and recognition alone. And patron-client networks in which smaller patrons serve as clients of bigger ones who in turn serve as clients of patrons bigger still, etc. up through the network can grow powerful enough to be formidable to the artificial public government or even supplant it (e.g. the great urban political machines, along with the Mafia-type families with which they are often interlinked). At least conceivably we could see the rise of a “boss of all bosses”, the final link in the chain of an enormous social network whose primary allegiance is to the benefactor-in-chief to whom its members are linked by a multitude of face-to-face personal ties, not a distant and aloof administrative State that doesn’t do much to actually help most people (and whose own apparatuses in any case are themselves likely to have been extensively infiltrated and hollowed-out by the network at this point), as such powerful enough to seriously stand up to the artificial State. Where Liberal populists would speak on behalf of the fiction of “the people”, the boss of all bosses will speak on behalf of *his* people, real people who depend on his real *personal* and *private* authority.

If this boss of all bosses became powerful enough to make himself independent of the artificial State, with or without doing away with it altogether, we would finally see the emergence of truly private government—but not of the sort envisioned by our Libertarians, which one way or another would continue to vest final authority in a corporation of the people, and thus simply duplicate the extant public power on a smaller and more localized scale. We would see the rise of a new Monarchy—but neither the sort that exists only in the romantic imaginings of our Reactionaries (ruling by a wholly speculative “Divine right” no more materially capable of founding a real-life State than the fiction of social contract), nor the Caesar-figure hoped for by our Nietzscheans and Fascists (a mere dictator who simply seizes the existing artificial State for himself without altering its essence, hence achieving no more than adding the crime of a new usurpation to its already-vast inventory of crimes and vices). Most importantly of all, we would see the restoration of a truly natural form of government—one that, to be sure, would have its share of faults (what form of government doesn’t?), but would have the overwhelming virtue of being authentically human.

1 In this light, is there anybody who still can't see that Liberalism and Communism are but two peas in a pod?

2 *Du Contrat Social ou Principes du Droit Politique*, Geneva: 1762, trans. mine.

3 *Du Contrat Social*, trans. mine.

4 This found its fullest theoretical expression in the political philosophy of G. W. F. Hegel, father of both Marxism and Fascism, and who literally regarded Haller as mentally retarded. See his *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet, Cambridge: Cambridge University Press, 1991 (the libel against Haller appears on p.278–81).

5 *The Birth of Biopolitics: Lectures at the Collège de France, 1978-9*, ed. Michel Senellart, trans. Graham Burchell, London: Palgrave Macmillan, 2008.

6 “[H]e being in a much worse condition, who is exposed to the arbitrary power of one man, who has the command of 100,000, than he that is exposed to the arbitrary power of 100,000 single men”. *Two Treatises of Government*, London: Awnsham Churchill, 1690, p. 359. How could Locke have failed to see that this is precisely true of the very form of State whose historic midwife he was!

7 *The Will to Power*, trans. Walter Kaufman and R. J. Collingdale, ed. R. J. Collingdale, New York: Vintage, 1968, p.479, 159.

8 E.g. “[m]orality treated the violent despots, the doers of violence, the “masters” in general as the enemies against whom the common man must be protected”. *Ibid* p.36. Fair enough. But are masters in general *really* violent despots and doers of violence? It does not occur to Nietzsche to ask.

9 See Haller, *Restauration de la Science Politique, Tome Quatrième: Des Empires Militaires*, Paris: Emile Vaton, 1875. I have translated pertinent excerpts into English here, with commentary: <https://hallertime.substack.com/p/from-warband-to-empire>. Of note in this light is how the Medieval ethos of chivalry held that the man of arms is destined by nature not just for fighting, but *governing*, which entails administering justice and protecting the weak and vulnerable against oppression and predation. See Ramon Lull, *The Buke of the Order of Knyghthood*, trans. Sir Gilbert Hay, Edinburgh: Alex Laurie, [1456] 1847, p. 22–3.

10 See Georges Dumézil's highly suggestive account on the antagonism between the youthful warband and the religion of the priests and mature men in the ancient Indo-European civilizations, in his *Mitra/Varuna: An Essay on Two Indo-European Representations of Sovereignty*, New York: Zone, 1988, p.27 et seq.

11 See note 8 above.

12 *The Will to Power*, p. 195.

13 See his *L'Archéologie du Savoir*, Paris: Gallimard, 1969.

NOTE ON THE TEXT.

The edition translated here is Haller's own French-language translation of the original German *Restauration der Staatswissenschaft*, published in 1825. Haller regarded this French edition as superior to the original.

The text of the *Restauration* was peppered with footnotes so prodigiously that Haller himself admitted it to be excessive. Most of these consist of tedious block quotations from other authors, endless serial citations from the same set of books, and various ancient proverbs and maxims he felt particularly elegant or expressive. Interspersed among them are several which elaborate on the ideas presented in the body of the text in important ways and contain important clues to his thought. Since it would prove next to impossible for the reader to constantly pause and read through every single one of his numerous footnotes, it was decided to include only the latter in this translation, in order to prevent them from simply being passed over.

PRELIMINARY DISCOURSE.

Written in 1816.

UNTIL THIS MOMENT, the Lord provided for us: it is with His help alone, with no encouragement, no visible accolades from the world, and without the allure of honour or wealth; but on the contrary, after having struggled against constant attack and punishment, and with great personal sacrifice on our part, that, solely by virtue of that force which always sustains the sincere love of truth, we have come to complete a work we believe destined to destroy, on the one hand, the root of an error or a false and pernicious science that has ruled academia for two centuries, along with all of its ramifications; and on the other, to make visible the order instituted by the Creator, accordingly to restore peace among good minds, and bring back to this world the rule of justice that for all too long has been banished by sophists. The monster of revolution has been compromised in support and, for the most part, its works; but its head remains to be crushed, lest it reproduce itself in other forms. The legitimate Kings have been restored to the Throne; we shall also restore the legitimate science, the one that serves the sovereign master, and whose truth is attested to by the entire universe.

Might I say a few words about how nature herself led me to devise this endeavour, and to this end recall one of my oldest memories? In the time of my most tender youth, almost still on my mother's knee, I read, in an otherwise most excellent German book, the then-commonly accepted proposition, that men had left the state of nature, and, by delegating their common power, sacrificed part of their liberty in order to better preserve the rest: this idea alone already distressed me in my heart and found no place whatsoever in my mind. How stupid such an exchange, and how uncertain its results must be! To what extent did each man sacrifice of his power and liberty? Who is it that guarantees the more secure possession of the rest of it? By what right could the first men subjugate their posterity to an agreement as uncertain as it is dangerous? Wouldn't it be more worthwhile to stay in the state of nature, and wouldn't it be possible to go back? These doubts, and

others like them, quickly arose in me, and bothered me for many years. Certainly, I was then very far from imagining that, at a more mature age, the sentiment that struck me while still so young, would turn into firm conviction; that I would come to recognize the cause of all the disasters and crimes of our times in this error, and take it upon myself to explicate, without any social contract or artifice, delegation of powers, forfeiture of liberty, or abandoning the state of nature, not only the legitimate formation of all social relations, but also that of States themselves. The doubts of the adolescent dissipated little by little in the wake of other matters and the crowd of contrary authorities. I did not yet dare regard a claim I found in such a great number of writings as false, and I put it among the many mysteries one must believe in without understanding why. While born at the time when new doctrines of all sorts had already begun to rear their audacious heads (August 1, 1768), my early education nonetheless found itself conducted according to ancient custom; it was religious, modest, laborious, and solid. My father having been taken from me at eighteen years of age, left all too early to fend for myself, blown about by the winds of doctrine and an education as lacking in order as it was irregular, I too, truth be told, became acquainted with the new philosophical principles; but the impressions of my earliest youth, my naturally sober character, and a certain indomitable respect for everything religious and in agreement with the truth prevented me from becoming completely enthralled by them. Natural inclinations, the example of those by whom I was surrounded, hopes of what the future would bring me, republican dreams and ambitions, all led me to devote myself to political affairs and studies. But what book could one even find without encountering the same system in it, what mentor, without being confirmed in this blind faith? Once the French Revolution broke out, it also became clear that it was nothing other than the full fruition, the pure and simple application of the principles then in vogue, and great care was taken to proclaim it in thousands of writings. If States are nothing but civil corporations¹ or types of republic; if sovereign power derives from the people and pertains only to the people; by necessity the present generation would have the same rights as past generations; it could withdraw the authority it conferred on its officers, exercise it itself, or put it in new hands, make whatever laws it sees fit in order to control its use, etc. Such were the inescapable conclusions. In admitting such principles, it is impossible to stave

off revolution; hence the strange phenomenon of the adherence of so many men of intellect, otherwise well-intentioned, to these deplorable upheavals, or at least to what were called their principles. In every other science one saw at least a more or less adequate degree of congruence between theory and practice, reason and experience; only in politics was there an eternal contradiction between the dominant doctrines and the state of the world. It is this very contradiction that true science seeks to avoid, by adjusting the theory to the nature of things, while false science seeks to save itself by torturing facts in order to force-fit them into accredited systems. The French Revolution was but the experiment of the latter endeavour; a reckless experiment Providence punished with terrifying evils, and confirmed that the wisdom of this world is folly. I was then in the same situation as thousands of men of good faith. While I didn't feel confident enough to refute the dominant principles, and, in the absence of a better doctrine, shared them myself, I nonetheless felt an overwhelming revulsion in the depths of my soul towards the developments of this revolution, improperly called its mistakes or its excesses; its anti-religious side horrified me, and I could neither figure out where all the rage was coming from, nor why this rage always went hand-in-hand with the fight against the temporal power. Its innumerable injustices, whose special characteristic was to join insult and sarcasm to pitiless callousness, was revolting to my sensibilities; the dangers that threatened all States, especially neighbouring countries, shocked me into patriotism, and my heart proved a better judge than my head. Moreover, I soon knew beyond any doubt that this revolution produced precisely the exact opposite of what it had aimed for, or better yet, what it had promised and proclaimed with such insistence—that is to say, it destroyed all liberty and property, instead of securing them with stronger protections. But I still didn't see that the cause lay in the principles themselves, in the idea of delegated popular power, and the dissolution of almost all natural social relations. Once I finally heard it affirmed that all princes, all governments in the world, were, *by nature or their very essence*, usurpers and illegitimate (something that, mind you, is a rigorous conclusion of the pseudo-philosophical system), and that men had never been capable of distinguishing between justice and injustice in matters that concern their own most pressing interests, though any child is able to discern an attempt carried out against his liberty; to me this argument always seemed shocking and

strangely arrogant, with the result that I was soon led to suspect that the entirety of the political theory then in vogue rested on some basic and insidious error, and that what had to be done was to destroy it and replace it with a more solid foundation.

On the other hand, the arguments of the revolution's enemies never totally satisfied me. Some (and they are still legion today) shared the revolutionary principles themselves, but without admitting the natural conclusions that follow; others confined themselves to fighting the revolutionary system with weapons of history, which they wanted to make the sole standard, even though they presented wildly divergent examples. Others either explicitly or tacitly recognized the revolutionary principles as true, and were opposed only to their disastrous consequences and the horrors of the revolution, concluding that reason should have been countered with prudence, and safeguards against the excesses of truth alone been sought after; others still thought they could get out of it through arbitrary explication and interpretation, forced conciliations, or an evasive distinction between theory and practice, as though the action had been contrary to the rule. But despite the good intentions of the majority of these writers, reasons as weak as these couldn't satisfy my intellect, accustomed as it is to set principles, to a logical order and conclusions rigorously drawn. If the theory is true, it must be possible to realize it; if by contrast it is false and disastrous, then another one must be true. However, nowhere did I find a more *satisfactory* system, with the result that I incessantly yearned for an opposing doctrine that was more solid, capable of making foul fruits fall by themselves, conciliating reason with experience, and serving as anchor for the well-being of all good people.

Saddened by the misfortune caused by the revolution, worried about the dangers to my fatherland, and leery of accepted doctrines, I thus finally set aside all books and all authorities in order to ask not men, but God alone, through nature, His handiwork. Then the door was opened to the one who knocked; no sooner had the truth been sought in good faith than it was found, next to its wellspring; it presented itself suddenly, and made itself known to the one who loved it. Are States really, I said to myself in a certain state of inspiration, public institutions, as is supposed, and if they aren't, should they be made to be? Had there ever been a social contract, an act of civic association, and if there hadn't, would the interests of justice require it to be presumed? For example, the free town of Bern, my fatherland, whose

power and authority were attacked with such rancour, and whose enemies haughtily avowed that they weren't against the abuse of its power, but its very existence; this town, however, persisted with its liberty and constitution until it acquired, through various titles and compacts, the territory whose non-citizen residents are today held up as its rightful masters. Does anyone have the right to despoil this city of what it originally owned, and are its relations with its subjects as inherently unjust and contrary to nature as they say—or, better yet, couldn't they stand up to the most rigorous tests of reason and natural law? Could States in general not just as easily have been formed from the top down than the bottom up, albeit in a *perfectly legitimate* way? Let's see what would happen, if we suppose that a man who is completely free and serves nobody, or a free corporation in which republican principles are in force, was there before others were, and a great number of individuals subsequently rallied around this man or this association, owing to the advantages they found there, and without being forced or compelled to, but through various natural relations, various individual agreements, as free and as equitable as one could imagine. Would it not be the case, in the final analysis, and as I had suspected for a long time, that sovereignty, or supreme power, is nothing other than the personal independence of the prince, and cannot be taken from him with justice, since it is his personal possession, and also since, according to the new system, indeed all men are to be attributed with it without exception.

The simplicity of this idea struck and even elicited a sort of astonishment in me; it was in such great accordance with nature and history that I felt strongly drawn towards it; however, despite its boldness, I wasn't afraid to follow it through to all of its conclusions, and then put it to the crucible of experience in order to assure myself of its validity, and rectify it in all its aspects. Naturally I first applied it to those immediately around me, and through this test, I quickly found it confirmed in every detail. The history of my native town, and its internal constitution, which was nothing more than its own private constitution; the entirety of its historical language and chancellery style, in which the word, *government*, presently fashionable, isn't even encountered at all; the nature of its public affairs I had occasion to observe in the most exact and consistent way in my capacity as sub-secretary of State of the Republic; the titles and respective job descriptions of those of its employees known as public, whose functions pertained only to the *town*,

who administered its interests alone, and bore the most perfect resemblance to the employees of other corporations in the country: all of this proved to me that the sovereign town was distinguishable from other towns and corporations on its territory (which, in turn, exercised a similar authority over many persons and things) only by its greater fortune and complete liberty; that it was therefore the outermost ring of a natural social network, and which, abstracting away certain favours or forms of assistance afforded to its subjects, in essence governed only its *own affairs*, and men not at all. The idea that the same could well be true for every other prince or republic in the world, in fact presented itself to me most naturally; but I still hadn't removed all doubts, or resolved every objection I made to myself with more rigour than the most determined adversary ever could have. Truth and error still contended in my mind, and it was only later on that the former emerged completely victorious. As a new light began to shine for me, I perceived the possibility of vindicating the existence of princes and republics in a decisive way, and situating their rights on an unshakeable foundation, on the same bedrock that serves as the pillar of those of every other man; I additionally became convinced that the relations of princes to their peoples were infinitely more free than had been previously thought, and that the new pseudo-philosophical theory, by contrast, is nothing but a system of unjust coercion and violence, which robs every man, from prince to vagrant, of his most sacred rights.

Soon thereafter, the revolution carried out in my country by a foreign invasion turned my conjectures into certitude; it forced me to see the most repulsive injustice laid bare, and in a palpable way. For this particular revolution, by its very nature, had the unique characteristic of being unable to annihilate or deport the former sovereigns, precisely because they assumed the form of various municipalities. On the contrary, they remained in the country just like other citizens and corporations, maintaining their claim to private rights, and this situation was an occasion for much instructive research and discussion. The free and sovereign towns, according to the philosophist theory, only had to forfeit their sovereignty, or what was called the *government of the land*; they were to be rendered dependent and subordinate just like the other municipalities, with a so-called representative government, drawn from the total mass of the people as a whole, installed above them. This is what comprised the essence of the revolution, and

thousands of men, even among its unfortunate victims, at first glance found nothing strongly revolting or unjust in it; it was a natural consequence of the system of *universal* liberty and equality, of the accepted principle that the government is nothing but an administrative authority for the entire nation. But, a remarkable thing, the attempt to separate what was called the government from the personal being and private rights of the former sovereign; the so-called national goods from individual or communal private property; the private or, as it was then called, municipal constitution from the constitution of the State, became absolutely impossible, at least if the most basic justice was to be done towards towns that were previously free, and now subjugated. For had they, just like every other municipality, been left with only their own internal constitution, goods, possessions, and revenues, to which they were as much entitled as any private individual, and the unhindered administration of their internal affairs: the vacuity of the revolutionary system, which insists on distinguishing two different persons in the sovereign, the private person, and the officer of the people, would have jumped out at the eyes of all; these towns would have preserved precisely everything they once had. By passing this test, at worst they would have gotten their hands dirty with the scum of a certain impure alloy made with the new doctrines—but in what is essential, the sovereign power or natural superiority would have emerged purer and stronger than before, like a phoenix risen from its ashes. Conversely, the new popular and representative government could never have established or maintained itself alongside these powerful towns. Issuing from a corporation that didn't exist before, a corporation existing only on paper, it wouldn't have been able to own anything, or do anything; it wouldn't have found a location in the entire country for its physical seat, nor a dollar to pay its bills; this fifth wheel would have ended up asking itself why it exists, and what it had that it could govern. The narrow limits of a preface don't allow me to explicate this interesting idea any further, and moreover, in doing so I might make myself look like I have non-scientific interests in view on this point. It is well-known that the Gordian knot tied by the new wisdom was cut by violence; it was no more possible to separate authority from property than the shadow from the body; in order to enjoy the first, it was necessary to seize the second, something that, moreover, was done with glee. Force took all, and whitewashed its rapine with sophisms none dared question; weakness and

ignorance were forced to abandon what had belonged to them, or seek to salvage some scraps by ruse or by wiles. However great the pain these eventualities caused my heart, however much they threw me into profound melancholia, in proving to me that this time injustice had been institutionalized as the rule and as a matter of principle, they were no less singularly instructive; for the new theory found itself refuted by the facts here, and the very nature of things formally gave it the lie. The inescapable material difficulties which militated against the separation that was to have been carried out, in my eyes, confirmed the truth of the following principle, in a striking way: the old sovereign towns were nothing but opulent, powerful, and free corporations that, resting on their *own* personal rights, and living from their *own* goods, likewise found the natural bounds of their authority in the rights of others; while the new revolutionary *governments*, owning no property, essentially were sustained only by that of others; they recognized no limits on their power, because they pretended to be the officers of the people, and for that very reason are everywhere and always despotic.

A few ideas along these lines, scattered in passing in the papers, gave alarm to our new masters, the philosophists,^{2*} and the apostles of liberty of the press, which moreover existed for their doctrine alone, and in 1798 I was forced to go seek out actual liberty in non-revolutionary countries. Today I see nothing in this eventuality but yet another gift of Providence, which wanted to give me the means to devote myself to reflection, far away from all storms; to consider, within a wider sphere, the theory that still existed only in a confused way in my mind, subject it to a greater variety of empirical tests, formalize it, and ultimately bring it up to the highest standard of validity. Although I took great interest in the most important events of the day, and in what was going on in my fatherland, although these constant revolutions made me lose much time and leisure, the beneficial science destined to destroy the root of evil, and oppose error with truth, was nevertheless the chief subject of my thoughts and research day and night. My mind devoted itself to it with such ardour, and so single-mindedly, that everything else became a matter of indifference to me. I applied myself to nothing but studying the variety of social relations, the simplicity of their origin and their true goals everywhere in the daily business of life; and

everywhere, in small things, the general law of nature revealed itself yet again. It was there that the key to the truth was in large part found. Every family, however small or modest, every landed proprietor, and even every broker or manufacturer, sketched out the image of a prince to me, as clearly as could be; and the free and ongoing accumulation of their subordinates revealed to me the beginnings, legitimate origins, and limits of dependence or service. Every town or municipality, and for that matter every one of the book clubs Germany abounds with, provided me with the pristine image or model of a republic. In the natural and simple way these societies formed and grew, I could make out the origin of States, and in the necessary and benevolent relations that united their members among themselves, the mirror and, as it were, the reflection of true public law. The following natural question always entered my mind: in which respect do these private relations, to which nobody objects, differ from what are called States, if not only as something small differs from something big, and something incomplete from something complete? What is the one thing a private nobleman needs in order to become a fully-fledged prince, if not independence? And simple reflection alone, with no need of recourse to history at all, suffices to show how this independence, the definitive trait of sovereign power, is but the result of a higher degree of power such as can be acquired in a legitimate manner, or owes its origin to fortuitous circumstances.

The great and illustrious houses of Germany, with their vast holdings, their many domestics, officers and servants of all sorts, the titles and functions of the latter, etc. bear an even more striking resemblance to monarchies; they disclose the truth to a proportionately even greater extent, and never was I able to set sight on a capitol, without immediately thinking that nothing there is as permanent, nothing as stable as the sovereign himself, while the individuals collectively known as the people, merely come and go; by choice, they always assemble or gather wherever they find the easiest and sweetest life for themselves, and directly or indirectly depend for this living on that of the prince. Thus it isn't safeguarding liberty that comprises the motive force and purpose behind human society, but rather mutual exchange of services and making a living.

Finding myself in Germany during the course of the year 1800, there I read for the first time the chief works written about the philosophists, or French

encyclopedists, as well as the so-called enlightened men or Illuminati of Germany, whose principles and secret societies were previously little-known to me by name. These writings in fact provided me with remarkable and completely unexpected explanations of several phenomena that had always puzzled me most greatly; they made the origin, systematic propagation, and incredible influence of the impious and revolutionary principles of the day clear to me. While they increased my aversion to these principles and their effects, none of these books contained an opposing doctrine that was more solid; nowhere in them did I find true principles set against false, at least not in a consistent way. In any case, I was struck by the final, and greatest, error of the Illuminati, who preached the necessity of the destruction of all *civil* societies,³ all States (whose construction was precisely what everybody back then was working towards with so much effort), and reviving the state of nature under which, according to them, every head of household was perfectly sovereign. For I immediately said to myself: one would only have to add that a head of household can enter into the service of another, or contract, by means of free agreement, certain obligations towards him, and it would follow that this same state of nature had never ended, and that our princes are nothing other than free and powerful patriarchs.

It wasn't, however, until 1804, in Vienna, Austria, where I spent the five years from 1801 to 1806, that, for my own edification, I attempted to formalize this theory of public law, completely opposed to the received wisdom of the academy, and put it in writing. I first wrote up a short analysis that I sent to men of distinguished intellect who were well-versed in science, imploring them to subject my work to the most severe criticism. At first they only raised a few objections here and there, but inasmuch as I came to remove their doubts, they themselves were surprised by the simplicity and fruitfulness of the principle, and strongly encouraged me to continue my research and work. In this project, which was revised several times, since one thought led to another, and each step, to new discoveries; I started off by supposing an independent man, or one on the verge of becoming independent, and inquired as to the means by which and the extent to which he could command other men without robbing them of anything that belongs to them, or the latter in turn violating his liberty or his pre-existing rights. I did the same research with respect to a corporation internally organized as a republic, but that, taken as a whole and in relation to other

men, figures as a corporate person or actor. Immediately the three great forms of superiority, namely, property, martial valour, and intelligence or science, by means of which one can feed, defend, and enlighten or instruct one's fellows, came to mind; immediately there appeared, before my mind's eye, the immense number and variety of contracts of service and assistance that come to be formed as a consequence of these various types of power; and the further I delved into the matter, with the assistance of logic alone, the further I took the principle to its natural conclusions, the more I found them confirmed by all the authority of universal experience as well. To mention only the main subject-matter, I saw from the outset that, if princes and republics had to limit themselves to their natural rights or those acquired through agreements, *forcible conscription* and *arbitrary taxation* could no longer take place, something that didn't seem like a very bad thing to me; and right away history and experience proved to me that conscription is really a modern invention, and owes its rise only to revolutionary principles, which make everything derive from the people, and likewise seek to refer everything back to it. Originally, no taxes were levied either; later on, and only in case of necessity, voluntary *subsidies* were requested, but it was the general rule that princes have to live by their own means. The same goes for the *mania for governing the affairs of every private individual*, a mania that always shocked me, and in which I had long intuited the wellspring of all despotism. It would end the moment that, no longer regarding sovereigns as having received their authority from the people, their own proprietary or personal rights were established as the foundation and limit of their power. A prince, I said to myself, no doubt has the right to defend his own interests, or wage war on behalf of a just cause, declaring, conducting, and ending it at his will; but, following this principle, he could not *unilaterally or arbitrarily impose the obligation of giving him this or that form of assistance on other men*; another truth confirmed by history. From the time the world began, nobody has ever disputed the right of a prince to make war; but military service, like any other type of service or assistance, rests either on affection and good will, or specific agreements. The *administration of justice*, in which one appears to weigh in on the business of others, seemed to pose more difficulty; but upon just a little reflection about it, I immediately saw that it is only a grant of assistance, a generous favour, and that all men exercise a form of jurisdiction here and there, to the extent their means allow; and I

myself was astonished at the many conclusions, all eminently just, that derive from this highly simple principle. But how to explain *legislation*—an objection always raised whenever we seek to ground the rights of princes on their liberty and property? The guiding principle here again provides the most satisfactory solution. If one must not enact unjust laws, that is to say, laws which violate the rights of others—something nobody disputes—it necessarily follows that one ought to pass no laws other than those that revive or apply the natural law, or better still, those one can make by virtue of one's own right. In either one of these two cases, the legislator has no need of any authorizing mandate; and following this single rule, a great number of the laws or acts of binding will he imposes, as much upon himself as his servants and officers, and even the rest of men, can be explained and justified. Indeed, the facts demonstrate that it is so with almost all laws made by sovereigns; that it is by this principle that the rectitude or justice of these same laws are judged; and that those laws known as *general*, which extend to the private acts of subjects, are not only the most rare and the least necessary, but also almost always despotic. In short, there was nothing the *personal right* of princes couldn't explain in an illuminating way, no question whose natural answer it couldn't furnish. Everything from the origin, legitimate exercise, heritability or transfer, and decadence of sovereign power to the means of strengthening it can be derived from personal right in the most elegant and satisfactory way.

Another great truth that struck me is that there is no supposed right of sovereignty that isn't also exercised by other men in a narrower sphere; the only difference lies in means or gifts of fortune, with the result that some exercise their liberty in a greater number of matters, others in a lesser. Gaps left open by strict justice, are easily and most naturally filled by duties of charity or mutual benevolence, which very much also play a role in the world; and furthermore it's easy to understand why from time to time one tolerates, in princes, as in *mere private individuals*, many things that, without being altogether within the bounds of the rule, are nonetheless tolerable and short-lived. Apparent exceptions and actual infractions yet confirmed the general rule: for what was established as just and legitimate by derivation from this principle, was also regarded as law and custom throughout the entire world, and what deviated from it just as universally indicted as injustice and abuse.

The history and experience I previously had little use for (thanks to the spirit of the times), from this time on had the most powerful allure for me, because I knew what to look for in them, and because I constantly found them in agreement with me, tracing out the imprint of my thought in the entirety of nature. This harmony, which surpassed even my intentions, brought me indescribable joy, joy that a friend of the truth can only experience when, having sought it out in good faith, he finally gains the certainty of having been right all along, of having heard, so to speak, the very voice of nature and word of God. I could no longer doubt that the principle had been discovered, that the truth had been found, the thread of the labyrinth grasped, and the reconciliation of reason and experience, philosophy and history, theory and practice, finally carried out. The scales fell from my eyes, and my whole language changed; a new world of truth opened itself to me, and it seemed as though, in all the relations and mutual obligations of men, the glory of God was being displayed right before my eyes. Thence I gave thanks to the Author of all salutary thought, and would have sacrificed everything I had to Him; thence my heart began to burn with an irresistible desire to communicate to others what God seemed to have shown me; to reproduce the old faith with new flair, bring down the idolatrous cult of the social contract, and restore the glory of God and His works to the throne of science. And once I intuited, with a single glance of my mind's eye, the unity of all these truths; once I considered that everything in our social relations and duties owes its origin to nature and follows the order of its Author; that all power comes from Him, and that there exists different types of it, in order to enable men to help each other and render reciprocal service; that the rule governing the exercise of all power also comes from God, and man-made additions comprise precisely what is useless and evil within it; that in reality, it is never possible to thwart or prevent every abuse of power, be it sovereign or private (since in that case neither virtue nor vice would exist any longer), but nature, in return, gives us not only more liberty, but infinitely greater means of security than all the constitutional theories of sophists; and finally that, under whatever form of relation, one must always return, in the final analysis, to freely respecting the supreme and Divine law, and recognizing that there is nothing good outside of it; I then stood ready to fall to my knees, full of admiration for the Master of nature, and for the religious authors who express these truths so

magnificently. My eyes welled up with tears of joy, and from that moment on I felt that special vigorous religious sentiment reborn within me, which has continued to grow ever since, which my language is shot through with, as is my soul, and which I'm not all embarrassed to admit to here, since it is the beginning of all wisdom and the wellspring of every beneficial discovery, just as impiety is conversely the principle and the root of all error.

Nonetheless, before I could pursue my goal, I was interrupted by a new reason for being circumspect. Far from these discoveries, and the new insights they procured, having flattered my self-regard in the least: on the contrary, they made me more modest and humble at heart. For error is the child of pride alone, since it is a human invention; the discovery of the truth inspires modesty, since it rests on the word of a superior order; it is knowledge of the works of God that always leads men back to humility. I asked myself the following question, which has since been put to me so often by wise men and fools, young men and old: Were you, then, the first to discover what is right before eyes of every child, what experience attests to and is registered in every page of history? Could it really have been that no jurisconsult or philosopher ever perceived a truth as simple as that republics and princes are but powerful and independent corporations and individuals who, by extension, possess only their own personal rights, be they natural or acquired? Let's see what the older publicists said before there was a revolution, before anybody heard tell of new French philosophers or German Illuminati. Hence I gathered as many of those authors as I could get my hands on; from Bodin, Grotius, and Hobbes, to Montesquieu, who was the point of transition between his predecessors and the modern Jacobins, and read them with the most careful attention. In every moment of leisure, and even taking time from my business, in the thick of the terrible war of 1805, while fleeing ahead of enemy armies on the furthestmost frontier of European civilization, I relentlessly worked on developing my ideas on public law, and studying vintage political sciences. Well, I became still more convinced of what I already suspected: that in fact, while the old publicists in no way admitted the revolutionary conclusions drawn by moderns, and put their minds through contortions trying to escape them, the false principle was already found among them, and that the ruinous notion of a Roman *civil society*, transposed into every other social relation, had been the mother of all errors. It was then easy to recognize their lineage and the chain of succession

from one to the next. From the original lineage came the idea of social contract and the delegation of power by the people; then the argument that States had degenerated from their essence or purpose, and should be restored to their original nature, and hence, reconstituted as democracies; later on, the subtle poison of those who spoke of all this as an ideal or model which should be approximated as closely as possible; finally, out of the despair induced by seeing this system fail over and over before new obstacles, the extreme doctrine of the Illuminati, that States, considered as so many artificial tombs of liberty, must be abolished, and the state of nature restored—although there is no need to *restore* it, since it has persisted through all time and still does. I hoped to find more reasonable notions in the theory of *private social relations*; but this private social law was treated in a superficial, dry, and bloodless way in every system and handbook of natural law that I knew about. A few words on marriage and the family, taken in the narrowest sense, make up the entirety of it; and it is distorted by Roman ideas about domestic slavery, as though a family couldn't grow any larger, and all its servants were necessarily slaves. In any case, as the sentiment of truth can never be totally effaced from the human heart, not one of these writers failed to perceive it from time to time, or have it sneak by them. We will prove this in an instructive way in critically reviewing the chief works that were published on these subjects. Grotius *spoke* of patrimonial rule founded on the personal power of the head man, but he didn't stop to reflect upon this thought for a second. Hobbes had a few words to say about a *natural polity*, only to immediately return to the *artificial polity* of his Leviathan. Pufendorf likewise intuited the true origin of monarchy, but didn't deem this idea worthy of further development. Locke and Boehmer were on the verge of preferring natural societies to those known as civil, but they didn't dare choose the former. Rousseau, the weakest of all sophists, nonetheless had his lucid moments; he doesn't understand what man had gained by renouncing his personal power, and wound up maintaining that democracy is absolutely impossible, after having so pompously exalted it. The choirmaster of all revolutionaries, Sieyes, owing to his vigorous and penetrating intellect, had such great insight into the nature of ordinary relations of lordship and dependence between private individuals that the times in which he wrote, and the goals on whose behalf he wrote, alone can explain why he squandered his talents prettying up the sophisms then in vogue. Kant directly

stated that that there exists, by nature alone, societies of *various types* where private law, that is to say, general natural law, alone has force of law; he even avows that the social state in which men have lived to the present day, is nothing other than that of nature; but instead of stopping there and abandoning the chimera of the artificial *civil* society, he proposes it as an ideal for the future, and his so-called *legal* State to come is nothing but a revolting portrait of the most hellish despotism. To these examples, a thousand more still can be added; but all these writers passed by the humble flower growing on the side of the road without noticing it, whilst seeking out thorn and thistle amidst cold and absurd sophisms. None of them noticed the pearl that brightly gleamed as they passed by; none of them embraced the truth that threw itself at them; none of them tried to take hold of it and elaborate it to its full extent.

Very well! I said to myself, since nobody has done it before, it's your job. Then I recalled the following thought from an Ancient:

*Quod manet infectum, nisi tu confeceris ipse,
mandatum a summo tu tibi crede Deo.*

[“What remains undone, if you yourself don't accomplish it, believe that God Almighty has given you the task.”]

It wasn't in vain, or for your pleasure that God let you perceive these much-neglected truths; perhaps he has deigned to choose you as the instrument for crushing the head of the revolutionary Hydra, and reviving, atop the ruins of Man's dreams, due respect for the Divine power and sovereign law. Let this endeavour be the constant goal of your efforts and the one and only work of your life from now on. The moment doesn't seem so inopportune that you can't hope to make yourself heard here and there. Our unfortunate Europe has grown weary of the errors of revolution and their ruinous consequences; these errors are already spent, the great illusion has faded away, and the world needs a better doctrine in order to satisfy scholars and serve as a rock for all good men. But where now to find the time, the leisure and even the liberty to finish a work not only inherently immense in scope, but that on top of it would criticize a powerful sect, a gang of snakes and scorpions on the one hand, and on the other hand potentially, in some of its conclusions, displease those who reject revolutionary principles only inasmuch as they are impossible to implement, or prejudicial to themselves, while continuing to

accept everything that serves to disguise evil and support their private interests? Then Providence came to my aid in an unexpected way. In my fatherland, where, it so happened, changes had been carried out that didn't restore the legitimate constitution, but did however put the enemies of the revolution, and thus my patrons and friends, in charge of public affairs; the latter had reorganized the old Academy, and offered me the chair in politics and general public law. I gave up pecuniary advantages and other well-founded hopes without counting the costs in order to accept this modest position, both because it gave me the time, and indeed imposed the obligation, to put the finishing touches on my theory, and because it procured me the advantage of exposing the public to it, in the hope that a few seeds might perhaps fall on fertile soil. Berne, my fatherland, didn't strike me as all that bad of a place to choose for this effort, above all at a time when the truth required favour and encouragement than it did the absence of obstacles. There, at least, was widespread hatred for the revolution and its principles; there one could fight them without being taken for a criminal, and nobody was forced to serve any sects or passing fads. There one could explicate republican relations in their purity, since we lived and always had lived under a régime of this nature; and also monarchical or seniorial relations, since this republic once exercised lordship based on the same foundations as every principality in the world over a considerable territory. It was permissible for me to speak without any reticence or accommodation whatsoever, since we had nothing to fear from the whole truth. In Berne, moreover, nobody could impute interested motives to me; I served no prince; sought no medals, positions, or payouts; my work, exclusively a labour of love, with no self-interest in the mix, could only get better as such, and, for this very reason, was bound to make a more vivid impression. Finally, not only did I love my native town, but I had powerful support gained through various relationships there, and so had much less to fear from open or secret enemies than anywhere else. These considerations were decisive, with the result that, full of these ideas, and, my materials packed, I departed for my fatherland in 1806.

Beset with various tasks, distracted by all sorts of business, and in spite of the difficulties or obstacles forthwith brought against me by the Liberals of my country, and by their partisans, I no less unrelentingly pursued my main objective, and nothing was capable of shaking my perseverance. I started off

with a discourse on the necessity of providing an alternative foundation for public law (1807), and then, by way of various preliminary writings, a small volume entitled: *Handbook of general Political Science*, etc. (*Handbuch der allgemeinen Staatenkunde*, 1808), which contained, in its 300 pages and 55 paragraphs, accompanied by a few footnotes for clarification, the complete breakdown of the theory opposed to the revolutionary system. This work had a bizarre and yet not-unexpected result. It seemingly had to less to argue over with its enemies than its friends, less against those whose principles it attacked, than those whose rights and interests it defended the most forcefully. The latter paid it the least attention; for, hatred and disgust for false principles having made everybody scorn all science, many appeared to regard this work as just another philosophist system, hardly better than the others. They screamed exaggeration, they feared war against evil, they accused the author of conceit or presumptuousness; they accused him of fanning the flames of discord even as he sought to shut the fireplace. The real enemies in a certain sense did it more justice. Discerning that these principles would deal them a mortal blow, their furor was in fact great enough, but it just proved that they were full of hate, not disdain, and saw me as quite the fearsome enemy. In order to discredit the work, they didn't neglect to denounce its author, assail him with insults, make him seem suspect, and distort and denature his words. Inaccurate excerpts, omissions, violence to the text, insipid sarcasm: no effort was spared. But none of these adversaries broached the subject itself, none dared start a fair and clean fight, by attacking premises and conclusions; and nothing was more curious than the contradictions into which they fell with one another or themselves. Over here they said my system contained absolutely *nothing new*, since Aristotle had already held that superiority of intellect destines the civilized man to command the barbarian (whence it follows that Liberals, believing they alone are *civilized*, are destined to become our masters); over there, that this same system was *completely new* and opposed to what has been believed for all time; elsewhere still, it was found to be *new and old* at the same time. One critic freely avowed that the system was *true*, but for that very reason, couldn't abide it; he would have praised the same principles to the skies, had they been purely speculative, and not been tainted with the fatal flaw of agreeing with the nature of things and the testimony of the entirety of history. Another, by contrast, decided that the theory was *fundamentally false*,

but nonetheless highly remarkable and instructive in several respects, such that the one hated the truth he acknowledged as such, while the other was taken by something he saw as erroneous. By turns I was accused of establishing the rule of the strongest, and yet taking recourse to natural law, as though the foundations authority rests upon and the way it ought to be exercised weren't two different topics. Some depicted me as an agent of despotism, others as a fanatical partisan of liberty; and to hear them tell it, sometimes my system destroyed the rights of princes, other times those of peoples, and the dignity of the human race. One day, partisan media would agree that I had some talent and was educated enough, no doubt to give themselves an air of impartiality, the better, with the help of this passport, for their venom to penetrate minds; the next day, the same media would say with disdain that I, an *amateur* on a par with a schoolboy, hadn't kept up with the progress of enlightenment, and was entirely lacking in knowledge of jurisprudence and philosophy. Finally, as the last reason, it *was* from *Berne* that this system came into the world of letters, and it was clear to all Liberals that nothing good or reasonable could come from this ultra-aristocratic city.

Only rarely, in fact, did I have the opportunity to respond to these various attacks renewed eight years later. Victory wouldn't have been hard to achieve in this fight, but I hadn't the time, much less any way of being published. It goes without saying that revolutionary journals refused to include my rejoinders; others were fearful and weak-willed, and didn't want to make any enemies. The love of a false peace, that peace which suffers belligerence without resisting, was then the disease of a feminized age; the lords of the Earth feared their own champions, and many thought they could save the flock by opposing the war against wolves. I took consolation in the thought that good only prospers in the long run and by fighting against obstacles; that there never was a servant of God, a champion of truth and virtue, who didn't have to bear his cross, to endure hatred, enmity, and many attacks or attempts at obstruction, and that such was and must always be the lot of those who stand up against dominant errors, taking it upon themselves to deliver the world from those errors, clean the Aegean stables, and cast the high priests of false science from their thrones. I took revenge on these attacks by working without rest towards the complete formalization of the theory I now bring to light, in which all these adversaries will find, I trust, a satisfactory rejoinder, one that will relieve them of those among their

partisans who are such only by mistake, at the very least.

By no means, though, did Heaven leave me lacking the necessary encouragement. If my struggle against sophistic doctrines earned me the hatred of a good many enemies on the one hand, I know that on the other it also won me devoted friends and zealous champions; that I not only succeeded in strengthening many good men, and preserving more than one right-thinking mind from contagion, but also in convincing and winning back several of those who had held the opposite principles. Positive mentions of my book were made in the best literary journals of Germany; at the very least they confirmed the fervent belief I had expressed, that not all sentiments of good faith and impartiality had been extinguished in that great land, and that it still retained a good many real scholars, before whom the charlatans of the new thought would be forced to crawl back into the woodwork. Truth be told, these mentions, however flattering, were generally more about style than substance, more secondary than primary, and often their elegies were less pleasing to me than their critiques—since none of them discerned the sense of the whole, none grasped the elementary principle, though so oft-repeated in the work itself, or took note of the two chief ideas from which the rest derive and refer to. Everything in it was exalted, except for what I would have wanted to see exalted, that is to say, what wasn't my own invention or claim to fame, but the work of God, the order of nature itself; for I wanted to arouse interest not in the portrait, still less in the painter, but only in the subject portrayed. They showered it with the most flattering remarks; they gave the author all sorts of compliments on the form and style of his work, its order of presentation, the author's breadth of knowledge and other qualities of his heart or mind; they held up this little work as ingenious, remarkable, coherent, rich in thought, well-written, worthy of making history, etc.; but never as *true*, that is to say, in agreement with its subject-matter, for this is something they don't much bother themselves with even today. It seemed that our times no longer had the desire to learn about *truth* per se, or the methods of its verification; as though we were fated to constantly be blown hither and thither at random by the winds of doctrine, on a stormy sea. Hence all this flattery didn't move me at all, since, in an endeavour this serious, I was looking not for personal elegies, but the glory of God and the triumph of truth; for in my eyes, there is no other real glory for Man. By no means do I presume to promote myself with

errors and sophism; it matters little to the world whether this man or another one received a little wisdom from nature, but rather that he makes use of it to discover the truth, that is to say, the ways and works of God. Enough sophists have abounded in thought; a fertile imagination suffices for that; but it's the accuracy of ideas and not their volume that counts. False prophets have also made history; and as for what there is of literary flair, if any at all, and the charm of order and method, they are certainly meant to decorate the truth; but it is no more possible to pretty up a fatal error than a hideous human body. It would have been much more agreeable to me had the public judges of my work faulted me for inconsistencies and contradictions, uncovered flaws and defects in my reasoning and proofs, rightly or wrongly impugned the form and style, as long as the truth of its principles were acknowledged; and I myself would have profited from these observations and received them with good faith and recognition.

However, and in spite even of an era so unfavourable to serious writing, this pamphlet seemed to have made for a greater sensation in the silence of the reading-desk than was avowed in public. Here and there I made out a few traces of it in political literature. It seemed to me that the tone of my opponents was less trenchant and less confident than before; shaken in their faith, their offense turned into a feeble defense, and they no longer sought to do any more than negotiate a false peace, or salvage some debris from the shipwreck of revolutionary doctrines. Moreover, the travelers who came to see me solely out of their regard for my writings, the great number of correspondents who sent me letters full of heartfelt agreement, and told me of the many friends I didn't know about yet, aroused my zeal, and inspired courage and perseverance in me. I learned that even in great universities the most famous men declared in my favour. Everywhere good people and solidly-educated men were on my side, and it didn't escape my notice that people of all classes, lettered and unlettered, were waiting with bated breath for the more extensive work I had promised to the public.

So here's the first volume, the fruit of twenty years of contemplation and endless research. Without much help, distracted by so much other business, so frequently disturbed by hostile attacks, I myself was surprised at having still been able to give it such a degree of logical order; and here I recognize the hand of God, who alone sustained me in my weakness. This work appears at a time when the fetters hitherto put on literature have finally been

broken, when one can hope that it will spread unhindered and be read with care, and when the anarchy of all principles continue to make sound doctrines perhaps more necessary than ever. Among various titles that came to me, I chose the one that seemed to me to indicate the sense and goal of the work as a whole with the most precision and exactitude. The words, *Restoration of Political Science* connote, on the one hand, the destruction of false and usurpatory principles, and on the other hand, the restoration of those that are true or legitimate, two things that are indeed united here. This title may arouse interest from those who, disgusted with revolutionary doctrines and their ruinous effects, but not knowing what to replace them with, always fail in the face of new stumbling-blocks, and incessantly fall from error to error. If I have added the words, *or Theory of the Natural Social State against the Chimera of the Artificial Civil State*, it is in the hope that men versed in these matters will immediately recognize the principle upon which this Restoration is founded, and how this doctrine distinguishes itself from all those that came before it. This work could also have been given the title, *General Theory of Social Relations*, all the while bearing in mind that I chiefly treat those powerful and free societies known as States, and do not inquire into others except in passing, in order to explicate or confirm what is relevant to the former. If, instead of *general public law*, I chose *social or political science*, it is because I am not preoccupied with law or strict justice alone. For one thing, I begin with the natural history of States; and for another, it is impossible to avoid gaps and complete the theory without any regard to duties of charity and rules of prudence.

Other than that, I shouldn't need to add anything pertaining to the substance of the work, nor myself expound on the principles on which it rests. But experience has taught me that doing so isn't without its uses, if one would like to avoid being exposed to the most unfair and absurd assessments. For example, many men seem to believe that, in my theory, I did nothing but establish the right of the strongest. Certainly, that wouldn't have been much of a discovery. All authority very much needs to be founded on some kind of power: the question boils down only to whether this power is personal or delegated, and for my own part, I can't conceive of how there could be more abuse to fear from the first than the second. In any case, even if one were to derive all power from the people, we in turn could ask whence it is that the people derives its power, and it would very much be

necessary to answer that it possesses it as its own, that is to say, holds it of God. Furthermore, I must remind those who make these sorts of objections, that even the phrase, *right of the strongest* (a phrase I avoid because of its ambiguity) is about the sovereign's *right*, not his abuses or acts of violence. But, far from being the main thing, this is only a secondary question concerning the origin of lordship of any kind—a question I believe myself to have resolved in a satisfactory manner in Chapter XIII, and on which I at least have the consolation of being in agreement with the entirety of nature and the sages of all times. But here are the true principles of my theory, which I will take the liberty of summarizing.

- The supposed abandonment of the state of nature, whether considered as fact, hypothesis, or ideal, is nothing but a false, impossible, and self-contradictory chimera.
- Nature, by contrast, produces, through inequality of means and mutual needs, various social relations between men, such as we see every day.
- In each of them, she assigns rule to the stronger, and dependence or voluntary service to the weaker, that is to say, the one who needs help.
- The exercise of this rule or power is regulated by a natural law of justice and charity, the same one that binds on all men without exception.
- Nature alone furnishes sufficient means for seeing to it that this law is respected, and of preventing the abuses of power to the extent the human condition allows.
- States are distinguishable from other social relations only by their greater power and liberty, by the independence of their head.
- This independence is the height of fortune (*summa fortuna*) attainable by Man; it is the natural product of relative power and can belong to either an individual or a corporation. The first, much more frequent case, sees the birth of a monarchy; the second, a republic.
- Finally, the rights of kings, like those of other men, are founded on their liberty or their property, and their obligations on the

duties common to all.

These principles alone form the basis of our system; they will become the creed of all those who fight Jacobinism with the weapons of science; and if anyone would like to try to refute us, he will have to prove either that these principles are false, their conclusions misconstrued, or that they are inadequate to the explanation of what is legitimate in the social order. We shall boldly and fearlessly await this refutation, provided it comes supported with argumentation and evidence. But, as simple as these principles seem, and actually are, they nonetheless embody a veritable *scientific counter-revolution*; and it's not my fault if my research led to results diametrically opposed to the revolutionary doctrines of our day. For instead of saying that men abandoned the state of nature, I contend that this state has never known any interruption; I go as far as to call it a Divine institution that neither can nor should be left behind.

- Instead of a social contract, I saw a multitude of voluntary and infinitely variegated private agreements;
- Instead of the general will, natural and Divine law; instead of the alienation of individual liberty, its peaceful preservation for all to the extent possible; instead of the sovereignty and independence of the people, the sovereignty of someone who is independent by his own power and fortune.
- Instead of delegated power, personal power, that is to say, power received from God, and personal right; instead of imaginary mandates and forced functions, duties of justice and charity binding on all men; instead of the government of everything, that of one's own affairs.
- Finally, instead of the formation of States from the bottom up, their formation from the top down; and I would have it that the father came along before his children, and the prince before his subjects, not the children before their father, or the subjects before the prince.

Does anyone know of anything more antithetical than these ideas? The truth

must necessarily be found in one or the other of these two theories; for to conceive of a third would be an impossibility, and to fuse them together would be as unworkable as uniting heaven and hell. The world will decide which of the two is true, that is to say, which one agrees with nature and experience; and it will make that judgment readily, once it sees light in opposition to darkness, fact in opposition to fiction, and the word of God in opposition to the idle imaginings of Man.

This first volume, to be followed by a second without delay, contains the general introduction to the entire work; it demolishes the false systems adopted to this day, and sets forth the general principles of the true theory. The fields of science being ridden with thorns and thistles, they struck me as needing to be weeded out first, so nothing would continue to hamper the growth of good seed. This work was not at all burdensome, but mere preparatory work, all the more instructive in that it is impossible to extirpate error without the contrasting truth making itself visible. After a brief preamble on the necessity and subject matter of political or social science, we will begin by exposing the dominant theory through all its successive developments—an exposition so faithful it is absolutely certain that nobody will be able to accuse us of exaggerating (Chap. I–V). It is followed by a critical review of the chief works in which these subjects are treated, a review that, covering a period of two centuries, demonstrates to certainty the pedigree and the successive chain of errors, as well as the innumerable contradictions and variations the partisans of these systems fell into, and fell into by necessity, whether with each other or themselves. Next comes a succinct but comprehensive philosophical history of revolutionary errors, which we follow from their origin or seed-form, through the derivation of their conclusions to their systematic propagation and triumph over all minds, and finally, the attempt made to realize them, the results of this attempt, and the terrifyingly instructive lesson on the chastisements the Divine power brings down upon those who foolishly transgress against His laws. (Chap. VII–X). Since this historical refutation has yet to convince every mind; since an infinity of men continue to stubbornly cling to the revolutionary theory, attribute its failure to chance factors, and refuse to recognize false prophets by their works: we will prove, by the falsity of its very principles, that this failure happened by necessity; we will destroy and annihilate the philosophist system in all its hypotheses, by showing not only that it never existed, but

cannot possibly exist, and that even if its potential to exist were admitted, it would be absurd, and negate its own goal. (Chap. XI). Now, leaving man-made chimeras behind us, we attempt to demonstrate the contrasting order established by God; an order that reveals itself without difficulty to whoever goes about looking for it in good faith. Thus it is that we come to knowledge of the natural, that is to say, Divine, origin of all social relations, and their necessity, universality, and perpetuity (Chap. XII); the law, eternal and full of love, on which all lordship and dependence rests (Chap. XIII); the rule for the exercise of all power in the innate law of justice and benevolence (Chap. XIV), and the means provided by nature to see to it that this law respected—means much more varied, prompt, and sure than the feeble machinery of sophists (Chap. XV). Then we move from the most rudimentary social networks to those of a higher type, more powerful, and if I dare say so, fully realized and perfectly developed, that is to say, as *States* (Chap. XVI). We then give them an accurate and rigorous definition (Chap. XVII–VIII); we show that independence or sovereign power is but the highest gift of fortune, and we expose the legitimate means of its acquisition. (Chap. XIX). We divide States into monarchies or republics according to the individual or collective nature of the sovereign (Chap. XX); and if in passing we touch upon the sophistic and pointless question of which one of these two forms of government is preferable to the other, it is only in order to show that this frivolous question is born of the error of regarding them both as arbitrary institutions, and completely falls apart in the face of true principles (Chap. XXI). From all these premises, we finally draw some conclusions that, on the one hand, put the fundamental principles of the true theory in a new light, and on the other hand, outline the scope and limits of political science with precision. (Ch. XXII). The first volume ends there. The foundations of the edifice are now laid; the reader will have recognized the fact, and become able to easily discern various relations to which the rules that prescribe justice, charity, and prudence must be applied.

As to the *form* and the order of presentation of the work as a whole, it was reviewed and reflected upon so often over the course of ten years that I wouldn't know what further changes I could make. The analytical breakdown of the whole seems to encompass the entirety of its subject-matter, and the various parts seem to be interlinked in a most natural order, and in such a way as to mutually support and clarify one another. Should

anyone think he can make out a gap in it, he'll certainly find a suitable place to add what's missing. For to exhaust the whole subject, to encompass infinity within bounded limits, is something as much beyond my abilities as it is those of any man; and nobody feels more deeply and strongly than I, that all our knowledge is only piecemeal.

As far as language and style go, we have given them our utmost attention, in order that truth, that daughter of Heaven, is presented with an exterior worthy of her dignity if nothing else, and that these humble decorations might help her win the assent of the world. Nonetheless, the heart has spoken more than the mind throughout; striving for clarity, precision, energy, and simplicity above all else, we were determined to avoid all that felt affected, and make ourselves intelligible to the public at large, without disappointing scholars. However, style wasn't what we chiefly had in sight: engrossed by the depth and importance of the subject, exclusively preoccupied with containing and steering the impetuous flood of thoughts, trimming away everything superfluous, and finding the right place for everything essential, we freely acknowledge the possibility that, in the course of doing so, a few oversights and Germanisms may have slipped past us; those who are free of all human imperfection, or give style more weight than substance, can feel free to correct them, if they want. May they find nothing to take exception to other than this, and recognize the truth that serves as the foundation of this work. If we have appended a great deal of footnotes and citations to the text (although they have been considerably reduced in this edition), it is by no means out of a pretentious show of scientificity, or the infamous weakness Germans have for stating everything they know; it was done in good faith in order to provide sources and additional evidence for the facts we put forward, or, when it comes to more or less self-explanatory thoughts and maxims, in order to relay beauty of expression, and because the unanimous agreement of sages and scholars is also a characteristic and proof of truth.

We will waste no time discussing whether or not the theory expounded in this book serves the cause of despotism, or if by contrast it leaves to each only what is his own, and more than anything else respects the true, legitimate, and *feasible* liberty of Man. This preface itself already provides enough of an answer, and as to those who might continue to harbour any doubt, we refer them to the final chapter of the present introduction, those

in subsequent volumes which treat the limits of sovereign power and the rights and duties of subjects, and finally, the work as a whole; for, always remaining faithful to the same principle, we dare flatter ourselves that the purest love of justice and the most upright of intentions breathes in every line therein. Many people seem to fear that it will take the horrors of the revolution even further, and that, by rejecting all its principles, much that is good will also be destroyed. We share these fears by no means, and see nothing more in these plaintive words than the perfidious tears of the crocodile. On the contrary, we are convinced that the tree of death, the root of lies and impiety, can never bear good fruit; that, in any of its conceivable forms, nothing can ever be harvested from it but misery and oppression, and that liberty and happiness will never be seen to flourish again except to the extent that the old principles are most scrupulously restored: but we will add that in addition, people need to come to know these principles well, impart them to all minds, and, when questions concerning the ancient faith are brought up, hear no talk of past grievances that to some extent have existed throughout time, but only of the ancient natural relationship between peoples and princes, the ancient justice, the ancient love. Truth be told, men today are only all too given to accepting even the strangest doctrines; they stand in danger of jumping out of one frying pan and into another one over and over again, from the despotism of princes to the tyranny of the people or of factions, and from there back to the despotism of the first. We must get out of this vicious circle; and in order to succeed, abandon the principles that shoved us into it. From this point of view, we believe we have at least brought a mind of upright intentions and free of prejudice to this attempt at restoration. If true impartiality consists in seeking nothing but the truth in the field of conflicting human claims, and indeed among the most divergent opinions: few men could take it further than I. From childhood, a vigorous love for truth and justice was my defining character trait, or better still a type of passion impossible for me to resist, even when prudence would seem to demand it. Moreover, my personal position was amenable to the disposition I owe to nature. Born of middling class and wealth, not too far removed from either the higher or the lower, I frequently came into contact with each, being neither weak enough to be vulnerable to envy or human respect, nor strong enough to give myself over to conceit or ignore the rights of the great masses of which I was also part; republican on the one hand, and co-

associate of the collective lordship this republic exercised on the other. Providence, it seemed, had put me in a most favourable position for studying the variety of social relations with equal interest, taking them all in with one fair glance, seeing them from all sides, and being motivated by a pure love of justice for all classes. I wish to see others enjoy legitimate liberty just as much as I love it for myself; pointless and vexatious restrictions, that is to say, this mania for governing, *regulating*, and meddling in the affairs of others is inimical to my character, and to me seems just as incommodious and ruinous for the superior as it is to the inferior. The more strongly I hold that nobody should be deprived of what belongs to him, the more I come to appreciate the laws of the heart and of benevolence. No theory does more than mine to prove just how little justice alone meets the world's needs; conversely, just how much it tends to separate and isolate men, without the love which alone can unite them. Living and working for others, even to my own detriment, defending what is good, defeating what is evil, that's what makes me happy; that's what led me to write this work, even though I could have lived much more easily had I not written it, were it possible to resist the impetus towards the good, the voice of God that speaks to us from the bottom of the heart.

All that having been said, do I still have to justify the spirit of controversy, the polemical tone that dominates this work? When will we finally cease to hear the inept declamations of those who would go as far to forbid us from fighting evil? What! Thirty years of disaster still haven't taught us to recognize the wolves in sheep's clothing, who everywhere cry out: the peace! the peace! even though there is no peace, and with the sole intention of waging war against everybody with impunity. Yes, we will be impartial between the conflicting claims and interests of men; we will have regard neither for the purple robes of kings nor the rags of poverty when it comes to seeing to it that the law of the Eternal reigns over all; but by no means will we be impartial, that is to say, tepid and indifferent, between this law and those who negate it, between truth and lies, between justice and iniquity. There can be neither peace nor alliance here, and it isn't possible to obey the commandments of God and the doctrines of Satan at the same time. There will be perpetual combat between them as long as this world exists. Trying to stay neutral in this war, in my eyes, is infamous cowardice; it is indifference towards what is most sacred, a felony against God and our

duty. Religion, along with common sense, dictates war on the part of good against evil; for this war is the true love of one's neighbour, the strongest proof of love for God and His laws. Moreover, we are unable to grasp just how truth can be demonstrated, defended, and imparted to minds, without fighting against and extirpating the errors inimical to it; on the contrary, we think, with Socrates, that this is precisely the greatest merit of the friends of truth, since it is with medicine alone, not frivolous disquisitions on health, that one cures the sick. War in the realm of the intellect also has an upside; it is from time to time necessary to prevent the human heart from freezing over, and keep the Divine fire burning within it. It is in combat that talent shines, since it is there that the greatest exertions must be made; it is there that the soul proves itself, that the captain distinguishes himself from the common soldier; and in every era, the most ingenious writing owes its existence to open warfare between truth and error.

What's more, the false principles we attack remain so profoundly implanted into minds; maintain such a vast empire over education and literature; and for fifty years have been preached in every form, with such conceit and arrogance, that it would be absurd, indeed impossible, to have nothing to say about them, and make no effort to refute them. Today such silence could amount to nothing but ridiculous naivety; it would with good reason be attributed either to ignorance of the accredited doctrines, or inability to demolish them, and that would be enough to have the work lose all public confidence and success. Anyone who wants to do things right must begin by clearing away obstacles; and nowhere is there a field that can be seeded before the thorn-bushes with which it is covered are destroyed, and the soil made suitable for cultivating good seed. Furthermore, the truth never shines as brightly as when it is opposed to error; it needs this contrast, just as light needs shadow, virtue, vice, and beauty, ugliness. Then alone does it appear in all its majesty; then neither the mind nor the heart of man can resist it. Once revolutionary errors have been annihilated and entirely erased from minds, this controversy may become pointless, and we will keep the peace once we have no more enemies, or once they have been defeated and rehabilitated. As such they will be more dear to us than if they had never been enemies, since their return will expand the empire of truth, and so the lost drachma will have been found again.

Our polemic, however, differs from the usual kind, in that it is directed

only against error, and not those who have been misled, while our enemies never dare attack arguments as such, but confine themselves to smearing the champions of the truth and making them suspect, or even, in their insufferable conceit, to arrogantly put on airs of regarding them with disdain. A measure of vehemence against them would in fact be quite justified; for, if they aren't evil itself, at the very least they are the instruments of its triumph, and unfortunately identify with this evil so much that they won't even let anyone outline for them the calamities it produced. If it is no longer permitted to warn men to stay away from false prophets, if courage of conviction is called hate and extremism, and abhorring evil called bitterness and bile; if any striking truth is called exaggeration; then let our degenerated age also put on trial an Isaiah or a Saint Paul, a Cicero and a Demosthenes, a Saint John Chrysostom, a Bourdaloue and a Bossuet; let it from now on forego hearing the emphases of rhetoric, and all words that pierce the soul and tug at the heart. In any case, our controversy is purely abstract and scientific; never does it seek to do harm to anyone. Were one to compare our writings to the works of those who fought against the Hydra of the revolution, one perhaps might find more force and energy in terms of principles, a more vigorous and salient contrast of doctrines, but conversely more moderate and equitable judgments on persons. We say, with Augustine: *pereant errores, vivant homines* ["let the errors perish, let the men live"]; and it is only false doctrines that want to condemn us to death. Laborious research has proven to us that the most detestable opinions of our times are but the consequences of previous errors; we never neglect to show the often almost imperceptible cause, and so excuse, not the error, but those who professed it. Whenever we find, even in our adversaries, a single upright intention, a single intuition of the truth, we do them justice with pleasure, in the hope of predisposing them to analogous sentiments by doing so, and perhaps bringing them or their supporters to recognize the whole truth. But far be from us tolerance or indifference towards truth and lies, justice and injustice, religion and impiety. The hour has struck; the day of the decisive battle has arrived; it will take a usurper still more terrible than Napoleon, before peace can be restored to our wish.

Let this work, which must deliver the first strike, come to the light of day, child of my love, nurtured by pain, conceived amidst tears, some of bitterness, some of joy! Yes, certainly it was conceived in the thick of

tribulation, and it is from the womb of calamity that it was born; but it has only grown stronger for it, and if it contains something good, it is this origin that gets the credit. Is there a tiger's eye that has never shed tears during these past twenty-five years? If so, may such a demon stay away from me! Suffering is more useful than joy; for suffering purifies the heart, and tears raise the soul towards God. Tears, the magnificent gift of the Creator, which He personally puts in the eyes of Man! You are a mortal's prettiest jewel, the outpouring of Heaven's grace, and the disease of pride cannot be cured except by your salutary baptism. The spirit of justice and truth does not reside in the soul of the haughty, but dwells only in broken and humble hearts; for thus it is that sophism crumbles, and the authority of false sages falls; thus that one learns to study nature only in the book of nature, and the revelations of the Almighty; thus that the eyes are opened, the speech of the Most High resounds in the ears, and, for someone who bows low before the Author of nature, smug reason is no longer the creator of things, but only a means for attaining to knowledge of it; the eye of the intellect, a light given by God in order to see a part of His work, and make it known to all. Now let this book come forth, and the very spirit of goodness that gave birth to it accompany it along the way! We have spared nothing to make it fit to be brought before the public with pride, and if nothing else please the friends of justice. It is now up to this book to recommend itself, to find itself friends to take it in and assist in its entry into the world. Perhaps the both of us will share only calumny, insult, ridicule, hatred, and persecution; for what haven't we run into? How many vaunted books have we not dared to lay hands on? Finally, is there any form of conceit on this Earth more vulnerable, than that of false wisdom? And it is the latter that we have wounded. But these insults, this hatred will be our honour and glory; thousands of men have spilled their blood on the battlefield, suffered misery and misfortune, and sacrificed their goods and their lives fighting the good fight, for God and their prince; why, then, should suffering be spared from the mere civilian who seeks to extirpate the root of all evil and consolidate the triumph of justice with his studies and doctrines, in order that this evil never returns in new guises, and so all that blood wasn't shed for nothing. Sooner or later we too will come to victory, and win the assent of all. The Lord will show favour on this work; he will raise up ardent friends, powerful defenders for it; and, with unshakeable faith, we foresee the triumph of these doctrines in the future;

for it is impossible for all sentiments of goodness and truth to become extinct in hearts, for everybody to resist the obvious, for misery and misfortune to not have brought many men back to God; and all that comes from God must conquer the world. Yes, we dare predict, and in a certain sense prophesy the destiny of this book. At first it will occasion a heated struggle, between even father and son, mother and daughter, brother and brother; but this will be a holy and altogether spiritual war of good against evil, truth against chimeras, the just against the arbitrary and unjust. Sages and scholars will themselves divide into parties more polarized than ever; a great number will continue to cling to the previous doctrines, but many among them will rally under the banner of ours as well; for this work must above all separate the goat from the lamb, the chaff from the wheat, the impious from those who acknowledge a law and a power that stand above the arbitrary will of Man. Then these two sides will form opposing armies, and there will be no more enemies in one's own camp; then battle will begin, precondition of victory; and soon the true scholars, friends of virtue and science, will win back the honour they deserve; they will no longer be confused with witless and soulless sophists, with the apologists of every imposture and crime, nor scorned accordingly. Their small band will visibly grow; they will find themselves at the helm of a better world, one that will respect and believe in them as guides and leaders. Everybody will see just who is on what side; and those not up to deciding controversial questions for themselves, will judge by external appearances alone, and say to themselves: the cause taken up by Aristides and Cato must be the best. This struggle, even if it must endure for years and years, will inevitably be crowned with victory, and ultimately produce the triple-peace we need: peace between princes and their peoples, peace between men, and peace within each family; true peace the sword alone cannot win, which rests neither on the partitioning of souls into walled spaces, nor on police and soldiers; but, ruling over hearts, must have a shared faith as its foundation. Many will be brought back to the sole wellspring of all truth by this work—something that can't fail to have a salutary effect even on other sciences, which have all been corrupted and deformed by that impiety of the age, which denies the laws of nature and Divine commandments. Blind chance will no longer be perceived in the formation, variety, rise, and fall of States, but an eternal, immutable, and benevolent law therein admired; history, treated in an instructive manner,

will once again become the mother of wisdom and prudence. It will effectuate a reconciliation between all sciences; they will serve their sovereign once again, and enthusiastically compete to advance knowledge and love of God. Princes will believe in a supreme law, one that doesn't emanate from the people, but from Divine power and wisdom; a law that has anticipated every case, and which teaches us, in two words, to do all that is good and shun all that is evil. Yes, we dare say, the principles of this work could save more than one prince his crown; a great many other men will owe them a legitimate and ever-increasing fortune; they will be called the principles that at once restore thrones and the liberty of peoples, since, on the one hand, they ground the power of princes on natural and acquired rights, and on the other, limit that power through those very rights, something that allows for a wide-open career and free rein for the rest of men. So it is that the noble sentiment of human dignity will enter our souls once again; that the true liberty, until now sought after in vain through false paths condemned by nature—a wrong whose just deserts are slavery and misery—will flourish once again. Entire peoples will one day owe their safety and the many conveniences of life to these principles. Instructed in the nature of the social bond formed by natural love, they will once again be content in their calling; and even as they fulfill their duties gladly and faithfully, they will be better able to know and defend their true rights. Coveting neither the power, nor the possessions of others, they will seek only to preserve what is theirs, and will involve themselves in the affairs of their princes only by their enthusiastic assistance, and by their heartfelt wish, for that all good things may come their way, by the cry of love so universal among nations: Long live the King! God save the King! On the other hand, that spirit of mistrust and suspicion, which is but the product of false doctrines, and the source of so much evil, will be seen to disappear from the souls of princes. Secure upon the foundations of their rights, hearing the true doctrine on the origin and limits of their power without fear, and even with a sense of satisfaction, their hearts will naturally incline them towards what is just and generous, and kings will have kingly thoughts once again. In short, servants will love their master, because they will see in him a Heaven-sent father and protector; and the master, for his part, will love his servants, because he will recognize them as his assistants, his dearest friends, likewise sent him by God; that their confidence must be repaid with a just reward,

and that his power must always be useful and never harmful to them. The antagonism between souls that today poisons all the charm of life will disappear along with the infernal doctrine that represents natural friends as bitter enemies. The ancient love will return among those whom God especially created for one another, and there will be no constitution, no other law, than that of reciprocally doing good, and avoiding evil. Finally, with the regenerative faith, we will also see sweet peace, that amiable confidence which had been disturbed only by the clash of opposing doctrines, restored between neighbouring peoples, the inhabitants of the same country, in every social relation and even the interior of each family. Fathers will reconcile with sons, mothers with daughters, brothers with sisters; and, at least in the most important matters, there will no longer be more than one heart, one spirit, one faith, but without any excessive narrowing of the field of competition between human interests, and mere differences of opinion on uncertain or forward-looking matters.

Oh, how sweet and magnificent the fruit of victory of true principles over false doctrines, of the Divine order over man-made chimeras! The harvest is bounteous, but there are few workers. Don't forget that one man alone, even with the help of the much-vaunted vehicle of publicity, can neither speak to all men, nor convince every mind or persuade every heart. He isn't conceited enough to suppose that his book alone can suffice to extirpate all false doctrines and cultivate true principles in every mind. Thousands of other works in the same vein will have to be written, find adherents, be explicated verbally with much more efficacy than dead letters could ever have, and tailored so as to be accessible to all, before the true faith can once again dominate and make itself known by its works. You who share this faith, find us some supporters, then; entreat the Lord to send workers to His vineyard. Size up their good faith and judge their aptitude, not by any of those vain declamations against Jacobinism and revolution, since their partisans can and in fact do make use of this language, albeit with poorly-disguised hypocrisy; but see whether or not they support and practice the opposite of whatever the monster of revolution commands; whether they fervently believe and profess that all power and every rule for the use of power comes from God alone, and that, through the diversity of means and needs, He created great and small, strong and weak, and gave the same law of justice and charity to each of them; finally, whether they leave to each his

own, without pretending to be able to create everything from agreements and reciprocal relations to property at will; then deem them worthy, and you won't risk being wrong. But if others, by contrast, derive the power of the strong from the weak; if they presume to deny, or impugn, the magnificent institutions of nature; if they would raise the will of Man above the commandments of God; teach you to see a potential enemy rather than a friend in every powerful man and superior; see abuses everywhere, even where there are none at all, while blind to those that actually exist; and incessantly prattle on about civil societies, artificial safeguards, and the constitutional organization of the State; shun them, regard them as acolytes or stooges of the revolutionary cult, whatever their rank; and even if they speak in a mollifying tone of voice, talking about philanthropy or moderation, humanity and liberality, civilization, perfectibility, etc., don't you believe them; for hell is in their hearts. Submit what you find in this book to critical scrutiny; and if your verdict is favourable, tell others who are loyal and courageous to spread the word; promptly and actively proclaim the good news of the truth that was lost and now is found, preliminary condition of all peace. Do not be ashamed to openly acknowledge the Author of all power and law, for He will in turn be ashamed of you, and every real sage will do the same. Is it not more noble and glorious to freely serve the King of kings, than be a slave of vile sophists; more honourable to figure among the benefactors than the corruptors of men? Have the light of the truth read in public, preach it from rooftops, from academic chairs and in the lecture-halls of schools. Make it known to young and old; clothe it in all manner of forms; wrap it in every colour; embellish it, here with subtlety, there with pomp; use images, parables, music, and song to spread it; flood every science with it, make every art a subsidiary of it; write it on the chalkboard of your hearts and the doors of your homes; all in order that that the spirit of goodness will be encountered at all times, as the spirit of evil has hitherto been; put yourself within reach of those you would like peel away from error and win for the truth; disseminate it, here liberally, there with economy; give milk to the weak, and red meat to the strong. In short, be all things to all men, in the interest of persuading a great number of them, and hastening the coming of the reign of truth. Put it in terms of whatever point of view is the most congenial to any given man, and soon he will learn to love it and know it by heart. Demonstrate how useful it is to every man

without exception, and how it satisfies every interest. Make princes see how it grounds their existence and true rights on an unshakeable foundation of solid rock, and also conciliates with the hearts of their peoples; and show subjects, how it secures their legitimate liberty, is favourable to the means of making an honest living, and finally furnishes the surest test for determining abuse, and the simplest means of gaining redress; demonstrate, to those partial to positive and historical knowledge, its perfect accordance with history on all essential points, the bright light it shines on this science, and the ease with which it can be applied to everything that exists. For those unafraid of more elevated and ambitious reflection, demonstrate how the true doctrine is entirely derived from a single, simple, and Divine idea, and how the Author of nature has anticipated and splendidly realized all the best and most desirable things the human mind can imagine. But above all, be united in one mind and one opinion; unite yourselves, in order that, as even a modern writer like Johann von Mueller says, posterity won't think we all lived in the nuthouse. Don't let any discord break out among you; don't chase after new idols, don't lapse back into error, and don't think there's anything good to be found in it; don't hope to pluck grapes and figs from thorn-bushes. Feed the flock of the friends of justice; give them the heartiest food, protect them from wolves in sheep's clothing, see to it that their numbers and prevalence get them respect in the eyes of the world, and even inspire fear, in order that everybody else joins your side as soon as possible; be as solicitous of their good, as others have been for evil; gird yourselves with the armour of God, that is to say, the force of truth and justice; irresistible proof, conjoined with the purity of will that does good to all men, gives no quarter to its adversaries, and makes one invulnerable and invincible. Wield the weaponry of the mind, the force of insight that penetrates all, and pierces the heart like a double-edged sword; arm yourselves above all with the shield of faith, trust in God, and the unshakeable hope in the forces of truth and justice that contribute so mightily to persuasion and securing victory. Believe, and you will move mountains; you will surmount seemingly insurmountable obstacles, you will change the minds of a corrupted generation, you will give the world a new spirit. Chastise those who resist, that is to say, demolish their principles and their sophisms; unmask their designs, and humiliate the pretensions of their false science, in order to neutralize their ability to harm, or lead them to

correct themselves and acknowledge the truth. Beware and be vigilant; never give yourselves over to a false sense of security; never lose sight of the schemes woven in secret against your phalanx; parry or fight off each blow they try to strike against the Divine truth; and put absolutely no stock in the hypocritical discourse of those who say that error should simply be ignored, that truth defends itself well enough on its own, that it will win without anybody having to fight for it, etc.; for we are not up against a party of weaklings, but formidable men, evil geniuses who already think themselves masters of the world. In any case, don't let yourselves be intimidated by the numbers of your adversaries; those of your friends are at least as considerable, only not united into a corps or under leadership; but their flock will grow visibly; God will be with them; and in this spiritual battle you will in turn see thousands of foot-soldiers desert enemy battalions in order to rally under your banners. Arm yourself with constancy, and let everyone who would be the servant of God prepare himself for tribulations. Cleave to God alone, and never give in, in order that you may grow ever-stronger. Don't sway hither to the right and thither to the left; give up nothing from the true doctrine, or nobody will believe in you. Defend the truth unto death, and the Lord Himself will fight for you. It is only the firm and constant man whom the weak and even the strong rally round, and by no means one who despairs of God, and whose course is unsteady and irresolute. But don't look forward to universal applause; in what era did bad people ever sing the praises of the good? In what era did the world not at first hate those who proved that its works were bad and its wisdom false? One who does evil is an enemy of the light, a spy against the just, whose conduct is a reproach against him. Rather, be glad when abuse is showered upon you and you are persecuted for taking up the cause of justice and truth; the time will come when hard-earned glory will be your lot; and since one must suffer throughout this life, it is better to suffer for good rather than evil, for the fulfillment rather than the dereliction of one's duties. It isn't for Man to become powerful and free without effort and sacrifice; in the spiritual as in the temporal order, there is no crown whatsoever without victory, no victory without combat, and no combat without blows and bruises. But let your conduct and all your actions answer to this doctrine as well and serve as a credit to it. May the work of revolution and impiety thus no longer be lauded by some and denounced by others, here destroyed, there affirmed at the whim of ambition or caprice.

Consider how, for the last thirty years, the jaws of the Hydra devoured all, from throne to pauper; how it robbed the king of his crown, and the widow, her penny; the poor man of his body and the free man, his liberty; the faithful servant of his salary; all peoples of their jewel or glory; every social class of its honour; and even the ministers of the Almighty of their authority, their daily bread, and their very existence. May these calamities of our times make you not only wiser, but better. Do you want others to follow the Divine law towards you? Follow it towards others, towards the weak as towards the strong. Leave to each what is his own; make all restitution that is still possible, if not in full, at least in part, in order to demonstrate the rectitude of your intentions. Replace in other ways what cannot be restored in the same form; and shun injustice, you who call yourselves the enemies of Jacobinism, that is to say, the impiety of sophists.

O you who read these lines, who are already my friends, or who might become such, please excuse my impetuous torrent of words; they come from the bottom of my soul, and the mouth speaks of what the heart brims with. One more time, I exhort you, recruit new combatants for this holy war; entreat the Lord to send workers to His vineyard. Don't stop at a few isolated words and phrases you find in this book; don't argue over various expressions, imperfect signifiers, and weak figures of thought; but fill yourself with the spirit that motivated and brought it to fruition, that purity of will which alone can lead to the truth. Compare the corresponding passages we have indicated with great care; something that isn't clear to you in one place, will become clear in another; and this is also the only way to ask questions of a book that, in essence, is but a mute schoolteacher, without getting the same answer each and every time. Necessity has forced us to express ourselves in the written word alone; but you, consider the essence and not the image; never forget that letters kill, and the spirit alone brings life. Stay united with one another; shun miscreants after having tried in vain to warn them; fight actively, with courage, firmness, and constancy by making use of all weapons of the mind; then victory will surely follow, and might be more prompt and more stunning that you would ever dare imagine. And when you finally win the crown in this fight, remember with kindness who it was that struck the first blows, and that it wasn't just you who had to suffer. He will not, alas, have the good fortune of witnessing your triumph; for goodness made to last, and have salutary effects, is by no means that which at

first throws forth a big flame only to quickly burn itself out like a straw fire; it is by contrast only that which from the start is put to the test by resistance, but, like an oak tree battered by a storm, fortifies itself in the thick of struggle and trial, slowly grows, and finally bears its fruit. But he who has sown, in such a matter, usually never sees the day of harvest. The original disciples of the impiety that rocked the world themselves didn't live long enough to witness the awful triumph they had in fact predicted, but which would have crushed them as well, and has covered a great part of the world with blood and tears. Thus, with much better reason, I will never see the Heavenly victory that will teach men to love the order established by God, consider all human power, all superiority of mind, as a gift from Heaven, and freely enter the service of their sovereign master; this final victory that will be bought with nothing but tears, do harm to none, and fill all good people with satisfaction. However, if I am to be allowed to see the dawn of this triumph, to see truth considered, recognized, explicated, and spread by a great number of men; in short, to salute the commencement of the fight and with it presage victory; then my life's goal will have been achieved; then I shall end my run gladly, and upon my return to the forefathers who inspired this very faith, I will cry out, with old Saint Simeon, "Lord, it is now that you will let your servant go in peace, for mine eyes have seen your glory".

Bern, Oct 18 1816.

¹ Translator's note: *communautés civiles*, literally, "civil communities". The sense of "community" here is radically different from its current English-language sense of the set of all individuals who share some trait or interest in common, regardless of their relation to one another. Here it has the specific juridical sense of a set of individuals collectively organized as a perpetual corporation, a singular body created by its membership in order to achieve some common goal, and administer communal goods and affairs. In order to forestall extreme potential confusion, I almost always translate the term as "corporation", which Haller himself uses interchangeably in this work.

² Translator's Note: *les philosophes*, literally "the philosophers" i.e. Voltaire and other superstar ideologues of the French Enlightenment, who gave themselves this title in order to feed off of the enormous prestige accorded to philosophy at the time, and did more than anybody else in that country to disseminate Liberal doctrine there. See Chapter VII below. The specific reference to this group and their ideas in the terms, "the philosophers", or "philosophy", is transparent in French, not at all in English. One of the critics Haller is talking about here, Abbott Augustin Barruel, whose magnum opus, *Mémoires pour servir à l'Histoire du Jacobinisme* Haller extensively relies on for this subject, popularized the terms, "philosophism" and "philosophists", to describe them; Haller himself uses these terms, albeit irregularly; in order to address the aforementioned problem of translation, I have used them throughout where applicable.

3 Translator's note: In Haller's time, "civil society" meant the State, considered as a public power. Only later did the term acquire its present sense of the totality of private, extra-State organizations, supposed to comprise a hedge or buffer against State power. The difference should be carefully noted!

RESTORATION OF POLITICAL SCIENCE

OR

THEORY OF THE NATURAL SOCIAL STATE AGAINST THE
FICTION OF AN ARTIFICIAL CIVIL STATE

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FIRST VOLUME

EXPOSITION, HISTORY, AND CRITIQUE OF FALSE ACADEMIC SYSTEMS

GENERAL PRINCIPLES OF THE NATURAL OR DIVINE ORDER, AGAINST THESE SYSTEMS

INTRODUCTION.



CHAPTER I.

Universal Existence of States.

THE EXISTENCE of human society, and of those self-sufficient and self-contained aggregations or associations we call States, is a universal fact encountered throughout the entire world. As far back in history as one may go, and as wide as our knowledge of the globe extends, in all times and places, men are found in society and in mutual relationships where some are free and others serve, where some command and others obey. We have historical documents encompassing a span of four to five thousand years, and that record the most important events of the past of every known land. In our day, we have traveled across and surveyed the globe in every direction on land and sea. And everywhere and in every age, on the Continent as in the most distant of South Sea islands, in the furthestmost reaches of antiquity as in modern times, among the most savage of nations as the most civilized, we find, under various names, princes (kings) or republics: powerful individuals, alone or in association, who are obeyed by a certain, more or less considerable number of men who, in most respects at least, freely recognize, or are obliged to recognize, their will as law. It would be pointless to search for the era of the primordial origin of States. They are found as far back as historical research extends; and while the annals of peoples offer us numerous examples of the *birth* and *fall* of *this* or *that* particular empire, nonetheless each of them is found to have been preceded by another, and the destruction of any one of them always *immediately* followed by the founding of a new one. It is impossible to cite a single fact in support of the opinion that men once lived somewhere in what is falsely called the *state of nature*, that is to say, outside all society. And while part of the human race

remains in the state of savagery to this very day, existing without knowing very many wants and pleasures, without having cultivated and developed the faculties of the mind, a condition perhaps corrupted and degenerated; nowhere, though, are men savage enough to have no social ties whatsoever among themselves. There are lords and subjects, hereditary and absolute kings (that is to say, independent of any human power), in the two Arabias, the oriental Indias, Tartary and Mongolia, Abyssinia, Niger, all of Guinea, on the coasts of Zanzibar and Monomotapa, in Ethiopia, the interior of North America, the part of central America not subjected to Europeans, and the islands of all seas that bathe the two continents.¹ Just as there never existed any people, any mass of men scattered or united, with no language, religious ideas, or property, there likewise never existed a nation without social relations of liberty and lordship, on the one hand, and dependence and service on the other. The truth of this universal fact cannot be denied, and it has never really been seriously denied; the very nature of Man, in any case, proves that it couldn't be otherwise.

¹ In order to not take this list any further, I refer the reader to any manual of geography, and accounts of exploration. I will often, in what follows, have occasion to show that the *nature*, or what is called the *constitution of these primitive States*, is, in all that is *essential*, absolutely the same as those of ours that so much sound and fury is made about, and are held out as the work of men. And why is there no difference between them? Precisely because they are likewise the work of nature. One encounters among savages, as among us, not only kings and princes, but distinctions of rank: great functionaries, landed proprietors, soldiers, priests, mere private individuals, voluntary or involuntary servants, laws, compacts, feudal relations, even houses of assembly, etc.

CHAPTER II.

Subject-Matter and Scope of the Social Science Founded on the Fact of the Universal Existence of States.

WHAT, THEN, could have been the cause of this subordination or diversity of ranks among men? Whence are born these relations of liberty and lordship on the one hand, and dependence and servitude on the other? According to which law do they form, expand, and dissolve? Are they not contrary to the nature of man and the rights he bears by birth? How could their origin possibly be legitimate, given that each man is, in his capacity as a *man*, equal to others; and that, if one were to abstract away every other disparity, every need, and every agreement, nobody would have the right to force the will of his fellow? Is one not revolted today to see a man rule over another, at least without being able to cite just and sufficient grounds? And must these grounds, as many think, be found exclusively in violence and oppression? Or if power is legitimate, on what foundation does it rest? How far can the right to command and the duty to obey extend without destroying the dignity of Man, endowed with free will and the capacity to act for himself, and without sacrificing the well-being or freedom of the greatest number to the exclusive advantage of a few? Finally, if these relations are just, necessary, and desirable for the well-being of men, what are the means of preserving them, strengthening them, and prolonging their existence?

The answer to these questions, so important for the peace and quiet of the world, comprises the science we have undertaken to explicate and treat here in a comprehensive manner, the monstrous errors and terrible events of our times having led us to deep and prolonged reflection on this subject as though dragging us there. This science has perhaps never before been more indispensable than it is today when men truly seem to be returning to good sense and the natural love of justice, but continue to be blinded and misguided by the detritus of false doctrines. What encourages us is the hope of perhaps succeeding, by force of truth, in destroying the root of all the lies by which the order established by God Himself has been charged with

injustice, and not the crimes of men, while by contrast the names of reason and justice have been given to the most atrocious acts of violence. We would have called this science *political philosophy* or *philosophy*, that is to say, *spirit of public law*, had the words not been disgraced through abuse too vile to allow a friend of truth and virtue to use them without qualification. *General statistic* or, one might say, the *natural history of States*, foundation and first division of political science, is, in our eyes, the doctrine, derived from a first principle and conformed to experience, which treats the nature and origin of States, their variety, and their rise and fall, or, in other words, their *essence, formation, growth* and *decadence*. This doctrine is not derived solely by way of abstraction from experience alone, which, ever-incomplete, cannot possibly prove the universality and the necessity of the phenomenon. On the contrary, it is deduced from the mother-concept of the nature of a State, a concept reason alone can attain to, but which, for proof of its validity, and in order not to be relegated to the domain of chimeras and fictions, must find itself confirmed in all its aspects by universal experience. Necessity must be proven by existence, and this by the universal testimony of men, in the same way that, for example, in mathematics all the corollaries drawn from the concept of the nature of a triangle must verify themselves by all triangles that have existed, exist, or ever will exist, however dissimilar in material, form, or size. Finally, as we shall prove that the networks of men known as *States* differ from other social relations only by degree and not kind, we would be happy to name this science, *general theory of social relations*, given that it encompasses and explains them all.

Upon exact knowledge of the nature of States, foundation of political science, depends the entirety of the doctrine of rights and mutual obligations, be they between members of a corporation equal in liberty, or a head man and those who obey him. This is natural social law, which quite simply applies the general law of justice, engraved by the hand of God in the minds or rather the hearts of all men, to the variety of relations formed by nature, and that, in a thousand different juridical forms and determinations—that is to say, in spite of the diversity of what is called *positive law*—nonetheless manifests itself uniformly everywhere and always, and for this reason also bears the name, *universal social law*. In addition, public law, or what would better be called natural social law, taken in the rigorous sense of the word, presumes the existence of States, and first and foremost explicates

the principle of justice that ought to reign within them, and varies according to their divergent forms. However, in order to become illuminating and complete, it must also show how the associations and relations known as *States* can *legitimately*, that is to say, without violating the rights of others, form or dissolve under various circumstances, and in this respect it is tied to simple knowledge of the natural history of States.

The very same theory of the origin and true nature of States finally leads to the wonderful science of the *general rules of Statecraft*, a science which has never before been treated, at least in this sense, and with good reason could be called *macrobiotic* or *the art of prolonging the life of States*. We do not intend, by this expression, to designate ordinary principles of internal management that concern only the more or less sound administration of the affairs of a household or a corporation, since these principles depend on knowledge of particular objectives or the desired goals to be achieved. On this topic we can provide few, if any, general guidelines, and whatever is essential for consideration naturally finds a place for itself in Statecraft. The macrobiotic of States, in our eyes, is the set of virtues and rules of prudence or wisdom that are faithful to justice, and dedicated to preserving the health of States, and prolonging their lifespan. This art too rests on an exact idea of what a State is, on a principle that, in a thousand variations, is nevertheless everywhere and always the same. We could thus conceive of the possibility of distilling it into a system, by no means made up of spotty and incomplete examples gathered at random in the empirical field, but one that, derived directly from the nature of the thing itself, and perfectly conforming to justice, would therefore find itself at least partially realized in all principalities and all sound republics without exception.

However, it is impossible to separate these different sciences or subdivisions of a science, without subtracting from the perfection of each. The mania, so vaunted in our times, for breaking down something that makes up a whole, for endlessly dividing but never unifying (something to be distinguished from the preliminary work of analytical and logical division), seems to us to not only suggest poverty of mind, and serve all too often as cover for ignorance, but also contributes that much more to the corruption of true knowledge, since such an approach is directly contrary to nature. Abstraction may very well separate the various parts of one and the same whole with precision, but they mutually presuppose, support, and complete one another. For universal

Statistic by itself, or the science of the origin, essence, rise, and fall of States, would be dry, sterile, even dangerous, if it concerned itself with fact alone, taking into account neither the law of justice meant to regulate and temper all things, nor the principles of sound and legitimate prudence. One cannot, on the other hand, conceive of public or social law, without knowledge of the social relations that comprise the set of facts or reciprocal positions to which this law is to be applied. Finally, in science as in the real world, strict justice alone, without regard to the duties of humanity and the rules of prudence, is wholly insufficient; for there are many licit acts that are not always possible or useful, and among the various ways sovereign discretion can be exercised, some might be more advantageous than others. Furthermore, the theory of strict justice often has in it something so harsh, so contrary to the purpose it is supposed to serve, that in practice it must be softened by other considerations; and in many cases, the most elementary duty of humanity joins together with wisdom to require that superiors and subordinates alike cede or sacrifice a part of their power, instead of asserting it in full force. The true jurisconsult who does not want to risk being misunderstood, who wishes to be useful and harm his fellows in no way, and finally, to give them a doctrine applicable to every case human life brings forward, must, to be sure, first and foremost explicate the law rigorously, prove it, and make it the chief subject of his research; he must carefully distinguish duties of justice from duties of charity; but he cannot entirely pass over the latter in silence, any more than he can the most reasonable choice of means in matters that depend on our discretion alone. On the contrary, he must frequently keep them in view, and show that we are bound by them, although less strictly than by strict justice, for ultimately, these two types of duty are often inseparable. Finally, since the rules of political prudence rest on the concept of the essence and foundations of a State on the one hand, and on the other must respect the eternal laws of justice, which in turn leave open a vast space for human freedom; since they must identify the best choice among various natural rights and various ways of exercising legitimate liberty, we clearly see the impossibility of adequately treating any one of these sciences in isolation from the other two.

We will have more to say below about the *necessity* and the *utility* of this theory of social science, once we have elaborated it; and this utility will then be perfectly clear. How could anyone not be interested in having knowledge

of the general laws of nature according to which the social bonds that unite us all form, extend, and decline, and in having correct ideas concerning their nature—ideas so indispensable for giving everybody peace of mind, satisfaction with the lives they have, and rules of conduct in every walk of life? Universal social law is nothing other than an instantiation of private natural law, that is to say, its application to a social relation of a higher type. Moreover, if the true theory of natural law is the foundation of all positive law, the measure for making and evaluating human laws; if it is needed in order to explicate them and to fill in their gaps and defects; if it teaches us to discern what there is of the Divine in human institutions, eternal in what is passing, and constant in what is subject to variation; to honour the former above all things, and accord but secondary esteem to the latter; and if it fights both scorn for all justice and the superstitious cult of purely human legislation; then it is impossible for it not to be of the highest importance for us. Finally, the necessity and utility of true Statecraft, that is to say, the art of preserving the benevolent bonds of human society in a state of force and vigour, and thwarting all internal and external danger, surely need not be proven at great length, seeing as how the well-being of all men is inseparable from it, and that nature has, in our day, punished those who had neglected or altogether forgotten the most elementary of its fundamental rules with calamities hitherto unheard-of.

CHAPTER III.

Present State of Political Science. The Pseudo-Philosophical System.

THE FACT of the universal existence of States should have naturally led to the idea that it is founded on necessary and general laws of nature, on laws that are real and cannot be altered. For a fact that, everywhere and every time, manifests itself throughout the entire world, is most certainly not the work of men, but God, to Whom we are obliged to submit by free will or force. The ancients too intuited this truth, albeit in a confused and most under-developed way, in saying that all power comes from high and that States were formed by the hand of God. But instead of seeking out this course of nature in experience; grasping that the variability of facts nevertheless presents something constant and uniform; separating what is just from the injustice added by man; and thus discerning, in the creative wisdom of the world, its principle or first law; an infinity of writers, calling themselves philosophers, attributed the origin of human society, or at least that of States, to the arbitrary will of Man, and derived the authority of some over others from the general will of the people, that is to say, the set of subjects. Seeking to surpass the Creator of all things in wisdom, they dreamed up a system according to which States were, or at least should have been, formed. Men, they say, at first lived scattered, isolated, and without any social relations, in the most perfect equality and liberty: this is what they call the *state of nature*, that is to say, the state in which nature placed men upon creating them, and that must have preceded the existence of all *civil* society. But this state of nature (thus they continue) offered sufficient protection neither to the rights of individuals, nor the welfare of all; once corruption introduced itself among men, and divergent interests came into conflict, there arose quarrels followed by violence, and nobody could settle them by way of adjudication. Hence the strongest naturally oppressed the weakest.¹ In order to prevent anything like that from happening again, men left the state of nature in which they lived without law; they united themselves through a social contract (*pactum unionis*), forming between them a *civil society*, a type of

protective association, in order to keep the peace by combining their forces, and protect the liberty of each man, procure the general welfare, and secure equality against the natural but pernicious influence of inequality of means. But since it wasn't possible to succeed without a standing superior power, the *body of new associates* delegated, to one or more of its members, the necessary authority; it elected or appointed, under various titles, one or more of its members to serve them as leaders (*pactum subjectionis*), in order to achieve the goal of the *civil* association, and restrain the liberty of each man, should it be potentially dangerous to that of others. Men would thus, in their own self-interest, have sacrificed part of their original liberty, that is to say, their perfect independence, in order to ensure the preservation of the rest of it; or better yet, they would not, strictly speaking, have sacrificed anything, but rather only sought to procure for themselves a more perfect and secure liberty by their very submission.² The terms of the contract, the influence of habit, gratitude for the benevolence of the head of State, love of the peace and quiet that could be disturbed by a new choice and a rotation in government, or better yet, oppression and abuse of power have, according to these philosophers, made the power of these leaders *hereditary*, at least in some countries; but the people are always within their rights to take it back when the prince abuses it, or infringes on the essential conditions of the social compact, etc. These were the basic and still-incomplete elements of the theory adopted to the present day.

¹ This can happen, and in fact still happens, but without it being as frequent, or as natural as people believe. On the contrary, nature has much more often provided in the strong a protector of the weak, and it is indeed the general rule.

² I for one can't imagine that it wouldn't be any sacrifice in renouncing the most eminent gift of fortune, this gift so ardently sought after by all men, of perfect liberty; of having every right to judge for oneself and defend oneself; and on top of it, assuming the obligation of paying boundless taxes, all in exchange for getting to submit to every order given by a newly-created power, a power where whim and will alone decide if you are to be protected or destroyed. In this respect as well, moderns strike me as even more brainless than the ancients; but the false principles they started from took them there by necessity.

CHAPTER IV.

Ulterior Conclusions of This System.

ONCE THESE PRINCIPLES or hypotheses were accepted as true, and an imaginary fact thereby taken as given and as the foundation of public law, everything that had been believed until then, or learned from the history of the relations, rights, and duties between princes and their subjects, was by necessity seen from a radically antithetical point of view.¹ The very language of all peoples seemed to have been falsified and express the nature of things no longer; for not only the various titles held by heads of States, but the conventional manner of speaking in all times and places, made for the most striking contrast with the new principles. According to the system under discussion, the *sovereign power*, or at least the source of this power, resides in the people, that is to say, the body of subjects, since it is they who must have founded the State through their unification. The mass of the people is thus the *true sovereign*, the *real master*, the *summus imperans*; it is in it alone that majesty resides in entirety. Princes, once regarded as independent lords, find themselves recast as mere *servants* or employees of their peoples,² since those who receive power are necessarily subordinate to those who confer it. Authority having been conferred to them by the people, they must make use of it only for the interests of the people and never their own. Even the most just rule exercised by princes, with no abuse of power, is thus no longer a right, but a *function* or *duty*,³ by no means, as was hitherto believed, to the Divine legislator, who is also their master, but the people, to which princes are alone answerable for their administration. The law, namely that which, in conjunction with natural duty, must serve as binding rule in the social bond for all or for most, isn't the will of the lord or leader, but the *general will*, the will of all subjects. According to the same principles, princes *no longer possess anything of their own*. All their goods, and likewise all their revenues come from the people, and essentially remain the *property of the nation*. These are *direct or indirect contributions from members of the State*, exclusively destined towards national interests, to common needs, and not the personal expenses

of princes. Whatever princes and their families need in order to have a decent and honourable living is to be regarded as nothing but a *salary* granted them by the people, by virtue of their job. All functionaries and servants that princes, just like other men, hire for their security or personal care, the administration of their goods and revenues, or the management of various other affairs, become *public functionaries, servants of the State*, or the people—and it is to this new fictive master that they are answerable for their conduct. In short, all States are nothing more than republics by another name, and the private thing of the prince becomes a public thing.⁴ The name, *constitution of the State* is given to the organization of his household, its internal order, the chain of command between his various officers, the determination and delimitation of their respective duties, the relations between them, etc.; and this is nothing but a great *political machine*, a *public institution*, created by the nation to achieve the goals it wishes to pursue, maximize its interests, and above all secure the liberty of each citizen. Finally, if power is only conferred or delegated to the prince, the people which installed him can *remove him if they deem it appropriate*, and put it in someone else's hands. As soon as the political machine strikes it as inadequate or vicious, it is lawful for it to change or completely restructure it. For what people would have appointed a supreme leader absent this condition? Can't any employee be dismissed from service by his employer? And what generation could condemn future generations to a slavery that would subject them to the will of their predecessors for eternity, in spite of successive changes in goals and needs?

¹ It isn't modifying every natural relation, but *inverting* them, that makes up the characteristic trait of modern revolutions.

² There are thus masters and servants on Earth according to this system too; only the new philosophers would put the latter in the place of the former.

³ This is why modern writers speak incessantly about the duties of princes and the rights of peoples, never the other way around. This language has even been transposed into family relations; at present the only question is about the duties of parents and the rights of children, as though parents have no rights of their own, and were appointed by their children.

⁴ Precisely the foundation of all the other errors is found there: regarding as a public thing, something that isn't.

CHAPTER V.

Practical Conclusions Deduced from This System in Modern Times.

AS STRANGE, revolting to natural good sense, and, I dare say, reeking of the odour of sophistry as these conclusions may seem, they are however nothing but the exact and irrefutable result of the received or accredited hypothesis for explaining the origin and purpose of States. This primordial error, source of a thousand others, this foundation of every revolutionary system, once admitted, made it impossible not to draw, not only the abovementioned conclusions, but *many more still in practice and application*. From false theory to practice there is but one path, inevitable and soon to be taken; for men like to see what they believe to be beneficial or true realized, and won't long tolerate an eternal contradiction between their reasoning, however misguided, and the state of the real world. Thus once existing constitutions, as the actual nature and origin of all our social relations, are compared with the received principles, with the *supposedly sole legitimate type* of human association, by necessity they must all appear *unjust*—for none of them had such an origin. All existing monarchies and republics appear tyrannical, *without exception*. A distinction began to be drawn between the historical origin of States, so-called *juridical* or rational origin, between governments that exist in fact alone, and governments that are legal or conform to reason, between those that *actually exist* and those that *ought to exist*; as though everything historical in origin were necessarily false or contrary to reason, and there were nothing legitimate or rational other than what never existed, or is indeed impossible. We are therefore to regard the effort to reform existing States according to these principles as necessary, even commendable, and restore them to their supposedly original nature and their sole legitimate foundations; or, as other writers, moderates in appearance, but much more dangerous, would have it, gradually approximate them to the *ideal furnished by reason*. The people, it is said, being the true sovereign and the font of all power, must also *exercise its sovereignty*, albeit as little as possible. If it is too numerous to assemble as a whole, it can be represented by a temporary

committee whose members are elected. And this *representative system*, found in every true corporation no matter how small, is touted as an absolutely new invention, and capable of instantly solving a problem everyone thought so difficult. The nation as whole *remains at all times in the state of nature*, in full liberty, and isn't bound by any contract to its representatives. It can revoke the power it has vested in them at will; for the original founders of the State had no right to subject their posterity to the yoke of perpetual dependence. The people can never be a rebel, since it is the font of all power, even supreme power. If the princes and sovereign bodies that have existed until now are to be considered as the *tutors* and *instructors* of the people, one mustn't forget that civilization, wealth, and force of intellect have made it grow *mature* and capable of exercising its rights, of administering its affairs on its own.¹ Today we can thus do without princes, and do away with them; they themselves ought to assist in this revolution, and, out of their sense of duty, restore the nation to its original rights, voluntarily give back the power vested in them, or content themselves with getting, by title of public office or employment, some of it from the hands of their fellow citizens, that is to say, King People. The law being nothing but the expression of the general will and the sum of individual opinions, it must likewise be *made* by the *people* or their representatives. The citizen cannot be legally obliged except by his own will, or that of the whole community. The right to make laws must not be left in the hands of a single individual, for he might substitute his own will for the general will, and sacrifice the interests of the whole community to his private advantage. The *legislative power* must therefore be separated from the *executive power*, each one of them placed in different hands, and the first *reserved to the people as an inalienable right*. This division is necessary in order to give a more orderly course to public affairs, and ensure that the executive power doesn't abuse its might and endanger the liberty of the citizen. If the laws made by the people are broken or their application gives rise to disputes, it is up to the people to either *pass judgment* by itself or the judges of its choice, and this *judicial power* must likewise be independent and separated from all others. The goods and revenues of the sovereign being nothing but contributions paid by the citizens, an *account of their administration and use must be rendered to the nation*, given that it would be absurd to leave the property of the people to the arbitrary will or the prodigality of an individual. All positions and offices must be regimented with the greatest

exactitude, and their number is to be limited to the most indispensable needs of the *public institution*.² There is to be no favoritism in appointments; only merit and ability are to be taken into account. Even benefits, favours, and gifts can't be bestowed at the discretion of the prince, since these gratuities are likewise drawn from the nation's funds, and therefore cannot be granted except as rewards for long and outstanding service, or relief from inescapable poverty. *Declarations of war, peace treaties, and alliances* being national affairs par excellence, it follows that the business of concluding or accepting them belongs to the nation alone. All of this has to be guaranteed by a *constitution* framed with care, and the political machine organized in such a way that the liberty of the nation, and even that of each individual, finds safeguards against all incursion, and the power put in the hands of constitutionally-defined authorities sufficient and indeed irresistible for achieving the goals of society, but with no potential for abuse whatsoever. Finally, it is clear that, if princes are nothing but appointees or employees of the people, the *heritability of their power* cannot be maintained; hence some condemned it as a most blatant absurdity, while others, wanting to reconcile the system with the facts, found only weak arguments to prop up the existence of the chancellery as best they could. It offends against good sense, people said; the virtues and talents needed to govern aren't hereditary, and one cannot presume any nation to have assented to leave the administration of its highest interests at the mercy of an unpredictable danger, possibly in the form of a child, a vicious man, or an imbecile. With stronger reason still, the purchase, sale, exchange, or donations of States or principalities, of which history offers an abundance of examples, couldn't take place without blatant injustice, since the holder of delegated power has no right to cede or alienate it by his own authority, and since men aren't merchandise to be trafficked at will.

These conclusions no doubt suffice for a comprehensive sketch of the present state of the science, even in its most specious form. Were I to list all of them, or even just explicate them any further, I would end up writing a handbook of public law for revolutionaries, and this is not my intention. There are no doubt many other conclusions that follow just as legitimately from the principles of social contract and the delegation of power: the whole chapter on the costs to bear, that is. If the subjects are *shareholders* or associates of the supposedly public thing, if everything derives from them and must refer back to them and them alone, it is also ultimately just that

they pay for it all. But these costs aren't very pleasant for the so-called citizens, all the more so in that they could perhaps be reduced in practice, while the rights and advantages don't exist and can't except in theory. A famous author has said, with very good reason: "It is the most unbearable despotism to be tormented under the pretext of a political liberty that doesn't even exist at all". Peoples presently groan under its yoke, and this is punishment from God, or the natural consequence of false doctrines; a punishment that will endure until the world returns from its errors, until it opens its eyes to this fraudulent wisdom, and until a more solid science has replaced it.

1 This trope belonged to the Germans above all. It derives from a too-hasty analogy between a people and children; one finds it in thousands of writings. But this whole idea is absolutely false. If the things administered by princes were really the affair of the nation, the latter would have always been fit to administer them itself, without needing this much-vaunted civilization to do it. Towns, villages, and trade guilds look after their own interests all by themselves. A man, as a rule, needs no tutor to manage his affairs; an entire nation can't have one. But princes are by no means tutors of their peoples; they are, as we will prove, independent lords who, like other men, in essence govern nothing but their own affairs, and don't get involved in those of their subjects, other than those bound up with their own.

2 It is remarkable that the new, so-called philosophical constitutions, far from reducing the number of government positions, have everywhere doubled or tripled it, and this could not have been otherwise; for from the outset they created or imagined a host of new needs; and moreover the system they gave birth to additionally sought to divide administrative functions of all sorts into infinity, with the result that it now took ten employees, and sometimes more, where previously one would have sufficed.

CHAPTER VI.

Critical Review and Evaluation of the Chief Authors Who Have Written on This Subject.

NONE SHALL DEMAND of me that I review all the writings that have treated, defended, or explicated self-styled philosophical public law, here openly, there in veiled language; sometimes drawing bold conclusions, other times making use of prudent reticence, evasive reservations, and conciliation or forced interpretation; some by bits and pieces, others systematically. These works have become infinite in number, especially since the middle of the eighteenth century; their titles alone would fill many pages, and their critique would be a long, painful, and daunting task I have no desire to impose upon myself, and don't even see the need for. I would rather devote my time and energies to discovering, explicating, and proving the truth, than reciting obsolete errors, and making the names of their partisans known. I shall therefore limit myself here to discussing only the most well-known and famous writers, those who at the very least continue to retain the most influence, by virtue of their talents, personal qualities, or other factors, as well as those who are the most widely imitated and commented on, with respect to whom the rest can be considered students or followers.

1.º Hugo Grotius (Syndic of Rotterdam, Aulic Counselor of the Queen of Sweden, and ambassador to the court of France), *De jure belli ac pacis, libri tres*. This famous work appeared for the first time in Paris in 1625; but I always cite the Amsterdam, 1720 edition. Far be from me any intention of deprecating the esteem this scholar of the highest order has acquired among those jurisconsults truly worthy of being called philosophers! There is perhaps no admirer more sincere than I. His soul is as pious as his intellect vigorous and penetrating. Those who have written about the law of nature and nations in our day don't deserve to be compared to him; and when an ignorant sophist, like J.-J. Rousseau, thinks he can dismiss him by saying, in a learned tone of voice, that he grounded right in fact, one can only smile

with pity, as one would at the sight of a mole trying to dictate to the sun how it must illuminate the world. It would be difficult to surpass Grotius in the field of private natural law, the law of nations (which is nothing but its application), and criminal law. The principles upon which he established natural hereditary succession and the right to punish; his twentieth chapter, especially *de poenis*; his admirable exposition of the true nature and legitimacy of war, accompanied by laws prescribed by humanity, and rules of prudence for waging it effectively, alone sufficed to immortalize his name. But in public law properly so-called, where he should have been the pioneer, but which didn't comprise the chief subject of his research, he strikes me as neither strong nor consistent enough, although he makes several excellent observations. Whether owing to his predilection for republics, the impact of events in the milieu in which he lived, or having been seduced by the language of the Roman republic, he too gave an imprecise account of the nature and origins of States as the basis of his system. I will say, with Pufendorf: "*Quaedam ab eo admissa, quae et ipsum hominem fuisse arguerent*" ["certain things were admitted by him that would reprove the man himself"]; and with Cumberland, "love of country sometimes led him into error". He leans towards the social contract, albeit without insisting on the idea all that much, nor asking just what this contract was, or between whom it took place. It is furthermore salutary and important to note that despite his stunning erudition, which backs up almost every word with the full weight of history and passages drawn from the ancients, Grotius doesn't provide a single proof of this core fact he posited as foundation of all science. His love of justice, however, revolted against the dangerous implications of this system: hence he fights them with all his powers, but without deploying true principles against them. His depth of insight even led him to recognize that there can exist *natural* social relations, legitimate rule founded on *the personal or private power of the prince*. Hence he often speaks of a *paterfamilias latifundia possidens, advenas sub obediendi lege acceptans*, ["paterfamilias possessing great estates, receiving strangers under the law of obedience"] of *patrimonial kingdoms*, which he compares to private properties and landed estates, etc. But these were flashes of genius, an opinion held in advance, or lack of sustained reflection, prevented him from taking advantage of; a fault common enough with the greatest minds, above all with something extraneous to the subject-matter whose explication is their main goal.

Grotius did not grasp the difference between monarchies and republics, or the relations of lord and servant and the members of a corporate body with one another, in a precise enough way. The confusion that results in places where he discusses and argues while taking them by turns as the basis of his reasoning threw him into numerous and inevitable contradictions; and if this great man were to come back to life, I dare believe he himself would agree.

2.° Thomas Hobbes, *De Cive*, 1642, and his *Leviathan, or De Civitate ecclesiastica et civili*; London, 1651. It has been rightly said of this troubled man that the deep distress or disgust inspired in him by the strife in his country almost drove him to madness. It was Hobbes who, so to speak, invented the system of social contract and delegation of power, with the design of establishing the most absolute despotism—all with the intention, so he says, of keeping the peace. He was a partisan of Charles I, King of England, and followed this Prince to Paris where he wrote the two works under discussion here, not in order to defend the true rights of the king, but to attempt to justify or whitewash all abuse of royal power whatsoever. He regarded the English civil war, where all social bonds seemed ruptured, as the general and natural state of man. If he is to be believed, men are nothing but ferocious beasts, by nature at *endless war* with one another, and endowed with *equal powers*; they all have the same right to all things. Mutual fear made them leave this state of nature, and compelled them to unite by means of a *social contract*. Taking this contract in a purely republican sense, as J.-J. Rousseau and others still would do later on, Hobbes recognized no compact between the prince and his subjects, but only a true social contract between individuals (*pactum sociale inter singulos*). He then claims that the citizens thusly united freely and in perpetuity delegated everything they had to a prince without exception: their will, their right to judge and even their strength, etc. They retain nothing *of their own* (*De Cive* VI, 15), and have become completely enslaved, since there would otherwise be no peace. The State is thus, in Hobbes' eyes, a great artificial monster (*Leviathan*), whose soul is the prince, and all other men, with no will or existence of their own, no more than its arms, feet, etc. The sovereign, individual or collective, is *the people itself*; its will is the *general will*. It isn't even possible for it to commit an injustice, and not only is resistance illicit, but any criticism of its actions whatsoever by definition irrational. *Summos imperantes peccare non posse, neque*

cum ratione unquàm culpandos esse. [“supreme authority cannot transgress, nor can it ever be censured with reason”] (*De Cive*, ch. XII. 4.). Whatever the prince ordains is by the very fact just and legitimate, whatever he prohibits, unjust, because he is the organ of the general will, and there is no other characteristic in which one can recognize justice. (*Reges quae imperent justa facere imperando, quae vetent, injusta*, [“the king makes what he commands just, by virtue of commanding it, what he forbids, unjust”] etc.). Hobbes hardly thought that his successors would draw exactly the opposite conclusions from the same premises; but the social contract itself being a fiction, each of them was free to imagine its terms and conditions as he wished.

Some have tried to depict Hobbes as a deep thinker; but a deep thinker can also be a false thinker, and it isn't thought alone, but truth that counts. All his work is evidently the bitter fruit of circumstances that affected him to the point of almost making him lose his mind. This is also the assessment made by Boehmer (*Jus. publ. univ.*, pp.11 and 112). It is indisputable that, like all men endowed with natural intelligence, however misguided by false principles, he uncovers important truths from time to time, and expresses them in a manner as superb as it is striking; but all things considered, I know of no sophist as indefensible as Hobbes. From a false principle, he draws conclusions just as false. Divided between his conscience and his system, he spins about in a circle of constant contradiction. Sometimes he professes the most revolting atheism, pretending that we aren't even subject to the will of God, because we haven't delegated Him any power (*De Cive*, ch. XIV, § 19; ch. XV, § 2); elsewhere he cites a heap of passages from the Bible, whose meaning he tortures in order to reinforce his sophisms. Here he speaks of Divine law, and there he recognizes no right, no duty, by extension, no Divine law outside the State, that is to say, his artificial monster. By virtue of his principle, Hobbes is, and will always be, the father of all Jacobins, even though that was in no way his intention. For one moment alone, he comes close to the truth, when he speaks of the *civitas naturalis* [“natural state”] of a *magna familia* [“great family”], which is formed by the superior power of an individual. But he immediately falls back into the crude error of recognizing no rules for the exercise of this power, affording neither rights, liberty, or even will to those men nature put in a state of dependence, or who put themselves in the service of another of their own free will, and reduces them too to the status of slaves. Hobbes, no doubt, had many opponents; but

unfortunately they only attacked his conclusions, not his premise itself, the wellspring and cause of all the other errors.

3.^o *Algernon Sydney; Discourses concerning Government*, London 1704. The author of this work, which sent him to the scaffold in 1683, was the son of the Count of Leicester, a contemporary of Hobbes, a zealous partisan of the Parliamentary cause, and ambassador of the self-styled Commonwealth of England in Sweden. I regret the time I put into reading these three volumes. They contain nothing but disordered and disjointed verbiage, pointless declamations against governments, and a caustic and tiresome polemic against Filmer's *Patriarcha*—a work I haven't succeeded in obtaining, but whose title struck me as indicating a precise mother-idea, although perhaps too narrow. If, however, the excerpts provided by Sydney are faithful, it seems to me that Filmer made himself vulnerable through several errors, which made refuting him all too easy for his adversary; for he recognizes no republic, argues that monarchies *alone* are legitimate, takes the comparison to paternal power much too far, draws everything back to this relation alone, holds that it isn't permissible to resist the Sovereign *in any case*, etc. It is noteworthy that Sydney inveighs against Filmer much more than Hobbes, even though the despotism taught by the latter is much more revolting; but the principle imparted by Hobbes was much more commodious for drawing his republican conclusions. With Sydney, everything revolves around the following proposition: "*Cujus est instituere, ejus est abrogare; qui dat esse, dat modum esse*" ["whose right it is to institute, his right it is to abrogate; who makes a thing to be, makes its measure"]. The power of kings was instituted by the people and for the people; they can therefore regulate, limit, revoke, or abolish it at will. In fact, Sydney no more than anyone else actually proved the first part of this argument, since the numerous historical examples he brings forward to defend it are all false, misplaced, borrowed from republican States, and upon close examination, could all be turned against him, and used to prove the exact opposite of what the author intended to prove. In order to mislead his readers, he incessantly conflates monarchies and republics, compares kings to Roman consuls or the *avoyers* of Swiss cantons, subjects to the Roman people or members of a free corporation, etc. But these republics or free corporations also have subjects, to whom they don't owe their existence, and in the false comparison in question, he makes

no room for them: it is something Sydney didn't bother to pay the least attention to. He falsifies history, in order to apply his system to the constitution of England in a forced manner. But, notwithstanding all these errors, notwithstanding all the invective, all the brashness of his expressions, there is yet something noble in Sydney. He doesn't care for academic subtleties; the nobleman shines through everywhere. He shows a great predilection for the high nobility, that is to say, for the possessors of *freeholds*, and affords them alone the standing of *citizens*. But he is accordingly careful to avoid concluding that they, too, received their power from their inferiors, and that this power should therefore not be heritable. He has a great deal of knowledge, above all historical, but twists and tortures it in bad faith in order to support his system. There is no denying his talents, a great vivacity of intellect, and an original way of expounding his ideas; but, far from using these talents to research or prove the truth in good faith, he only uses them to seize upon the weak side his opponent occasionally presents, and attacks only this part, without refuting the main point. His book is ultimately the work of a disgruntled nobleman who adopted the doctrine of popular sovereignty inasmuch as he could justify his ambitions or his hatred against kings; but he wouldn't have been favorable towards the conclusions of moderns, who give the word *people* a broader meaning, and won't recognize noblemen as making up the sovereign people by themselves alone.¹ His Jacobinism is of the same sort that has existed in our day, that of certain members of the high nobility; these gentlemen didn't foresee that they too would be buried in the very grave they dug for their kings.

4.° *John Locke, Two Treatises of Government*, etc. London, 1690. The author, born in 1652, led astray by the spirit of his times, and by a false principle, spent his youth in the midst of the republican turmoil that shook England under Charles I, and joined the Parliamentary party, which was also that of his father. Accused in 1682 of having been involved in a conspiracy against James II, he fled to Holland, from whence he didn't return until 1689, with William, Prince of Orange. He gives the impression that he wrote the two *Treatises of Government* solely in order to oppose Filmer's *Patriarcha*, and above all the doctrine of the illegitimacy of all resistance to the sovereign. In the first volume, he attempts to refute the principles of his antagonist; in the second, to establish his own. The latter work is in fact neither very well

ordered nor profound, but a certain congeniality on the part of the author, the simplicity and clarity of his style, the modest reserve he maintains in the exposition of his conclusions, and the admixture of certain facts into his errors, make it engaging enough. Nonetheless, one already finds in it all the seeds of the revolutionary system of our day. The state of nature, in Locke's eyes, is a state of perfect liberty and equality, albeit bound by natural law. He doesn't see it as a state of war at all, but rather a state of peace and mutual good will. Nor did he think this state excludes all society (ch. II), and sometimes he even seems to prefer it to the *civil* state. We will demonstrate below just how close he came to the truth here. He argues that property derives from natural law, whence it follows that it owes its origin neither to convention, nor the consent of others; nothing could be more just than this argument. The natural right of all men to punish is also found in Locke's work, as well-reasoned as it is in Grotius. In the chapter on paternal power, Locke also defends the rights of mothers. It is only because of the lack of adequate security in the state of nature that *civil* societies were formed, for the purpose of creating *judges and sovereigns*, as though none existed before. As to the social contract and the supposed sovereign corporation of the people, Locke already takes its existence as a *universal fact*. He thinks he can save himself from objections by saying that very little is known about the infancy of States, that the documentation has been lost, etc.; he even advises opponents of his system to avoid embarking upon too much in-depth research on the origin and history of States, because, so he says, the results wouldn't be worth the effort (ch. VII). We will however attempt it anyways, in spite of his advice. According to Locke, the purpose of the social contract and the establishment of civil authority certainly wasn't to renounce private property, as Hobbes supposed, but to preserve it in its entirety. Nonetheless, everyone alienated his personal power and his private judgment—which, however, would seem the most sacred of all private property. Next, slight traces of *the division of powers* are already found in this author, but without the absurd addition of their reciprocal independence; on the contrary, and as though it were self-evident, the executive power must be subordinated to the legislative power. Locke further posits a third, which he calls *confederative* power, authorized to make war and peace, enter alliances, etc. (ch. II); but it didn't occur to him that these three *powers*, and many more still, are so many different emanations or manifestations of one and the same liberty, and that

other men likewise exercise them in a more narrow sphere. Without explicitly saying so, he would have the legislative power placed in the hands of the people, or its delegates, that is to say, as he puts it, an *assembly*; but while he abstains from elaborating this idea, or from proposing constitutions resembling those of republics, Locke is already quite taken with a certain system of forced conciliation, in the interest of passing off his principles as conforming to the reality of things. Parliament, he says, is the legislative power; and for this reason Locke already wants what he calls a *better* representation, or a parliamentary reform. If he encounters, in opposition to this doctrine, the right of the king to summon Parliament, dissolve it, determine its duration, set its agenda, sanction or reject its decrees (which doesn't much accord with the idea of a sovereign legislative assembly); if one further objects against him that the incontrovertible right of the prince to pardon, set aside the laws, make a great number of binding regulations, appoint to every office, etc. are rights that are so many characteristics of supreme power, and not a subaltern power: Locke thinks he can get himself out of it by calling them all mere *prerogatives* (ch. XII). Is there anyone who doesn't see in this the germ form of all the arguments subsequently made by Montesquieu and Delolme, and the errors on the true nature of the English constitution taken as gospel to this day? Chapter XV, on *conquests* in a just war, contains excellent remarks. Finally, the right of resistance to blatant and general oppression, is rigorously deduced at length in chapter XVIII. But there is a whole other problem here. One could, in case of need, afford the right to resist without any recourse to the hypothesis of social contract; for, just as those who wage war didn't create the might of their enemy, it isn't necessary to have *created* an unjust power in order to resist it. On the contrary, one would never have any need of resistance or war if the prince were the mere employee of the people. It wouldn't even be a matter of judging whether he made good use of his power or bad; the will or pleasure of the people alone would suffice for his dismissal. But even in this case, the problem wouldn't be solved, since the people would then comprise the true sovereign, and it would now be necessary to ask whether it is permissible or not to resist the oppression visited by the people, or its supposed majority.

5.º *Samuel von Pufendorf, de jure naturae et gentium, libri octo*. Lundini Scanorum, 1672; reprinted with additions, in Frankfurt, in 1684 and 1706.

We pay our respects to the very first author of a body of doctrine on natural law, without making a cult idol of him for it. Pufendorf doesn't have anything close to the intellect of Grotius, whose excellent preparatory work served him well; but he luxuriates in erudition and good faith. While many political considerations, and precisely the best, are already found in the section of his work treating private and domestic law, books VII and VIII alone however are dedicated to public law properly so-called. The chimera of a *civil society*, absolutely distinct from natural aggregations in goals and origin, is once again the root of all error here. Pufendorf did in fact recognize natural societies among men, as well as the existence of the Divine law of justice; he perceived the innumerable difficulties faced by a voluntary and civil association; he even intuitively the natural and legitimate origin of monarchies in personal agreements, in roughly the same way, he says, that one forms an army. But he provides no follow-up whatsoever to this fortuitous idea; and, in spite of nature, nonetheless demands a *civil society*. Overflowing with sentiments of justice, and more religious than Hobbes, he often refutes the latter, above all the most revolting of his propositions; but he didn't neglect to borrow a great many things from him, above all the fundamental error. He thus admits the principle of a social contract, *inter singulos* (but he excludes coercion, and, according to him, women, children, servants and temporary residents don't participate at all). From there he argues that democracy is the oldest constitution of peoples, and that monarchy and aristocracy are so many mere variant forms of the government of a primordial republic—an error since passed down to almost every other work of public law. Pufendorf also recognized the need for a second supposed contract, whose purpose is the delegation and limitation of power (*pactum ordinationis*); but he is intelligent enough not to go into too much premature detail about this constitutional mechanism. He always distinguishes between the *public person* and the *private person* of the prince—a distinction absolutely false with respect to true sovereigns, and only true with respect to the officers of a republic, or all the more applicable to a partial usurpation, as with the Roman emperors. At the same time, the loyalties of the author, or the fear of being taken as a revolutionary (what, in the scholarly world, was then called a *monarchomachist*) made him resist the republican implications that derive from the system of a power delegated by the people; hence he endows the prince with a power that is absolute and

encompasses almost *all matters*. The sovereign, he says, imposes tributes and forced service; for the good of the State, he puts the lives and fortunes of all to use, and makes law on every human act whatsoever, without bearing in mind, with Tacitus: “*grave et intolerandum sit cuncta regendi onus*” [“heavy and intolerable must be the burden of governing all”]. The idea of the separation of legislative and executive power is unsupportable for Pufendorf, and with great skill he demonstrates the absurdity of this doctrine. (L. VII, ch. 41, § 9–14, and ch. 5, § 7). As to various rights generally exercised by princes, he treats them in a way that clearly presupposes personal power (*jus proprium*), and as a result makes observations on laws, jurisdiction, privileges, the right to pardon, etc. that are accurate enough; but these observations aren’t deduced from true principles, and contradict those the author adopted as the basis of his system. Domains, royalties, heritability, and order of succession are arranged as best they could be in this system, but here too they owe their institution to the people. Pufendorf has often been imitated, and the order of exposition he followed still finds itself preserved in all of the handbooks of natural law written in our day.

6.º *Justi Henningii Boehmeri, Introductio in Jus Publicum Universale, etc.* Halae Magdebourg, 1709. This famous jurisconsult, from whom we will cite several passages, joins order, coherence, precision, force and beauty to great sagacity, and above all to a profound love of truth and justice that shines through every line. In the footnotes to the text of the work, he demonstrates an immense erudition that puts our times to shame, and which he always uses with great pertinence. Without us adhering to the fundamental principle, that is to say, the erroneous hypothesis Boehmer, too, accepts, albeit with visible repugnance, this work seems to us the best, or better yet, the least bad of all handbooks of public law to date, at least containing excellent details. The first chapter, treating natural law in general, is a thing of beauty. Nowhere else have we found public law better defined, its utility better established, and its difference from other germane sciences better explicated. The author’s critiques of the publicists that preceded him, although without resting on true principles, are in general well-justified and very fair (ch. V); but in the main article on the nature and origin of States, it is interesting to see how far the sensibilities of this man of intellect revolted against the hypothesis of a social contract and a civil society, that is to say, an

arbitrarily-formed society. He fights it with every possible rationale: these societies, he says, are by no means necessary, for natural societies can suffice; one can't even suppose them, since they are abhorrent to nature ("*qua magis fertur homo ad libertatem quàm ad subeundum imperium civile*", ["under which man is more free than under civil government, subjected"] p. 131); they are almost impossible, and hardly even conceivable ("*pactum aliquod expressum, antecedens imperium vix fingi potest*", ["the preceding government can scarcely conceive of any express pact"] p. 171): in short, they are a product of impiety. Finally, he lays down his arms in exhaustion; and as though out of bitterness over not being able to find the true and legitimate principle, he cries out in despair: "perusing the pages of history, one sees that the origin and rise of the chief States owes to nothing but violence and brigandage" ("*denique regnorum praecipuorum ortus et incrementa perlustrans, vim et latrocinia potentiae initia fuisse apparebit*", p. 146).² Order and justice came only later, as did the consent of the people, but without any formal contract. Nonetheless Boehmer considers the relationship that results, in the republican sense, as an *association* of individual wills for a *common* purpose, which is peace and quiet. Democracy, however, was not, as Pufendorf claims, the first constitution according to him; it didn't appear until after the abolition of royalty, or after the expulsion of nobles (*excusso jugo regio vel ejectis optimatibus*) ["by shaking off the yoke of the province or by ejecting the nobles"] (p. 213). With good reason, he calls supposedly *mixed* constitutions, or the dismembering of sovereign power, a *monstrum reipublicae* (p. 219). As to heritability, eternal stumbling-block of the pseudo-philosophical system, he expresses himself with much reserve, saying that, *when in doubt*, one must regard all empires as non-hereditary (*omnia imperia in dubio non esse patrimonialia*) ["all empires are no doubt patrimonial"] (p. 226). It is true that his sovereign, or *summus imperans*, is in his eyes nothing but the general or magistrate of a republic, but he insists that *rights of independence* be reserved for the sovereign; he can do anything when it comes to attaining the goal of society. Finally, in order to escape the implications of the republican system in general, Boehmer cuts the Gordian knot, and proclaims that the power must be *independent*, and exercised by *self-sufficient and personal right* (*potestas debet esse independens exerceri jure proprio*) ["independent power must be exercised by personal right"] (p. 242). It would suffice to change one sole word to express the whole truth, by saying: *Potestas summa est independens et exercetur jure proprio*

[“supreme power is independent and exercised by personal right”]. The limits of sovereign power are not found, according to him, in human constraints, but natural law, pacts, and longstanding usages (p. 300). But, under pretext of the good of the State, he abandons this principle, which likewise holds for *self-sufficient and personal* power, with every step. Consequently, in enumerating the rights of princes, following the example of Pufendorf he affords them absolute power over *almost all things*, and almost all the affairs of private individuals. They have, according to him, the right of military conscription (*jus conscribendi milites*); although, *observata humanitatis ratione* [“seen in a humane light”]; they can oblige their subjects to perform other compulsory services, house and feed soldiers at their own expense, and establish taxes without the consent of taxpayers, and *in proportion to expenses*. Finally, he also endows them with the entire breadth of supreme spiritual power, as though so many sovereign pontiffs. However, since the love of justice incessantly stirs within him, he tries to temper this absolute authority with all sorts of exceptions and reservations. From another side, he approaches the truth, in recognizing a right to make alliances even for private individuals, as long as they contain nothing prejudicial to the rights of princes and their subjects. The chapters on positive civil laws, privileges, jurisdiction and forms of procedure are, a few errors notwithstanding, as beautiful as they are instructive. Boehmer speaks out in particular and with great energy against the necessity, proliferation, and uniformity of these civil laws, and it is here that the scholar and man of intellect shows himself in full force. It seemingly never occurred to him that anyone would ever dispute the right of princes to judge; and even though he was a jurisconsult himself, he is by no means favourably disposed towards lawyers, or numerous formalities of procedure. He wasn’t, in my view, quite as successful in his chapter on the *right to punish*, a right that, owing to a pure clash of words between *vindicta et punitio*, he won’t regard as natural in origin (p. 526). One can say as much of the chapter in which he treats *right over things that have no master at all*, in which he also represents property as an *institute* of the civil State, established *ob corruptum statum* [“because of a corrupt state”]. The chapters on the rights and duties of subjects contain a harsh and severe doctrine (p. 568 et seq.). The status of subjects, he says, consists in all of them being *equally subjugated*; their rights are few in number, and all of them limited: nothing is left for them but the glories of obedience. They have

subordinated their will to that of the sovereign *in all things*. Their duties are to obey and never resist, even against the most grave injustices, and sometimes even to renounce the right to flee (pp. 588, 592, 600). Boehmer nevertheless attempts to soften these harsh maxims by various means, and says that God is counted as excepted by virtue of being first superior (*Deus censetur exceptus tanquam superior*) (p. 596). Between subjects, there exists, according to him, a *societas aequalis*, something that is a grave error; and simple duties of humanity are transformed into obligations of strict justice, another argument as false as it is dangerous (p. 617 et seq.) In the final chapter of *Juribus subditorum vacante imperio*, once again there are found many errors deriving from the hypothesis the author started with, and which don't conciliate with experience except in a forced manner; thus, following the example of Grotius, Boehmer grounds the laws of succession, wardship, etc. on the real or *presumptive will of the people*. In general, the whole work is nothing but a constant battle between truth and error, sentiment and the accredited system: striking proof of the dangers and contradictions produced by the idea of an *arbitrarily created civil society*, whether it is arrived at by deduction, or if an honest man wants to reconcile it with the reality of things and the peace of States. Boehmer is consistently harsh and despotic when he reasons from the principle of social contract; by contrast, consistently humane and sometimes sublime when, from time to time, he forgets this chimera, in order to bring that penetrating gaze proper to him to bear on the nature of things.

7.º *Spirit of the Laws by Montesquieu*, Paris 1748. It is with Montesquieu that the most explicit exposition of false political principles begins, or better still, he rehashes for us the corollaries that Locke and Sydney already drew. The pompous tone that dominates this work, the easy style in which it is written, and which serves as cover for the most dangerous sophisms, scattered with no apparent design and as though in passing, contributed all too much to misleading minds while preparing them to receive the final conclusion of revolution. In other respects, this famous book by no means deserves the reputation it has enjoyed. Save for some ingenious observations, in general it is lacking in order, solidity, and coherence. Full of paradoxical assertions and incoherent ideas, he affects to chase wit and shows a disordered taste for contrasts more witty than they are solid. A mania for systems and hatred of

the truth shows out through every line in which the author permits himself to torture or deny the most well-established historical facts, should they not accord with his strange theories. As to the substance of this book, it owes its unearned reputation to the novel errors and not the timeless truths it contains. His much-vaunted supposed discoveries of the *representative system*, even in monarchies, and the division and *reciprocal independence* of legislative, executive, and judicial powers; his positing *virtue*, *honour*, and *fear* as the foundations of republics, monarchies, and despotic States; and his pretensions of explaining all laws and every idea about justice in terms of the extraneous influence of climate, are so many vacuities. But they nonetheless contain a dangerous poison, since they lead to making all monarchies appear devoid of virtue, turning them into republics, reducing all princes to the status of bailiffs or executors of judicial sentences, and finally, denying the universality of Divine law. Montesquieu did not intend, as many imagine, only to exalt the constitution of England, and seek to import it to France; on the contrary he denatured this very constitution in order to force-fit it into his system, for the purpose of validating it with an historical example. For, to cite just one proof of this, it is absolutely false that, in England, the king makes no laws or regulations whatsoever, or even more so, that he isn't the supreme judge and source of all jurisdiction, which is always exercised in his name. Hence, since its publication, the *Spirit of the Laws* has been solidly refuted by several French and German scholars, but the sect of the encyclopedists succeeded, through its fanfare, in forcing everybody to receive it with blind respect.³ Voltaire said that it should have been called *Witticisms on the laws*, not *Spirit of the laws*. M. Dupin, tax-collector general, wrote a detailed critique, but complaints were made to the King's mistress, Madame de Pompadour, who threatened the author and publisher with her indignation, and forced them to burn all copies. Such was already the tolerance of the sophists, of the apostles of freedom of the press, towards writers who refused to serve their sect. A famous French jurisconsult called *Spirit of the Laws* a *heap of incoherent ideas, false interpretations, errors, mistakes in facts and reasoning*. Montesquieu himself avowed in his final moments that the love of novelty and uniqueness, the desire to pass himself off as a supreme genius, and to impress those who gave out fame at the time, led him into numerous paradoxes, and enticed him to throw off the yoke of truth and duty every scholar should be proud to wear. Finally, the *Spirit of the Laws* was criticized

by the author's own partisans and apologists—that is to say, revolutionary sophists—who couldn't stop themselves from counting him among the masters of their school. Thus d'Alembert exalts the *justified artifice* with which Montesquieu disguised important truths *without them being lost on the wise*. Mercier, a less capable writer, but initiated in the secrets of the sect, puts it even more frankly when he says: “there is but one overarching idea, *discretely concealed*, in all of Montesquieu. He demonstrates that the nation must either *govern itself*, or be governed tyrannically; but he *disguises* all of the conclusions that follow from this grand *principle*, in eluding this critical deduction on every page. He refers all his ideas back to the political (social) contract, and heaps ridicule and scorn on *every* nation where this principle is neglected. In this light, a bunch of things that at first seem vague, become clear and *show their true colours*. If he was obscure in several places, it was because he wanted to be, it was that he felt he would find souls made to merge with his own”. But a friend of the truth, whose intentions are good, need neither obscure nor evade the conclusions that follow from his principles. Grouvelle said of Montesquieu, in the same sense as Mercier: *Vir magnus quantum licebat*, to justify him before the disciples of philosophism, for *not yet* having spelled out or made explicit all the implications that follow from their system. Few people have better judged Montesquieu than *Abbott Barruel* in his famous *Memoirs to serve for a History of Jacobinism*, Vol. II, p. 45–108.

8.° *On the Social Contract*, by J.-J. Rousseau, citizen of Geneva. The first edition of this book appeared in 1762. This morose and misanthropic sophist, whose work Voltaire himself called *The Social Contract of the Anti-Social Jean-Jacques*, goes much further than any of his predecessors, and openly draws all the conclusions that follow from the false accredited principles with no reserve or discretion. He takes as foundation the same chimera as Hobbes, that is to say, the social contract, the source of authority in the people, the renunciation of all power and all private judgment, but he would rather that this alienation had been made, not to one or more individuals, but the entire community. Sovereignty, according to him, ought to reside in the hands of the people's corporation; it must be *inalienable* and indivisible. It is Rousseau who was the first to openly and directly enunciate the following frightening maxims and make them fashionable: The people is, and shall remain,

sovereign; the law is nothing but the inerrant expression of the general will; princes are mere officers of the people, and must obey rather than command; they can be removed as deemed appropriate (Book III, chap. 18); republics alone are legitimate; liberty and equality comprise the supreme good (Book II chap. 2). In addition, the work as a whole is incoherent and ridden with contradictions. The first book alone has a certain air of solidity and logic; the others contain only boring verbiage on various topics mixed together with strange paradoxes, and the author ends up himself not knowing what he wants. Democracy, he says, never existed; it is impossible, and made only for gods (Book III, chap. 4); monarchy is nothing but tyranny on one hand and slavery on the other (Book III chap. 6); even elective aristocracy (or the modern representative system), which he posits somewhere as the best form of government, he elsewhere says is impossible, because sovereignty cannot be represented, and a people *ceases to exist* as such, from the moment it gives itself representatives (Book III, chap. 15). In essence, Rousseau spoke more truth here than he could have ever imagined; for, if sovereigns are to be regarded as nothing but mere repositories of the power of private individuals, then, from the beginning of the world, neither monarchy, democracy, nor aristocracy ever existed in this sense; none of them are actually any better than the others; but it is completely different if those sovereigns, individual or collective, are considered as persons that possess only their own power, and exercise only their own personal rights. It was certainly no honour to the eighteenth century to have taken a sophist like Rousseau for a great genius; poor in mind, poorer still in knowledge, and whose only talent is for enthralling the reader through the charm of his style.

9.° *Views on the Means of Execution available to the Estates-General. What is the Third Estate? Survey and Reasoned Exposition of the Rights of Man and Citizen, etc., by Mr. Abbott Sieyes.* Paris, 1789. We will say nothing here about the role this famous man played in his capacity as author and partisan of the French Revolution. It is well-known that he initially gained, owing to his writings, an extraordinary influence that afterwards became almost nil. After a long period of silence, he was nominated a member of the execrably infamous Convention, in 1792. In it he voted for the death of the king, likely out of fear, thus proving just where false principles can lead a man perhaps by nature inclined towards justice. Whatever the case may be, we need not and

do not want to consider him here except as a writer. In this regard, one must agree that he is the most spiritual, the most ingenious, and the most coherent of all partisans of the pseudo-philosophical system, towering above all the masters and disciples of this school. His very language is absolutely different from theirs; on the one hand, in fact, full of hatred and bile, but on the other hand, too educated and endowed with too much intelligence to approve of *all* of the folly of modern philosophers, he fights and mocks many of their most vaunted dogmas, with all his superiority of talent. Through the influence of the spirit of the times, that of the more solid school that had informed his youth still shines forth; hence, for example, his *Observations on Ecclesiastical Goods and the Suppression of Tithes* (Aug. 10, 1789) is a masterwork of intellect and reasoning, leaving aside the error he made in representing the Church as a branch of the civil establishment. A stronger logician than those of his party before and after him, Sieyes deduces the democratic conclusions that follow from the so-called social contract and the primordial sovereignty of an imaginary community, in a wholly republican sense, and with the least accommodation to what actually exists; however, he is in a certain way most clever and adept in the faithful application of principles. One even finds, in his writings, some traces of religious sentiment the ecclesiastic and man of intellect couldn't shake off entirely; hence he recognizes, at the very least, a supreme and natural law, serving as the rule even outside of society, and to which the general will of the people must likewise be subjected. But what particularly distinguishes Sieyes from his predecessors, are his thoughts on the apparent means of execution; far from limiting himself to the idea of an imaginary republic, he hazards an organizational plan for the very first time, setting out a republican constitutional project for what was called a corporation of twenty-five million men; and this apparent possibility of realizing the new political principles, and seeing them exist only on paper no longer, contributed all too much to feeding the fanaticism of the French Revolution. That aside, the style of this author is one of great beauty, manly, energetic, eloquent; rich in thoughts, Sieyes joins a rare wisdom and a fertile imagination, to brilliant traits of mind, terminological precision, and above all that propulsive language wholly lacking in most of the sophists of this school. For him, theory is serious business, and at least he believes in it in good faith. Finally, once the premises of his arguments are admitted, his logic is commanding,

irresistible, and all these qualities make the writings of Sieyes so dangerous and so seductive that they most certainly had more impact and caused more harm than any other. His writings almost couldn't be faulted except for a single error, albeit the first and most dangerous of them all, the one from which the rest flow: that is to say, the assumption or assertion of the social contract, the sovereign community of the people, and the delegation of power for national interests; in short, the chimerical idea of a so-called *public institution*. But everything falls apart with this hypothesis; the whole edifice of brilliant conclusions rests on nothing but a deceptive foundation, on quicksand, and the extraordinary logic is nothing but a false dialectic. It is incomprehensible that Sieyes, otherwise accustomed to proving almost everything, answering all objections with a sort of conscientiousness rare among modern writers, nevertheless posits, as an incontrovertible axiom, a point of departure as unnatural, chimerical, and even impossible as the social contract, and in turn makes it the basis of all his argumentation, without supporting it with even the least bit of evidence. Sieyes never provided a complete system, even though fragments on almost all matters of public law are found in his various pamphlets. If he encounters the thorniest and actually unsolvable problems this theory presents along the way, for example: who are the contracting parties in the social compact? Do women and children find themselves admitted by virtue of their participation in the rights of Man? Why does the greatest number make everything bend to its will? How does one make law for oneself when forced to receive it from the people or their representatives? He deftly skirts around these questions, or refers the answer to another era, one that never existed and never will. But it would be easy to prove from a thousand passages in his writings just how many times his natural insight almost led him to the truth, had he not disdained to look for it. When one sees Sieyes distinguish so perfectly between aggregations and associations properly so-called (Views, etc. p.118); when the lordship and dependence he finds so shocking in relationships with the prince by contrast seem so simple to him in relations between private individuals that he calls them a result of voluntary commitments and a reciprocal exchange of favours; when he maintains with much justification and good sense, that political liberty, i.e. independence or sovereignty, can't be maintained by a charter, but only by an actual power, by the ability to make use of arms and wealth; when he recognizes that individual liberty—

while, according to him, something whose defense everything must be constituted for—has very little to fear from attacks by malicious individuals, which ordinary authority suffices to contain, and by contrast every reason to be wary of *authorities constituted by the people*; when we hear him say so profoundly, that the revolution had transformed the *private thing of the king, into a public thing*; when his writings are full of many other insights in the same vein; we must then ask in astonishment, how it could be possible, that he didn't see the whole truth? How could he not know that States themselves are only natural social relations that have come to attain to perfect development and complete independence, and can equally result from a set of private and voluntary agreements? How could he not have sensed that there is an essential difference between self-governing corporations and seniories, that is to say, between civic associations and personal commitments to serve or defend? How could he not have seen that perfect liberty, or sovereignty, is only the natural result of superior power, that it therefore belongs only to those who possess it, and that this perfect liberty is precisely the distinctive characteristic of a prince? How could he not have recognized that it isn't permissible to despoil another of his power in order to become free oneself, and that nobody has the right to make a public thing of the private thing of a king, to declare his goods national goods, etc.; finally, that within natural social relations one can live in just as much liberty and safety as human nature has to give, and by contrast, artificial societies, authorities constituted by the people, deal individual liberty, of which Sieyes was otherwise quite the zealous partisan, its death blow? What a shame that a man as warmly disposed to science as Sieyes, could give himself over to such folly! Endowed with rare talents, with insight ordinarily so accurate, and energy of mind so great, Sieyes could have done as much good as he did bad. If he had wanted to grasp the true principle he often approximated so closely, he would have been the most vigorous and eloquent defender of monarchy. But such is the influence, even on the strongest minds, of a false principle one adopts while young. Once such an illusion takes hold of us, our sight turns away from the truth, and then, even when this Heavenly beauty presents herself to our sight, our deluded eyes can't stop to look, and take no more from this light than a few rays to give colour to error.

We will not go into great length here on the following modern publicists from Germany, only provide their names and general sense. Thus *Martini*,

like Hobbes, seeks to reconcile the social contract with the most absolute despotism, maintaining nonetheless that as a rule governments should all be democratic, so that monarchies would be an exception to the rule. *Sonnenfels*, author of a ridiculous system, teaches that the sovereign good consists in limitless population growth; a vain and dull sophist, he hides behind feigned and hypocritical moderation, the most dangerous of revolutionary venom, and did a lot of harm, since, having succeeded in winning the adoration of Empress Maria-Theresa, his work became the standard textbook in every school in the Austrian empire. *Scheidemantel*, German of the old school, learned man, upright and pure in intention, also admits the principle of social contract, but staves off the conclusions that follow from it as much as he can. *Schloezer*, professor at Goettingen, revolutionary of a certain sort, censor of governments, to be sure makes everything start with the people; but, by nature skeptical of republics, prefers to delegate power to a sole individual, provided the latter is but the removable commissioner of the nation and executor of philosophist doctrine. All of these works are little-known in France, along with the many other handbooks of so-called natural or political law that appear every day in Germany, only to be just as soon forgotten. There is one, however, that I cannot pass over in silence, that short book entitled: *Metaphysical Elements of Jurisprudence*, by Emmanuel Kant, Konigsberg, 1797. This isn't the place to talk about the gross errors, outrageous jibes against the most sacred things, and revolting assertions spread throughout the introduction as well as Part One on private law; and even the fifty-four pages that treat of public law would merit no mention, were it not for the fame of their author, and his fateful influence on his contemporaries. No doubt the imprint of an original mind can often be recognized; but the old sophist chases after false brilliance, and doesn't care for the truth. With a sort of literary flirtatiousness altogether incompatible with the dignity of a real scholar, and above all an older man, he aims to please partisans of the most incommensurable systems at the same time. He seeks to conciliate himself to the older jurisconsults, with Scholastic language and old Latin maxims, to which he then gives a sense that is forced and contrary to nature; to friends of peace and order, and even partisans of despotism, by exhorting them that one mustn't embark upon any inquiry into the origins of sovereign power, that the most oppressive tyranny never legitimizes any resistance whatsoever, that the subject can't even have

an opinion different from the head of State, etc. Finally, he pays homage to modern Jacobins, in presenting their principles on the sovereignty of the people, the representative system, the division of powers, the universal, as *models* one must constantly *strive to approximate*. But ultimately, he pleased nobody; everywhere he does violence to truth, and had no other intention than leading learned and sincere men into the snares of Jacobinism. The radical sophism Kant starts with, and which almost nobody has noticed, a sophism in a certain way new and peculiar to its author, consists of furtively giving the terms *natural state* and *civil state* a sense totally different than the one that has been attached to them in the schools until the present. By *state of nature* he by no means understands the extra-social primordial state, whether taken as fact or posited as hypothesis, but the very social state that has existed until now, and still exists in our day, where private law alone is the rule. Up to that point, Kant is correct, but he immediately insists that the state of nature (that Divine institution) is *devoid of justice* (*justitia vacuus*), and that it is a state of injustice. We must therefore leave the *present* state in order to found a supposedly *juridical* or legal state, to which, inverting conventional language, he gives the name *civil*; a state that, according to him, no doubt *never existed*, but must nevertheless be posited as *ideal*, in the interest of realizing it little by little. (See the introduction, p. 41 and pp. 136, 156, etc.). The first of these propositions, which present the actual state of society as the state of nature, is most certainly true; it would have made this ingenious sophist discover the whole truth, had he been looking for it in good faith; but to add that we must leave this actual state, is to pour the most subtle, well-concealed, and most dangerous revolutionary poison. In fact, the immediate purpose of this argument is to inspire incessant striving towards the destruction of States as they have existed until now, slowly poison them as though with *aqua tofana*, and introduce so-called *legal*—that is to say, revolutionary—constitutions. With Kant we have also seen the rise of a new school, a new shade or subdivision within the same revolutionary sect; a school that doesn't start from supposedly primordial facts or theoretical fictions, but speaks of models or *postulates* of reason, of *progressive reforms*, of continuous approximation to a so-called *legal* State, etc. Essentially, they aim towards the same goal as the other revolutionary sects; but their feigned moderation, and the veil with which they disguise themselves, makes them much more dangerous and pernicious than every French Jacobin put

together. One can scarcely imagine the revolting errors that follow from the distinction, at once strange and sophistic, between the actual State supposedly devoid of justice, and a future so-called *legal* State. Hence, according to Kant, it becomes licit and just to force individuals and even whole peoples to join the State, that is to say, enter into a legal position—a principle Sieyes doesn't admit at all—that justifies all subjection, all usurpation, and leads directly to the universal republic. It is necessary to regard all actually-existing property as purely provisional; abolish all private right, self-defense, and resistance to injustice; and each law is deemed just solely because it is law, that is to say, the product of a general will, which can do no wrong to itself (pg. 165). The State has absolute control over person and property, because it made them (pp. 185, 187); nobody can exempt themselves from the right it has to regulate everything into conformity with its will. Finally, one must adopt the detestable maxim, *Quilibet presumitur malus, donec securitatem dederit contrarii* (every man must be considered an enemy, unless he has avowed the contrary), while at the same time recognizing the diametrically opposite rule, etc. In other respects, these principles bear a striking resemblance to those of Hobbes, from whom they are manifestly drawn, at least in part, but Kant made them more dangerous still. For from time to time, Hobbes at least recognizes divine laws, while Kant rejects them all in this work. Hobbes calls a state of perpetual war an imaginary primordial state, Kant gives this name to the actual state of society; Hobbes teaches that we have left it, Kant would have us leave it now; for both of them, the supreme law is by no means justice, but peace, that is to say, absence of resistance, a peace that can consist only in the triumph of injustice, the silence of tombs, and the most miserable servitude. Certainly, since it has been supposed that Machiavelli had written a satire of princes, one might say, in order to rescue the honour of Kant, and with as much justification, that he intended to write against the idea of so-called *philosophical* or constitutional States with the bloodiest sarcasm—for it is impossible to imagine anything darker, harder, and more destructive of all individual liberty than his so-called legal State. It is, to use his language, an illegal State, a *postulate* of unreason, and most certainly not reason. His international law rests on the same chimeras; here again, all rights and all possessions are only provisional; just like individuals, States themselves must join civil society; it follows that there will then no longer be any free men

on earth, nor anyone who has the ability to defend himself. Finally, he creates yet another new law, that he calls *cosmopolitic*; but it's quite simply the unwritten law binding on all men, even outside of society, and that we too call universal ethics, while of course adding duties of benevolence to it; a law that rests on the natural identity of all men and not the ridiculous grounds that the earth is round. In any case, it can readily be seen that this newly-minted expression, *cosmopolitic law*, was just another form of flirtation, a new device for gaining the approval of modernist sects.

Here we shall conclude our critical review of works on public law, all the more willingly in that there hasn't appeared, since this era, any others that establish new or better principles; only an infinite number of revolutionary pamphlets, papers, handbooks of natural law, etc. that have rehashed the same system, in whole or in part, in a great number forms, but without adding any new ideas. Despite the terrible lesson of this experience to which the world has just been witness, one Mr. Bensen, of Erlangen, in 1798 distinguished between social law, theoretical or pure law, and practical or applied law, the first of which encompasses, according to him, the exposition of the pseudo-philosophical system everybody already modifies at will; and the second, the means of implementing this system, that is to say, fomenting revolution or overthrow of States. *Systems for the founding and organization of States* were already being written up, as though these were purely arbitrary acts, and all the peoples of the world now called upon to draw up social contracts and debate on constitutions. Even in 1804, when all the philosophical attempts had failed in the most deplorable way, and, in the absence of a better doctrine, were provisionally refuted by the misery, blood, and tears of peoples, totally confounded by experience, and cursed by mankind; a professor from Wurzburg still wanted to admit women and girls as active citizens in his sovereign corporation of the people, while holding up, as a martyr for truth, every rebel who would seek to put such ideas into effect, *even if he hadn't gained the assent of the people*. Such are these doctrines, taken to the point of absurdity by their very acolytes. With all of these so-called philosophical works, it invariably resulted that the disciples were worse than the masters; each one added a bunch of new errors to the errors of his predecessors, and that's what was called perfecting the science. None of them bothered to ask if the first principle of the system was true or conforms to reason. Neither experience, nor the innumerable contradictions of their

partisans, those endless variations which by themselves already comprise one of the characteristics of error (*variasse erroris est* [“to vary is an error”]), the doubts that arose in their minds in spite of themselves, or the truth they intuited from time to time, could shake their simple faith, their belief in the foundational lie, wellspring of all errors.

1 Translator’s note: Sydney actually leaned *much closer* to modern democratism than Haller seems to realize. In England, the Crown had acquired enormous amounts of land, which it sold off as freehold land in order to raise revenue, with the result that not just the nobility, but subjects of decidedly humble social standing held directly of the Crown, as tenants-in-chief. Sydney’s use of the term, “freeholder” thus encompasses not just the aristocracy, but also the great number of modest yeoman farmers who, importantly, comprised a key support base for the Whig (i.e. republican or crypto-republican) party in the lower house of Parliament. Sydney, as a Whig propagandist, accordingly claimed that, prior to the Norman Conquest, *every* freeholder was a member of the college of barons (*baronagium*) he claims chose the Saxon kings by election.

2 This proposition, which Boehmer moreover didn’t intend in so bad a sense, is, however, false and imprecise, even with respect to history. How could this honourable man not have seen that the founding power of an empire need exercise neither violence nor brigandage, that he could also be protector and benefactor, as he ought to be, and often was! We will go even further, and prove that violence can never found an empire, but only extend it; that its origin is always just, but its rise not always so.

3 D’Alembert himself more or less avowed as much in his eulogy of Montesquieu, at the beginning of the fifth volume of the Encyclopedia: “true judges, he said, lead a multitude *always ready to change direction*. The part of the public that instructs dictates, to the part that listens, *what it must think and say*; and the approval of enlightened men, joined by the echoes which repeat it, form but one voice in all Europe”. It goes without saying that, in the language of the day, the *true judges*, the *party that instructs*, the *enlightened men*, etc. were none other than the encyclopedists. These gentlemen, while preaching freedom of thought and declaiming against any educational authority, at the same time sought to impose their own, and to *dictate* to everybody *what they must think and say*.

CHAPTER VII.

Philosophical History of This Theory.

AN EXPOSITION of the innumerable variations, the perpetual contradictions into which the partisans of the pseudo-philosophical system have fallen, and must necessarily fall, whether by themselves or with others, would furnish material for an interesting and instructive work; so we undertook to take a quick look at it, and briefly but systematically show how, following the received principles, these contradictions and variations became inevitable. For first of all, the whole system being, as its own acolytes averred, nothing but a fiction, it follows that everyone has the right to form ideas and hypotheses on the state of nature, the social contract, delegation, the extent and limits of sovereign power, the necessity or non-necessity of reforming or revolutionizing existing States, etc. at will. This is the first source of infinite variation. Second, not all of the partisans of this system were equally consistent, or equally ill-intentioned towards the peace and quiet of States: thus the ones who, whether out of prudence or good faith, sought to reconcile their strange theories with the actual order of things to a greater or lesser extent, to this effect employed, variously, artful reticence, evasive qualifications and reserve of expression, etc. Others by contrast were bolder, and without worrying about being given the lie by universal experience, deduced the natural implications of the social contract and the delegation of power more or less rigorously, positing them either as the original rule since fallen into desuetude, or the model to be adopted in the future. Additionally, inconsistency is always the companion of error. Man knows not how to divest himself of all truth; and those truths he keeps, or that slip past him in lucid moments, force him to contradict himself in spite of himself. But since it would take too long to refute, one after the other, this infinity of contradictions here; since this endeavour would oblige us to frequent repetition, and will find a more suitable place when it comes time for us to refute the entire revolutionary system; we shall move along to the *philosophical history* of the system, in the interest of explicating what first

caused its origin, development, and propagation.

The works reviewed in the preceding chapter and pertaining to the system adopted until now on the origins and purposes of States already constitute, to be sure, a type of history, that is to say, an ongoing witness of its existence, progressive developments, and transformations. Nowhere else than Europe would it be harder to find a man, a bit educated, who hasn't read a thousand works of this system variegated to infinity, here in one form, there in another, with bold conclusions or timid explication, but in principle, always similar to itself. There is nobody who hasn't heard it being preached from rooftops, taught in schools, and perhaps, partaken of its errors himself to a greater or lesser extent. But this purely historical knowledge does not suffice to shed light on this topic. It remains for us to explain this strange phenomenon: how could a theory, so strongly in contradiction with the course of nature, universal experience, and even the most pressing interests of men, have nonetheless entered the minds of scholars, perpetuated itself for several centuries, spread itself so widely, and ultimately gained near-total dominance? This philosophical history of science is as useful to the study of the foibles of the human mind, as it is instructive for generations to come. It will make us see, in a striking fashion, one also eminently suited to recalling all scholars to modesty, just how little most men are disposed to observe and think for themselves, however much they may love to brag about it; how the best minds and the most gifted by nature are often much better at drawing rigorous conclusions than examining principles, taking premises as given facts; with how much ease and by how many routes error introduces itself into the mind, and just how difficult it is to throw off its yoke. As a result, a single false idea, conceived by design in bad faith, or owing to chance, that has found favour through the charm novelty always has to offer; been propagated in every social class through education and writings; become, through exact exposition of its logical implications, a system entirely made up of errors; and finally won acceptance by way of the gullibility of the greatest number, can cast roots so deep in their minds that it is no longer possible to extirpate them. Happy would be men, if such doctrines were always harmless, if they were nothing but a pasture for their vanity! But in practical sciences which concern the most precious and sacred bonds of humanity, starting from false principles is no matter of indifference; sooner or later, ripe for application, they bear their fatal fruits; they shake the

foundations and safeguards of the dignity and well-being of all, and bring with them the most terrifying calamities for peoples and realms.

The doctrine that supposes States, or even human society, to have been founded on a voluntary and artificial social contract, and that all power therefore comes from the people, is not really all that old, but it would be wrong to attribute its invention to the eighteenth century. All the research that can be done on this doctrine proves, on the contrary, that it doesn't go back much further than the end of the sixteenth or the middle of the seventeenth; all of antiquity ignored it. Some fanatics, some past sectarians may possibly have derived all power from the people, imagining that it was such in republics; others, misled by false ideas about religion and the Church, even went as far as to recognize no superior on earth, but their doctrine was never distilled into a system; their principles didn't figure among the articles of faith, and under Louis of Bavaria, the princes of Germany declared: "That the imperial power and dignity comes immediately from God alone" (*Imperialem dignitatem et potestatem esse immediate a solo Deo*). In seeing jurisconsults and religious writers alike express themselves this way with so much simplicity, without the slightest affectation, without elaborating further, and hearing them hold the same for private power, it is clear that they were at the time thinking of nothing extraordinary or supernatural. They simply meant that neither the power of princes, nor the diversity of means and gifts of fortune divided between men, were created or conceived by men themselves, but originate in the nature of things, that is to say, Divine institution. And because they neglected to clearly explicate an idea otherwise so simple, it was no doubt soon interpreted in an absurd manner. It came to be believed that God Himself had, in who knows what *immediate*, *supernatural*, and *miraculous* manner, established princes and superiors, although history, however, offers no evidence of it. In any case, inasmuch as the princes of the earth didn't abuse their power in order to violate the rights of others (a matter in which sentiment has always been a better judge than theory), it scarcely occurred to anyone to inquire any further as to what this power rests upon and where it comes from, and whether it was given in nature, acquired by talent, or conferred by the people. At the very most there was some knowledge of positive law, that is to say, the legitimate relations that actually exist within a State, and this knowledge was necessarily bound up with history. It

documented the manner in which this or that kingdom was gradually formed, how and by what titles the prince acquired his various possessions, or by which circumstances he came to sovereign power. Rights and reciprocal obligations between him and his subjects were judged, either by Divine, that is to say, natural, laws, or existing treaties, agreements, and customs; and this is really the only reasonable way to proceed in such cases. But while in all ages there have existed penetrating and philosophical minds, capable of distinguishing the necessary from the accidental, the constant and invariant from what is transient and subject to change; even though the most ordinary observations, and the traits of mutual resemblance offered by the history of all kingdoms, were eminently suited to facilitate the discovery of the general principle, it was nevertheless unknown; until Hobbes and Grotius, no author had undertaken to write a complete system on the nature and origin of States in general, and the attending rights and obligations; a system that would be the same for everywhere, and serve as the measure or foundation of all positive law. It is thus all the more regrettable that the first attempts in this genre were so badly executed and were proven false, precisely in the fundamental principle with which everything has to start, that is to say, the idea they had about the origin and nature of the State. One might be led to believe that the need to posit a condition anterior to all human society, in order to explain the origin of the State, must have given birth to the idea of a social contract, but that would be a great mistake; for, leaving aside that this absolutely extra-social state never existed, and that it is absurd to found a science on a fact that is imaginary and known to be false: the origin of social relations could have been explained in an entirely different fashion, and this research would have led only to *natural* societies, and never to those so-called *civil* societies, which are totally different.

On the contrary: in tracking back to the original seed of this error that has since developed such deep roots and such far-reaching ramifications, it cannot be pretended that the exclusive study of Roman literature, the widespread use of Latin among scholars, and a certain idolatrous reverence for Roman law, weren't the first and almost imperceivable causes of misconstruing the essential difference between monarchies and republics (seniorities and corporations), and positing the idea of a social contract as foundation of all rule. For since the Latin language has little non-republican terminology, at least when it comes to States, it is these that writers

employed most often; consequently these same terms wound up being applied to all sorts of unrelated things and to relations of a completely different nature. Thus, since Roman citizens formed a corporation between themselves, an electorate, a true *civil society*, it was imagined that all other human aggregations, all mutual relations between men are likewise *civil societies* or unions of citizens. Soon enough all States, even monarchies, were being called *civitates* or *res publicas* (civic bodies, corporations); the set of those in the service of the same master, *populum liberum* (a free people); individual subjects who in no way form a corporation between themselves, and with no personal obligations whatsoever to one another, *cives* (citizens); and the Estates of the land, that is to say, the first servants or vassals summoned to the council of the prince, *comitia* (popular assemblies). The name, *patrimonium populi* (goods of the people or national goods) was given to the domains or personal property of the prince; *aerarium publicum* (public treasury), to his fisc or treasury; *munera publica* (public offices), to the personal service rendered by great and powerful nobles, etc. and so forth. Hence it imperceptibly became habitual to use the same words to express radically antithetical ideas and relations, subsequently confound them with one another, and from there draw a host of erroneous conclusions. The corruption of language and the inadequacy of signifiers has always been, and is still now, a source of infinite error; instead of changing the word to fit the thing, the thing itself is force-fitted to the sense of the malapropism used to designate it. Also, Roman laws pertaining to private right, not without justification, had acquired an almost absolute authority—since, notwithstanding their imperfections, notwithstanding the superiority of the ancient Germanic customs, so closely approximated to the simplicity of nature, may have over them, they still contain a rich vein of eminently reasonable principles that, other things equal, can be put into practice everywhere. But it also resulted in seeking, in spite of the nature of things, to apply the constitution of the city of Rome to all other social relations, and so Roman public law was transformed into universal public law. However, in Rome itself neither the kings, nor, later on, the senate, received their authority from the people; for it was Romulus that rallied the people around him, divided them into tribes or electoral colleges, and appointed senators as his counselors. When the latter subsequently made themselves independent, they too didn't hold this power from the people, which only

later, and after long struggles, obtained a greater influence in public affairs, and never the right to name senators. Had scholars or jurisconsults had this first origin of the Roman republic before their eyes, they would probably have never fallen into such crude errors; but they chose as their model precisely the era of the greatest corruption, and held up the most blatant and well-known abuse as the general rule. Some of the more clear-sighted jurisconsults stood up against this dangerous and capital error, but in vain; they were powerless to resist the floodwaters of the universal idolatry of Roman law. The ideal of all monarchies was seen not in the original kings of antiquity, but exclusively in the *Emperors of Rome*, in that monstrous state of partial usurpation which can neither be called a monarchy nor a republic, which seemed to lean towards both, but rested on the foundation of neither; a state of things where the forms and phraseology of the republic were preserved (*eadem magistratuum vocabula* [“the same vocabulary of office”]), but in practice was never anything but an absolute despotism, founded solely on military power. And since, from the time when Charlemagne took the title of Emperor of the Romans—a title that subsumed the one he had previously borne, that of King of the Franks—the German empire came to be regarded as the continuity of the Roman empire, and so the use of this language appeared to have one more reason in its favour. It also came to be introduced by doctors of law into the chancelleries of princes, above all those of the kings of Germany, whence it was quick to be adopted elsewhere. From there likewise came the despotic system according to which princes were to be attributed, as theirs by right, with the same authority that the emperors of Rome had exercised, not over their own affairs, but, as usurpers, over the interests of the once-free Roman republic. In vain all history, all existing laws, all customs, all uses that give the lie to these manners of speaking and these arguments; jurisconsults thought they could save themselves by saying all this took place *ex mutata republicae forma* [“due to the republic’s changed form”], although none of them could specify the era when the supposed change took place. All other princes were therefore likewise deemed to emerge only from existing republics and merely hold the highest office or command of a republic. The essential difference between republics and monarchies was completely forgotten, since the latter were no longer regarded as anything but republics of another form. Roman emperors had at their disposal a part of the goods and revenues that by no means belonged to

them, but to the ancient republic; thus all personal possessions of princes had to be regarded as domains of State, or national properties. One can readily conceive that men can live together without being united in *corporations* or *collectives*: indeed it's most often the case; but since every other social bond or relation had already been given the name of *cities* or *civil societies*, it was necessary to also posit a so-called state of nature without society and without sovereignty. Finally, every republic, every corporation presupposes, between the citizens or members who make it up, a formal or tacit pact of association (*pactum sociale*); it was thus supposed that it was the same where there exists neither republics nor corporations; and so one can readily understand how the progression from one error to another ended in giving rise to the bizarre idea of a social contract between all the inhabitants of a land, from which, in turn, a great many other conclusions were drawn, and which has become a bottomless wellspring of error.

In the second place, it cannot be denied that the ecclesiastical revolution commonly called the Reformation, and for that matter a too-hasty comparison between the Church and other social relations, powerfully contributed to the propagation and adoption of this erroneous idea of social contract. For as the Christian Church represents (not in every respect, but relative to the faithful between them) a religious *body*, in which every Christian, *in that capacity*, has the same rights, the same duties, and the same hopes: several theologians, above all among the Protestants, and other scholars still, misled by a false analogy, transposed this idea, which only applies to the Church, to other, altogether different temporal relations. They regarded every mass or multitude of men who, with no ties between them, serve a great territorial lord or prince in highly variegated statuses, as forming a *body*, and thus sought to give the State the form of the Church. In fact, this idea, as well as the conclusions that supposedly follow from it, can't even be applied to the Church; for, properly speaking, the Church is by no means an association, but the aggregation of a great number of disciples around a supreme teacher. It isn't the disciples that made the master, but the master that gathered the disciples; it wasn't particular Churches that founded their pastors, but rather the pastors that, in the beginning, founded Churches. It also must be acknowledged that Roman Catholic theologians, who regard the apostle Saint Peter as the first successor or vicar of Jesus Christ, and the bishops of Rome as the successors of Saint Peter, have less

often fallen into this error, against which the history and entire constitution of their Church pronounces so strongly. But some reformers, in the excesses of their hatred for the hierarchy, that is to say, the government of sacred things, wanted to introduce an absurd *democratism* into the Church, and by necessity eventually fell into this error, the crudest of them all. For ever since the Protestants were separated from the supreme head of the universal Church, their doctrinal authorities found themselves quite unable to figure out just who should be endowed with ecclesiastical authority, which remained no less necessary both in matters of faith and discipline. We concur, if we may say so, that it wasn't without wise aims that Divine Providence allowed the reformation of the sixteenth century in order to abolish many abuses, rekindle the spirit of religion in a great many Christians, and indeed, through this terrifying example of defection, lead the Catholic Church to redouble in vigilance, renew its spiritual life, and clean up its internal administration. But it is no less true that the constitution of the Protestant Church found itself deprived of all solidity, all set foundations, as a tragic experience is proving today, and the great Protestant theologians themselves recognized. Scripture, it was said, must be the sole and supreme rule of the faith, but it could neither explicate itself, nor remove any doubt, nor settle any dispute; and, were it everywhere interpreted in the same way, in any case it certainly teaches us very few things about the external constitution of the Church, whose existence either it presupposes or was only later consolidated. The Protestants neither dared nor were able to give their Church a supreme and general head, since in their eyes it would have been nothing but a new Pope, a status that had become odious to them; and they would have never agreed on who to raise to this dignity, precisely because such a head cannot be created by his own inferiors, but on the contrary must hold his power exclusively of himself and the nature of things. Preserving the bishops and archbishops of each diocese, and attributing them, as in the Anglican Church, with supreme authority in spiritual matters, does nothing to solve the problem—for whence do these bishops derive their authority? The independence of each believer (*libertas Christiana*) no longer existed, having only created as many popes as there once were bishops. The republican system of consistories or synods, made up of pastors of several Churches, which has also been called *ecclesiastical aristocracy*, offers no fewer inconveniences; since first of all, it strays even further than the

others from the nature of the Church, which has but one flock and one pastor; and in place of an individual Pope, it creates a collective Pope. In addition, the members of these consistories might divide among themselves, with each party finding followers; who, then, would put an end to these quarrels? Who would have had enough influence to decide? Where does one finally find the true faith, when, in all that concerns spiritual interests and the faith of each individual, no final authority is recognized, and, according to the very principle of Protestantism, one must receive no other authority than Scripture? The nature of things thus left only one course of action: taking recourse to secular authority, recognizing as many Christian Churches as there are temporal sovereigns, making the various princes supreme bishops, by extension Popes, and finally, introducing, in place of Papacy, Caesaro-Papacy, which puts the Church in the most precarious position, and exposes religion itself to becoming no more than the plaything of purely temporal interests. This dilemma of avoiding, on the one hand, anything that even hinted at hierarchy, while somehow finding some kind of foundation for the Church and its ministers on the other, explains how a large number of Protestant theologians, notably the Presbyterians or Puritans, had the bizarre idea of placing ecclesiastical authority in the *body of the faithful itself*, thereby making the flock pastor and the disciples Pope, and dividing the great and *unitary* Christian society into as many mutually-independent conventicles as there once were communes or parishes. According to this principle, each Church was to not only appoint and dismiss its pastors, but in addition pronounce on doctrinal uncertainties, establish dogma and liturgy, author catechisms, etc.; a spiritual democracy people still sought to introduce in our times, but which is the most absurd of all, and under which, in the final analysis, each Christian, taken individually, was no more free than under the Pope, since he had a majority of his equals over him. Such a spiritual republic presumes a social contract, and in reality, it never took place; the parishes never exercised or could have exercised their supposed supreme authority, and didn't even appoint their pastors; but this weak prop was used as a fiction or hypothesis, whose conclusions were evaded. By a second, equally false assumption, the communes were made to renounce their supremacy and remit it either to princes, or pastors of the Church, although no one has ever seen an example of such a delegation of power. Thus a descent from errors into errors, fictions into fictions, because the ancient

foundation had been abandoned, and it was impossible to find another.

In this state of mind, it didn't take more than external circumstances—for example, civil discord inflaming the passions of the wise and the ignorant alike—for this capital error of social contract, which Roman law and the principles of the Reformation had incubated in many a jurisconsult and theologian, to be propagated, elucidated, and applied to temporal relations. The opportunity presented itself soon enough; it arose out of unfortunate quarrels between the Parliament of England and the royal House of Stuart, in the seventeenth century. Hence England was the first country where speculative or revolutionary public law was taught in an apparently regular and systematic manner. It isn't hard to imagine how the disputes between the royalist Episcopal party and the democratic Puritan party; the frequent struggles between a King disposed towards Catholicism, and the Protestant nation; a system of foreign policy so contrary to the interests and inclinations of the English; unfortunate wars, disadvantageous peace treaties, economic problems, arbitrary taxes, with inevitable results in hardship and public resentment; the violent introduction of a new ecclesiastical law and a new liturgy in Scotland; and finally, the abrupt dissolution of Parliament, could have produced discontent, exasperation, even open resistance and civil war; and history has furnished similar examples of discord between princes and peoples in all ages. We will even agree that, in this difficult era, in which ferment had seized every mind, the Stuarts perhaps exceeded the limits of their legitimate authority, that is to say, violated the rights of others. But in order to fight this despotism—which didn't inhere in the power itself, but the abuse of its exercise—with success, and *with the weapons of science*, it would be necessary to establish principles completely different from those that both bring down all private rights of the king and substitute royal despotism with that of the people or Parliament, without leaving the theory itself any means of fighting it. However, in such circumstances, as the calm of reflection disappears; as passion subjugates reason; and as each party, unsatisfied with true motives, seeks to further legitimate its cause with abstract and imaginary principles, the hypothesis of a social contract and the delegation of power is invented or used to advantage, either in order to increase the number of one's partisans through the appearance of having an incontrovertible right, or to fight the opposing doctrine which, on the basis of the misconstrued principle of the Divine origin and absolute sovereignty

of princes, also thinks itself able to justify all kinds of oppression and all kinds of violence.¹ The Stuarts and their supporters were wrong in their conclusions and right in principle, while the revolutionary Puritans were wrong in principle but not in their conclusions, even though all conclusions drawn from false premises share the defect of their first principle. It is nonetheless remarkable that public law founded on the hypothesis of social contract, and by extension, the original sovereignty of the people, had Hobbes, the partisan of royal power, as its chief apostle, and that this philosopher distilled it into a system of a type of despotism to which no prince in the world, not even the Stuarts, pretended. The erroneous ideas of the Puritans on the nature of the Church had clearly thrown him into this false route. The very title of his book (*De Civitate Ecclesiastica et Civili*) already proves it. And, since Hobbes, being Protestant, was hardly favourable to the Catholic hierarchy on the one hand, and the ecclesiastical democracy of the Puritans had caused all the troubles he found unbearable on the other, he went as far as to seek to completely destroy the Church, make the prince supreme doctor and pontiff, and give him the right to prescribe religious dogma and ecclesiastical rites at his will, with the result that there would neither be anything true or false, just or unjust, other than whatever it would please princes (or the State, in the parlance of modern writers) to ordain or enforce.

After Hobbes there appeared on the opposite side various other writers, such as Harrington, Marchamont Needham, and above all Algernon Sidney. The first wrote around 1677, the second in 1678 and the latter before 1683. Adopting, like Hobbes, the false principle of social contract, they yet drew totally different conclusions; for it is true that if the power of sovereigns comes from the people, it follows with all necessity that that the people can limit it at its will, reclaim it, even depose kings, and give itself another constitution. But these more precise conclusions were displeasing to the powerful court of Charles II, and the illustrious Sidney, who had otherwise been highly commended by his country, perished on the scaffold in 1683, where they should have first stood Hobbes, as the original inventor of this fundamental sophism. Milton and Locke fell into the same error; the latter above all so enamored of his social contract, that he actually took it as a verified historical fact, and dared maintain, against the testimony of all history, that all States originally comprised so many republics. These

doctrines had already exercised considerable influence on the Long Parliament (1640–1645), owing both to the democratic ideas of the Independents on the nature and government of the Church, and the application of the principles of Hobbes, in the opposite sense; for Parliament demanded that the courts be exempted from dependence on the Crown, even though the King was incontrovertibly in possession of supreme jurisdiction and appointed all judicial officers, and even though it was in his name that judges rendered their sentences, which could not be executed except by his authority (1641). The bishops, as enemies of the democratic system, were excluded from Parliament, which they were members of *by right*, in their capacity as lords and heads of the Church (1642); and Parliament gave itself and itself alone supreme or legislative power, because the King refused to consent to all of its demands (1642). It seized control of revenues and the Royal Navy, which it thereafter termed *national*. After the second civil war, when Cromwell, leading his soldiers, purged Parliament (1648), the most heated among the Independents even came to declare that their will alone made law, *because the source of all legitimate authority was in the people, of which they were the sole representatives*: neither one nor the other of these propositions was proven. Finally, after the dénouement of this bloody tragedy, when the King was restored to his rights in 1660, these principles were certainly put aside in practice. Charles II was so little seen as an officer of the people that he wasn't even presented with a capitulation to sign. The Bill of Rights, signed by prince William of Orange, upon his ascent to the throne, was not seen as a capitulation, much less a constitution, but simply a formal and reassuring guarantee of the private rights of Englishmen (rights that still would have to have been respected without this formality). This *Bill of Rights* was thus in no way a law given by the people, but a mere agreement, or rather a promise, that kings too can make, and are likewise obliged to keep. There was a *complete restoration of things*, but the accredited false principles on the origin and nature of States nonetheless remained in everybody's head, and the entire revolution (1640–1689, fifty years of misfortune) didn't produce a single scientific work that discovered the true principle, solved the problem of the rights of princes and subjects in a satisfactory manner, and consequently restored peace *to hearts and minds*.

The Germans, always superior to scholars of other nations owing to their didactic exposition and the systematic form of their works, tireless in the

painstaking work of assembling and arranging their material; given to imitation, certainly, but not yet ready to take the implications of a false principle to the point of absurdity, were the first to write unified or complete systems of public law; for the ephemeral rhapsodies published by Hobbes, Sidney, and Locke by no means deserve this title. But these German authors abandoned the ancient principle that recognizes God alone as the author of States or the power of sovereigns, because they didn't see its simple and natural meaning, or because those called Machiavellists had abused it, by means of an interpretation that was false and completely contrary to the spirit of the Bible, in order either to author or whitewash all kinds of injustice and violence. The events in England, and the writings the two parties published while they took place, aroused general interest elsewhere. And since, in treating the origin of States, Hobbes, partisan of the King, along with Sydney and Locke, partisans of Parliament, had posited in principle the existence of a social contract, this bizarre hypothesis both parties seemed to swear by found easier access, and was uncritically adopted by men otherwise highly divided in their aims and opinions. The German jurisconsults and publicists thus imagined that it wouldn't be anything more than a matter of interpreting this new and plausible principle in a way that would calm princes and peoples, and avoiding, as they said in very good faith, the twin excesses of *Machiavellism*, which turns sovereigns into tyrants, and *monarchomachism*, namely, the revolutionary spirit that turns peoples into the assassins of kings. But they didn't stop to think that the fundamental error, the cause of both foibles is found in the false principle itself, not the conclusions that follow. They therefore sought, as some still do today, to reconcile it as well as possible with the actual order of things; they tortured its meaning to make it tolerable, and attempted to temper the despotic propositions of Hobbes with religion, while at the same time drawing out the advantages of the monarchical form over democratic government—something that couldn't help but incessantly put them in contradiction with the principle they adopted. But on the other hand, there were also writers who, more partial to the cause of the English Parliament, or to republicanism than monarchy, drew out the true implications of the principle of the primordial sovereignty of the people with greater rigour, or at least didn't want to delegate all power to the prince, but reserve to the people, or reclaim for it, some portion or other. Hence, from the end of the

seventeenth century, and the beginning of the eighteenth, there already existed a numerous sect, known under the name *monarchomachists*, or *destroyers of thrones*, on which a German scholar, *Acker*, has furnished a comprehensive survey, and which the famous *Thomasius* denounced in a discourse on the subject. But in any case, little was written on serious matters at the time in languages other than Latin, and only scholars took part in these academic disputes; they themselves had little influence on other social classes or matters. Political language and the actual course of affairs remained in harmony with the ancient and true principles. It was left to the second half of the eighteenth century to rekindle the seed of this fundamental error born in the seventeenth century, to explicate it with a frightening exactitude, and spread it into every mind; a moral revolution that, to the great surprise of the world, although by causes easy enough to explain, was effectuated by the very same France once so orthodox in its monarchical thought.

The disgust inspired by the internal troubles that had shaken England, and which had the quarrels between Catholics and Protestants, or the Episcopalians and the Presbyterians or independents for its grounds or fuel, took this tendency to the impiety or the pure deism that reigned in England at the beginning of the eighteenth century. Hobbes paved the way with his proposal to abolish the Christian Church altogether, along with other impious principles. Bolingbroke, Shaftesbury, Collins, Tindal, etc. spread this same spirit of irreligion in well-known books. But, having been attacked in a great many learned and profound works, their triumph was only fleeting, and religion in England itself cast deeper roots than before. On the other hand, this unbelief came to France, chiefly through the efforts of Voltaire. It was constituted according to the idea that had taken shape in the chimerical project of making *all men independent of all higher authority in spiritual matters*. Hence the partisans of this impiety were given the sobriquet of *strong minds*, or in Germany, *free spirits* (*frei geister*).

Marie-Francois *Arouet*, later called M. de Voltaire, having been emboldened by reading the works of English unbelievers in the hatred he had developed for religion, under the licentious regency of the Duke of Orleans devised, by the avowal of his own apologists, around the year 1728, the horrible project of destroying all religion, above all Christianity, and throwing off, as d'Alembert, Diderot, and Damilaville put it, the *yoke of all*

external authority in spiritual matters, so that each man shall obey nothing but his own reason. In fact, this enterprise was, by its very nature, as deranged and as impossible as it would be to seek to bring about a world with neither masters nor servants, where men would have no need of one another for their physical existence, and where they could all be equally free and independent. To hope to free men from all external authority in spiritual and scientific matters, is to presuppose in each individual such superiority of mind, knowledge so vast and varied, and such a degree of perspicacity and judgment, as to render him able to do without guidance, see everything by his own wits, and serve as his own authority; a type of intellectual independence infinitely more rare than temporal independence or sovereignty, a veritable spiritual royalty that truly comprises the summit of all scientific studies, but which is bequeathed only to the most eminent men of extraordinary genius—and yet not all of them reach it in more than one branch of human knowledge, and none in all of them. The rest of men, lacking natural faculties, that is to say, capacity of mind enough to see everything for themselves, or the opportunity to acquire it, continue to need certain principles, certain forms of knowledge to serve as the standard of their conduct, and are forced to believe in the authority of others; and in practice, they always believe, whether in a wise man, or a fool passing himself off as wise. For believing in nothing at all is an impossible thing; disbelief in what is true or time-honoured, is belief in error or novelty. Thus the foolish endeavour of making men depend on nothing but their reason in spiritual matters cannot be achieved, and would effectuate no other result than putting the reason of Voltaire, and that of his acolytes, in the place of the reason of every scholar and every wise man hitherto, dethroning the doctrine of the latter in order to give the scepter to themselves. In this order of things, masters and disciples, authority and faith, would thus go on as before, with the result that men wouldn't be subject to their own reason alone after all; the old relations would instead be inverted, but the ridiculous idea of the philosophists wouldn't find itself realized for that. Hence I agree, if I may, to absolve the sect of the ambition for which it is so often reproached: for it would only appear all the more ridiculous, and its pretensions to singular wisdom be humiliated in a manner that would be felt all the more deeply, if one were to show it that the result of its efforts and its apparent triumph, by its own standards, achieved the opposite of what it

intended to.

But judging from the facts and the behaviour of these sophists, it is beyond doubt that a monopoly over minds was the goal of their sect, which had absolutely no parallel in history. For they certainly preached incredulity towards the doctrines received until then—but, ever-inconsistent with themselves, they demanded faith in their own principles with more arrogance and fanaticism than any sect ever did.² *Reason* was their battle-cry; but by this word they understood the set of their own personal opinions alone, and nobody was in possession of reason, if they didn't adopt their doctrines with blind trust; nobody was to see, with the aid of this Divine light, anything other than what the sect saw. They talked a great deal about *tolerance*, when they still needed to; but from this time on, they were the most intolerant of all towards those who opposed their opinions. They indignantly demanded *general and unlimited freedom of the press*, but wanted it only for themselves, in the interest of being able to spread their doctrines more easily and safely; for even when they were still just a militant sect, they already sought, by means of their acolytes and secret intrigues, to prevent the publication of all the works of their opponents, denounce them, and have them banned. And when, in a disastrous and still-recent time, they became triumphant, and even seized a temporal throne, we have seen them not only deify the heads of their school,³ but employ prison, exile, and the scaffold against writers opposed to their principles with so much violence that that they left every inquisitor and every tyrant in the world far behind them. But this isn't the place to write the history of this great conspiracy against religion. It only indirectly relates to our purpose; and many learned men, friends and enemies of the sect alike, unapologetic acolytes and repentant acolytes, have sketched it out in their writings, in such a substantial and complete fashion⁴ as to have left almost nothing new for their successors to say, and no doubt whatsoever about the existence and the results of this conspiracy. We therefore won't dwell at great length on the original leaders of this sect, and the direct ties between them; their indefatigable efforts; their original acolytes and protectors, be they among princes or the nobility; the various means they used to propagate their principles; the fruitless or half-hearted opposition they encountered; the victory they ultimately won; and how all these causes explain it easily. We will limit ourselves to discussing only: what is pertinent to the history of public law; how the revolt against all

spiritual authority, against all dependence in the domain of the mind or the sciences, produced the revolt against all temporal authority and the dependence that results from physical needs; and finally how, in order to facilitate the latter, the fundamental error of social contract or the original sovereignty of the people was reprised and expounded with all its terrifying conclusions.

From the chimerical idea of making each man's reason independent of all authority, or destroying all faith whatsoever, to the no less ridiculous project of freeing men from all temporal authority, or destroying all external servitude, even voluntary, there is but one easy and unavoidable path. Aren't these two types of independence, in the opinion of modern sophists, equally contrary to the supposed dignity of Man? Subjection to spiritual authority is at least in a certain sense free, for conviction and faith can never be the product of force, while obedience in temporal affairs is often the result of coercion or physical need. If it is no longer permitted to men to receive a true and salutary doctrine with faith and trust, there is all the more reason not to compel them to obey orders that concern their persons and external actions—orders that always more or less restrain their liberty. If there should be neither teachers, nor disciples, authority, or belief, why should the world still have masters and servants, leaders and followers? If, for spiritual authority, and above all in religious matters, every individual could or should be a sage of the first order, an independent high priest, why couldn't he likewise be a temporal sovereign, taking no orders from anyone on Earth? And if it were to be thought possible to make men perfectly equal in reason and intellect, by extension independent of one another, why shouldn't or couldn't they be equal in external power, in wealth and other gifts of fortune? The natural association of ideas drew these conclusions by necessity; and this also explains how the war against altar and throne, against Church and State, against priests and kings, always marched along the same path, led down it simultaneously by the same men and on the basis of the same principles. In fact, Voltaire doesn't seem to originally have had the intention of attacking temporal superiors; his fortune, tastes, and inclinations didn't lead him there, and he plausibly seems to have wanted to allow all lords of the earth to go on existing, as long as he could succeed in laying low or destroying all intellectual authorities. But it is well-known that his first disciples already reproached him for his inconsistency in this respect, and that

either the natural analogy between principles, self-interest, or fear of losing his status as patrician of self-styled philosophers, convinced him to turn his weapons against thrones as well. Hence one encounters, from the very first writings of these sophists, and independently of their assaults on religion, a great deal of sarcasm and invective against *all* sovereigns and all temporal authorities; and just as they gave the name of superstition or fanaticism to all religion whatsoever, they also treated all governments as despotic, and all kings as tyrants, without any regard to the distinction between the use and abuse of power. However, they still acted in an incoherent manner, without having adopted a political system, or having thought about what they would replace the institutions they rejected with; this forced them to receive every work that more or less supported their aims and seemed to lend some solidity to their ideas with avid enthusiasm, and tout it as the product of a superior mind. In this regard, Montesquieu certainly gave the original impetus, in publishing, in 1748, his famous *Spirit of the Laws*, a work he thought so highly of as to have called it *prolem sine matre creatam* [“a child begotten without a mother”], when he actually did nothing but give the ideas of Locke and Sidney a new and genial exterior, while borrowing from them his erroneous notions on the constitution of England. This book tends to openly sing the praises of republics alone, even representing them as the sole original constitution of all peoples; deprecate monarchies, by contrast, as incompatible with virtue and probity, and as having no motive force other than the thirst for honour and precedence; transform them into republics, by means of a so-called representative system; make the people or its deputies the true sovereign; and finally turn kings into chief executive officers, strip them of all but supreme jurisdiction, etc., by means of the much-vaunted separation of powers. But the reserve and finesse with which he expressed all these dangerous ideas; the care he took to slip them in amidst a great many neutral subjects; a certain light and urbane style that seemed harmless; prudent circumspection on the subject of France, in whose favour alone he appeared to have invented the distinction between monarchy and despotism, and between the motive forces of *honour* and *fear*; finally, his apparent predilection for nobility, which he held out as an intermediate power between the prince and the people, and even as provisional representative of the latter; all these factors taken together procured an easier entry into minds for sophism, seducing the class of aristocrats and the high nobility in

particular, whose self-regard this system seemed to flatter, and readied everybody for rather more rigorous conclusions. Four years later, in 1762, appeared the famous citizen of Geneva, *Jean-Jacques Rousseau*, with his famous book, *The Social Contract*, to which, in order to lend it a learned and authoritative air, he added the subtitle of *Principles of Political Law*. Even as he fought against the sciences, he couldn't help but love them up to a certain point; but in spite of this, he was rather less than solidly educated, and the much-vaunted beauty of his style is in no way the result of the wealth and exactitude of his ideas, but rather the product of a sensitive soul that could perfectly align itself with an insincere mind. In any case he wasn't the originator of the system that derives the origin of States from a chimerical social contract, and by extension, the original sovereignty of the people; he limits himself to rigorously explicating the democratic implications of a principle conceived a century or two earlier, intermingling strange paradoxes into it, and spreading it through all social classes by means of familiar language and a seductive style. The essential difference between Hobbes and Rousseau moreover consists only in a single point. Hobbes would have it that, after concluding the social contract, the people *delegates* all of its power to a prince or a senate; Rousseau claims on the contrary that the people retains its full and complete possession. Hobbes says that the will of the prince is the *general* will; Rousseau teaches that the people itself makes it known. But, in the opinion of both, the people has the right to regulate everything without exception; it is *infallible*. In both systems, Man has equally renounced all power, all will, all private judgment; but in the first, in favour of a sole or several individuals, in the second, in favour of all, or at least the majority. Jean-Jacques Rousseau seems to have wanted to model the entire world along the lines of his native town, where the general council of the electorate as a whole exercised supreme power—and yet this constitution couldn't be any less in keeping with his principles. For the citizenry of Geneva governed only its own affairs and those its members shared *in common*, just as the king of France governed only his; it didn't administer those of private individuals at all. Considered as a corporate body, it was in miniature what a king is in every other way in large. Moreover, citizens alone made up this collective government, and other inhabitants and subjects had no right to meddle in it. Rousseau wouldn't hear of the separation of powers, or national representation, whether by means of the nobility or

freely elected deputies. His sovereign people must be nothing less than just that, in every sense of the word. As to the objection of the physical impossibility of such an order of things, he dodges it by saying that all great empires and all capitol must be destroyed, and the entire world divided into small democratic republics. In spite of all this weirdness, the philosophers of Voltaire's school didn't fail to put these two incoherent and inconsistent works up on pedestals as solid systems and the true theory of all public law. Editions multiplied, and foreign writers, always quick to imitate whatever is fashionable in France, rushed to translate it into their own languages. Even though the *Spirit of the Laws* and *The Social Contract* contradicted one another on almost every page, they nonetheless essentially worked towards the same goal: the vilification of all superior authority. The one seduced the lords and nobles; the other, the middle and lower classes. The one was, so to speak, the milk one gives to the weak, the other the more substantial nourishment reserved to the strong. And so the same principles, the spirit of a doctrine subversive of States and religion, were soon to be found in almost every book. An infinite number of writers who successively attached themselves to the leaders of the new school, among which Helvétius, Mably, Raynal, Boulanger, La Mettrie, etc. above all distinguished themselves, drew ever-increasingly bold conclusions from the *social contract* or the *principle of the original sovereignty of the people*. It is nonetheless worth remarking that this whole sect of French philosophers never produced a sole work whose form was systematic and ordered, while Germany had this sad distinction over them. But in a thousand different writings and a thousand different forms, it was repeated incessantly that all princes and all sovereign republics, are nothing but usurpers; that they must be overthrown or reformed in accordance with the sovereignty of the people; that revolution is not only permissible, but a duty, etc. One is astonished by the audacity with which the acolytes of this school were already expressing themselves, an audacity that wasn't even surpassed by their revolutionary disciples. Voltaire imprecated the arms of Hercules and Bellerophon to smash the Christian Church completely, and rejoiced over the *lovely noise* the fall of the throne made in France. Helvétius, following the example of Tarquin the Proud, wanted to cut down the highest branches, to have every head that rose above the vulgar fall by the sword. Raynal blatantly stated that he knew no other crime than professing Christian religion and honouring kings. He called

them all *ferocious beasts* who devour nations. He finds it offensive that peoples should remain quiet when they ought to *roar*; he exhorts them to put their sovereigns on trial with no process, as the worst of malefactors. Others called princes the *jackasses* of their subjects, *glorified tigers*, *Saturns* who devour their own children, etc. The system of nature urges all nations to murder their kings without formal process, and Diderot frequently expressed a desire to strangle the last king with the bowels of the last priest.⁵

But how could such doctrines find credence, and even become dominant? How is it possible that they were even tolerated? It's easy to explain upon reflection on the mantle under which they were cloaked, and the care taken to slip them in amidst various neutral subjects; the social network the sophists had formed between them; the many means by which they sought to seize control of public instruction, set the tone in public writing, monopolize praise and criticism—in short, single-handedly dominate the mind of the nation. Emboldened by powerful protectors, the sophists undertook a gigantic work, a would-be dictionary of every art and science, to which they gave the name, *Encyclopedia*, and hence called themselves *Encyclopedists*; a work in which sarcasm and insults were hurled at Church and State with both hands, and the principles of the sovereignty of the people preached all the way through to the articles least related to political matters. This Encyclopedia was nevertheless advertised as the result of the labours of the most illustrious scholars, and as the triumph of the most enlightened century, so that almost all previous books and all in-depth study would be rendered useless, and that there would henceforth be nothing left to do other than draw the most important knowledge from this vast reservoir of human science. By force of intrigue, the philosophists succeeded in arming the Jansenists and the Parlements against the Jesuits, whom they even succeeded in having banned—not because they regarded this order as more dangerous or harmful than others, but because they saw the Jesuits as the pillar of religion, and above all because the education of youth, which they wanted to seize for their own sect, was in Jesuit hands. Little by little, thanks to favours from certain ministers already imbued with their principles, they came to exercise such despotism over the *French Academy* that, in spite of an express provision in its founding statutes, the religious sentiments hitherto a rigorous condition of admission became grounds for exclusion, which culminated in nobody being inducted into this body except for those who

were called *philosophers*—that is to say, as the term was then understood, atheists and avowed enemies of the royal power. Hence all young people just starting out in literary careers, and who aspired to celebrity, saw themselves forced to serve the sect and its doctrines if they wanted to avoid being condemned to obscurity or torn to pieces by slander. It is true that the philosophists in France did not have, as in Germany, journals exclusively devoted to the critique of every new book; but in the newspapers and other periodicals, they put the writings of their partisans on pedestals, while on the other hand decrying and denigrating those of their adversaries as the product of superstition, prejudice and despotism, even though most among the latter were armed with the full force of reason, erudition, and good taste. In this manner, they single-handedly dealt out all praise and shame in accordance with their party line, destroyed distinguished reputations, and created undeserved ones; with the result that every man of letters indifferent neither to recognition nor the favour of a misguided public found himself forced to conform to the principles of the philosophists to at least some extent, and that all sciences had been reduced to mere instruments of terror. D'Alembert in particular managed to arrogate to himself such influence that, by means of an employment agency, he single-handedly nominated the tutors of almost all noble households, and throughout the realm controlled a great many appointments in the field of public instruction through his referrals, bestowing this favour only on the acolytes of his sect. The philosophists even formed, in Paris, a network of organizations dedicated to writing, editing, and distributing at very low cost, through affiliated vendors, an infinite number of irreligious or revolutionary writings—that is to say, premised on the sovereignty of the people or tending towards the vilification of all kinds of authority—all the way down to the most humble workshops and the hovels of the poor. The near-universal empire of their doctrines readily explains how they ultimately managed to infiltrate other secret societies, long-established and, one might say, perhaps innocent in certain respects, notably Masonic lodges, insinuate the principles of self-styled liberty into them by means of a new and specious interpretation of Masonic symbols, and then take advantage of the organization of these highly widespread societies in order to propagate the new systems unhindered, and have a great number of partisans at their disposal for the first time. It thus comes as absolutely no surprise that, owing to half a century of using all these

methods, they wound up gaining the upper hand, and effectuating a complete transformation of the mentality of the French nation, a certain tendency to dissolve all the social and religious bonds that had existed until then.

The empire of the French language became almost universal in the courts, and elsewhere as well, from the reign of Louis XIV, the predilection for French books, vaunted as masterpieces of intellect, taste, and freedom from every type of prejudice; the personal ties between the leaders of the sect itself (Voltaire, d'Alembert, and Diderot) and several princes and ministers; the favour they enjoyed from them; and the great many instructors and tutors they shrewdly, through their referrals, placed in the employ of courts and noble households, all contributed to making these principles quickly become fashionable, and procuring for them a great number of partisans in almost every State in Europe. It is well-known that in Spain the Dukes of Aranda, Alba, and Villa Hermosa, ministers of the King; the infamous Pombal; and in Italy, several other noblemen, figured among the acolytes and protectors of the French sophists. In Denmark, King Christian VII; in Sweden, Gustavus III, later fallen by an assassin's bullet, and his mother Ulrika before him; in Poland, King Stanislas Poniatowski; and in Russia, Empress Catherine II, were in intimate correspondence with the French philosophists, and gave their wholehearted assent, if not to their political doctrines, at least their anti-religious doctrines. The latter, which were to free sovereigns of all spiritual authority, were no doubt more attractive to them than the former, according to which it was likewise necessary to destroy all temporal authority, and put the sovereign power in the hands of the people. But even though they regarded these political errors as so many unworkable chimeras, they nonetheless sucked in the revolutionary venom right along with the anti-religious venom, and their subjects gulped it down with even more enthusiasm. As with lordship of whatever kind, the empire of evil by no means builds itself up from low to high, but rather descends from the great to the middle and lower classes. Everywhere irreligion shows up first, and revolutionary error immediately follows as the natural corollary. From the beginning of this era, to wit, the last forty years of the last century, one notes in all of Europe a struggle, here open, there in secret, against the ecclesiastical hierarchy; a tendency towards persecution and vilification of the clergy of every Christian denomination; open support for the adversaries of

the Church; and in politics, a certain penchant for bringing down everything, *equalizing* everything, which didn't dare attack princes themselves just yet, since they held the sovereign power, but instead limited itself to disrupting or destroying the natural obligations between superiors and inferiors in private relations. Even in England, where King George III could never be won over by this sect (and for this reason was never lauded by it), the French philosophists found friends and powerful protectors. The works of Montesquieu and Delolme had already muddled the ideas of many Englishmen on the true nature of the British State; with the result that they regarded, for example, Parliament as the sovereign and legislative power, and saw in the King nothing but a chief executive officer. Books were seen to appear there that deduced from this principle conclusions so bold that they left the forgotten writings of Locke and Sydney far behind them, and that even those published in the wake of the French revolutionaries had nothing over. But this doctrine subversive of religion and States, above all in the guise of a pseudo-science of universal public law, nowhere cast deeper roots, nor was propagated more artfully and explicated more systematically, than in Germany, a land once so famous for its solid erudition, and so free in its internal relations.

The Germans, familiarized with all the English and French works, self-hating, always given to imitation, and, for various reasons, all too accustomed to not only questioning, but rejecting all authority, were also the first to avidly embrace the new French philosophy, explicate it systematically, and disseminate it in all social classes with even more enthusiasm and zeal, if such a thing is possible, than was done in France. The only difference was that here it was designated by the term *enlightenment* (progress of illumination), which, less arrogant than that of philosophy, flattered the vanity of every midwit. Everything otherwise happened as in France: the absurd idea of universal independence (liberty and equality), this hallucination of a delirious imagination, was applied first to the Church, then to the State. As long as the storm threatened only ecclesiastical superiors (religious authorities), it unfortunately found favour with, and was endorsed by, Frederick II King of Prussia, so otherwise renowned as a warrior, sovereign, and man of intellect. In fact, he never directly attacked the ecclesiastical constitution established in his States; his natural wits and sovereign tact prevented it; he retained, even with regard to Catholics, some

sentiments of justice. But it is no less true that his intimate personal correspondence with Voltaire, d'Alembert, Diderot, La Mettrie, and other French philosophers; the favour he bestowed upon several of them in Berlin, where they entertained him as did the troubadours or court jesters of old; his personal example, imitated by all who surrounded him; finally, the liberty he allowed to the most licentious writings, taken together all dealt a terrible blow to religion, consequently also to the authority of his ministers, and were more favourable than Frederick himself believed to the propagation of revolutionary principles, which he no doubt detested, but are no less intimately bound up with anti-religious principles. A crowd of other German princes, full of admiration for the victories and the internal administration of this illustrious sovereign, copied his errors more than his qualities of greatness, his vices more than his virtues, as do all imitators; yet by doing so they proved that faith and authority reside in the nature of things, and that superior power rules or commands obedience, whether it wants to or not. In the most illustrious period of the reign of Frederick II, in 1765, a bookseller in Berlin brought out the *Universal German Library*, a periodical that contributed more than any other to disseminating the new doctrines. This journal, devoted to publicizing and critiquing works of every genre, was in fact the first, in Germany, exclusively dedicated to systematically propagating principles subversive of Church and State, disguised by the name of enlightenment. It was actually much better suited to that purpose than the Encyclopedia, because it fed the curiosity of its readers with an almost daily diet, and because it became indispensable to any man who wanted to keep up with the literature of the day. The principal aim was to destroy Christian religion; but in order to conform to the sensibilities of the nation, it took a more cunning and reserved approach; it pretended to have no other intention than to purify Christianity, and *continue* the Reformation that began, but was by no means completed, in the sixteenth century. In the critique of political works, the revolutionary spirit was very soon seen, although it was hardly noticed then. One heard nothing but endless declamations against despotism, at the very time when there was the least of it. All the upper classes were brutally insulted and vilified in it; finally, there was a tendency to reduce everything to the level of equality, and dissolve even the most ordinary relations of dependence, freely representing them all as unjust and contrary to reason. In it a mob of anonymous young

writers passed judgment on the life, death, and the reputation of scholars of the highest order, with a crass impudence unheard of until then, and that surpassed even the French encyclopedists. Every new author hungry for celebrity, a type much more common in Germany than in France, gathered around these Aristarchuses, and piled paradox upon paradox; for that was the only way of winning applause in a literary career, by extension also getting positions and promotions. Those who by contrast fought the new tyranny with weapons of satire or erudition, were assailed with the most crass insults by these same preachers of tolerance, who finished by bragging about having *torn their adversaries to pieces little by little, bite by bite*. They no longer found any support from the nobles whose cause they had taken up, and every man who loved peace and quiet, who didn't want to see his reputation or his moral character publicly blackened, kept silent or put the yoke on his own head. Others still had silence imposed upon them, as alleged intolerant extremists and enemies of enlightenment. And so in Germany as elsewhere, declamations in favour of reason, independence of mind, and the progress of illumination, had no other aim, or led to no other result, than the subjugation of letters, and the birth of a new spiritual authority opposed to the old one, and much more intolerant. For ultimately freedom of thought or personal opinion was restricted more than ever in making it the slave of so-called public opinion. The broad masses at all times uncritically believed in the authority of others—not, to be sure, that of the wisest, but of the party that screamed the loudest. With the help of a legion of novels, children's books, plays, magazines, and travelogues, the same mentality was spread throughout all social classes; as a result, with the exception of a small number of scholars of the highest order, all of the educated classes of society paid servile homage to the new opinions. Additionally, with much fanfare private educational establishments were formed, known by the name of *philanthropins*, which sought, without religion, without discipline, and with open hatred for every bond of dependence, to form youth into nothing less than *men* and *freemen*. Dessau, Marschlins, Heidesheim, and other places saw philanthropins form within their walls; but it didn't take long for them to end in a deplorable way. Finally, a secret society also formed that, through systems and aims much more vast than those of its predecessors in France and Berlin, top-notch organization, and the personal ties between its members, mightily contributed to the complete triumph of the new

doctrines, paralyzed almost all resistance, and even more or less dominated the highest potentates of Europe and made them its instruments, whether by means of important positions held by their acolytes, or the influence of their writings alone.

We will not go into any great detail on the society known by name of the *Order of Illuminati*, since its history, goals, organization, and its effects or triumph, have already been treated in a highly solid and complete manner in several scholarly books, accompanied by authenticated evidence. We need only cite what is indispensable for the history of the science of public law, and for the explanation of the phenomenon at hand, whether the long-term victory of the principles of the false philosophy over the old ideas, or indeed the attempt made to put them into execution. We know that this order was born in 1776 out of a student association, itself founded by Adam Weishaupt, professor at Ingolstadt in Bavaria. The doctrine the founder sought to propagate and distill into practice was, considered in itself, identical to that of the French Encyclopedists and German innovators, with the sole difference that it was found expedient to shroud it in mystery, and communicate it only gradually through a series of degrees; and finally, in that it showed itself to be still more rigorous in its conclusions, so that precisely the final and most terrifying errors that were taught, could very easily have led to the discovery of the truth. In fact, all the ambiguous and mysterious expressions encountered in the original writings of the Illuminati, always come back to the following maxim: Make all spiritual and temporal superiors useless, in order to then abolish them; restore the equality and liberty, that had been thought destroyed by religion and States; and restore men to their supposedly primordial and universal independence. With just a little bit of love for the truth, the very existence and organization of their order could have sufficed to prove to the Illuminati just how much the nature of things abhors such a chimera, since this order had nothing less than the establishment of an empire and a most harsh and severe servitude as its goal and immediate result. This order formed from the top down; the leader gathered the disciples; the faithful submitted to his laws; and the thought of the founder was to serve for all members of the sovereign *authority*. In this society that pretended to have freedom of thought and political independence as its purpose, and whose members called themselves *defenders of light against darkness*, it was obligatory, from the moment of initiation, to

renounce all of one's personal views; swear *blind* obedience to the superiors of the order; acknowledge their power of life and death; submit to the most terrible penalties, and to a confession that, incomparably more severe than that of the Catholic Church, by no means limited itself to the avowal of wrongs committed, but, by virtue of the obligation imposed on the initiate to give his life story in writing, extending to the disclosure of all his personal secrets, all his personal ties and relationships, gave the order the most dangerous weapons against its members, and even other people. Finally, this order that regarded every type of government as tyranny, as an assault against humanity, nonetheless sought to become supreme tutor of humanity, govern the *entire world* by an invisible power, and turn the sovereigns and magistrates who exercise supreme power into subaltern instruments (*status in statu* ["states within a state"]). Its leaders and servants had already given themselves the title of legislative power, with right of command over the scepter and the very lives of sovereigns. One would misjudge me greatly if one were to believe that in making this observation, I have no other goal than to incriminate and accuse the Illuminati of lust for power, etc. I leave to the vulgar this ignoble way of fighting their enemies. My intention is much more profound and educational; if I remark upon the contradiction between the principle and the result, it is solely to prove the impossibility of an enterprise that is abhorred by nature, and in which the opposite happens the very moment one tries to make it a reality. Quite far from making accusations useless to my chosen purposes, I want to do something nobody else has done yet: uncover the germ-form or origin of the fundamental error of Illuminism, explain it as the necessary result of prior errors, and from there look to excuse, in a certain sense, not the error, but those it has seduced. In fact, the Illuminati, like the French philosophists and all publicists since Hobbes, saw nothing in existing States but arbitrary and artificial institutions in which each man, whether in order to enjoy greater security or for the common good, etc., had renounced his personal power or his original liberty, to certain individual rulers, or rather was deprived of these advantages by violence and usurpation. They held this error in common with the rest of the other scholars, and with the doctrine of the schools.⁶ But what is uniquely their own, what comprises the characteristic feature of their system, is that, by a conclusion well-justified in itself, they regarded the creation of any *artificial* or *manufactured* State, and any alienation

and delegation of individual liberty, whether to a single individual or several, or even the popular majority, as so much folly, whose only effect was to produce a despotism without redress and more oppressive than the old. Precisely because they envisaged existing States as arbitrary institutions, they sought not just to reform them, give them a new foundation, or organize them in republican form, as do revolutionaries, but to abolish and destroy them entirely, and restore the supposed state of nature—a state that, notwithstanding some relative dangers and inconveniences, they regarded as preferable to manufactured servitude born of social contract, and that they moreover believed not entirely devoid of society, since in their opinion, and in keeping with the generally-accepted hypothesis, each head of household must have been his own priest and independent sovereign. This ultimate purpose of Illuminism was hidden with the greatest care from those who were still only in the lower degrees; at most they were presented only with some almost imperceptible indications. They were told only that the order was a party of the good and the wise, existing in order to spread truth and virtue, fight *prejudice* and *despotism*, and make *light* and *morality* flourish. This innocent and ostensibly laudable formula, along with the possibility of making numerous and powerful friends within the order, drew a crowd of excellent men motivated by the best of intentions into the society. But the language of Illuminism, borrowed from the school of French sophists, by itself should have made the more educated suspect that the words, superstition or prejudice, meant all religion and all ecclesiastical constitutions; that despotism meant all authority, all higher power, regardless of how it is used; and that the progress of enlightenment could consist only in the new philosophical doctrines. Finally, it was clear that the words, morals or morality, were understood as nothing other than the art of emancipating peoples and teaching them to do without sovereigns.⁷ In the higher degrees, to which none were admitted without long preparation and tests of different sorts, all means were put to use towards inculcating an aversion to existing States, to representing social ties of dependence as fetters, and civil society as rotten, degenerated, and corrupt; it was taught that priests and princes should be seen as nothing but pillars of superstition and despotism, obstacles in the way of liberty and the development of reason, and finally, malefactors whose hands must be tied and who must be governed without them knowing it. The idea of leaving civil societies to join others

chosen with more wisdom, namely, the Order, was insinuated; and thus, governing the world by means of a secret society with invisible power, so that existing States would be reduced to States within a State (*status in statu*). To this end they above all preached a so-called *cosmopolitanism* that, serving nothing but the human race, must promote indifference to all of the *most intimate bonds* of family and country, even make them seen as pernicious, and as the expression of the founders of the order had it, poach the best minds from Church and State. Finally, in the highest degrees, the whole mystery, the true purpose of the order, was unveiled, and it was stated directly that all religion is nothing but a fraud, and all Kings nothing but usurpers; that principalities and nations, considered as *civil societies*, must disappear; and that the patriarchal way of life, where reason is the only law and each head of household a fully-fledged sovereign, must be restored.

This is the doctrine of the Illuminati, which their own original writings irrefutably confirm as such, which we have in no way exaggerated, and which can be found in a thousand works that came out of their school. Do we even have to reiterate how this system owes its origin to the unfortunate idea of social contract, or the supposed abandonment of the state of nature; and how its final and deplorable result would necessarily present itself to a consistent mind? At the same time, this system came very close to the truth, and the Illuminati, after having gone all the way around the circle of error, would have discovered it from that point on, had they been looking for it in good faith. If, instead of imagining that the actual facts contradict their principles, they had for an instant asked history and experience, in order to learn from them if it is *really* the case that this natural social state of which they had a vague idea *no longer exists*, or if it ever ceased to exist—then they would have seen that it exists even today, and that there is no need to bring down the State in order to revive it. We think that this important observation will henceforth be clear to everyone, and we will have frequent occasion to return to it. Meanwhile, the Illuminati, in order to propagate their doctrines everywhere and make them dominant, employed means much more vast and effective than those of the French philosophists, who were less organized among themselves and more frivolous in their endeavours. Germany, like France, was infested with preachers of the new doctrines, and inundated with a flood of writings that reproduced them in all their forms. The absolute freedom of the press, which had been established

as political dogma, served to remove every obstacle, and these books found, across Germany, and in all social classes, many more readers than in France. Moreover, the existence and organization of an external and visible society, which Voltaire wanted to establish for his philosophists, but without being able to succeed, was the best way to augment the strength of the united brothers, and assure them of triumph over their scattered enemies. The veil that concealed the final goal of the order under apparently innocent formulations; the charm of novelty and mystery; the certainty of being counted among the most enlightened men of the century dangled as bait before self-regard; the assured hope of finding, by means of this association, friends and powerful protectors everywhere, by extension worldly advantages as well, and so on lured a crowd of men of distinction and great influence into the nets of the order. In the meeting halls decorated with various symbols, in the lengthy ceremonies of initiation, all designed to inflame the imagination, initiates were constantly reaffirmed in their principles and opinions; and even if some among them came to recognize the falsehood or danger after the fact, they would never have dared to go back, for fear of exposing themselves to the most odious punishments, to slander and persecution by members of the order, offended by the desertion. A few years before the founding of their society, the Illuminati also succeeded at infiltrating the longstanding order of Freemasons, and, arousing little or no suspicion, were universally tolerated; they soon made themselves masters, and, with new and specious interpretations of Masonic hieroglyphics, imported the goals of Illuminism into them, and came to dominate, if not every lodge, at least a good many of them, and even had their treasuries at their disposal. They likewise sought to appropriate considerable sums of money (through the temporal power), to have themselves appointed to administer the assets of Churches and schools, and personally or through others use them to accomplish the designs of the order. Everywhere the secret influence of the society created new reputations, and little by little destroyed old and distinguished ones; everywhere it secured the best and most lucrative jobs for the brothers and other partisans of Illuminism, who exalted one another as truly enlightened and educated men. The latter, once placed, protected or showed favour to their friends. Higher-level directors or provincial superintendents were even prohibited from any other work, and received a salary from the order for their expenses. But if the Illuminati

showed, on the one hand, great zeal for spreading their doctrines subversive of religion and States by every possible means, they deployed no less to fight or better yet, render impossible any rebuttal that might be made against them. Clamoring with full force for freedom of the press for themselves, they just couldn't allow any to their enemies. Wherever censorship hadn't been abolished, they sought to have themselves put in charge of it, and then exercise it for their sole benefit, giving preferential treatment to partisan writings, putting all sorts of obstacles in the way of the writings of their enemies, and even having them banned under other pretexts wherever possible. It was one of the fundamental rules of the order to give the greatest praise to all the works of its members, and by contrast constantly decry those of their antagonists. This is what a whole slew of new journals, literary magazines, and periodical writings devoted to universal criticism, all clearly written from the slant of the sect, were there for. This led not just every young author eager to make a name for himself, but older scholars with established reputations as well, to cravenly conform to this dominant tone that was called the *spirit of the times*, and to take, in their books, a line hostile to religion and governments, to all authority spiritual or temporal, thus turning them into vehicles of the new doctrine, even in those arts and sciences least related to it. Things soon reached the point where the best works, if not written in this spirit, could find almost no publishers, or, if they did find one, found it difficult or impossible to gain recognition or influence, thanks to the care taken to denounce them and keep them from public notice.⁸ The Illuminati were also under orders from their superiors to impress all those around them as much as possible with outward probity and reserved and congenial conduct, and give the air of having extensive knowledge in all subjects, in order to make everyone believe they couldn't do without them, and have them employed in all important business. They chiefly sought to everywhere acquire influence over schools, academies, universities, even hospitals and poorhouses; to exclude religious ministers from the occupational grapevine, instead appointing the order's partisans to chairs in the academies and the Church, and accordingly indoctrinate all young people into their principles—something they succeeded at only all too well almost everywhere.² Not contenting themselves with having taken over public education, they also had guile enough to draw the private tutoring of children of the aristocracy to themselves and their acolytes almost

exclusively, whether through their fraudulent reputations or mutual referrals. Their proselytism for increasing the number of their supporters was so ardent that in this regard no sect whatsoever had anything over them. This propaganda extended not just to Germany and France, but also every State in Europe, and through other parts of the world. In the same way that Christians once loved and supported one another, in our day every anti-Christian or seditious innovator protected his brothers in impiety and rebellion, and was in turn protected by them. Those acquainted with the literature, and in particular, certain German journals published in the last forty years, are often astonished at the extent of correspondence, the speedy arrival of news, and the gossip that was passed around, even in the most far-off countries, from the moment it concerned the so-called enlightenment, or, as was said at the time, the *interests of humanity* or the human race—a misleading and over-used expression which meant nothing other than the interests of the order of the Illuminati and its members, or at least, its doctrines. Finally, even though the Illuminati secretly worked to overthrow all lords on Earth, they spared no means to win support for their projects from these same lords, above all first potentates, under various other pretexts. They put into play every conceivable means of surrounding princes with their acolytes, in the capacity of lecturers, governors and tutors for their children, secretaries, physicians, ministers, advisers, etc., not only to keep away any man that might have told the princes the truth, but also to forestall any danger that might have threatened the order and its partisans, and above all to execute, with the help of the very power of princes, plans that the brothers and their friends could never have realized under their own power. It is in this sense that they called kings the *executive power*, while they styled themselves the *legislative power*.

It is well-known that, in the wake of revelations made by some repentant former acolytes, this dangerous order was in fact, as of March 2, 1785, banned in Bavaria, where it was born. Also, on August 16 of the same year, a freak accident led to an important discovery: the original writings, containing the rites of the high degrees, and delivered for printing, were seized from a brother struck by lightning. The leaders of the order were dismissed from their posts and exiled, or rather, fled the country. But, since other countries didn't follow Bavaria in banning the order; since, owing to the efforts made by the acolytes to keep them from the public eye, the

original writings aroused only little interest, and finally, since the founders of the order itself were welcomed with enthusiasm and support in other States of Germany,¹⁰ there is no reason to think the order had been extinguished upon the defeat Weishaupt received in Bavaria; and even though his external organization had been destroyed, his spirit and influence lost nothing for it. Furthermore, the continuation of the same effects, which would be impossible to explain without centralized leadership, together with the *avowals* of its members themselves, seem proof enough that the order survived, along with its principles, organization, and activity, in a way that made what was called its persecution in Bavaria no more than a passing storm. The slant against religion and governments in almost every book; the language and favorite expressions of the order, so easy to recognize; the rage to denounce every real scholar with a penchant for thinking differently; the bias of most print media and literary reviews; and the efforts to secure exclusive influence over public educational establishments and sovereigns themselves, all continued uninterrupted as before, if anything, even more furiously. The central seat of the order was simply relocated further North in Germany; the leadership retreated into a narrower circle, and made themselves more circumspect in the admission of new members. Their society itself disguised itself under several other names, such as those of so-called esoteric or eclectic Masonic rites; correspondence societies; literary circles and even academies of science; book clubs that, above all in Germany, were exclusively controlled by Illuminists, or by self-styled enlightened men, as far as the choice of books was concerned; student associations (Order of Constantists), etc. In addition, in 1787 what was called the German Union was established, its maxims and publicly-stated intentions perfectly in keeping with those of the Illuminati. Under twenty-two directors, it had a great deal of members and partisans across Germany. It openly proclaimed that its goals were to rule over the written word, seize exclusive authority over public opinion, draw all trade in bookselling entirely to itself, and deploy all sorts of obstacles against the funding and publishing of the writings of their adversaries. Also, in order to distract the public eye from the ongoing activity of the Illuminati, at this time a most ridiculous myth that the order of Jesuits, long-since banned, despoiled of its goods, almost extinct in membership, had nonetheless regained more strength than ever, spread everywhere, including Protestant countries, secretly controlled the *old-order*

Masonic lodges, and borrowed all of the latter's forms, etc. in order to re-establish the Roman Catholic religion, and subject the world to the yoke of superstition, ignorance, and despotism once again, was fabricated and repeated ad nauseum. Finally, it was allegedly known in precise detail that the order of Illuminati of Germany had allied itself, by means of a delegation sent to this effect in 1787, with some Masonic lodges in Paris, already won over to the new philosophy, and had them receive the principles of Illuminism. Subsequently these principles were dressed up French-style a little, but adopted as the foundation of the order as well as for several aspects of its organization, and they were subsequently introduced in all the other Masonic lodges in France by means of secret committees, regulators, and politicking. These Illuminized Parisian lodges, in which the Duke of Orleans was Grandmaster, had a decisive influence on the first outbreaks of the French revolution, in particular the events of July 14, 1789, and on the formation of the innumerable clubs seen to emerge in this era—a circumstance that also serves to explain the sudden and almost universal approval this revolution found abroad.

So much for a brief but complete history of the origin, development, and propagation of so-called philosophical public law. But how could such a system, in spite of its falsity, in spite of its constant opposition to the nature of things, have found partisans and credibility, triumphed and essentially become almost totally dominant, to the point of seducing not only men of letters and the middle classes of the people, but also great lords, even sovereign princes, over whom it has recently exercised the most pernicious influence? This question isn't very hard to answer, for the same means used to disseminate these principles and conceal them with seductive exteriors also explains the near-universal delusion. Who would actually have dared to raise doubts about or attack a principle imperceptibly introduced by a misplaced application of the language of Roman jurists—one favoured by erroneous notions on the nature of Church and State, propagated by the united efforts of all those who enjoyed a reputation for philosophy or science in France and Germany, held and maintained by numerous and powerful associations, presented here in one form, there in another, and reproduced in almost every book? Although some isolated writers tried to fight it, their inadequate refutations had neither force nor solidity enough. These honourable men, to be sure, attacked error, but didn't destroy it. They

vaguely intuited the truth, but didn't know how to capture or explicate it in a satisfactory way. Finally, they showed weak sides that contributed all the more to the triumph of their adversaries. Moreover, it can readily be understood that pseudo-philosophical public law had the apparent popularity of its first principle, namely, the sovereignty of the people, to thank for an infinite number of partisans of all classes. It is highly flattering to the pride and secret lust for power in Man to see himself as a *citizen*, that is to say, a member of a sovereign corporation; think of himself as having been invested with supreme authority or participating in it; see a prince as nothing but a mere officer, and thus acquire the right to censure all his acts; finally, everybody likes to nurture the hope of playing an important role in such a popular assembly, or a representative body drawn from it. However, that, in its consequences, this idea would be the tomb of all legitimate liberty and forever deliver all personal will, all personal power, all real or personal property to an imaginary public institution, and that the supposed sovereignty would be impossible to exercise without power, and as such exists only on paper and not in reality: all of this is something that required too much depth of insight for it not to have been completely lost on the common man. This system additionally seemed to bear some resemblance to ancient republics, and it associated itself with all the great deeds, noble acts, and elevated sentiments described with so much pomp by the historians of Rome and Greece. This way, minds were insidiously led to consider principalities and monarchies as republics as well, or to seek to transform them into this sort of government. But this was likewise false, since both ancient and modern republics were nothing but independent corporations. That they ruled over people who were subject to them, from whom they received neither power nor authority, and that the orators or historians of those republics made no mention of new political principles; all this comprises yet more of those less commonplace observations and distinctions not everybody is able to understand, or wanted to. Furthermore, the logically exact manner with which the pseudo-philosophical theory was explicated and distilled into a specious but complete system blinded even many good minds who would have discovered the truth had they sooner used their talents to question premises than draw conclusions, and sought the true principles in the nature of things rather than in books, which are no more than opinions in writing. It is undeniable that the new, strictly

republican or democratic conclusions deduced from the social contract or delegated popular power are inherently natural, logical, nay, incontrovertible, from the moment one admits the principle; this by itself explains the approbation given to this miserable system by so many men who were educated and full of talent, had no personal interest in revolution, and for their own part very happy with the existing order of things. Even the adversaries of these conclusions were scarcely able to fault them in any major way, because they had nothing better, at least at the level of theory; they shared the same principles, and simply refused to accept the corollaries, yet in practice their feelings guided them better than their minds. Finally, there didn't yet exist any corpus of solid doctrine to adequately explain the origin and nature of States in an alternative manner, and thus oppose error with truth. True universal public law has reigned throughout history, and, before the French Revolution, was generally followed in practice; on a case-by-case basis, each individual invoked its principles when he felt they had been violated; but the philosophical aspect, the theory upon which it all rested, was unknown; and whoever sought out his knowledge only in books was inevitably led back to the pseudo-philosophical system. Hence the near-universal delusion of scholars and the more or less educated middle classes is easy to explain.

As for lords and nobles, whose interests were so diametrically opposed to the system, everybody knows that it nonetheless found more than enough partisans among them. Firstly, they are as much prone to error as other men, especially when they have been nursed on it from infancy, from private schooling, and books and writings. On top of it, the leaders of the sect lavished them with praise, put them up on pedestals, and made a big show of exalting them over all the other lords, as long as they shared their opinions; and everybody knows how hard it is to resist such adulation. It was most often through irreligious principles, reproduced in so many books with the attractiveness of an enchanting style, that the lords were, little by little, led into analogous political errors. These maxims, which seemed to emancipate them from dependence on higher laws and spiritual authority, no doubt found easier access to their minds than revolutionary principles; but from the first to the second the path is easy and almost inevitable; additionally, these two sorts of errors, daughters of the same mother, were constantly found side-by-side in the same works. Add that the attractiveness of absolute

independence, even temporal, is often stronger still in lords than it is in the middle and lower classes, since they hope to hold on to power through their own personal might, and feel less need for protection by a superior. But what they didn't stop to think about was that, by virtue of the same principles, others too would aspire to emancipate themselves from their own dependence soon enough. They dismissed the thing as impossible; and in any case each man interpreted the philosophical system in his own way or according to his own interests, and sought, at least in his heart, to adjust them as best as possible to the existing order of things. Each man applied the new principles only to classes superior to his own, but nobody wanted inferiors to do the same to them. Those acolytes who were noblemen completely discounted the possibility of consequences disadvantageous for them, or dismissed them as wild *exaggerations*. Some of them perhaps secretly flattered themselves that they would do as much as possible to soften the *transition*, as they called it, from one state of affairs to another, save themselves even as the existing order was destroyed, and then go on to play a bigger role among the sovereign people than the one they had left behind. Finally, although our century wants to reduce everything to pecuniary interests, and by this sole means explain all human action, it is no less true that, obsessed with certain ideas and certain principles, men can often, in fact, knowingly act against their interests. How many are seen whose debauchery, prodigality, and passions of various sorts make them sacrifice their worldly goods, reputation, fortune, health, and their very lives, even though the preservation of these goods is in their highest interest. It will no doubt be objected that they prefer other interests to the latter, and that they find their pleasure in these destructive enjoyments. Very well—but there also exists a certain debauchery or libertinage of the mind; it is possible to become extremely passionate for principles that are false, when one believes them true. Were it not so, on the other hand one could no more believe in virtuous actions, in sacrifices for true principles and noble ends; sacrifices that history, however, gives us more than enough examples of for the honour of human nature. Hence, already in the seventeenth century, *Sidney*, son of the Count of Leicester, and a member of the high nobility, attached himself by conviction to the principle of the sovereignty of the people and its revolutionary conclusions, although by this sovereign people he understood only the freeholders, that is to say, himself and his equals.¹¹ Everybody knows

how many noblemen in France, disciples of Voltaire, Montesquieu, and their school, approved of the new philosophical principles before and even during the French Revolution, and ardently worked to put them into practice, at the risk of compromising their luxurious way of life for it, and without any hope of changing it for the better. It is of public notoriety that in Germany, men of the first families, of all classes of nobility and clergy, even royal houses through to reigning princes, belonged to the order of Illuminati, and supported them with great zeal—although they weren't, for the most part, more than misguided tools, and it is likely that the real projects of the order, reserved to the higher degrees, were never revealed to them. A German Count, later famous for diametrically opposed opinions, wrote in 1787 of the German milieu: "The monarch who first sets the example of determining his rights and the mutual rights of his subjects and his States, through a *free and true national assembly*, will acquire immortal glory". The Literary Gazette of Gottingen also said in 1792, with justified astonishment, "Even many of our aristocrats (i.e. the high nobility or great lords), are making themselves apostles of universal equality". Who hasn't seen numerous and more striking cases still in his travels, and even at home? In every country, from St. Petersburg to Lisbon, from Stockholm to Naples, one saw parallel examples, and it is to this general delusion that one must attribute the half-heartedness and insufficiency of the measures taken once it finally became necessary to wage and sustain battle against the results of these detestable doctrines.

It appears more difficult to explain how *sovereign princes and grand potentates*, or those who spoke in their name, could have let themselves be blinded by the principles of this system, and yet there is nothing more well-documented than this fact. Firstly, they shared several causes of their delusion in common with the lords. They were no less vulnerable than the latter to being bamboozled by errors disguised by the perfidious external trappings of flattery, by the thirst for a false glory that thought it could find grandeur in the double-talking elegies of a powerful sect, by subtleties in reasoning, by fallacious applications and conciliations, etc. They too interpreted the system to their advantage, admitting the principles, and rejecting the conclusions. And if it happened that their sentiment and their interests revolted against the argument that the power of princes derives from the people, and can consequently be arbitrarily revoked? In order to reassure them, they were

told that the actual obedience of the people was *proof of its tacit consent*, and that a prince *beloved* by his subjects had nothing to fear from them. But, that love alone is a frail support; that this love must first and foremost entail the sentiment of duty; that it is one of those things that can't be commanded; that one could lose it blamelessly through defamation and slander (means the sect didn't fail to employ); and finally, that it will inevitably and quickly come about that the people or its self-styled organs will presume to impose some shift in public opinion on princes as binding law: none of this occurred to sovereigns, or at most they imagined that their money and troops could shield them from the danger. Other than that, softness and over-confidence are the typical vice of the great, the natural tendency of all those who live in the height of fortune. How easy it is to turn the sight of princes away from whatever might give them serious worries, to sing them to sleep with all sorts of sophisms on evils of a burdensome nature, and which cannot be defeated without courage of mind, without exertion, and without perseverance! Sometimes princes were confirmed in the false opinion that all the revolutionary implications of pseudo-philosophical public law were only academic debates of no importance, or ridiculous chimeras more worthy of scorn than serious refutation; other times, virtuous and clear-sighted men who advised opposing such errors were denigrated as pessimistic *alarmists* looking to sow discord and strife, distress the sovereign, and make him suspicious of all progress of enlightenment and civilization. Finally (and this wasn't least among the causes of their blinding) the new philosophical principles were cunningly presented to sovereigns as eminently suited to extending their power and freeing them from the limits hitherto placed on it by natural justice and man-made agreements. While on the one hand it is sweet and pleasant to be *lord* and master, and command in one's own name, by virtue of one's own right; on the other it is also *sometimes* advantageous to appear in the capacity of a *functionary* or supreme *employee*, to unite personal and delegated power, and to act, if need be, by virtue of an ostensible mandate that at the same time cannot be second-guessed or revoked. The employee is paid: the supposed will of, and service to, his master are ready-made excuses for whatever he does; personal interests and injustices of all sorts are cloaked under the mantle of what is called the *public good*. From the moment princes hold themselves out as first employees of the nation, their wars also become national wars; their needs, needs of State; conscription,

arbitrary taxation, and every other type of compulsory service justify themselves very agreeably with the idea of a public institution and the sovereignty of the people; private rights and agreements with individuals or corporate bodies no longer mean anything when everything must relate to supposed ends of State, the interests of the majority, or the presumptive will of the people, which is even held out as the font of all justice. All of this is the siren's call by which gullible princes have been seduced and made to fall off the edge of the cliff. For the flatterers carefully avoided showing them the other side of these principles, according to which an employee can also be fired, or have his salary withheld or reduced; and much less still did they tell them that the people, this imaginary sovereign, would naturally come to want to give orders to its servant, to declare war and peace, in short determine, by itself or otherwise, just what its own interests are. On the contrary, studious effort was made to keep them from noticing these genuinely worrisome issues; they were made to believe that the people alone would have to bear the costs and inconveniences of its sovereignty, without enjoying any of the advantages. This explains how our times have seen powerful princes, misled by the principles of pseudo-philosophical public law, undermine the basis of their own authority, and dig the very grave in which they were to be buried. Some of them did it out of weakness, others out of a sort of naive good will, led on by the delusion that made them consider themselves nothing more than tutors and custodians of their peoples, sacrificing themselves entirely to the service of their subjects and assigning themselves duties but not rights; others were driven into it by vainglory or by despotic aims, in the interest of freeing themselves from all constraints, and empowering themselves to execute arbitrary and violent measures to be painted over with the likeness of the public good. Posterity won't be able to believe it, but history proves it to the point of certainty: it wasn't just from the desks of men of letters, but the very heights of thrones that the principles of the most dangerous doctrine ever to have threatened thrones was preached. The new doctrines penetrated the hovels of the poor to a much lesser extent than the palaces of the great; and it is fitting here to briefly, albeit with order and coherence, have a look at the incredible influence it already exercised in most of the States of Europe before the great attempt made by the French Revolution; and how, during the last half of the eighteenth century, it led even powerful monarchs into the most disastrous

endeavours.

The first attempt to apply the new doctrines in practice took place in Portugal, under the ministry of the infamous Don Sebastião José de Carvalho, Marquis of Pombal, who himself appeared to have been nothing but a tool of French philosophists. In fact his measures were first and foremost directed against the Church, or spiritual superiors alone; one didn't yet dare attack, by the same principles, the royal power which, on the contrary, itself had to serve as the instrument of destruction. Pombal persecuted the clergy, secular and regular alike, in every way, openly and according to a failed plan. Under pretexts whose falsity was later demonstrated, and motivated less by avarice than philosophist fanaticism, he went after the entire order of Jesuits, because these faithful were the pillar of Catholic religion and education. The goods of the order, including the personal properties of its members, were confiscated. Many were put to death, the most learned and virtuous of men figuring among them; the others banished, incarcerated, or deported with a cruelty, a savagery that revolted even their enemies, and which Voltaire, in spite of his antipathy towards priests, wouldn't hear of. Pombal also displayed the very same hatred towards the high *nobility* as well, which was likewise persecuted in every way, violated in its rights and despoiled, under the pretext of a reduction of estates, of goods that had been acquired and possessed for centuries. The nobles of the kingdom, however, weren't willing to allow themselves to be slaughtered with quite as much patience as the so-grotesquely defamed ecclesiastics. After a tyranny that lasted a quarter of a century, the all-powerful minister was removed in 1774; and with the exception of the Jesuits, who met with an unfortunate fate during this period in other countries as well, everything went back to normal. The innocence of the noble victims was acknowledged and their memory rehabilitated; confiscated goods were returned to their families; philosophical despotism ended; which led to it being said in Europe, that Portugal had regressed back to superstition and barbarism.

A short time later, at the other end of Europe, Catherine II put on the singular spectacle of a Russian sort of *national assembly*, convened in order to devise a *new legal code*; an assembly that, in fact, hasn't been as much discussed as that of France, since it was fortunately inconsequential, but nonetheless one of the most characteristic accomplishments of the prevailing

spirit of the times. With personal ties to the French philosophists, familiar with their writings, this famous Empress too gave herself over to the delusion of becoming protector and propagator of the new thought; enhancing the prestige of her empire with philosophical ideas, albeit without diminishing her power; and finally, adding the glory of an immortal lawgiver to her status as absolute autocrat. As a consequence, we don't know whose idea it was, but the Empress, likely pursuant to a letter from Diderot or d'Alembert, in 1767 convened, in Moscow, an assembly made up of numerous deputies of *every class, language, and religion of the Russian Empire*, in order to devise a plan for a *new code*, as though there had existed an old one. What kind of bizarre and absurd idea isn't it already to seek to devise a general code, uniform and permanent, and for an empire like the Russian, no less! What kinds of laws would it have to encompass? To what matters and which persons would it have to extend? General laws that bind equally on all men, that are eternally the same, exist only in the form of *natural* laws, and yet these never need to be made or written down; they are known to everybody, and as old as human nature. As to specific forms and determinations, which properly comprise positive laws, they are born of the will of whoever has the right to prescribe them in various cases. These human laws, these manifestations of a will binding on others, are generally made by each man in accordance with natural law and within the limits of his authority, that is to say, for everyone subject to his right and power; the Empress made them for her vast empire, just as private individuals and corporations do in their own limited spheres. By nature they are as diverse as the wants of men, the purposes to which they are addressed, and the means they employ to achieve them. To endow such laws with the characteristics of universality and immutability would be to impose the most absurd yoke on humanity. *Civil laws* make themselves through customs and by interpersonal agreements. Whether this or that thing does or doesn't belong to an individual, whether he rightfully owns it or not, are matters that must be decided by evidence, by titles of property or contracts, and not by laws imposed by superiors. These documents are the rule or the law in accordance with which judges must pronounce in civil matters. The objectives of private agreements are, with very few exceptions, left up to the wishes of the parties involved, and as a result highly diversified. The formalities, for the most part, don't really matter, and in any case could no

more have been uniform across the Russian Empire than the cuisine and clothing styles of its peoples. As for *criminal* or *penal* laws, they do not, strictly speaking, apply to private individuals; they are rather *instructions to subaltern judges*, intended to make known the will of the supreme judge as it relates to procedure and sentencing in criminal cases. Had the Empress deemed such laws necessary for her tribunals, or even had she wanted to prescribe formal procedure in certain civil matters, she would have had every right to do so, and could have assembled, in order to address a project to that end, jurisconsults or other experts, much more suited to this work than an assembly indiscriminately made up of individuals of all stations and classes in the empire. Or should these deputies have rather *prescribed laws to the Empress herself*, and decided on matters and objectives with which they are unfamiliar, of which they understood nothing, and over which they had no power; for example, the number, functions, and remuneration of her officers and servants, the troop and equipment of her armies, her finances, revenues, expenditures, etc.? The autocratic Empress would likely have been quite reluctant to take such orders, and would have reserved her leisure and liberty to herself in every single case, as was incontrovertibly her right. But none of these objections was made; nobody would have dared ask these questions of the illustrious lady and her philosophist advisers. The assembly of deputies was thus convened on June 30, 1767, in Moscow, with much fanfare, and divided into fifteen special committees for working on various matters. To be sure, it had only the modest title of *commission for the drafting of a model code*; nobody would have dared call it a national representative body or legislative power yet. It was given a directive, exalted across Europe, and in order to shut the mouths of all opponents, it was claimed that the Empress herself conceived and drew it up. This directive reveals, in form and in contents, several traces of *philosophical* public law, and all the new ideas fashionable at the time; but these principles were veiled with such art, interpreted with such subtlety, and so cunningly adjusted for compatibility with the most absolute power, that an experienced expert alone could discern what was false and dangerous in it. In general, it contains only banalities on public law, civil and criminal law, administrative rules, morals and education, etc.; in short, it was a pathetic word-salad written by an amateur seeking to credit the Empress with ideas borrowed from Montesquieu and Rousseau and advance them in her name and as her

wisdom. However, whether because the ideas of the deputies weren't as befuddled by philosophism as those who had convened them, or because nature is stronger than all human folly, the enterprise proved unworkable just as soon as an attempt was made to actually realize it, and the famous *code* (the Russian constitution) was no more achieved than the Tower of Babel. In 1768, the grand assembly was dissolved; the other special committees continued for seven more years, but produced nothing; and on December 4, 1774, all the deputies, on whom much money had been spent, were dismissed en masse, with the result that, owing to the force of things, this entire project, announced with such fuss, was concluded with no results to show for it. The Empress, though, achieved her goal; thousands of journals proclaimed her the champion of enlightenment, and the French philosophists, twenty years later, besmirched her with insults no less vile than the title of *Semiramis of the North*.

Frederick II, King of Prussia, who more than any other sovereign of the eighteenth century governed by *his own* power and *his own* will, at first was, to be sure, entertained by the brilliant wit and the writings of the French philosophists, but he carefully abstained from applying their principles to the government of his States. In this regard, he was too superior to them in judgment and true intellect. In spite of his indifference towards religion, he let the Catholic and Protestant Churches keep their respective constitutions, goods, and revenues; the French philosophists couldn't even badger him into expelling the Jesuits from Silesia. On the contrary, he protected them, and had much respect for them in their capacity as scholars. He was so far from approving of the reforms of Emperor Joseph II that, by an order-in-council issued in 1782, he guaranteed the entire Catholic clergy, every chapter and every convent, the full and peaceable continuation of their existence. It was said that the treasures of Loretta were respected in his vicinity, and that the Pope himself couldn't have relieved him of the duty of being an honest man and keeping his word. In politics he may in fact have sometimes violated private rights when they didn't altogether coincide with his own, something he had in common with a good many other men; but, at least recognizing the rule, he never attacked them systematically with general ordinances based on *general principles*, or for the supposed benefit of Mankind. However, he let slip in one of his writings that: *A prince is the first servant and first magistrate of the State*. Even though this isolated phrase is susceptible to all sorts of

interpretations, and even tautological, if one understands by the word, *State*, the independence of the King and his house; even though it can much more naturally be understood in terms of simple duties of humanity, often expressed by the verb, *to serve*; and even though, moreover, all the King's acts manifestly contradicted this very phrase, and he was less predisposed than any other sovereign to admit the conclusions that were drawn from it later on, the partisans of revolutionary public law didn't neglect to seize upon and cite it as a decisive authority in support of their system. But first of all, a proposition isn't true for having been stated by a king; an error, an inexact expression could well slip past a sovereign, just like it can the rest of men, and in any case everything depends on the sense the author intended to attach to it, and thus the connection to what preceded it and what followed. And the same philosophists take great care to avoid citing the infinitely greater amount of satire by this great King against their sophistic sect. He feared that their principles would take Europe back to the barbarism it had only just left; he called these principles metaphysical jargon that inflamed the minds of peoples without giving them true knowledge, and produced incalculable harms; and he took offense at the doctrine that attributes to subjects the right to remove their sovereigns once they become discontented. He alerted the public to the plan of the philosophists to turn France into a republic that would be governed by them, and in which a geometrist (Condorcet) would be legislator. Another time he openly described them as *fools* who wanted to turn all sense upside down, and needed to be sent to the nuthouse; and he loved to say that one couldn't visit any greater punishment on a land than to have it governed by philosophists. As to German works, Frederick didn't read them; he had otherwise seen that the philosophists of his Berlin indeed surpassed those of France in absurdity, and weren't their inferiors except with respect to taste and clarity of style. All Frederick's acts openly contradicted the principles of these *philosophists*. He acted as master and not servant; he did things his way, and gave no more account of his revenues and expenditures to the people than other private lords would have. He liked, even favoured, the nobility, that is to say, the *grandees* of the land; a rare thing in despots, and never seen in *enlightened* princes. However, under his own government a plan for a *general code* was devised, which according to the intentions of the king was to serve only as a set of procedural instructions for subordinate civil and criminal judges, but that he never saw finalized, and

would have had a hard time approving of had he been able to cast his penetrating gaze upon it. The code was presented to his successor, Frederick William II, a short time after his ascent to the throne. This prince, good and judicious I concur, but more given to pleasures than serious studies, certainly hadn't read the massive four volumes that made up this code, and no doubt didn't want the infamy of having marked the beginning of his reign with an insult to public opinion given by rejecting a work that, so it was said, a great many learned men, enlightened and full of merit, had devoted their labours and all their waking hours to, and was held up as the most precious jewel in the Prussian crown. Whatever the case may be, this code is the most striking proof of the incredible influence the errors of modern philosophy has managed to usurp for itself in our days, even over princes or their intimates. In general, and even in the best of its contents, it is more of a textbook of jurisprudence than a code, especially a *civil* code, since it encompasses almost every imaginable matter and relation. It raises, or rather lowers, facts and rules that purely belong to natural law to the level of positive law; however, for its practical application, that is to say, what is truly positive law, it is content to rely on particular regulations and ordinances, instructions for various functionaries, provincial statutes, titles, agreements and customs—in short, strictly on sovereign and private laws properly so-called.¹² One therefore couldn't do without these laws, much less abrogate them, as the project had boasted; it remained necessary to know them and take them as the rule; but with them, one could have done just fine without the overblown textbook published in the King's name, or have consulted a better one.¹³ Also, its language is purely *general* and philosophically abstract; nowhere, the frontispiece excepted, can one tell if it was written for the Prussian monarchy rather than China or Japan. The name of the King or legislator appears nowhere in the entire work; much less still does it have him speaking for himself, something that however would be needed to distinguish the law from a mere book, in order to make it known from whence it came and why it is binding. The chapters on public law (a subject that, strictly speaking, should not have been addressed) are, at least in terminology, totally in the spirit of the principles of modern pseudo-philosophy, albeit veiled and conciliated to the existence of the monarchy, to the extent circumstances required. The code speaks only in obscure and equivocal terms, of the *State* or *head of State* (who could by implication be

replaced tomorrow by a directory); of the *servants of the State*, the *rights of the State* and the *duties* of its head: as to the King and his own personal rights, it says not a word. Domains and royalties are declared *common property of the State*, whose *exclusive* use belongs to the head. The duties of the head of State consist of the maintenance of peace and safety, whether in the interior or exterior. In order to enable him to fulfill these *duties*, and underwrite the expenditures necessary to this effect, he is endowed with certain revenues and rights of use. The list of the sovereign's rights is admittedly complete enough, although this was in no way necessary for this code, and inasmuch as the Prussian State saw fit to keep King Frederick William II as its head, the following could have passably sufficed: "for all the rights and duties of the State towards its *citizens* and its *allies*, unite in the person of its head". He had the power to make war and peace, conclude treaties, make laws and administrative regulations, grant privileges and pardons, and exercise supreme power in every respect; he enjoys *exclusive* use of domains and royalties, etc. But none of these rights was considered as the corollary or emanation of his personal rights, liberty, or property. On the contrary, these *ends of State* were derived from a *delegated* power; and the code didn't in the very least imagine that these rights belong to other persons as well, in the more narrow sphere of their private authority, and are exercised by them every day. This list also forgot to mention the right to appoint functionaries of all kinds, hence the creation and abolition of the offices themselves; finally, the code prudently abstained from stating that the office of head of State is hereditary in Brandenburg by right of primogeniture, for fear of hampering certain changes that might come in its wake, or scandalizing the *philosophists*. On the other hand, the Prussian code attributed to its head of State rights that no King ever possessed (whether actual or even pretended). According to this code, *citizens* and *Prussian allies*, just like King Frederick-William, have nothing of their own; their persons and their fortunes no longer belong to them; they possess nothing other than what the *State* sees fit to leave to them or recognize as their property. For "the right to levy taxes, in order to meet the needs of the State, the private fortune of persons, their industries, their products or their consumption, is a right of the sovereign". Emigration is similarly "prohibited under arbitrary pecuniary or corporal penalties". It follows that all Prussian subjects are serfs at law; for they can't subtract themselves from service to the State, nor leave the country without notifying

or obtaining permission from the prince; and this authorization is even necessary for women to marry foreigners.¹⁴ Throughout, the most ordinary and most innocuous exercise of natural personal liberty is subjected to the express or tacit consent of the State.¹⁵ Is there anyone who doesn't see to what extent this code unites the characteristics of pseudo-philosophical public law, to wit: degrading princes to the standing of servants of the people on one hand, while undermining the foundations of all their personal rights on the other; destroying all personal and legitimate liberty as well, in making all men slaves of a model public institution; and finally, how the principles it established in the form and under the authority of a royal law must naturally be conducive to universally blinding men, muddling their ideas, making them lose sight of the person of the King or even rendering him dispensable, and readying precisely the educated classes to the revolutionary conclusions that derive from them?

If the Prussian code, exclusively intended for scholars, is known to few people: the innovations of Joseph II in Austria, and those of Leopold in Tuscany, in turn made a lot more noise. Apologists and opponents of these infamous *reforms* all agree that Joseph II started, from his ascent to the throne, a *war against the nobility and the clergy*—something all the more remarkable, in that neither of these bodies had given him the slightest pretext. With a slew of decrees issued in rapid succession, he introduced State agnosticism under the name of an edict of tolerance, intended to put the Christian Church on the same level as the most fanatical sects, and the most detestable leagues of sophists, or rather a lower level still. He prohibited relations between religious orders and their superiors abroad, as well as recourse to Rome for exemptions concerning legal ineligibility to marry; abolished funerary rites and Christian sepulchres; banned all convents of men and women alike in 1781, while confiscating their goods and reducing more than seven thousand innocent subjects to pauperism. He banned pilgrimages and processions, restricted the number of masses, authored a critique of sermons ghostwritten by ignorant hacks, lowered or abolished honoraria, and lowered the salary of the poor clergy and village curates to a pittance for their work. He made the seminaries, that is to say, the institutes of higher learning of Christian doctrine, independent of bishops, in order to bring them under the supervision of the civil power and transform them into schools of modern philosophy. To the same end, he created normal schools, expelled all the

Italian priests found in Vienna in the capacity of tutors or otherwise from Austria without any form of process, confiscated all assets belonging to charitable establishments, even those of the inmates, and ordained that the amount of four percent be placed in public funds. Finally, he banned the most magnificent of hospitals, in whose place he established lavish maternity hospitals or birthing centres, confidential shelters for unwed mothers, etc. Not satisfied with all this, he furthermore enjoined bishops to temporarily suspend the ordination of priests. He abolished religious holidays and even bishoprics by his personal authority, and went as far as to prescribe the forms of worship, rites, the number of masses, and priests and clergy to be employed. All these attacks against the Church, inspired by the fanaticism of the new philosophy, all this persecution no prince had yet to set any precedent for, and which stood in such stark contrast with the much-vaunted principles of tolerance, were the fruit of the influence of the French Encyclopedists and the order of the Illuminati that, only four years after its birth, had already subjected the possessor of the foremost throne in Europe to its power. We will not dwell at length on this matter, which is only a footnote here; it suffices to have cited it to show the direct connection between these measures taken as a whole and the spirit of the times in general, and the principles of pseudo-philosophical public law in particular.

The same principles of revolutionary leveling or hatred against all temporal power (except his own) inspired Joseph II in these political innovations, which can with justice be seen as the prelude to the French Revolution. Under this philosophist government, there no longer existed anything sacred, nor any property, natural law, promises, contracts, or private rights. It didn't actually go as far as to abolish the nobility, this token of the esteem men give to real superiority, by formal decree. But the great landed proprietors, the first and the foremost of the empire, were systematically persecuted and degraded, by secret orders and open violence alike, and despoiled of even natural and acquired rights, as though so many tyrants and enemies of the human race. An initial decree abolished *servitude*, without defining what it meant; it emancipated all the serfs against their wishes, and without giving them any property with which to maintain their liberty. Soon afterwards, with all the ignorance of modern philosophism, the *corvées* and the *feudal system* were banned—as though feudal compacts, i.e. the temporary or hereditary concession of land tenures in exchange for certain

services or a specified fee, were a crime against humanity. The Estates of Lower Austria was also banned, since it was a body made up of noblemen and ecclesiastics, but the guilds of the most harmless and useful of trades didn't escape this destructive rampage either. Wills and testaments could no longer bequeath an estate. Notwithstanding the fine words of liberty and property, repeated so pompously, property existed no longer, and neither did the liberty to dispose of it at will. *Trusts* and *fee tails* were abolished, although they formed the very basis of the Imperial throne, and on the contrary the equal partition of *allodial goods* between brother and sister was ordained, which not only stripped fathers of their testamentary liberty, but is often impossible for landed proprietors, or harmful to the entire family. All of this still wasn't enough, and there broke out, among the peasants of Transylvania and the Banat of Timisoara, insurrections against the noblemen of the country—insurrections tolerated at first by the Emperor Joseph, possibly fomented by influential sophists, and which were directed, not against abuses on the part of the nobility, but the nobility itself; not in order to gain redress for grievances, but to slaughter people and destroy property. Finally, they also shared a trait of striking resemblance with the burning of the castles in France in 1789, in that the insurgent peasants claimed to have acted under orders from superiors. After reducing everybody to the same level, it was likewise necessary to subject everybody to the same taxes, the same orders, and the same human laws. In keeping with the false notion that monarchy is a public institution, and all revenues of the Emperor nothing but the *contributions of citizens*, the nobility, the clergy, and the peasants had to be subjected to the *same taxes*; that is to say, serfs weren't given liberty, but all free men were reduced to servitude. Under the rubric of a new regime concerning subsidies, a gigantic project was undertaken, which was much more about abolishing private fees and imposing public taxes than about regulating or standardizing the assessment of existing payments. According to this plan, and following physiocratic principles, all land holdings were to be officially surveyed, valued according to their net product, and assessed a single tax equal to the value of forty percent of revenue, by means of which all other payments, i.e. all personal royalties, were abolished. As in the Prussian code, here once again everything appeared to proceed from the principle that all private right must derive from the State alone—as though there were no such thing as natural law, supreme and known to all, that it

isn't in the power of man to give forms and positive determinations to this law, and conventions, documents, and titles in no way a law for the parties, nor a binding rule for judges. As a result, and in order to keep up with the spirit of the times, Emperor Joseph II rushed to draw up a general civil code as quickly as he could (1786), and a general criminal code just as quickly (1787). The latter sought above all to distinguish itself by the abolition of the death penalty (which was substituted with the stocks, flogging, and the rod), and by the *equality of punishments*, as revolting as it was contrary to Nature, for all ages, all classes and all conditions, as though, on the one hand, the facts were always the same and accompanied by the same circumstances, or, on the other hand, as though it were the mode or form of the punishment, not the punishment itself, that comprises the essential thing in this respect; or finally, as though the form somehow weren't up to the will or discretion of whoever has the power to punish *in his own name*. The civil code, set out in its entirety in a few printed pages, and among the inhabitants of Vienna derisively given the sobriquet, *the blue book*,¹⁶ contains incredible principles that, on the one hand, systematically establish the most unimaginable despotism, and on the other hand trample over all natural justice and morality, destroying the most sacred of private relations. It asserts, among other things, that the Sovereign has the right to *abolish all customs* (as though he were their author); hence they would all be banned. This code permits no interpretation of the law, and refers judges to the letter exclusively—a principle that would authorize any cab-driver to serve as a judge, provided he knew how to read, and render all learning and expertise superfluous. Promises of marriage, in case of a woman's pregnancy, no longer required taking her as a wife; promises or engagements were thus no longer enforceable. "The community of goods in a marriage changes nothing with respect to ownership of the assets of one or the other of the parties; each of them is to retain *unlimited* power over what belongs to them, and can alienate it in spite of the wishes of the other party". Children born out of wedlock and of unmarried parents are given the same status as legitimate children and participate in the same rights, etc. Finally, all these acts of violence and more were portrayed as *philosophical* principles of public law, which had been inculcated in Joseph II himself—something proven by the many of his edicts authored in a style that makes the French Revolution no longer seem surprising. In a famous Cabinet resolution that appeared in

1783 (in which, to note in passing, the Emperor treats his employees as beasts of burden, allowing them neither rest nor leisure, and sees it as a matter of indifference whether or not *they've combed their hair or put their boots on yet*, as long as work gets done), the following principles are set forth: "The good is only, and nothing other than, what is useful to the greatest number; the good of the great masses outweighs that of each private individual, and even that of the Sovereign". All provinces of the monarchy make up *one and the same body*,¹⁷ and the revenues of the emperor are nothing but the *contributions of citizens*. On the occasion of a new regulation concerning direct taxes and subsidies (a regulation whose injustice couldn't be disguised) once again phrases of this genre were heard. The nobles having complained about these innovations, they were told: "That superiors would have never existed without subjects; *that the prince belongs to his country*", etc. Aside from that, Joseph II attempted to introduce *military conscription* in all his States, although it wasn't very advantageous to the greatest number. But since *citizens* made up the State, since its wars were therefore *their wars*, and since the Emperor styled himself *servant of the State*, it was thus only fair that they furnish men and money for every war, while the Emperor's mother still waged them with volunteer soldiers and at her own expense. The very same Joseph who pretended to *belong* to the country, nevertheless neglected the royal consecration ceremonies and the swearing of the royal oath he owed his vassals; ceremonies that do not, in fact, represent a delegation of power, but prove that the people recognize his legitimate authority and promise him obedience. Neither did the Emperor swear the customary oath of the Kings of Hungary on the day of their coronation; an act that doesn't actually add anything to the natural obligations of the sovereign, but is nonetheless a respectable custom, a gesture of recognition of Divine sovereignty, a reassuring and mutual guarantee of all natural and acquired rights. He sold his Crown lands in Hungary, the chief basis of his power in that country; and since the sovereign, according to the philosophists, had the right to abolish the most innocuous of customs and cultural practices, he went as far as to attempt to force the Hungarians to adopt the language and culture of the Germans. He changed the title of the subaltern provincial bodies, and called them *territorial authorities* (Landstellen), something that contributed rather more than one might think to giving them the wrong idea about the purpose of their institution and the duties they were to fulfill.¹⁸ After having

subjected the empire to a new territorial division, functionaries were installed in places where they had nothing to do that actually served the prince; for, according to the new way of thinking, the chief duty of these officers was no longer administering the affairs of the Emperor or looking after his interests and maintaining his rights, but governing men and their private actions. We will pass over in silence many other strange policies that, without immediately following from principles of *philosophical* public law, nonetheless attach themselves to them, and serve to characterize the spirit of the times, ruling even over thrones.

What followed from all these reform projects is, in fact, well-known; but it's helpful to say at least something for educational purposes. None of them ended well. The goods of the banned convents were sold at rock-bottom prices, or rather, the revenues were squandered by prodigal administrations; the imperial treasury impoverished itself with the goods of others instead of enriching itself. Wills and testaments were no longer respected, and the government seized upon every pretext to dispose of them at its will, by its private authority. The compassionate heart closed up, and donation to charitable foundations ceased; hospitals fell into penury from the moment the State took sole charge of their maintenance and administration. Serfs begged lords on their knees to be restored to their original status and delivered from a liberty that exposed them to starving to death. The enforcement of many ordinances and injunctions became utterly impossible. Customs and natural relations at private law were preserved in spite of all the efforts and all the decrees of sophists. The new civil and penal codes, with their strange dispositions, were followed neither by their authors nor their subjects. The nature of things proved stronger than all the folly of philosophists, and the hearts of individuals were held in higher regard than those of legislators. Private individuals respected contracts and promises, even though the State allowed them to be arbitrarily broken. Neither persecution directed against the Church, nor the entire legion of revolutionary writers and pamphleteers in Vienna, were able to destroy the reverence due respectable priests and scholars, or the attachment of the people to their religion. The new set of rules on taxes having cost an immense undertaking and millions of florins, it resulted not only that this enterprise had to be abandoned, but in addition all related paperwork burned. In the Brabant, the violation of every treaty and privilege, innovation in ecclesiastical matters,

conscription, and what was called the new regime of subsidies, conspired together to arouse general discontent; a formidable insurrection broke out in 1786, and for the second time in 1789. And although the Emperor and his lieutenants eventually wound up conceding all these points, it proved impossible to regain the confidence that had been lost. Rebel Hungarians threatened the ports of Vienna; Bohemia and the Tyrol were likewise at the point of rising up; the most serious discontent reigned all the way into the capitol; and all this was furthermore combined with two unfortunate wars with Holland and Turkey, which squandered finances and enfeebled the forces needed to sustain the great struggle that was coming. The unfortunate emperor came to see it in the end, but too late, out of having been blinded. In the last days of his life, he reversed all the innovations introduced in Hungary and the Tyrol, cursed the pseudo-philosophical geniuses who had led him and his people to the brink of the abyss, and died just in time for his successor, mindful of this example, and in spite of the circumstance of crisis in which he found himself, to successfully calm minds and win back the confidence of the nation, by restoring traditional justice.

In Italy, where the new philosophical ideas were chiefly spread and gained credibility through the miserable writings of the Marquis Beccaria, the voluminous, but altogether equally weak work of Lord Filangeri, and the book entitled *Principles of Political Economy* by Abbott Genovesi, Leopold II, Grand Duke of Tuscany, was at first taken by the principles of the new political system, and imitated the projects of his brother in Austria. His reforms, to be sure, were less violent than those of Joseph; but, all things considered, they were no more meritorious and didn't have better results; in fact, at first it was limited to pot-shots against the hierarchy or spiritual authority, by banning convents and confiscating their assets, abolishing the inquisition (which was nothing more than ordinary censorship of books), stripping religious personnel of all their exemptions, making false accusations about their relations with the head of the Church, tearing down altars, and plundering ornaments from Churches. In the name of the prince, even catechisms were dictated to bishops, along with the list of books that they had to recommend to the faithful. Lay organizations were abolished, along with processions. The rites and forms of the Divine cult were prescribed, with no intention other than weakening their majesty and splendour. Leopold stated that he did all this by virtue of the sovereign power that was

his by right, even in ecclesiastical matters—something without precedent in Catholic countries. But temporal superiors and relations of subordination that existed in the civil order weren't spared either. Almost all measures taken aimed at vilifying or bringing them down, and the much-vaunted reforms, did little other than cause destruction. Thus in Tuscany he also abolished everything from privileges, private tribunals, corvées, craft guilds and their chief officers to royalties, in whose place new taxes were established. A penal code was enacted that, in keeping with the softness or the false humanity of the century, blew softly on malefactors, showed greater indignation against the death penalty than against assassination, and did away with the crime of *lèse-majesté even in name*, the better that anybody could move against the sovereign with impunity. Fortifications were dismantled, the better to deprive the prince of means of security. The number of troops was reduced—a measure that wouldn't have been blameworthy if the least part of those who advocated it didn't have motives other than economizing. Finally Leopold, blinded by his congeniality, proved to have regarded himself as a trustee of the people even more than Joseph. He submitted public accounts of, variously, his financial administration, which he didn't see as his own; sentences rendered by courts of justice, which concerned only the interested parties; agriculture, arts, and commerce, which were none of his business, but that of his subjects alone, etc. Public accounts on the finances of the State were put on exhibit in the greatest detail for the whole world to see, more or less as usually done in towns or municipalities—but nobody heard it said that very many individuals showed up to inspect them, nor that anybody had dared question its details, or whether they had been verified or approved by anyone except for those who rendered them. That aside, Leopold followed the physiocratic system above all, something that explains his hatred for guilds and master craftsmen, as well as the absolute liberty he afforded the grain market (a liberty whose advantages can be afforded without any recourse to this system, and that has absolutely no disadvantages in a coastal country like Tuscany). But too many people didn't see (since it was intentionally hidden from them) that these supposed reforms, although less extreme than those of Joseph II, aroused discontent no less widespread. The philosophical administration degenerated into pedantic minutiae, much more vexatious than all the craft guilds and privileges that had been banned. Insurrections broke out several times in Pistoia and Prato, and the revolt

became general after Leopold ascended to the imperial throne. It was snuffed out at first by promising to take grievances into consideration; but in the meanwhile he condemned more than six hundred individuals to the galleys. Nevertheless, these severe measures didn't achieve their goal, and peace was not restored in this Tuscany, once so peaceful, until the new Grand Duke removed the Bishop of Pistoia and abolished the innovations of his father. Leopold, though, naturally judicious and well-intentioned, and moreover enlightened by his own experience and that of his brother, ultimately came to recognize the danger of these principles. Upon his ascent to throne, he found Brabant and Hungary in open revolt, universal discontent in other provinces, and on top of it all, an extremely crucial war with Turkey. Finally, the outbreak of the French Revolution probably made him open his eyes. Within a short time he succeeded in restoring order in the Empire, and even in restoring calm to minds, simply by restoring the ancient justice which leaves to each his own. He became one of the small number of princes who perceived the cause of all the evils, and he encouraged educated men to fight the dominant false principles he himself had held previously. But he instantly lost his reputation among the leading lights of literature and above all, the authors of the new doctrines. Their praise suddenly turned into invective. He was portrayed as a weak and mediocre prince, able enough, perhaps, to administer a small State like Tuscany, but by no means fit to govern an empire as great as the Austrian monarchy. He died a sudden death in a highly remarkable era, and likely had been poisoned because he knew the sect, and because it would have only been a matter of time before he would have waged war against the revolution, with the spirit and the strength of purpose which alone could have ensured the felicitous success of his efforts.

In the same way that Frederick II found imitators in the north and among the Protestants, Joseph II and Leopold found them in the middle, and among Catholics. In Italy their example was more or less followed by the Dukes of Modena and the King of Naples; in Germany, by the Electors of Mainz and Koln, the Archbishop of Salzburg and the Bishop of Bamberg. It is true that these latter acted with more discretion, and contented themselves, while continuing to observe certain formalities, with banning the monasteries, reforming imaginary (perhaps sometimes, real) abuses, fighting the hierarchy, and shaking the foundations of the Church, but without touching upon political relations of subordination, or openly displaying, as did Joseph II, the

principles of modern philosophism. Yet they constantly undermined the foundations of their own authority in doing so, and the perverse spirit of the times could be perceived only all too clearly throughout their ordinances, in which it was easy to discern a sort of indulgence, a certain submission to new opinions, as opposed to deep respect for religion and justice. At the very least, those opinions, having gone unopposed, gained all the more credibility, and readied minds for their final conclusions.

Finally, the good but unfortunate King of France, Louis XVI, himself certainly wasn't above these political errors; and for this reason never knew how to use true principles to defend himself, even at a time when, reiterated forcefully and energetically, they still could have had an effect on the nation and discredited the philosophists, whose whole power consisted in leading public opinion astray. The well-known piety of Louis XVI, to be sure, ruled out proposing him measures that would directly aim to bring down religion and the Church; but advantage was taken of his very goodness and his beautiful soul, so disposed to make every sacrifice and every concession, to inculcate in him the false idea that he was but a servant of the nation, that he existed only for it and even *by* it, that he had only duties towards it and no rights against it, that his goods and revenues were but contributions from the people, that the administration was only conferred upon him, that he had to be accountable, etc. From there, he was imperceptibly led, if not to believe in, if not to show open favour for the dogma of the sovereignty of the people, to at least approximate it, and some of his first edicts were made in this spirit. The choice of some of his ministers, such as for example that of the superficial Maurepas; that of Turgot, who called the clergy a useless and costly body; the republican, Necker; M. de Brienne, amoral and bought and paid for by the new sects, and others, proved the influence already usurped by the *philosophists* over the court of France. The organizational form given to *provincial administrations* absolutely conformed to the philosophical system—for the manner of the election of their members, and the very nature of their functions, turned the King's officers into those of the nation, and his own affairs into provincial affairs, with the result that similar bodies necessarily had to support republican habits and sentiments. The publication, in 1787, with the approval of the king, of a *complete account of finances*, yet unheard-of everywhere but Tuscany, was so much additional evidence of the triumph of the false principles. In fact, although this account was addressed

to the King, the royal finances were nevertheless represented as *national* finances; royal finances, deriving for the most part from domains and royalties or profitable enterprises, were portrayed as so many *contributions from citizens*, something that naturally led to the belief that the nation had the right to intervene violently in the economic affairs of its master. Until the famous, but useless royal declaration of June 23, 1789, drafted by the Royalist party and intended to stop the course of the revolution, there was nothing that didn't bear several traces of revolutionary public law, or at least wasn't harmonized with its principles, and that hadn't adopted their language. The estates of the realm were called *representatives of the nation* several times—something they never were, at least in the modern sense of the word. The schedule of revenues and expenses of *the State* had to be published each year, and (as though it would have been practical) the budget of each department inalterably fixed. The king *could take no loans* without the authorization of the Estates-General, where even the King of England had no more need for the consent of Parliament in order to do that than a private individual would from his family.

We will pass over in silence the evidence furnished us by small States, where the new ideas likewise insinuated themselves, albeit much more slowly, and ultimately secured total victory.¹⁹ In short, the political system known as philosophism, the unnatural idea of authority derived from the people, spread itself everywhere during the last twenty years of the eighteenth century; it took root in every mind to a greater or lesser extent; it almost exclusively dominated high and low literature alike. From afar one still heard here and there a few words of truth spoken timorously and weakly, like a voice dying in the desert. Little by little the language of the system infiltrated the style of chancelleries, where the old phrases and terminology, borrowed from nature, ought to have been preserved with the most sacred respect. In place of this ancient and paternal language, cordial and full of energy, full of feeling for the rights of self and others, one no longer heard talk of anything, in the laws and ordinances of princes published during the last thirty years of the eighteenth century, but civic association, authority delegated by the people, legislative and executive powers, public functionaries or servants of the State, finances of State, goods of State, ends of State, citizens of the State, destinies of humanity, constitutions and organizations, duties of sovereigns, rights of peoples, etc.—expressions and

phrases that, coming from schools of modern philosophy, can only increase confusion in ideas, and imperceptibly destroy even the memory of tried and true relations. These principles encountered almost no opposition, for science was now sought out only in books. Nobody bothered to consult nature, the best of all teachers, since there was no fame and glory perceived to be had in studying it. Princes surrounded by the acolytes of new doctrines gave neither encouragement nor support to defenders of the truth, and nobody wanted to be stigmatized by tastemakers as mentally retarded or as a stooge of despotism, and lose his honour and reputation, at least in the eyes of the ignorant and blind crowd. This is by no means to say that philosophism found no adversaries back then, but the writers who fought it most often occupied themselves only with irreligious principles, and not equally false political principles; at best the errors of the latter were never solidly refuted, and never opposed with the whole truth. Nonetheless there was no lack of vivid premonitions of imminent societal calamity, and even prophecies of the devastation that threatened the world. Some predicted this destruction with heartbreak and pain in their souls, others with fervent ecstasy, to which more attention should have been paid. Before He punishes, God also warns the blinded nations through true wise men. But these prophetic voices were lost in the desert, or went completely unheard. Without there having been any real cause for discontent, either against the person or the conduct of Sovereigns (for there had never been less good reason to complain about them); in the age of the longest and most profound peace, the very idea of which has been lost today; in the heart of a state of general prosperity, which we can no longer think about without pain and tears; in the midst of a state of well-being troubled neither by guilty conscience nor the sight of misery in neighbouring countries; a terrifying ferment, a veritable moral epidemic spread across all Europe. Minds fed by principles of *philosophical* public law were ready to admit all of their ultimate conclusions; with the result that it took no more than an eventuality or a favorable opportunity to give rise to the arrogant and insane attempt to put it all in practice.

¹ How the wickedness and the ineptitude of men denature the most beautiful truths! How dangerous these abstract, short and obscure maxims! If princes hold their power and their rights from God, that is to say, from the nature of things, it follows that they can't actually possess rights other than those

actually received from God, that is to say, those proper to them, and hold them in the same sense that all men likewise hold their rights and property from God, and not their inferiors. In addition, if princes ought to regard their sovereign dignity, that is to say, their power to do good, as an office conferred to them by the Divine, following the beautiful expression from the Bible: it follows that that they must not exercise this power except in accordance with the will of God, and in order to see to it that His laws of justice and mercy are obeyed, but never in order to violate the rights of others; and in this sense, the liberty and abilities of each man are likewise an office received from God, a talent or gift conferred to him, which he must use for good and not evil. As to absolute power or the full complement of sovereign authority, it is nothing other than that perfect liberty, which consists in not being subject to coercion by the will of others, and that comprises the essential characteristic of every sovereign prince. But this would never be to say that princes are freed from the duty to obey natural law; for in this sense, no human power is limitless. We are all subjects of God.

2 “The party that governs must defer to the party that instructs (the philosophists) and above all not believe itself to have greater knowledge than the latter”. *Mercier*, in his self-styled *Clear Notions on Governments*, 1787, V. 1, p.1. “We are the true prophets of the human species, born to instruct and judge other men. The human species is our pupil, our wisdom puts the universe at our feet”. *Encycl. dict.*, art. *glory*; art. *encyclopedia. Essay on prejudices*, p. 151. *Helevetius, on Mind*, p.110.

3 The ashes of Voltaire and Rousseau were carried into the Church of St. Genevieve, from then on renamed the *Pantheon*; blasphemy against philosophy was being discussed, and characterized as crime worthy of death.

4 *Memoirs to serve for a History of Jacobinism*, by Abbott Barruel; and above all the first volume, dealing only with France, will always be what can be called the chief work written on this subject.

5 The atrocity of these words jumps at the eyes; allow me to demonstrate its absurdity. If the last king is to be strangled, whoever was able to strangle him with impunity would incontrovertibly be king; for in order to have succeeded, he would have needed assistance and obedience from others. By the same token, if one would slaughter the last priest, it could only be done by establishing a new doctrine able to crush the old one, strip it of credence, and put itself up in its place. But then the heads of the new doctrine, e.g. Diderot, d’Alembert, et al. would be the true priests. Thus there will always be priests and kings, and the question boils down to discerning just who the best priests are: those of ancient wisdom or those of novel paradoxes; those who preach a law of love and justice, a Divine law engraved in the hearts of men, or those who deny this law and its author; who preface their doctrine by inverting the order of nature; who preach, in the name of reason, the hallucinations of their delirious minds, or the whims of a diseased will, and teach others to strangle and disembowel the original benefactors of Mankind.

6 I use the term, *scholars*, advisedly; for the non-scholarly segment of the public guided by sentiment and common sense, had more much accurate ideas on this subject; only they didn’t assemble them into a body of doctrine.

7 In a recent work (*Materials for use in the Science of the World and Men*, Gotlia, 1810), Weishaupt reiterates this doctrine again, and seeks to represent it as innocent. As if, as he pretends today, it simply means that there will be no more legal trials or litigation, and that there will be no need to have recourse to princes or tribunals, once everybody lives up to their duties to others. This is a trivial truth that has been known for a long time; it is the goal that all who teach religion and virtue have aspired to, and princes themselves never obstructed. But there is a big difference between *doing without* sovereigns and abolishing them. Weishaupt himself couldn’t do without them. For, chased out of Bavaria, he sought asylum, protection, and a pension from the Duke of Saxony-Gotha. And what morals did the Illuminati teach! Suicide, poisoning, abortion, forgery, etc. By Weishaupt’s own admission, one of the first Areopagites was a deadbeat, another constantly psychotic, the third a

degenerate, the fourth a thief, the fifth found guilty of rape and incest, etc.

8 It wasn't for lack of demand. No matter how great the number of requests, one could not succeed in finding these works; the bookseller would answer that he doesn't carry items of this genre. Literary gazettes gave them no mentions, or only spoke of them with the utmost scorn. Often they couldn't even be found in catalogues; and they weren't put in reading-rooms, etc.

9 Is there anybody who doesn't know that since 1776, all the schools of Europe, although founded and organized by the most learned men, were represented as worthless, and in need of being completely re-organized? How much trouble the most honest, intelligent, and learned men had in gaining employment or promotion in public educational establishments? How many dirty tricks used against them even today, in places where they can't just be fired on the spot?

10 Weishaupt among others to Gotha, with a thousand gold écus for a pension. He ought to at least know by now *just what* princes are good for, and why it isn't all that simple to do without them.

11 See note 1, ch. VI.

12 Both the fact and the logical necessity of this disposition prove how all this business about a universal code was chimerical and useless.

13 Our modern codes, which have been force-fed to us ad nauseum, are so deeply infected with the same foible that I can't help but make an important observation on this matter. A law code isn't a book of doctrine, and a legislator shouldn't talk like a Ph.D or a professor. He shouldn't make a big show of learning acquired in lecture halls, whether true or false, nor define facts that go on existing without him or in spite of him, nor try to theoretically establish or explicate the rules of natural law. On the contrary, he is supposed to take them as given, as acknowledged and binding rules, and apply them to certain specific persons, certain authorities, and certain matters; he adds to them forms and conditions that can't be known in advance, but are necessary, or at least beneficial and useful to following this natural law. In a code one must not make a big display of principles and erudition; the academic expert will perceive them in its spirit and its results alone. In short, for the Ph.D or professor, principles are essential, and legal forms an accessory; in a code, by contrast, the legal forms or positive aspect are what is essential, and the principles figure only as a mere motif, explicit or implicit. This is what comprises the skill of a legislator; a skill in fact much more difficult and rare than that of giving copies of books or minutes of proceedings a scientific form of order. It is not for a civil code, for example, to explicate the nature and purpose of marriage or spell out the duties of a spouse, nor to define wills and testaments or prove their legitimacy; it presupposes that all this is already known in advance, and instead prescribes the manner in which a marriage must be contracted, and a will drawn up, in order for those acts to be valid in the eyes of a judge; it states the punishments to be visited on those who violate certain duties; it specifies how and before whom one can plead one's case; it defines the order of succession *ab intestat*, etc. It not only entails pedantry to enshrine principles and natural duties in positive laws, but furthermore two great inconveniences. The first, of destroying the sanctity of these duties, and lending support to the opinion that it wouldn't be necessary to observe them without the code. The second, that if by chance a single one of these definitions is vicious or badly formulated, it would become a false rule that could not be corrected, a source of unjust process and sentences—something there is nothing to fear from on the part of books about jurisprudence, which, even when they contain errors, at least have no legal weight, and can be corrected by better books.

14 What, then, is servitude, if not the obligation to render indefinite service, to not subtract oneself from service, leave the country, and, where it is the most severe, marry a foreigner without permission? But the serf of old tied to the glebe at least had a plot of land to meet his needs; the modern philosophical serf is obliged to meet those of his master.

15 It was a great inconsistency of the Prussian code not to require authorization from the head of State

to eat, drink, sleep, laugh, and cry.

16 *General Civil Code*, Vienna, 1786. It is worth pointing out that these new codes are always called general or universal, even though they were made for this or that State in particular.

17 That is to say, an inert blob or raw material, with which the philosophists can do as they see fit, without any regard for private right. Such is the meaning of all of these phrases about uniformity.

18 Previously they were called imperial-royal governments. Those who made them up were officers of the prince, appointed and paid by him, bound to him by special oaths, devoted to looking after his rights and interests; but once they were called authorities of the land, the majority of the members that made them up formed completely different ideas, and fancied themselves as comprising the opposition party.

19 The troubles of Geneva, in 1763, and those of Neuchatel, in 1768, owe their origin exclusively to the widespread ideas of the pseudo-philosophical system. Those of Geneva had the *Letters written from the Mountain*, by the infamous Jean-Jacques Rousseau, to blame, along with the formal censure of this sophist by the Council of Geneva. The demagogues in the General Council took their master under their protection, and sought to treat the Senate as their butler, even though it didn't exist at their leisure, and there was no accusation that could be made against it. Soon the simple natives, inhabitants, and subjects held pretensions to the same rights as citizens, seeing as how *they too were men and knew how to talk*. Moreover, the economists and philosophists of France didn't neglect to encourage them; and by 1770 the *Citizen's Almanac* designated the honest bourgeois by the then-odious epithet of *the fifteen hundred noblemen*. In the county of Neuchatel, in this country so free and happy, an effort was made to prohibit a prince—Frederick the Great no less—to lease his own estates. States, in the name of the *sovereign people*, pretended to the right to refuse him this ability, but were forcefully reminded of their duties.

CHAPTER VIII.

Fruitless Attempt to Realize the Pseudo-Philosophical Theory (French Revolution).

THE OPPORTUNITY CAME. We who carry the weight of the day have been the witnesses or the victims of this terrifying experience, an enterprise that began in the midst of applause, was soon followed by unheard-of calamities, and finally failed completely, to the bewilderment of its very authors. After the reign of two princes who certainly could neither be faulted for evil intentions nor tyranny, but at most prodigality and weakness; after a war that wasn't disastrous, but costly and ill-advised, the finances of the King of France had in fact fallen into fairly serious disarray, although not irremediably so; revenues were considerable, and expenditures perhaps excessive in several respects; but the nation was rich, hungry for glory, in general highly devoted to its Kings, and itself greatly interested in paying off the royal debt, or at least its interest. The court, however, didn't know how to get itself out of the situation. Weakness or vanity ruled out reducing expenditures and introducing fiscal prudence and austerity, which salutary measure found more obstacles still in opposition from a powerful party that wanted to exploit the financial crisis for the benefit of the plot they were hatching. The court was no more adept or successful in raising revenues by legitimate means. Contributions or indirect taxes, previously raised with no objections, were refused by the Parlements, which in the *interim* had already come to think of themselves as representatives of the nation, although essentially they were only tribunals instituted by the King. All of the measures taken were lacking or paralyzed in their execution, because the public, already prejudiced against them, had rejected them in advance. Finally, the King was petitioned to assemble his *Estates-General*, that is to say, gather his vassals and first servants around him in order to consult with them and, following the ancient custom, explain his needs, ask for their assistance or advice, and then reach a final decision. We will not inquire as to whether this measure, fallen into desuetude since 1614, and which never had positive

outcomes in France, had been advised with the prior hope or intention of turning the consultative assembly of estates into a legislative or sovereign assembly, and bringing down the constitution of the realm in accordance with *philosophical* principles; it is all too plausible. But whatever the case may be, the profound influence of the new doctrines could already be recognized in the composition of the Estates-General, the manner of its convocation, and the form and results of the elections themselves. As in every other kingdom, these Estates were previously made up of the *nobility* and *high clergy*, in their capacity as *grand proprietors*, vassals, holders of fiefs, or immediate liegemen of the King; and then *free towns* that likewise answered only to the King, and for this reason were otherwise known as the estate of *bourgeois*, and commonly, in France, the *third estate*. These three classes encompassed all men who were legally *free* or existed independently, except for their immediate relation to the King; strictly speaking, they represented nobody but themselves, although in other respects they could be regarded as the natural advocates and protectors of those who depended on them, that is to say, those who were in their service, or owed them certain duties. But instead of this simple and natural way of proceeding, strictly republican elections were prescribed between the individual members of these three bodies. The third estate was granted double representation, and those who were part of neither the nobility nor the clergy, but weren't members of the bourgeoisie of a town either,¹ were deemed to belong to it. Moreover, each of the three orders could choose representatives outside of its own ranks, an ability contrary to the nature of things, and that was already effectuating an upheaval in thought, counting real and legitimate relations with individuals and corporations for nothing, and seeing the subjects of the King as a body of citizens with equal rights. Moreover, an immense amount of writings of all kinds had already spread the false principles of this speculative theory across France for a long time. Its partisans passed themselves off as the wisest and most enlightened men in all France, for which reason they won most elections, with the result that it wasn't hard to predict that the new doctrine would soon prevail in the Estates-General itself. In fact, these estates were so disunited that they no longer wanted to deliberate and vote as *bodies*, but as *individuals*, in order to give force of law to the plurality of votes, as in a republican governing body. A few days later they proclaimed themselves, by their own authority, the *sovereign national assembly*, claiming to exercise

supreme legislative power *in the name of the people*, from which all power was to derive, and so degraded the King, their lord, to the status of servant of his subjects. They enacted reason as the supreme law, even though the people never gave them any mandate to do so, and even though their powers, their instructions, and their oaths were diametrically opposed to it; and this so-called *reason* was to be found in nothing other than the principles and the oracles of the new philosophy. Quite far from occupying themselves with the actual objective of their convention, namely giving advice and assistance to the King, they immediately started the *war against throne and altar*, against all temporal and spiritual authority other than their own, and this is what comprised the defining feature of this unprecedented revolution. The national assembly sought, as it said, to cure the disease radically. Of course, for the assembly, the root of evil was to be found in the existing order of things alone—an order which, however, had lasted for fourteen centuries, and rested on the same foundations as every principality in the world. Emboldened by the state of crisis the kingdom was in, the novelty of the endeavour it had dreamed of, the panache of a great assembly distinguished by the social status, wealth, and talents of its members, weakness on the part of the King and those around him, but above all egged on by the false principles that were dominant within the nation, or misguided public opinion, it overcame every obstacle and announced the futile resolution to reform the constitution of a great kingdom according to so-called principles, and realize the new political theory, whose truth it never doubted. The results of the past labours and joint efforts of so many philosophers must not, so it was said, be confined to books alone, but put into practice in a most striking way for the good of all. It never even occurred to most people that the philosophists had deluded themselves, and that their entire system stood on nothing but an hypothesis contrary to nature and truth. The frenzied spirit became almost universal. Like a spark of electricity, the enthusiasm spread across every country in Europe, where the same principles had reigned from throne to hovel for a long time. The endeavour of the National Assembly in France was called the cause of the entire *human race*, and was also portrayed as forming an actual society, a vast corporation, which it would be insane or criminal to resist. An infinite number of men of good faith, albeit misguided, with the most avid impatience followed the progress of a revolution destined, according to its partisans, to *change the face of the*

globe and the future of the human race. Hence the National Assembly, or better yet the faction that controlled it from the very first months of its existence, acted with a flippancy, an audacity that would appear unbelievable if it couldn't be explained by the passionate character of the French nation joined to the fanaticism of a doctrine that is false, but believed to be true. *Liberty and equality*, the first fiction of the pseudo-philosophical system, which everybody already interpreted as they pleased, were the watchwords of the day, and were to serve as the foundations of the new constitution. But, since this liberty and equality didn't exist, it was therefore necessary to restore them, reviving what was called the state of nature; and with a single blow, and across the whole extent of the kingdom, an immense number of acquired private rights, and a diversity of interdependent social relations, formed by mutual need, and which, through a corresponding set of property rights and voluntary agreements, produced lordship on the one hand and service or dependence on the other, were abruptly abolished. Thus perished overnight the ecclesiastical hierarchy; feudal ties between landed proprietors and those who worked their lands, along with all their infinitely diversified contracts and contractual obligations; jurisdiction over landed estates; religious and military orders; municipal charters; and craft guilds, apprenticeships, etc.: for, on the one hand, all these institutions were seen as *privileges* opposed to equality, and were despoiled of all of the goods and properties that comprised the basis of their power and authority on the other. Throughout the whole vast extent of the kingdom, relations of subordination or service, other than to the constituted national authorities, were no longer tolerated, along with every corporation or community of property other than those of the nation as a whole. Paternal power, or internal dependence within the family, was just barely allowed to go on existing, although a good many people already considered marriage a temporary contract which can be dissolved at will, and attacked paternal authority, not just in its exceedingly rare abuses, but its very essence, culminating in seeking to refuse fathers the right to make wills and testaments, while giving women the same political rights as men. Hence the most benevolent of all forms of power, one whose essence is love alone, was also deemed tyrannical and oppressive. It is true that natural and indestructible inequalities of age, sex, wealth, talent, etc. were still grudgingly recognized, at least in theory; but their fruits, also wholly natural, in the form of the various contracts and

social relations which result from them, were all to be brought down, with no exceptions.

Moreover, the organization of the State itself was to rest only on the inherent natural *rights of Man*, and have nothing else for its guarantee; they were proclaimed forthwith, as though they been misunderstood or altogether unknown until then. They were even made the supreme rule, the one and only end of all law, as though there were never even any question of acquired rights! Next, in order to remain faithful to philosophist principles, it would be incontrovertibly necessary for the *association of equal rights*, the *social compact*, the grand *community* or *civic association* between every inhabitant of the kingdom, to have been formed of their own free and unanimous will; but, in keeping with the pseudo-philosophical system, this was simply presumed, without producing any documentation proving that they ever did so, and without consulting the will of the individuals involved on this essential first condition. It was decreed that such-and-such *would be* citizens of this new State, without asking them whether or not they *wanted* to. And even though many among them had on the contrary already proven by their resistance or emigration that they recognized no such association, and had no desire to join it, the agenda moved along to its organization. The people, comprising the sovereign corporation of citizens, from then on were to legislate, through representatives they had chosen, or, following Rousseau's dictum, *make the general will known* by themselves. To this effect, destroying all historical memory down to even the old terminology, the territory of the kingdom was divided up like a chessboard, with no regard to natural relations or the acquired rights of various provinces, and with the sole aim of facilitating the process of gathering citizens together in primary assemblies according to population and locality. After fearsome struggles, a few conditions deemed necessary for having the right to vote were established; conditions always violated in practice, and that, conforming to the force of things, but in opposition to the principles of the system, divided the citizenry anew into two classes unequal in rights, and gave natural inequalities, that is to say, superiority in age and wealth, a legal privilege of power and authority. It was already hard enough to gloss over this paramount inconsistency, and it subsequently contributed to the failure of the much-vaunted constitution. All sorts of regulations were just as hastily devised for determining the composition, method of election, internal organization,

functions, and duration of the *legislative assemblies*, which thereafter were to represent and make the *national* or *general* will known. In accordance with the principle of the *double division of powers*, on the one hand they could make no changes to the written constitution, nor even interpret it, but only make laws; on the other hand, still less were they allowed to execute these laws or have them put into execution, but only make their binding will known; and in order that these assemblies could neither abuse their power nor turn delegated power into personal power, they were, after a short period of time, to dissolve and make way for other legislators. In keeping with the principles of the system, all of the King's real estate, right down to the furniture, was nationalized and sold. His other revenues and honoraria were deemed inequitably-distributed *contributions*, and altered or abolished accordingly. He was provided with substitutes, to which each *citizen*, for his part, had to contribute—not what he owed, as was previous practice, but what he could, i.e. in proportion to his *wealth*. As to the King himself: considered as chief executive officer of the nation, while allowed no more than a mere salary, was most generously permitted to live in some of the houses he used to own. This King, who was once master and chief legislator, the richest lord in France and the only one who was independent, and who everyone so adamantly wanted to serve not long ago, couldn't do anything, command anything, or even *own* anything. Armed with force, but no will of his own, he was to be nothing but the executor of the laws of others, butler-in-chief, serf-in-chief of his own subjects. To this end, *in descending order*, from the throne down to simple citizens, he was adjoined with a new legion of employees, ministers, administrators, judges, commissioners, soldiers, and external agents who, undisciplined and poorly-instructed in their duties, were more poorly still united among themselves. But all these agents governed the affairs of the nation, not those of the King. They were, for the most part, neither chosen nor paid by him; that is to say, they weren't his servants, but those of the people. The man who very much continued to be called King in most cases couldn't hire, fire, compensate, or discipline them—even though he and his chief ministers were to bear the full brunt of responsibility, with the result that the smallest mishaps were blamed on them. Through a faint vestige of ancient usage, or rather because partisan strife by necessity gave rise to inconsistency and rescued a few traces of the old order of things, and also for fear of provoking general resistance if, for the time

being, things were taken too far, the king was again accorded, with respect to legislation, the right to suspend the National Assembly's decrees twice, for a determinate length of time; to, in a manner of speaking, call the will of the National Assembly misinformed about the better-informed national will. Moreover, the office of chief executive power was declared hereditary in his family, and his person deemed to enjoy *sovereign immunity*, a disposition that found itself in manifest contradiction with every other constitutional principle. The sum total of these decrees, enacted at different times, in the midst of the most difficult circumstances and the most terrifying partisan strife, and in the end torn up by a faction that had formed within the Assembly, was nonetheless given the name of the *French Constitution*, a constitution that was lionized as the first in the world to have been framed in accordance with true principles of political theory, the sovereignty of the people, equality of rights, the representative system, the separation of powers, etc., admittedly with room for a few improvements, but nevertheless destined to serve as model and exemplar for all others.

¹ Translator's note: The word, "bourgeoisie", is here used by Haller in the strict sense of those qualified to vote and hold office in the governing body of a town, not the present-day sense of either so-called "capitalists", or middle-class people in general.

CHAPTER IX.

The Same Subject Continued. Apparent Complete Triumph of the System, and Its Consequences.

THIS MUCH-VAUNTED CONSTITUTION, however, wasn't followed for a second, and a few months after its promulgation ceased even to have force of law. A second National Assembly, in which members of the first couldn't take part, was in fact obliged to conform to the system, rigorously keep itself within the boundaries of the constitution, and not change it in the least. The nation that had been proclaimed sovereign already found itself divided into two hostile parties. The enemies of the new order of things, those who wanted nothing to do with the whole system, and on the contrary sought to destroy it, boycotted the electoral assemblies, or were expelled by naked force. As a result, the elected members were all devoted to the principles of the new constitution, something that, assuming the system were workable, should have greatly sped up its consolidation, since differences could only arise over details, not fundamentals.

Nonetheless, almost as soon as these new representatives of the people were assembled, they tore down every constitutional barrier that stood in their way on each and every point, and soon they overturned it from top to bottom. This result was inevitable; since first of all there inevitably arose a violent struggle, either over the interpretation of the text, or between those who wanted to preserve the constitution as written to the extent possible, and those who claimed to explicate its principles with the greatest possible consistency. Arguments broke out at every moment over what was or wasn't allowed, over what was required or prohibited by this obscure and incomplete constitution, made up of abstract principles. Everybody presumed to explicate it in his own way, and these disputes could not be settled, since the supposedly sovereign power, that is to say, the entire nation, could not be consulted; and according to the system, all other authorities were just subordinates. In order to cut this Gordian knot, the most brazen of them soon declared, and in keeping with the dominant principles, that the

second Assembly represented the will of the people just as well or even better than the first, since the principles of liberty and equality were more faithfully followed in the election of its members. Our predecessors, they said, had no right to lay any such chains on their successors; the preservation of the people, the sovereignty of the nation, the very destiny of the human race, cannot be sacrificed to a law that is defective and too hastily drafted, born in the midst of partisan rage, and full of contradictions. Moreover, a numerous party found itself far too stifled within the boundaries of this constitution. The existence and heritability of the royal dignity, the immunity of the person of the King, his *veto* over declared laws, and the scant number of conditions required for the exercise of citizenship rights were above all odious to it, because they found themselves in manifest contradiction with the nature of a *delegated* power, the system of universal equality, and the accepted principle of the sovereignty of the people. A series of systematic measures and political blows, shrewdly calculated, brought victory to this party, and it inevitably won, because it had the rigour of principles in its favour. Through a variety of successive decrees, the faint vestiges of royal authority were attacked each day, and finally abolished; and, on an occasion when the King sought only to exercise his constitutional right to refuse his assent to two blatantly tyrannical decrees, he was not only accused of being a derelict functionary, but assaulted in his castle by a mob action that had been organized and paid for in advance, and finally imprisoned and suspended from his duties. However, in order to keep up the appearance of preserving the forms, and strict observance of the pseudo-principles, a third assembly was convened, known as the *National Convention*, which, freed from the restrictions of the law of election and eligibility, was to embody all of the attributes of the sovereignty of people in itself, and draft a new constitution entirely founded on the principles of *liberty and equality*.

This third assembly, formed in the midst of the most dire circumstances of terror inspired by invasions by foreign armies and the horrifying massacres and acts of violence they entailed, was made up of declared enemies of royalty and partisans of liberty and equality to a much greater extent than the first two. It achieved the triumph of the *philosophical* system, to the extent that it did more than just destroy. In its first session, it abolished the royal dignity, and proclaimed the republic—a term that hadn't yet been said aloud. The convention swore, and forced others to swear, *hatred and destruction to all*

kings without exception; it introduced a new *calendar*, intended to immortalize the era of this triumph of philosophism and destroy the very memory of Christianity and the Christian era; it even banned the word *sir*, because it still had connotations of a relation of authority and dependence between men; no other relation other than *citizen* was to be recognized, hence no other terminology was to be used. After a judicial process carried out for formality's sake alone, it put the innocent king to death—not because he had ruled as a tyrant, not because of motives of hatred towards his person, but for fear of seeing him retake the throne, and above all, as a result of the philosophical fanaticism that claimed that the former authority of the King, exercised in his own personal name, by virtue of his own power, was nothing less than an assault against the sovereignty of the people, an oppression of national rights that had gone on for too long. For the same reason, the statues of kings who had died centuries ago were torn down, those of the greatest not excepted; their graves were desecrated, their remains scattered with ignominy, and all members of the royal family who still hadn't emigrated perished on the scaffold, or were exiled from the France they had founded. But, at the very moment when all obstacles seemed to have been overcome, and as soon as the National Convention came to enjoy complete independence: nature, whose laws cannot be violated with impunity, reclaimed her rights by force, and a host of problems arose at once, and more forcefully than ever. On the one hand, the arbitrary destruction of every social relation, every private and mutual relationship, the harm done to so many interests, and even the very existence of almost all social classes, inflamed passions to a terrifying extent. A very large segment of the nation wasn't willing to be forced by any majority, real or fictive, to join the new philosophical community. Twenty-five million men, instead of forming a brotherhood, as it was called, were in fact divided into two major parties who despised one another; and each of these parties was in turn subdivided into a host of conflicting subsidiary factions. From there, at first a *civil war*, which caused all the high-sounding principles about the rights of Man, individual liberty, property, the national will, etc. to be forgotten, and during which, in the very heart of the realm, open and covert enemies of the republic founded on liberty and equality were persecuted with a fury that knew no bounds. Moreover, the violation of the property rights of several foreign princes, the dangers that threatened all kings and superiors, the

pigheadedness of this new government of sophists, and their unhinged desire to install the *philosophical* system in every other country, gave birth to formidable external war. The new republic was attacked and boxed in on every side, in a way that made realizing the pseudo-principles matter much, much less than defending the existence or authority of the party that enjoyed supreme power. At the same time, the seven hundred and fifty representatives of the people could no longer agree about the organization of their *political machine*, and the members of the new republic acted with more violence and rage against one another than against their common enemies. Each wanted to make his own will and interests, the will and interests of the people; each had his own personal ideas on liberty, equality, the rights of Man, the national will or how to make it known, and finally, the public good—and it couldn't have been otherwise. Against the real majority, the presumptive will of the people was invoked; but since this *sovereign people* couldn't settle the quarrel on its own, there were no longer any means here except for war or the reciprocal clash of forces. The strongest and most brazen, who were able to either dominate the innumerable clubs or buy their support, declared their opponents enemies of liberty, and had them led to the scaffolds by the hundreds. Without consulting the people, one party of its representatives after another was expelled, obliterated en masse, and those who remained always claimed to be the sole representatives of the entire nation. The force of circumstances, the needs of a public attacked from the outside and torn apart on the inside, a general state of war to maintain, and above all the preservation of the dominant faction, demanded a more centralized, expeditious, and almost absolute government. It was organized along military and monarchical lines with respect to its subaltern instruments, and its supreme leadership was conferred upon a small committee that soon ruled the ever-*sovereign* nation with an iron fist, and the very convention that claimed to represent it, for more than year; a predatory and bloodthirsty decemvirate, a genuine oligarchic tyranny, raging with a fury without precedent in the annals of history. There was no longer any question of liberty, equality, property, security, or any of the rights that the political machine was supposed to have protected better than ever. Things came to the point of regarding natural gifts of fortune, esteem, talents, and virtues as crimes worthy of death, out of fear of the influence and authority from which they are inseparable. Throughout the vast expanse of the

republic's territory, nothing was seen but a senseless and incalculable extent of imprisonment, confiscation, and execution. It seemed as though, for the good of liberty, it were necessary to altogether destroy or imprison the entire nation. Ultimately, these tyrants were in turn overthrown and put to death along with their chief accomplices, or, better yet, slaughtered pell-mell like so many filthy animals. Another committee, also called *public safety*, took its place and for a short while governed according to less atrocious principles. One must also concur that they found themselves in a much better position, since the army had just emerged victorious abroad; and in the interior, a nation exhausted by fatigue in large part came back to its senses, and, after all it had been forced to endure, aspired only to peace and quiet, provided that the prior measures of terror weren't renewed. After three years of horrendous anarchy, or rather, after the bloodiest tyranny of factions having at one another, a new republican constitution was devised, which essentially rested on the same principles as all the others, but in most respects had markedly reversed course, and contained a number of inconsistencies that were deemed necessary to remediate the vices of the established false principles; finally, it aimed above all to keep power in the hands of those who already held it. Two-thirds of the Convention were *required* to take part in the new legislative assembly, and the sovereign people had free choice only for the remaining third. In order to see to the execution of the laws, a directory was appointed, chosen from the first two-thirds, made up of five members, and invested with a power already much greater than that wielded by the constitutional King; only, one of the directors had to step down every year. A *council* of senior men, intended, so it was said, to temper the emotional ferment of a single assembly, had the right to reject the decrees of the council of five hundred, although the latter had twice the number of members; a bizarre institution, a feeble corrective for false principles that could well have prevented evil from time to time, but essentially created nothing but discord, subjected the majority to the minority, and diametrically contradicted republican principles. Whether this constitution would be to the sovereign people's liking, whether it would be accepted or rejected by the people, was no matter of great concern, and in this respect everything unfolded in a tragi-comic manner. Not only were voters not given any choice between this constitution and another, although this was a matter of right; not only was the *entire* army, which had the best and most

energetic segment of the nation in its ranks, excluded from the right to vote; but the minority, and even the real majority, was forced into compliance under an apparent majority; and all who abstained from voting were counted as accepting the constitution, even though their well-known sentiment, that is to say, their hatred for the republic and all its constitutions, would prove the very opposite. The formal protests of the majority of the people, as well as the armed attempt to stop the legal prolongation of two-thirds of the members of the convention, were put down with cannon-fire and grapeshot, with result that the supposedly free constitution was once again enacted by the power of the bayonet, as though the law of a conqueror. In spite of all this, the new constitution was no more sustainable than its predecessors. The double-fight between the two major parties, and between the republican factions themselves, continued as before; and the strongest or the most brazen soon were able to once again seize sole authority with *open force*. The revolutionary constitution risked perishing by the very results of the popular election. The nation, having been taught a lesson by cruel experience, had already reverted to its old sentiments. The number of partisans of royal authority from the people to the legislative councils grew larger every day. It was anticipated that the latter would recall the successor of the last King by themselves, in order to abolish this public institution with all its constitutions, wellspring of so much disorder and injustice, fruit of violence, contrary to reason, and in turn renew the old natural relations, according to the rules of private law. Governments were thus obliged to set themselves above the will of the people; wherever they had the power, they forced elections to go their way, or rigged them with all sorts of devices in order to serve the interests of revolution; under spurious pretexts, the minority was given precedence over the majority and many deputies who had been elected perfectly legally were denied their seats in an arbitrary manner. However, these measures couldn't be duplicated everywhere or every time, and sometimes they even failed. Open conflict broke out between the legislative councils and what was called the executive directory—two powers that, in accordance with the system, were separate and independent of each other. If on occasion their forces counter-balanced one another in a real or apparent way, then the whole order of business was halted; and powerful enemies in the interior and victorious generals abroad were seen to be growing in power, almost become independent, and in whom at least force

and will weren't divided, but united. Do we really want to follow the principles of the constitution and suffer even a bit for some civil liberty? Thusly public opinion energetically pronounced against the revolution; every hand, and every printing-press worked towards the overthrow of the republic. Those who were known as republicans, the partisans of the so-called philosophical system, saw themselves endangered; and since they had real power at their disposal, the material power of troops and money, there soon followed a brazen coup, in which a great many of the representatives of the people were expelled from the councils, others subjugated by terror, and an immense number of citizens again banned and deported. The executive directory, the majority of which carried out this coup, became the sole, and de facto absolute, authority. It created a second reign of terror almost as fearsome as the old one, with the sole difference that there were a few less executions, and the executions were carried out military-style or without judicial procedure; not according to civil law, but the law of war. In fact, by the very force of things, these measures had only the preservation of the nascent power as their *immediate* goal, but the much-vaunted principles weren't formally abandoned for it; and all of the acts of violence at home and abroad, it was said, were emergency measures necessary to overcome all obstacles and forcibly impose the philosophical system, according to which no empire and no government was to have any foundation other than the representative. Indeed, it seemed that the system was effectively at the point of prevailing everywhere. With the exception of a few passing setbacks, the armies of the new republic remained victorious. From the start they had fought with that sort of enthusiasm which drives every mass of men electrified by a true doctrine, or radicalized by one that is false—a spirit that also increases their strength and, over time, makes them almost invincible. Conversely, their enemies had no such opposing spirit, or rather, it couldn't be awakened in them.¹ To be sure, many books and pamphlets were published to that end; but very few of them were solid and suitable to the task of making a deep impression on hearts and minds; and the circulation of these works was hampered by all sorts of means, and sometimes even prohibited.² Only the horrors of the revolution were attacked, not its principles, without it occurring to anyone that the former were the necessary and inevitable consequence of the latter. Conversely, thousands of writers applied themselves to paralyzing zeal and love of the good,

advocating for the principles of the enemy, and going as far as to attempt to extinguish patriotism, by making it secondary to a supposedly superior cosmopolitanism. The French Revolution having from the start been proclaimed throughout almost all of Europe as the cause of peoples and the human race, its legions found many partisans, friends, and secret allies everywhere, a phenomenon that can be easily explained by the mental epidemic alone, even without taking into account that this revolutionary confraternity had been organized beforehand to this end. In the heart of States that fought against rebellion and impiety, right under the eyes of kings and princes, and in Germany more than anywhere else, an infinite number of books and newspapers took up the cause of the French revolutionaries, sang their praises, and held them up as models to follow. Although the war against the revolution was perhaps the most just and necessary war that ever took place in the world, it was publicly and shamelessly represented as unjust and pernicious. Frequent attempts were even made to get the loyal Germans to desert, or turn their arms against their own leaders and princes. Finally, it should not be forgotten that the principles of the new political system had essentially taken root in almost all minds, albeit with infinite shades and variations; that the upper classes of society were no less vulnerable than others; and that many of their members took part in secret societies. Hence it came about that, even in cabinets, the officer's corps of armies, in ministries and chancelleries, there were a great number of powerful and influential men who, without seeking the complete triumph of the enemy, without directly working towards the destruction of throne and altar, nonetheless paralyzed every measure necessary for their preservation by means of sophisms; who fought this war only with repugnance, or at best with half-hearted indifference; who regarded the horrors of the revolution as purely accidental, or even caused by the resistance; who as a result wanted to see this fight end as soon as possible, and advocated, under various pretexts, petting the monster, and making peace with Hell.

It would be easy for us to prove that this universal reign of the principles of the French Revolution, with or without their many conclusions, was the prime and essential cause of all the reversals of allied powers, and the source of all the other erroneous measures. Uncertainty or indecision about the goal of the war; lack of constancy in its pursuit; slow and half-hearted military operations, poor selection, and frequent turnover of ministers and generals;

neglect of political and moral means; erroneous ideas about the nature of the war; the impunity of internal enemies; the indifference or even disdain shown towards natural allies both within and outside enemy territory; the ulterior and self-interested aims that quickly began to appear among the allies; the lack of unity between them, and the prompt disintegration of their alliance; and last but not least, hastily-drawn peace treaties whose terms were disastrous; all this came from false doctrines, or at least was influenced and bolstered by them. And so the whole world seemed to favour the triumph of the revolutionary governments of France. One country after another was conquered and incorporated into the republic, or rather, the sovereignty of the people was proclaimed within them, natural social relations destroyed, constitutions based on principles of liberty and equality introduced at gunpoint, and finally, *republics* modeled after the mother-republic were created. But even though the conquerors could not, *as such*, be found congenial by anybody; even though, driven by need and impiety, they were all the more destructive and oppressive than others: in their capacity as the instruments and protectors of the new system, they nonetheless found enough dupes and partisans who, in fact, and by their own words, approved neither of foreign domination, abuse of military power, nor the way the revolution was introduced; but, devoted to the principles of the system, worked no less arduously to strengthen and expand it. The torrent of revolution appeared to rain across all Europe with irresistible force; it was believed that the time had come when all kings and princes, all priests and nobles, would disappear from Earth. The colossal republic had forced all its enemies to make peace or lay down their arms. Even the new wars that were waged by no means had the destruction of this republic as their objective, but only sought to put boundaries on its territory; with no fear of any obstacle or foreign impediment, it seemed that its legislators were now in a position to achieve the organization of their philosophico-political machine in peace.

¹ False ideas must be opposed with true ideas, and the fanaticism of error with the enthusiasm of truth. But if one of these parties is driven by spirit, however evil, while the other has none at all, it is impossible for the latter to prevail; it would be like having the dead fight the living. If, by contrast, there had been some such spirit among the intellectuals, and by their means a vigorous struggle among peoples between the idea of a natural social state and an artificial civil state; freely-formed private agreements, and a social contract, the work of coercion; Divine law and the will of the people;

individual private liberty and national collective liberty (an impossible liberty); governing one's own affairs and mania for governing everything; in short, the spirit of tradition and that of the new, then one would have seen different results.

2 Magazine and book shops neither advertised nor carried them; literary journals decried them, or didn't mention them at all; sometimes governments even banned them; they were thus never distributed in any great number.

CHAPTER X.

Continuation. Total Failure of the Entire Experiment.

YET, THIS MONSTROUS EXPERIENCE failed; the whole pseudo-philosophical edifice, like a ridiculous house of cards, collapsed in an instant without resistance; and meanwhile the sole attempt at introducing it, although it was said to be have been founded on the will of the people, had cost ten years of the most bitter and bloody fighting. The so-called sovereign community, made up of twenty-five million men, couldn't or wouldn't uphold any of its collective rights and any of the powers that it had delegated; on the contrary a single man was seen to subjugate the entire nation, which at first itself applauded this enterprise, with the greatest of ease. As strange as this phenomenon may seem, it comes as no surprise to a thoughtful observer. For, strictly speaking, the system never existed except on paper, and not for an instant in *reality*. The full force of nature repulsed it constantly, and the entire course of the revolution was but ongoing proof of its impossibility. Estates-Generals, while convened by the King, had in fact become a grand corporation, a new *independent power*. But this power wasn't delegated to it by the people; on the contrary, a faction of the membership of the Estates-General seized it, and was able to keep it in spite of diametrically-opposed instructions received from those who had appointed them. The presumptive act of association, the fictive social contract between every inhabitant of the kingdom, never existed, and could not successfully be established even by force; on the contrary, this attempt, outrageous to nature, divided the nation more than ever into two parties bitterly antagonistic towards each other. The *general* (collective) *will* could never have made itself known. Of all the assemblies and factions that possessed and successively exercised supreme authority, none held its power of *free will*, much less the *general will* of the people, and they held onto it in spite of the will of the nation. At first it was the Estates-General that exercised absolute dominion, after having reduced the King, their master, to nothing more than their servant. Then reigned the Legislative Assembly and the National Convention, neither one of them in

any sense installed voluntarily by the people, but forcibly by Jacobin clubs, and packed in their favour by means of the measures of terror; then the various factions within the convention itself, which, in a civil war, had triumphed over their adversaries with physical punishment and banishment; and finally, the executive Directory that, through an act of *military* violence, set itself above those among its colleagues and people's deputies who opposed its wishes. Each of these collective and transitory governments judged, executed, and legislated at the same time. They proclaimed their will, put it into execution, and changed it to something new when they found it suitable to their interests. The division of supreme power was impossible in practice. In spite of false principles and written constitutions, it was necessarily the case that there would obtain a power superior to the others; or rather, when there existed equality of forces and opposing interests, everything inevitably had to be decided by war, a fight to the death that once again secured exclusive rule for the strongest. Their ordinances and regulations, what were called laws, far from conforming to the will of the people, were on the contrary opposed to it, or at least aloof and indifferent. Likewise these laws *never* had upholding the rights of Man as their goal, nor the preservation of individual liberty, but only the preservation of the liberty of the dominant faction, that is to say, upholding the new power. There was no question of them taking responsibility for their conduct or publishing accounts of the administration of the public treasury; these governments did not subsist from their own personal goods, as the King once did, but rather those of others; and yet they used them as though their own private property. The natural and acquired rights of Man were so poorly protected that, as the revolution's very partisans admitted, history had never witnessed them being violated and stepped on with a tyranny more revolting. Thus an attempt was made at doing violence to nature; but her indestructible laws only took another course, one that was disastrous; and the foolhardy endeavour of men was chastised by unheard-of calamities. In the end, it is always the strong who rule; but instead of a natural power, legitimate in its origin and exercise, provident for the needs of others, and as such even benevolent, there arose illegitimately-acquired violence, contrary to nature, lawless and unbridled in its exercise, itself exposed to need, hence tyrannical for its satisfaction, and whose end everybody looks forward to with impatience. Master and servant, rich and poor, must, according to the

system, be equally free in every respect and independent of one another; but the results of its efforts, contrary to the laws of nature, only made the masters servants, and some of the servants masters; reduced those who had been free to servitude, and gave liberty to some of those who had lived under dependence; impoverished the rich, and enriched a few of the poor.

Finally, the war itself, although intended to consolidate the revolutionary system, *necessarily* accelerated its fall; for the military tie, more tightly-knit, gave birth to totally different relations and totally different thoughts, and there philosophical speculation found its grave. In a year when lordship and dependence were more urgently needed than anything else, a new flowering of personal power was seen, a true *authority* that patently derived, not from subordinates, but a single individual, whether he had levied the troops himself, or they had been conferred to him by a superior power. There obedience and discipline reigned—not for the freedom and interests of each soldier (the man who is paid), but for the security and interests of their leader (the man who pays). There one man alone made law and gave the orders seeing to their execution; and yet there was, in this annulment of rights or powers, more individual security and prosperity than in the pseudo-philosophical association; for at least there was no internecine war within the army, as there was within the league of sophists. In the camps, everybody constantly saw how force and superiority, valor, skill, presence of mind, etc. invariably lead to authority over other men; and while war is a state of violence, during which ideals of justice are easily forgotten or violated, nonetheless, guided by righteous sentiment, everybody could distinguish natural dominance acquired by superiority from abuse of power. The generals, victorious on the exterior, became powerful in their own right, and began to feel that they didn't have to take orders from anybody. The weak, by contrast, acknowledged that they couldn't be independent under their own power, and that service, that is to say, voluntary and limited dependence on another, secured them a living, protection, and many other advantages. Hence the former became accustomed to ruling again, the latter, to dependence; the republican armies themselves began to scorn philosophical government, and the pretend doctrinaires of Paris were counted for nothing but ridiculous metaphysicians, sophists, and babblers. On top of it, the governors of France were themselves tired of the reign of various factions, worried about the instability of the whole situation, full of

doubt about how long their republic might last, and ready to submit to a master who would assure them of a share in the power they had enjoyed, provided above all that this master wouldn't inquire into the past in any way.

In these circumstances, there ultimately appeared a general famous for his victories, strong with his many partisans and a will of steel, who, even without his army behind him, had, by virtue of a secret agreement, won total command of all troops stationed in Paris and its surroundings for himself. In doing so, he already became the *supreme* authority, de facto sovereign, and it was on this fundamental basis of personal power that he rapidly built the edifice of his complete independence. Within a few days, and with incredible readiness, the entire nation submitted to him and would have all the more so had he conducted himself with more moderation towards foreign powers. While this man's burning ambition, his thirst for conquest, and his rage for subjugating all to his overbearing personal will (just deserts of the revolution) certainly were the cause of innumerable evils for Europe, and his ultimate fate a lesson for all tyrants, the rapid establishment of this new lordship in the heart of Europe will nonetheless remain forever remarkable and instructive. It formed, *as does all lordship*, out of the personal and proprietary power of the leader, and the individual contracts or service agreements that obtain from it. *Powers* nominally conferred in the name of the dying republic, and that could no longer be refused in any case, or better still, a *capitulation* disguised as a new constitution immediately put the entire corps of those who previously exercised supreme authority under his power, along with their crowd of employees and servants. They united, in his person, such power as could never belong to a functionary, even of the highest order, but only an independent lord who governs his own affairs. The absolute command of the entire army; supreme direction of every branch of the administration; appointment of all military and civilian officials down to municipal mayors; granting of pardons and privileges; and control over the use of all of the goods and revenues of the former republic were all combined in himself; he even had, with respect to what were called *laws*, exclusive power to legislate. A body made up of senior councilors, and maintained only for sake of appearances, held no other power than that of giving *assent* to them, and wasn't even permitted to put them up for debate. In order to contain the small number of holdouts who continued to cling to philosophist principles,

the use of force was hardly needed. They were expelled or cast out without arousing the least pity from the nation, and without finding any supporters. The supposedly sovereign people on the contrary resoundingly applauded this measure, and would have applauded it just as much had someone else carried it out. The masses spontaneously attached themselves, as they do everywhere, to a *powerful* man who actually *could* secure peace, satisfy wants, grant honours and awards, provide legal redress, and punish. The sizeable class of declared enemies of the republic, who until then always wanted to govern according to the supposed right of the majority (or from the general will), in accordance with philosophist principles, and with no reciprocal service, was little by little won over by exactly the opposite means: they were made dependent, and their obedience and even their consent was won through love of peace and quiet, the advantages for them, jobs and positions, and, so to speak, individual peace treaties. As to the clergy, constantly persecuted until then, abolished as a body, but which nonetheless exercised, both in and outside France, a powerful influence over minds, and was unfavourable to the new government, it proved possible to subject it indirectly by means of a treaty concluded with its head, or win it over by restoring religion, with new honoraria, benefices, etc., turning its members, if not into friends, at least peaceful inhabitants and useful tools. The partisans of the dethroned royal family were no longer considered rebel citizens, but *lawful* enemy combatants who, like any other enemy, were to be either won over or forced into peace. Those who had remained in France were left alone the moment they laid down their arms. Those banned and deported were invited back to their homeland, restored to their unalienated goods, even appointed to positions and to public office, under the sole condition of renouncing war, and recognizing the new monarch as their overlord. Finally, in order to disarm the envy of his equals, to make his old brothers-in-arms, his only dangerous rivals, happy, he showered them with riches, and conferred high office, public honours, even fiefs or lands upon them, whether as compensation for their *services*, or in order to secure their ongoing allegiance. A series of decisive victories carried outside of France, and imperiously-dictated peace treaties, concluded in his own name with the foremost powers of Europe, contributed even more to the authority of this man and his image of superiority. A splendid court, with many and lucrative offices, drew more and more people into the service of a new

master with each passing day. By degrees, indeed rather quickly, the pseudo-republican or pseudo-philosophical edifice, which by design had been allowed to persist in order to minimize resistance, was seen to disappear. The impotent bodies which, according to the dead letter of the constitution, figured as the supreme power, but in fact had never held it, were, without the least opposition, reconstituted as subaltern colleges, appointed and, if need be, presided over by the monarch. The power originally delegated, or rather taken for a set period of time, was, without any obstacle, at first decreed perpetual, and soon thereafter, under a new title, hereditary and personal, by the very representatives of the feeble remainder of the republic.¹ The new Emperor put the crown on his head himself. So-called national sovereignty, the philosophical republic, became a patrimonial State again. Since then we have seen the introduction of a new *feudal system*, more severe than the old in its conditions and its obligations of service; the creation of a *legal nobility* (whereas the old one was natural), with titles of nobility that no longer had any corresponding employment; restoration of seniority rights or *privileges of primogeniture*, which did not derive, as they once did, from private liberty or the absolute right to bequeath, but were afforded as an exception to general laws, by the grace of the sovereign. We have seen the institution of various *orders* that, more so than all the old ones, bound their members to the person of the prince; *family statutes*, or domestic laws, by means of which the head of the imperial household set himself above all law civil or private (since nobody could enforce it against him), and disposed of the succession of his real and mobile properties as he saw fit; finally even the abolition of the pension or civil list, and in return the *restitution and augmentation of personal estates*, exempt from all taxation, by means of which the ostensible public functionary reverted to a powerful and independent landed lord who paid *his* employees out of pocket. Also the language and the style of his chancelleries became more kingly and more personal than they had been anywhere else, even in France before the revolution. He spoke from the throne, and in *his own name*, of *his* people, *his* troops, and *his* territory. He was the first and the last, the beginning and the end, the wellspring from which everything flowed, the final word. Thus the most absolute and colossal monarchy seen in Europe for ten centuries rose out of the very system, or rather in spite of the system, based on the social contract, on the sovereignty of the people, that was supposed to consolidate the liberty and

equality of all men forever. Of this entire illustrious theory, there remained not even a vestige; the attempt to realize it had failed completely. All dependence was to have disappeared; no prince was to exist on earth any longer, or rather, everyone was to be prince; today free men have disappeared, and everyone become a serf. The *collective* and republican will was to have become the sole will, the only one with force of law; since that time not a single true republic has existed, and there are even grounds to fear that, owing to an error of the opposite sort, there soon will no longer exist any association, any common property, or any corporation that is free or has its own rights; since the very word, equality, might cause them to be confounded with those empty and mendacious theories called philosophical, as much as they are entirely different in nature, origin, and goals.

¹ May 18, 1804. This power would have been hereditary without this formality; for who could possibly have taken it from a successor that had been instituted or came into possession of it; and if anybody were powerful enough to do so (as happened in 1814), they would have done it despite the law. Heritability isn't decreed, but *recognized*.

CHAPTER XI.

Causes of This Failure. Proof that the Entire Philosophist Political Theory is Inherently False and Unworkable.

FRIENDS AND ENEMIES of this political system, known as philosophical, all agree that that the attempt made to realize it, namely, the French Revolution, failed completely, and that there are hardly more than a few traces of it left, even in the land of its birth; hence the partisans of its principles complain incessantly in a rather bitter way. Nevertheless, with the exception of a handful of right-thinking minds, the world seems to have yet to learn anything from this endlessly remarkable and terrifying endeavour, or even suspect that the cause of its lack of success lies in the intrinsic falsity of its principles, and that nature wasn't at all receptive to this experiment, since it asked for something contrary to her immutable laws. Could it be, as is supposed, that men just weren't advanced enough for such beautiful theories yet? Or might it have merely misapplied the principles or taken them too far? Was not the supposedly good cause lost only due to improper instruments? Or alternately, isn't it that the pseudo-philosophical principles were, from the start, nothing but a pretext for the ambitions their partisans had of taking the place of those they expelled? By no means. All these opinions, by means of which attempts to salvage the theory are made, are false and need to be refuted, since they could expose men to the same disastrous attempts in other circumstances.

The first argument, which holds that Mankind wasn't advanced enough for these theories, would no doubt have a great veneer of humility, if it didn't stand in perfect contrast with the vanity of our age and its philosophers. Throughout the ages, men have been advanced enough for the enjoyment and exercise of their real rights, or a *legitimate* and *achievable* liberty, as soon as they gained the power to defend it. The ancient cities of Greece and Italy; the towns of the Middle Ages, whose citizens had no knowledge of printing, and often didn't even know how to read or write; the Alpine shepherds of the Swiss valleys, who were ready for independence and republican

constitutions from the moment they became self-sufficient and could support and defend themselves with no outside help; it could never be objected that their lack of civilization or learning excluded them from enjoying these advantages. Thus, if the new liberty, or universal philosophical independence, had been of the same type as the old, that is, *natural*, *just*, and *achievable*, it would be impossible to understand just why the French nation (one of the strongest in the world) couldn't have just as well held, exercised, and preserved it. Moreover, according to the philosophists, the political machine was to establish the liberty and equality of all individuals precisely by forcing each one, with an irresistible power, to confine himself within the boundaries of his rights—but it isn't necessary to be civilized in order to acquiesce to an irresistible restraint. One is always civilized enough to yield to force.¹ Conversely, if it is held that not force, but the *universal* rule of almost superhuman virtue and genius, the highest degree of justice and wisdom, is required as a condition of existence of these so-called philosophical constitutions—this, then, would not only be to build on the impossible, but, under this assumption, there would no longer be any need for such States, nor juridical associations, laws, or judges; the rights of all would secure themselves, since nobody would dream of abusing his power, or doing harm to his neighbour. How absurd and self-contradictory it is to posit as true and necessary, or even suppose, in this world, an association men cannot possibly be ready for until they have reached the highest degree of moral perfection, and that would no longer be needed, indeed, would have to be abolished as superfluous, just as soon as this maturity was reached!² The second commonplace, the argument that the philosophical principles were taken too far and misapplied, that this great cause fell into the hands of a depraved nation, etc., doesn't stand up to scrutiny any better. First of all, it cannot be said that these principles were taken too far, exaggerated, or misapplied, seeing as how the conclusions rigorously follow from the premises; and if the rules were sound, they would, like the laws of nature, always have been further confirmed and justified by their results and effects. No, it isn't true that these principles had been exaggerated; rather, everything failed because they were false. On the contrary, it would be easy to prove that precisely the most disastrous conclusions, those that made more than one partisan of the system shudder, followed only all too rigorously from the principles, and that many more

evils and horrors would have resulted from them, had the hearts and natural sentiments of Mankind, less depraved than the dominant systems, not revolted against the errors of the mind here and there in order to stop their implementation. One otherwise would have seen paternal power brought down as well, and not only would both sexes have been admitted into the political corps, but, as a famous member of the Convention said, all who breathe on Earth: Jews, hipsters, criminals, and vagrants, for the sole reason that they are human beings too; one would have seen all legal privilege of age, wealth, country of birth, etc. destroyed; equality of wealth, by implication redistribution of goods, ordained;³ and the constitution changed with the birth of each infant, in order that it wouldn't have to live under laws it didn't make. Why, for example, should women and children not enjoy all political rights and be eligible for all types of employment, since they're human beings too, participate in the rights of Man, and have just as much grounds for claiming their enjoyment and protection? Why should half of the human race, by sole fact of birth, be dependent on the other half? What right does a father have to tell his children what to do, if all power and lordship can only consist in what has been delegated? Who gives you the right to set conditions of competence or eligibility for voting; to privilege the older and wealthier over the young or paupers; finally, who has the right to pass judgment on the talents of others, if all men are created equal, if they all belong to the same people's republic? How can a law, or even a constitution, be binding on those who haven't given their consent, from the time man was to be bound only by his own free will, and the latter moreover the sole font of justice? We challenge anybody to refute these conclusions and others like them, without simultaneously abandoning the principles from which they stem. However, they haven't been drawn, or at least not put into practice. Thus, if all was not lost in this atrocious upheaval, if a few sacred bonds among men have been preserved, we certainly owe it only to physical impossibility, and the fortuitous inconsistency in the evil that, thanks to the all-too-blatant absurdity that would be involved, prevented the rigorous application of revolutionary principles to certain matters and relations.

As to the supposed total corruption of the French nation, on which all the revolution's evils are blamed today, I can't pretend not to notice both the defects peculiar to that nation, which all history attests to, and the eminent

qualities that distinguish it. But, vilify and denigrate it as one may, it is no less true that it was considered the most enlightened and spiritual nation in all Europe, above all during that very period. It is undeniably *the most sociable* of them all, the nation whose members are the most unified among themselves, the one with the most solidarity and, I dare say, the most *nationalism*, as such the one that should have been the least likely to tear itself apart. Its entire language, all its favorite expressions, manners and morals, games, and entertainment have an eminently social character, and are inimical to solitude. No other nation has received from nature more of a penchant for mutual concord, and delicate tact; none are as abundant in means for preventing friction or reconciling clashing interests with judicious compromises; none are more predisposed to sacrifice even rights and private advantage to the glory of its leaders or, as they say, the common good. Thus, if the grand association of citizens invented by modern philosophism had been as natural a society as had been supposed, or merely feasible, nowhere, for sure, would it have succeeded with greater ease than in France; and moreover it is well-known that, according to the system, good laws must make better morals. Could it perhaps be said that the French only lacked a certain attachment to religious principles, a certain respect for laws and natural morals, when these virtues in fact were no more honoured elsewhere during this period than in France, and when the philosophists themselves had declared war against them in any case? But what about the attempts to introduce the philosophical system outside of France, among peoples known and renowned for their equity, modesty, and love of justice, and on top of it, long-accustomed to liberty and republican forms? And yet, its implementation proved impossible everywhere. The grand people's republics were by no means established from the bottom up, but decreed from the top down by a foreign occupation force. The members of the philosophical republic never agreed among themselves; constitutions vanished one after another like so many soap bubbles; in reality there was neither any social contract, popular sovereignty, or division of powers, but only a struggle between parties to seize supreme authority.

Finally, those who would maintain that the new principles were from the start nothing but a mask or a vehicle of ambition, that their partisans didn't actually believe in them, and sought only to unseat the incumbents of high offices, so they could install themselves there; this, I say, would be to

misconstrue the whole story; it would entail losing the historical memory of the near-universal delirium, and confounding the results with the intent. The defining feature of this unheard-of revolution, on the contrary, was that the person of the sovereign himself wasn't hated, and the whole struggle directed less against the occupant of the throne than against the throne itself. In order to satisfy thirst for power, to simply usurp the sovereignty of another, it isn't necessary to likewise overthrow all social relations, possessions, and private agreements; simple common sense on the contrary demands they be put to use in order to facilitate the ambitious endeavour and reduce resistance. We saw the French Revolution supported by all too many of the rich and powerful who stood nothing to gain from it, and whose interests it contradicted in the most blatant way. Drunk on fanaticism, its initial authors themselves abdicated their own power in order to avoid arousing any suspicion of self-interested aims on their part. For ten years, that is to say, until the fall of the revolution, no individual power could sustain itself, and when nothing more than the preservation of an existing arrangement was asked for, the proposition was constantly rebuffed with the baffling reply that it wasn't about a change in personnel, but reform according to principles. In any case, could one even imagine a means more ill-suited for satisfying personal ambition than seating power and authority, not on one's own forces, but the fickle whim of the masses, than chopping sovereign power into an infinity of pieces in order to reduce it to nothing, and constantly changing it with new elections? No man of ambition has ever done it that way: in the final analysis, a change of leadership certainly resulted from it, but this was a side-effect of the irresistible force of things; the necessary result of revolution, but not the intention of its authors. Hence it was by no means them, but other men who used it as a stepping-stone to power.

No! It isn't true that the attempt to realize the pseudo-philosophical system failed only because men weren't advanced enough for it, because its principles had been exaggerated or misapplied, and least of all because, owing to ambitious aims, nobody ever seriously intended to put them into practice. It failed because it *had* to fail; because the system itself is false, unworkable, contrary to reason, and because the all-powerful force of nature opposed its implementation. More than enough renowned and learned men, in fact, long ago anticipated this truth and rejected the revolutionary theory

as devoid of foundation. *Cumberland*, Hobbes' first critic, argued that the idea of a social contract and the unification of heads of household is empty speculation without the least support from history. As much as he presented certain weak sides to his critics, Filmer's work, entitled *Patriarcha*, is entirely directed against this chimera of Hobbes', which he vigorously fought with weapons of reason and experience. *Thomasius*, total friend of liberty and total enemy of despotism and Machiavellists though he was, nevertheless felt that the opposite system, which he called monarchomachism or the *war against thrones*, likewise contained a fundamental error; by contrasting the respective spirits of both systems, he brought to light their vices, but without replacing them with the true doctrine. The famous jurisconsult *Horn* called States the work of nature, produced by the natural order and evolving over time; as to the delegation of sovereign power by the people, he regards it as an impossibility, since, he says, neither individuals nor the scattered multitude had this original power, and that nobody can alienate what he does not have. *Graswinkel* and *Wandalin*, two Danish jurisconsults, writing during the time of the restoration of royal power in 1660, knew well that royal authority was independent in its exercise, but without doing enough in-depth research on its natural origin and distinctive character. The doctrine of the supposed sovereignty of the people was attacked in France by *Quesnel*, (contra Gerson, Almain, and Richer), and savaged by *Bossuet* as one of the fruits of Protestantism. And, if may be permitted to cite him again here, although he was a close relative, I will add that my grandfather *Albert von Haller* also attacked the principle of social contract and the entire political system of modern philosophism in their foundations. Even though general public law was never his main area of study, his gaze inclined to observing nature, and his immense historical erudition, nonetheless made him instantly recognize the falsehood of this principle, which he critiqued not only as falsified by history, but also absurd or irrational. He derived the natural origins of princes from heads of household, military leaders, and sages; and had he only added the essential attribute of independence, which distinguishes a sovereign from other private authorities, nothing would have been missing from the completion of the true theory that *still exists to this day*. Furthermore, in a number of articles he published in the *Literary Journal of Gottingen*, he spoke out forcefully against the pseudo-philosophical system, and often predicted the misfortune that would result. *Wieland*, with great

justification enjoying such pride of place in German literature, chastised the principle of social contract with the whip of his satirical spirit in several of his writings. The famous *Schlosser*, a clear-headed and renowned jurisconsult, could never accustom his mind to this chimera. Zealous defender of all private liberty, he was one of the few who recognized the illegitimacy of the French Revolution from the very start. But it must be said, out of respect for the truth, that the critiques of these scholars and others were neither solid nor complete enough, and above all lacked the solid body of doctrine needed to oppose the false. The same defect strikes me as common to many writers who, during the French Revolution, fought against either this revolution itself or its principles and implications. Deploying only the weapons of history against the social contract, they indeed showed that it never existed, but without proving that it *could not* and *need not*. Rather, they attacked only the dangerous conclusions, not the premises; the deadly fruits, but not the root of the error itself. Finally, they were likewise unable to establish a system satisfactory in every respect, one able to explain the origin, nature, and exercise of sovereign power in a legitimate and comprehensive way, and portray things as they really are, from a correct point of view. They warned the public to beware of poison, but without providing an effective antidote. In their doctrines, they groped about in the dark for a first principle on whose basis they could ground and unify their corollaries. They often borrowed fundamental principles from the philosophical theory, and denied their conclusions, sought in vain to reconcile contradictory assertions, and so procured victory for their adversaries. We shall attempt to remedy this double defect of science. The time has come to vindicate the glory of God and his works, against vain and ruinous sophisms. First, let's tear out the weeds in order to help good seeds grow.

The entire philosophist system on the origin and nature of States rests on the following four propositions:

1. Men originally lived without social relations, in a state of perfect liberty and equality.
2. This state of affairs provided no protection for their rights.
3. For this reason they *united* with one another, and delegated to one or several among them a power sufficient for the maintenance of

general security.

4. Through the formation of such a civil society, individual liberty finds itself better secured than before, or as best it could be.

At first glance it will be noted that all of these propositions are so many statements of principle. and assertions devoid of proof. Considering this system as a whole, the first thing to be objected against it, and in fact has often been objected against it, is that *it stands in manifest contradiction with the history of all times and peoples*. This contradiction with universal experience is by no means a point of indifference. It should have furnished a clue to the absurdity of the system, if not proof, and encouraged thinkers to do more research. No State in the world was ever formed by a simultaneous association of individuals and delegation of power; for historical evidence shows that even republics and corporations that became independent had a completely different origin and purpose. State formation is a fact; how dare philosophists, in spite of the basic rules of logic, and by extension, reason, seek to prove facts with argumentation and not evidence, and resort to hypotheses to explain things whose origin is known? It is neither for legislators nor philosophers to arbitrarily create facts; they must by contrast take them as nature presents them, in order to apply rules of justice and jurisprudence to them. If human action was involved in producing these facts, one must not judge them legitimate or illegitimate by its end product, but by the moral character of the act itself, by determining whether or not it violated the rights of others. And since States were by no means formed by a social contract, since they are completely different from associations or general communities, none of the conclusions that legitimately follow from such an origin can be applied to them.

Modern partisans of *philosophical* public law concur, to be sure, that this supposed origin of States is historically false; but, even more stupidly than their predecessors, they nonetheless defend its necessity as an hypothesis or legal fiction, and in doing so imagine themselves to have made a great discovery. They distinguish between the historical origin of States and what they call their juridical origin, that is to say, an historically false origin, asserting with singular arrogance that, even though no State was ever the product of a social contract, they nonetheless could have or *should* have

formed this way. We will not pause here to consider just how to characterize this type of reasoning and philosophy, just what name should be given to the pigheadedness that presumes to base science on falsehoods *recognized as such*, persists in hypotheses even after they have been falsified, or constructs ideas to which nothing on earth corresponds.⁴ A few thoughts on this wisdom peculiar to our times, and its application to other subjects, would furnish material for a pleasant enough satire, if the gravity of the present work allowed for it. But, taking a more in-depth look at the aforementioned four propositions, we find that that this supposed origin of States, is every bit as impossible as it is absurd, and clearly falsified by history. For first of all, it is false that men could ever have lived scattered and with no social relations, in a general state of liberty and equality. Alone and deprived of help from their fellows, they couldn't possibly have preserved themselves. What distress, what deprivation in a life of isolation! Why does everyone hate prolonged solitude so much? What purpose would language serve without society? Where does the special charm of social gatherings come from, the joy that comes from seeing just one human figure, after having been long-deprived in this respect? The will of God, pressing necessity, and the irresistible instinct of mutual love, form Man for social life, and put him in relations with his fellows, even in spite of himself. Nature did not give birth to all men at once, but successively. Her sweet and benevolent force created the reciprocal love of one sex for the other, and through the conjugal bond, the birth of children, etc., social relations of headship for the one and dependence for the other. In the first and greatest of powers (paternal power), she engraved sentiments of love the most deeply; she surrounds the most helpless of the weak, the newborn infant, with a protective and benevolent power. She has furthermore imparted, even to grown men, forces and capabilities diversified to infinity, in order that they help each other out with everything and mutually make their lives pleasant. This inequality produces, by turns, differences in acquired means, wealth and property, all the fruit of innate talents. However, nobody here on Earth can do without others. Even those in full manhood can't survive on their own. The poor need the rich for their living; and the rich, in turn, need the poor because the latter, through their labour, save the rich much trouble and procure multiple enjoyments for them. The weak seek out the strong as protectors; the strong, in turn, seek out the weak from whom, in other

respects, they obtain services and other benefits. The inexperienced young man believes and obeys the wise and more experienced man, who he prepares to walk unguided down the road of life. The sage, for his part, needs the assistance and confidence of others in order to be in a position to devote himself to research and reflection, and in order that his superior knowledge doesn't remain sterile, but on the contrary brings forth salutary fruits, as much for him as for his neighbour. Hence there is an exchange of services, and so it is that many and new social relations are born, with some of their incumbents independent, and the others subordinate. Although these relations between grown men, these contracts of assistance and service, tacit or formal, aren't always as intimate and as *immediately* formed by nature as family relations; although human acts consolidate these relations, the mutual will in which they consist often made known by visible signs, and the nature of the obligations involved highly variegated, the essentials of the thing nonetheless remains the same. For natural superiority is the foundation of all that is called authority or lordship, and need that of all that bears the name of dependence or service, in these relations as in the others. So it is that nature expands the bonds of human society, and extends them far beyond the boundaries of a single family circle. It would be physically impossible and a contradiction in terms for *every* man to be a head of household able to live from the fruits of his own goods. It is equally impossible for *each head of household* to be self-sufficient and never depend on anyone. From the time when, in a given land, the number of men first multiplied a little; from the time they first gathered around a powerful individual, those who came later couldn't despoil the individual who came first of his rights and possessions, nor presume to reign over what belongs to him. They either had to serve him, or separate themselves in order to seek new homes elsewhere, where they would find either social relations of the same type, or the liberty to form new ones.

In the second place, one can no more see just why, in an independent social relation, such as formed by nature or simple private contracts, there would be no security; why this state of things would necessarily presume *perpetual* war; why rights of any kind wouldn't be recognized; or why their protection would be left entirely up to chance. There can be no doubt that everyone, the child as the father, the servant as the master, the weak as the strong, notwithstanding any relation of dependence he might find himself in,

still has *personal rights*, with respect to which he is, *in his capacity as a man*, the equal of every other, and who nobody can harm with impunity. Whatever the difference between individuals in means, status, or gifts of fortune, everybody must respect even the weakest as his fellow and as the creation of God. No man has the right to encroach upon *what belongs to another*, deprive him of his life or fortune; use violence to hamper the exercise of his free will, or interfere with innocent and morally neutral action. Other than those duties incumbent upon all men, he cannot require any more from another than what is authorized by the nature of the relation or contract, whether formal or tacit, that exists between them. If one wishes to give these principles—which have never been denied, can and must be followed under all circumstances, and are as much recognized today as they were in the past—the name of natural *rights* or the *natural equality of men*, we do not presume to object to it, although these exquisite and abstract ideas have been so misconstrued and falsely interpreted, that it might be desirable that they never be made a subject of *public* instruction, and that, in particular cases, their application should be left to conscience, which is seldom subject to being mistaken in this area. But the ineffable goodness of nature has equally seen to the security of Man by several means. First of all, she has engraved in the hearts of everybody, a Divine law, that serves as the rule of their liberty, and loudly shouts: “Respect each man as your fellow; do no harm to those who haven’t done any to you, and demand of him only what he owes you”. This law says more still; through an instinct of benevolence, it commands us to love our neighbour and render him every service within our power. Moreover, for this very reason, men living in society only rarely have hostile feelings towards one another. For if they did, fear would bring them to flee, given that love alone brought them together in the first place.⁵ Assuming, then, that a certain number of men sharing common ancestry, or simply united by mutual need, lived side-by-side: peace and justice would be the normal state of affairs between them, crime and violence, the exception and not the rule. And is proof of this not seen in the experience of all times; among the children and the inhabitants of the same country, in all their day-to-day relations; among neighbouring peoples; among men who don’t know each other; and even among various sovereigns, between whom, at least in the majority of cases, natural laws are observed, and agreements respected? And although this moral law is by no means as proactive as other laws of

nature, it nonetheless exercises greater power over men than one might think; it is more often followed than human laws; it comprises, even in our day, the foundation of all mutual confidence; and when all other bonds have been broken, it remains the first and final guarantee of our security. But, in order to uphold or enforce this law as well, nature has given each man arms for his defense, should he be attacked and violated in his sacred rights. Every animal has his arms. The snakes and worms of the ground have their venom to use for their defense. The weak man can avenge himself on one stronger than him, by allying himself with an equal, or using a ruse. The poor can usually overwhelm the rich, and the ignorant a learned man, by physical force. Whatever his power, there never lived or ever will live a man who has nothing to fear from anybody, and who needn't sooner or later fear just reprisals from abusing his power too often; this is another right that wasn't established by an artificial contract, but is engraved in the nature of the child as in that of the adult, in beast as in Man, and is the foundation of all natural criminal law. Injustice exposes itself to more danger than the observation of justice; each of them, in their turn, is reciprocated, the former with costs and the latter with benefits. This fear of likely retribution (that is to say, punishment) on the one hand, along with the hope of mutual justice and mercy (that is to say, a reward) on the other, thus comprise the second basis of all security, and to this day contribute much more than one might think, and indeed more than the force of human laws, to preventing injustice and acts of violence, as well as putting duties of mutual love into practice. And if it nonetheless should come about that these means prove insufficient? If more help still is needed by the weaker person harmed *by a superior force*? He will find this help, which comprises the third means of security, as easily in a natural social relation as in an imaginary civil corporation. The weaker person whose rights have been violated can call a third party stronger than him to his aid, without the latter having been created for this purpose. All men are by nature both authorized and inclined to give aid to their fellows in just causes; while surveillance, laws, criminal convictions, and prison are all the most perfect of civil associations would have to offer in the final analysis. Now, the natural head of an independent social network too has every bit as much the right, interest, and means of maintaining order among those who depend on him; making, if need be, laws and regulations conforming to natural justice; helping the weak by securing their rights;

settling disputes; and punishing crimes, in the absence of personal means on the part of the party offended against. As to the most powerful individuals, who cannot appeal to a superior for help, and find themselves limited to either their own forces, or assistance from allies or servants; certainly their differences and violations of their rights could not have been, and to this day cannot be, prevented or settled except through the reciprocal struggle of forces, that is to say, war and treaties. Peace among independent men is normally maintained through natural law, through amicable agreements and mutual interests; wars themselves are but a means of restoring justice, and a reminder of its obligatory character.

Finally, the world is a big place, and every malevolent force is circumscribed by certain limits. Thus, if a man can no longer find security in this or that social aggregation; if he has no means of resistance at their disposal, nor help to look forward to, there still remains the option of *separating* in order to subtract himself from injustice. There are other hospitable places and other homes where a peace that has been disrupted can be found once again, and which too are blessed by Heaven. In short, the *prudence* to avoid quarrels; *just and benevolent conduct*, in order not to give offense; confidence in the natural goodness of Man without which nobody would dare, even today, to embark on travels in foreign or unfamiliar countries. Should it nonetheless happen that one's rights are violated, resistance in the form of: self-defense under one's own power (to this day, the reason for all external and internal wars, and all legitimate self-defense even between private individuals); appealing for help, either from an equal or someone stronger (whether or not he has made laws on this subject) where self-defense is insufficient or impossible; and finally, *separating* through emigration or flight, by means of which one subtracts oneself from power, when there is no other recourse; these are the means benevolent nature affords Man in order to secure his legitimate liberty. And men have used these means of preserving their rights throughout time; even in our day, no other means can be imagined. Hence there is no need for a new civil association, or the arbitrary and artificial creation of a State, in order to live in safety. No mortal man takes being despoiled of his liberty lightly; for who would tell him that this renunciation would, far from procuring him more safety, on the contrary expose him to even more harms, and without the possibility of resistance? *Submission*, the sacrifice of independence hitherto enjoyed, is always the last thing a man

wants to do; and no man makes this sacrifice except as a last resort, that is to say, in cases where this liberty has already been effectively lost, and there is more to be gained or preserved in bowing down than there is in taking flight. But even in these extreme cases, and through a sort of peace treaty ordained by necessity, it is only to an already-powerful man, the very man who threatened to strike or already did, that one submits, and never to an association of his equals, which would have to create a new power, and until it did, wouldn't be able to protect anybody from the former.

It is certain that this safety can never be total, in the sense that *all harm would become impossible*; for in order to achieve this it would be necessary to do away with all free will, all inequality of means, and all causal influence of chance factors, something abhorrent to the nature of things. It is the height of stupidity to pretend to prevent men from being able to abuse their power. God Himself didn't will that; otherwise He wouldn't have allowed us any liberty, and instead of engraving a rule of conduct in our hearts, would have subjected everyone to laws followed by necessity. There would no longer be any difference between good and evil; and all religion, all legal science, and all prudence would be superfluous, if it were possible to invent a machine that would make injustice impossible. But a so-called *rational* State, as philosophists imagine it; a social contract formed specifically for the purpose of securing the maintenance of justice, *would not only be plagued with infinite problems, but would itself cause incalculably greater injustice, and in the final analysis, could not offer any more security than natural social relations*. Far from it: it would only augment evil, and bring new and greater dangers in place of those that existed before. What kind of insurmountable obstacles don't already present themselves in the very idea of forming such a contract! One can't have a clear idea here without falling into blatant contradictions. First of all, who would be the *contracting parties, the members of this civil association, the constituents* of the rational State? Already on this first question, the philosophists aren't able to give a satisfactory answer; in this respect there is a confusion of languages and opinions among them bigger than the Tower of Babel. We won't hesitate to go as far as to say that, rigorously following these principles, women and girls (and why forget babies, in their capacity as human beings) would incontrovertibly have the right to participate in it and become eligible for all forms of employment—although this extravagant position had in fact been held by various philosophists, and not too long ago,

a professor from Wurzburg repeated it with perfect seriousness. But if one would exclude women and children, as already under the *natural authority of their husbands and fathers*, and restrict the civic association to males, and adult males alone at that (first contradiction), the determination of voting age is already absolutely arbitrary. Who would be the adults? At what age does Man begin to enjoy use of his intellect? Who would have the right to decide, if there existed no prior State, legislator, or supreme power? And once the voting age was determined (yet another contradiction of the system with itself), we would now find, among the adults, free and servile men, men who are independent, and those who live in dependence. Servants of various types, at least the voluntary, exist as a strictly natural fact; for it is impossible for every man to live independently from his own goods. And if the land were to be divided in such a way that each man had his share as property, they would all starve to death; for without mutual assistance, without help from others, the soil would produce nothing, or not enough to meet the needs of life. Therefore the social contract would have to be formed between servants alone, between masters or servants without distinction, or finally, between masters alone. Now, would servants alone join such a society without renouncing the voluntary relations to which they were bound until then? What motive would lead them to do so? Already having a protector and a superior, they would now be obliged to serve two masters at once, that is to say, a natural master and an artificial master; a master that already exists and one that would have to be created; one who feeds and pays them, and another they would need to feed and pay, and who could, on top of it, oppress them just as well as the former. What advantage would they find in this? And supposing further—something contrary to nature—that they were all disaffected from their former lords *without exception*; how could they found such a society by themselves and themselves alone, at least without first separating from these same superiors, and finding a territory of their own in which they could enjoy their independence? Or alternately, if *masters and servants alike* joined the same society, and (without prejudicing the social relations that previously bound them together) became equal in rights as citizens of the same State? This is even less practical; for every association wants to be made up of homogeneous constituents, and above all formed voluntarily. What free man, what head of household would consider becoming a member of a society where the voice of his domestics,

his servants, his subordinates, of those to whom he once gave orders, could outweigh his own, in a society where, by consequence, he would risk seeing himself oppressed by them and deprived of his liberty? Or alternately, consider the opposite case, which is more natural and plausible, in which every servant continued to obey the will of their master and conform their vote in the public corporation to his; in that case, what kind of liberty or security would remain to other members of the community who didn't have the same number of servants at their disposal? Wouldn't they demand the exclusion of these latter, in order to prevent the oppressive preponderance of a few heads of powerful families, among whom the strongest wouldn't hesitate to elevate themselves above the others in turn? No, say the most intelligent publicists of the philosophist school: servants cannot be contracting parties; the people, the founding association can only be made up of *heads of household*. But these philosophists fail to notice that the system contradicts itself once again here, and for the third time recognizes a form of natural dependence; even in this case, they can't escape nature; the problems just reproduce themselves anew. For there is the matter of determining just who is to be considered a head of household. Would it be any man who has a wife and children, or only those who, whether married or not, and with or without children, owns the lot and the house in which he lives? But are all servants single? Do they all live in their master's house? Are they not themselves heads of household? Are there none who, having a large variety of duties, live *outside of the house*, but on the lands of their master; who are fed by him, but in turn have a wife, children, or even servants themselves, and in this respect are likewise heads of household? But, if the latter were admitted into the civic association, the same problem would arise all over again, namely that masters and servants would both be part of the association; something that has never taken place voluntarily, and never lasted for long. Should this class of servants be excluded once again, because they too are in the service of a master? Ultimately there would remain only supreme heads or sovereigns. In the final analysis, and as several publicists teach, none could be considered as contracting parties other than *heads of household* or *independent property owners living separately from one another*, that is to say, those who until then recognized no superior, which would amount to saying the association should only be made up of kings and sovereign princes—something absurd and contrary to the first principle of the system,

according to which the social contract must be made, not between princes, but the subjects of each particular prince. One would, in fact, find the potential constituent members of a corporation here, because these sovereigns or independent lords are equals among themselves, not, to be sure, in power or possessions, but in rights and liberty. They alone could provide this association with the independence absent which there is no State. But then again, what motive could they have to join this kind of society, to sacrifice their most precious belonging, their most beautiful attribute, by which I mean their perfect liberty? Would it be the lure of greater security, whether against foreign enemies or one another, as certain philosophers would be tempted to show them on paper? But there are princes who might never have been wronged, and wouldn't see the utility in an association that on the contrary might even offend them. Another might answer that, with the help of his subjects, he is strong enough to defend himself, and that he wants no protection he didn't ask for. A third, although not as strong, counts on devoted friends in time of need, who would lend a hand, without demanding the sacrifice of his liberty, in exchange for a favour he could do for them in turn. A fourth might consent to forming a temporary alliance against the dominant power, one he could detach himself from once it was no longer useful; but never would he subject himself in any permanent way to a power that could just as easily be turned against him as deployed to his advantage. Finally, a fifth would prefer to bear a passing injustice, attach himself as a friend to a powerful neighbour, or even negotiate with his oppressor, than be governed by his equals and despoiled of his liberty in favour of an unknown. None would heed the siren's call; none has any use for a social contract. The strong can defend themselves and aren't lacking in auxiliaries. The weak find a resort, whether among their friends or in peace or protective treaties they conclude on their own; and if it turns out that they need a master after all, they prefer to submit to one of their own choosing, with whom they can deal with the most advantageously, that is to say, one from whom there is good to be hoped for or evil to fear, than a majority made up of their equals, or a leader appointed by that majority, and whom they must recognize in spite of themselves. And so, any way one might look at it, whether one admits everybody into the supposed social contract without exception, or adults alone, or among them, servants alone, free men and their servants without distinction, or finally, independent men

alone: one encounters, already in the initial formation of the contract, nothing but absurdities, impossibilities, innumerable contradictions; and the very attempt at such an act, far from being a means of consolidating peace, by itself would on the contrary be the source of irremediable discord. But let's take the absurdity even further, suppose the impossible, and posit the actual formation of such a society, whether by force or otherwise, and with the goal indicated by the philosophists; what kind of new and insurmountable problems wouldn't present themselves from the very moment it came time to organize this society? It could no more be effectuated than the contract itself. For first of all, to whom is the supreme and supposedly protective power to be delegated? Would it be a single man? But which one? The strongest? He doesn't need it, or would only become stronger than before, since he would add the delegated power to his own, and in so doing would multiply his means of oppression, while at the same leaving others with no means of resistance. Would it be to the wisest? But how to discern him, when superiority of intellect isn't visible to the senses, and can neither be quantified nor measured? Having finally found this sage, how could he protect the liberty of individuals against the superior force of the rest of the citizenry with his wisdom? It's the *majority*, they say, the will of the greatest number alone that must decide. We won't discuss the problems involved in making this will known, certifying it, determining its electors and eligibility, and the form of elections, all the while presupposing that no prior government existed. In a small assembly, these problems could perhaps be overcome. But why must one obey this majority? Is someone free, can it be said that he has none but the master of his choice, if he is made to submit to the yoke of a majority he didn't create, and which assigns him a superior in spite of himself? In the state of nature, each man was free to either stay free or choose a master that fed and protected him; he had the ability to enter his service voluntarily and leave it as he saw fit. In the so-called civil state, he must by contrast receive his master at the will of others; and that's what they call liberty, *perfection*, or a *better life*! Finally, is it not easy for an individual, once chosen by the majority, to put his desires and interests ahead of the public good? Or would one instead delegate supreme political power to an assembly of several individuals in order, as is supposed, for them to check one another and thus see to it that the soundest advice always prevails? At this point the system contradicts itself once again; for the

supposedly sovereign body would only be shrunken down, and the largest part of its members would find themselves despoiled of liberty. Choosing several individuals would run into the same problems as choosing one, possibly even bigger. Among other things, the members of this powerful assembly could disunify, wage war with one another, and reciprocally paralyze themselves; or alternately, band together to oppress the liberty of their fellow citizens. Whatever else may be said of them, such *representatives* aren't the people; they have desires and interests of their own, which can find themselves in direct contradiction with those of their electors; and every time these interests came into conflict, they would prefer their own; they would almost always use the power vested in them for their own private aims, and rarely for the people. Finally, in order to side-step this danger, should the whole population of citizens reserve the collective power to itself alone, and exercise it directly? This would essentially be the most natural option in the hypothesis of a sovereign society; but here, insurmountable physical obstacles would be encountered; the thing would become absolutely unworkable, and by all necessity some of the power would have to be delegated to somebody. And even if it were to remain in the hands of the entire society or those of what is called the people, as the sovereign power, the goal of the contract wouldn't be any better attained; individual liberty would find itself even less secure. For the majority too is a power, to which one hadn't been previously subject to in any way, and that can harm or oppress individuals as much as any other. It is in the very nature of things, and history confirms it everywhere, that individual liberty, the private rights of citizens (the preservation of which is supposed to be the only goal of civil society), are nowhere less respected or less secure than in great popular assemblies; for there is no power more terrible than one against which no resistance whatsoever is possible; than one that can commit the most execrable crimes with the combined forces *of all*, or whitewash them as the will *of all*. A corporation, a union of human forces, is, to be sure, most powerful against an external enemy, or for carrying out a common endeavour; but if, as is highly likely, these same forces are deployed without rules and without checks, or turned on the very heart of society, they become more formidable than any other. Natural and acquired rights are trampled upon even more impudently than they are by individual tyrants, since each one is hidden within the crowd of accomplices, and thus escapes

even the fear of shame and moral responsibility.

Next, how to *limit* the sovereign power? What restrictions do you place on the new artificial sovereign, whether it is made up of a single man, several, or even the majority of all citizens? What rights do individuals reserve in order not to become completely enslaved? This third problem is just as unsolvable, and on this point the opinions of philosophists agree no more than they do on the others. While some would have all of it delegated without exception, others (and these are also the most intelligent) maintain that only as little as possible is delegated, and only as much as is necessary to secure individual liberty or the common good. But what is the definition of as little as possible? This one holds onto whatever ability he has the power to exercise, that one to a different right. The one regards as necessary a right that is unnecessary in the eyes of another; and what John could easily give up, because he has no property, or can't make any use of it, Peter will find indispensable to his living. The poor man won't allow himself to be despoiled of his body, nor the rich of his goods. By no means will the strong renounce his power, nor the weak his guile. And nobody wants to deprive himself of his liberty with respect to his private affairs and legitimate aims. Shall everybody, for example, abstain from those wars authorized in the state of nature? But what exactly is a war? What types of war would be prohibited? How many men and what kind of weapons could one no longer use? Would this prohibition also extend to all personal resistance against injustice and violence, in order to give carte blanche to thugs, and abandon good people to their mercy? Strange security! The forces God gave to Man shall be used only for breaking and not following the law? And if this state of affairs is rejected, what is the limit on the ban? In case of necessity in self-defense, in distress, we might be told. But where does this distress and necessity begin, and where does it end? Shall it not be permitted to prevent dangers and provide for one's safety in the future? Shall one be authorized to defend one's body, but not one's fortune or honour? Or will it instead be illicit to augment one's means of defense, to help oneself with the forces provided by nature and Man, to build fortresses, or have troops or armed servants on one's payroll? As for troops, those who don't need them, or can't afford them, will give them up easily; but it won't be the same for those who absolutely need them and can provide for them. And what exactly are armed servants anyways? Can't servants be armed with any kind of instrument, or

do their weapons have to be cannons, rifles, or swords? Isn't there a need for armed men for defense against ferocious wildlife, or in order to undertake useful work? What, now, is a fortress? Shall nobody be allowed to put a lock on their door, fence off their field, or wall their garden anymore? And if it is objected that these are petty means of security, and not fortifications, then at what point do the former end and the latter begin? Can citizens who have joined the State no longer make peace or conclude alliances in their private affairs, in the same way they renounced the right of war? Are they to be prohibited from settling disputes, reconciling with enemies, making amiable arrangements when their interests come into conflict, or joining forces in order to attain a licit goal or satisfy a shared want? Is not every community, every contract of mutual friendship and aid, even every marriage, an alliance? What alliances need to be banned? Harmless alliances, hostile alliances alone, or both? In the first and third cases, the ban would be absurd; in the second, it wouldn't be necessary; for hostile leagues are so many crimes and already prohibited at natural law, and there is no need for an artificial civil society in order to prevent and punish them. Shall the new citizens furthermore allow themselves to be despoiled of the right to create or offer, in their homes, work they need done in order to look after their interests; to take people into their service, give them instructions, evaluate their performance of the duties they have been given; to make known, in what concerns their personal affairs, a will binding not just on themselves, but others as well; to give orders as they see fit within the bounds of their rights, and see to their execution; and finally, to impose laws on them by mutual agreement? May they in no way act in the capacity of a judge, whether in their own business or their homes, and towards those who depend on them, nor settle a dispute, or help anyone to obtain the enjoyment of a contested or uncontested right, even though they had the means to do so? Shall every petty domestic squabble be brought before an all-powerful tribunal empowered by the head of State alone? Will it no longer be lawful for fathers, masters, foremen, or tutors to lecture or scold children, servants, workmen, or pupils who didn't perform their duties? Can he no longer punish them with arrest, petty corporal punishments, small fines or tedious chores, and finally, dismissal or expulsion from his domain, even though he had enough power to do so, and didn't abuse it in any way? Who would consent to allow themselves to be despoiled of all these means

of restraint? Is the State to spend its time and energy on such trivia? In any case, the harm a victim inflicts on an offender, in order to secure his own safety in the future—is that not a punishment? Shall the property owner quietly allow himself to be robbed of his goods, or the husband allow his wife to be violated, without the right to punish the guilty party on the spot and force him to make suitable restitution? What becomes of the right of resistance, even legitimate self-defense in case of urgent necessity, if it is no longer permitted to do any harm to the offender, or do him more harm than he himself committed?⁶ Finally, is the free use of his property to be renounced in the State, even though, according to the system, civil society was formed for no other purpose than to better secure property rights? All these questions, and a thousand others of the same genre, will be raised by necessity once it comes time to organize the political machine or endow it with the delegated power. After all, everybody wants to preserve his original independence and his existing possessions; for any power that the individual renounces, any restriction to which he is forced to submit, deprives him of a right; it must therefore be the case that the citizens would either go their separate ways without having accomplished anything, or that the new head of State would remain impotent and without any means of protecting the liberty of individuals. In order to avoid this dilemma, shall all power whatsoever be delegated to him, without limits and without reservations, with the result that, in accordance with the doctrine of Hobbes and other modern philosophers, citizens would renounce all their will, power, and private judgment? This argument is so absurd that it is inconceivable how it could have entered the mind of a man, and above all that it is preached by the very same people who always have a mouthful to say about liberty and upholding rights. We would be curious to learn from these sophists just how it would be possible for a man to alienate or cede his will, his intellect, his bodily forces, his judgment, etc.—inalienable rights in the proper and *literal* sense of the word—even if he wanted to (something hard enough to presume). And even if the thing were possible up to a certain point, and for the exercise of these abilities alone—would the purpose of the contract be attained, would the rights of Man find themselves better secured? Shall the name of liberty be given to a state of affairs that reduces men to having no strength or will, and degrades them to a status lower than animals? Would it not instead make slaves of all free men, in order that one of them alone

could enjoy liberty?

Furthermore, who will *pay* the new master along with all the instruments and auxiliaries he would need to fulfill the duties of his immense and gigantic commission? How much is needed for that? Who would determine the costs? By what formula will the means be apportioned and raised? Who will present the budgets? Who will receive and approve them? Yet more unsolvable problems, while in the natural order, nothing would be easier than solving them, or rather, they would disappear altogether. According to this theory? Expenditures will no longer be determined by receipts, but on the contrary receipts by expenditures; and indeed this reassuring doctrine is found among all partisans of the pseudo-philosophical system. But who could calculate the needs of a new State of this type? Who would be able to forecast every possible vicissitude and chance occurrence? Who would want to submit to such a burden, to a perpetual and indeterminate burden one risks seeing grow heavier with each passing year? Shall the head of the newly formed State bear these immense costs by himself and nonetheless, in keeping with the system, no longer aspire to private aims or personal interests, but, as faithful servant of the people, make this sacrifice exclusively for the benefit of others? Certainly, then, he would thank you for such a mandate; and it would be hard to find any man on this Earth who would put himself in such a position. Shall the members of the State pay, only to see him determine the sums he needs? But would the citizens consent, as certain publicists suppose, to ceding a part of their land in order to make up an estate or property for their new prince, while on top of it committing themselves to paying arbitrary taxes in perpetuity that won't fail to be demanded of them under pretext of needs of State? Strange liberty indeed, which demands that heads of household sacrifice their independence; renounce the right to defend themselves; despoil themselves of their own intellects and will; submit their persons and goods to indefinite servitude; allow themselves in advance to be robbed of a part their property and keep their wallets open for the next round; all this, not to obtain guaranteed advantages, but ultimately to leave it up to chance or the good will of the new master to decide whether or not he can or will protect them, or hopes to oppress them himself. Can anyone imagine that a State was ever formed this way? And what difference would there be between such liberty and absolute slavery?

What, after all, would be the purpose of this compulsion, this confusion, these infinite sacrifices? Suppose the impossible, that your juridical association, your so-called *civil* society, were to be formed, organized, and limited: I would ask you once again what exactly you have gained. Will you have any more security, once you have put a new and omnipotent power over your heads? Will insult and injury among private citizens become less possible or less frequent once you have formed a supposed *civil* State, that is to say, installed an artificial superior alongside and above natural superiors? What potentate could possibly prevent a man from being able to take the life, honour, or fortune of another, or violating another one of his rights of whatever kind? Will the sovereign become omnipotent and omnipresent as soon as you give him the order? Supposing that, in accordance with your bizarre systems, he foresaw everything in his laws, and prescribed everything that must and must not be done; would it be more difficult to break these laws, written by the hand of Man, than natural laws? Are they less fallible and more well-known than the latter, which, simple and Divine, are engraved in all hearts? Or shall it instead be permitted only to observe and respect positive or human laws, and not natural laws? The possibility that offenses might be committed between private individuals is thus neither eliminated nor diminished by the formation of this civil State. And once it is formed, how are you going to secure the very rights you have reserved to yourself against the head of State? How are you going to prevent abuse of the *supreme* power you just created? Every sage on Earth put together wouldn't succeed in solving this self-contradictory dilemma, and their efforts would resemble those of the Titans of myth, who sought to reach the sky and do the impossible. For out of the following two things, only one can be true: either this power (whether delegated by the people, or retained in entirety) is actually the *supreme* power, which would be impossible or futile to resist; in the first case, he could abuse it as soon as he wanted to, and your liberty wouldn't be secured at all; or it isn't, and one stronger than him could defy him; and in this case, he wouldn't be able to protect you, and you would now have to fear abuse from the former, who would henceforth be the new sovereign. But who would sooner abuse their power: the landlord or the tenant? Somebody who is already strong, or someone who must not become strong except through delegated power; somebody who essentially has only his own rights, is satisfied with them, and whose power is naturally

bounded by these very rights; or someone who can whitewash all his actions with the supposed public good, and justify all his violence with the supposed good of the people? Somebody who sees, in his natural subordinates, nothing but friends and partisans, with whom he has strictly personal and voluntary relations, and, in doing them wrong, would only hurt himself? Or someone who sees, in the vast number of his constituents or fellow citizens, only secret enemies, jealous of his authority, obeying only grudgingly, and possibly regretting their choice; who, finally, can establish his authority only by oppressing others, and finds himself in the strangely ambivalent position of being the servant of his subjects in name, and their master in fact? In short, delegated power can just as easily oppress or make ill-use of its force as personal power; it would in fact be even more predisposed towards doing so, and have more incentives and pretexts to. Would it not be folly to not only end up, through long and painful detours, by way of coercion and sacrifice, in the same place where nature led much more gently and safely, but make the human condition even worse than ever? And so the theory of social contract offers, in its ultimate consequences as in its principles, nothing but a heap of stupidity, and we can boldly conclude this refutation with the following propositions, whose truth is proven: The pseudo-philosophical system on the origin, nature, and purpose of States is wrong about every fact it presupposes; and, considered as an idea, it is absurd and contrary to reason. It is not only historically false, given that history in its entirety attests to the very opposite of this system; but if it is nowhere found realized, it is precisely because it is absurd, unworkable, and runs into insurmountable problems with the nature of things. Finally, even if it were feasible, it ought not to be carried out, because it is contrary to the purpose to which it is addressed, would destroy security instead of protecting it, and, very far from making men more free, would on the contrary be the tomb of all legitimate liberty. But we have spent too much time busying ourselves with this folly; we believe we have annihilated it for all time. Let us hasten to present the truth, and demonstrate the beauty of the natural order.

¹ Hence the grand sophist of Königsberg (Kant) said somewhere, with great consistency, that “*even a State made up entirely of demons could live in peace, since each demon would want at least some safeguards against the others*”. According to him, it would be no more than a matter of finding an organization that allows nobody to harm others, but he forgot to give us the blueprints for this machine. Behold the excesses to which such principles lead; or maybe it’s just him making fun of his own principles.

2 It is well-known that several German (and even French) philosophers took the conclusions of the system to the point of maintaining that *the State must incessantly work towards its own destruction*. “The end goal of all government”, said Fichte, “is to make all government useless”. These gentlemen could spare themselves the bother. The human race is much more advanced than they think; for the sort of States imagined by philosophists, which never existed and never will, were superfluous in the past, are superfluous now, and always will be superfluous. But the sort of States that exist in real life—that is to say, independent and natural social relations based on commitments of service and mutual aid—have always existed, and will necessarily exist for as long as men have needs related to the preservation of their lives, and depend on one another through the diversity of their means and abilities; that is to say, they will exist exactly as long as the world does. No man can do without such States; as to the rest, they are indeed useless.

3 I am aware that this redistribution of wealth isn’t posited in the principles of the system, and that its partisans even objected to it. But it is no less true that it would, to a certain point, be indispensable in order to implement this system in practice; for equality of political rights cannot coexist with too great an inequality of wealth, since too many citizens end up becoming dependent on others for their livelihood. Hence all of the world’s republics have attempted, at least in a roundabout way, to carry out this redistribution of wealth. If one were to suddenly introduce, in a vast empire, a philosophical republic, a corporation of equal citizens in which none would be superior to the others, it would above all be absolutely necessary to institute equality of wealth to the extent possible. Baboeuf (*the first modern Socialist—trans.*) and his cohorts were the most logically consistent of their sect here. It would indeed require the power to abolish the aristocracy of talent and knowledge, since it, in turn, entails authority that hasn’t been delegated by others once again. Thus it was that, in France, over the course of eighteen months, those who distinguished themselves by their minds, virtues, knowledge, and esteem and confidence they inspired, had their heads chopped off. Moreover, this aristocracy of talent, while also susceptible to abuse, perhaps even more susceptible than any other, is in fact the only one the philosophists in some way recognized or accepted, at least in theory, since they believed it was theirs alone, and held themselves out as the true prophets of the human race.

4 Behold the progress of enlightenment! Tribunals of old could possibly send an innocent man to the gallows, because they erroneously thought him guilty; modern judges recognize that, according to evidence and proof, he wasn’t actually a thief, but must hang no less for it, because, according to reason, he should have stolen. So it is that in France, penal statutes against emigration were applied to people who never left their home, or even kept under surveillance. And what if the accused called on evidence to prove they never emigrated? The answer they received: If you didn’t emigrate, you should have. Until now, fathers doubtlessly had children, and that’s their *historical* origin; but according to their *juridical* origin, the children should have had their father. The boss gives orders to his workers, because he was there before they were, and took them into his service, and that’s the *historical* origin of his workforce; but according to its *juridical* origin, the employees should be boss, and the boss the employee (*compare Marx’s subsequent fictive “labour theory of value”, which employs the exact same reasoning in its exposition and conclusions -Trans.*); and this is what they call reason, even though it contradicts the first rule of reason, which holds a thing cannot be and not be at the same time. Trees have all their roots in the ground and branches in the air, that’s the *fact*; but according to the rationalist conception, the branches should have been in the ground and the roots in the air, or at least philosopher-gardeners should try to bring trees into as close an approximation as possible to this most rational ideal.

5 It is incomprehensible how Hobbes and his followers could have maintained that reciprocal fear is what impelled men to unite in society: For fear separates and divides men; love and confidence alone brings them together. In fact, one can very well unite in order to more effectively resist a third party who inspires fear, and it frequently happens. But those who unite do not fear one another. They are

friends, not enemies.

6 Where, then, is the limit in this respect? Why do princes alone punish in serious cases? It's because private individuals *can't* always inflict sufficient pains, or *don't want to*, for fear of the risks, costs, and disputes they might entail; in either one of these cases, they are obliged to take recourse to a higher power.

CHAPTER XII.

Natural Origin of All Social Relations.

IF THE ENTIRE THEORY we have just refuted is false, unworkable, and stands in contradiction with everything that exists and itself; if the origin of States can neither be derived from the distinction between a supposed state of nature and the social state, nor from a social contract and the delegation of power by the people: another legitimate basis must be found for establishing both the existence of the State, and the mutual obligations that are its font, in a satisfactory way: for it is impossible that these relations owe their origin only to chance and injustice, without any law, even natural, having governed their formation; otherwise they would have existed neither everywhere nor always. Now, it is inconceivable that, instead of seeking the cause of such a universal fact in nature and experience, which are right under our eyes, one should delve into imaginary regions, and need to take recourse to fictions that are nowhere found realized.

Thus, far from opposing the social or civil state to the state of nature, let's see if we won't be more successful in keeping to the latter, admitting the perpetuity of its existence, and explaining all social relations by it, great and small alike. Instead of grounding the power of princes on such rights as they were able to *receive* from their subordinates—couldn't it be made to derive in a manner at once more simple and more satisfactory from rights *of their own* (be they natural or acquired), such that, by doing so, these rights would be situated on a more solid foundation on the one hand, and much more limited than one might think on the other? Instead of supposing artificial contracts or mandates in order to explain the duties of the sovereign, couldn't these duties quite simply be those of *justice* and *benevolence* incumbent upon strong and weak alike? Instead of positing, in spite of nature, the impossible independence of all men without exception, wouldn't it be more worthwhile to start from the possible independence of some, and attract or gather the service and dependence of other individuals around it, without requiring the sacrifice of their rights? Finally, instead of having it

that the superior was created by his inferiors, shouldn't we here as elsewhere presuppose the steady course of nature that, in every walk of human life, brings the superior into being before the inferior?¹ In taking up this line of inquiry, we soon would find that nature has better secured and provided for our individual liberty than every philosophist put together could ever dream of doing with their chimerical rational States and artificial civil bodies.

Yes, we boldly proclaim, *the state of nature never ended!* It is the eternal and immutable order established by God Himself; it is in it that we exist and live, and men would strive in vain to leave it. But this natural state of men, this Divine order, which still actually exists, as it did in the world's first days, is by no means the *total absence* of all society, nor universal independence, liberty, and equality. Quite the contrary, it necessarily encompasses both extra-social and social relations of various sorts; finally, it establishes superiors and inferiors, lordship and dependence, in each of these. There can be no doubt that the extra-social state too persists among men in our day still. It is likewise part of the natural order of things; it will always endure, and can no more be abolished altogether than the social state itself. It exists not just between princes, as philosophers and jurisconsults once taught, but between all men who have no particular ties, contracts of service, or common association with one another, that is to say, who are neither inferiors nor superiors with respect to one another, nor members of the same corporation, and thus find themselves, in jurisprudential terms, equals between them, respectively independent, with no relation other than that of man and man between them, as such with no mutual duties to fulfill other than duties of justice and benevolence owed to all without exception. This relation or position is the basis or subject of *absolute* (natural) *private law*, which also bears, albeit improperly, the name of civil law. Applied to powerful and independent persons (whether individuals or corporations) it is known as the *law of nations*, that is to say, the law of States or independent households; for there is no essential difference between these two types of law, but they can be distinguished only by the relative magnitude of their objects, forms, and determinations.

It was, however, a mistake for the extra-social state alone to have been given the name, state of nature, as though it preceded the social state *in the order of time*, and the latter only founded subsequently, following a deliberation. For the social state is no less natural than the extra-social. Both

of them are part of the *necessary* order of nature; she put us in each of them without our consent. The extra-social state isn't even the norm; and if it must be admitted that the human race descends from a common forefather, then Pufendorf is right to say that the social state was the first, and that the extra-social state came into being only later, through the scattering of families. To this day all men on Earth find themselves in both at the same time. The newly-born infant is, from that instant, in a social relation with his parents and their servants, if they have any; but he is in an extra-social relation with peers and strangers. Pick whoever you want at random out of a crowd; you'll find him engaged in all possible relations at once. He has exclusively extra-social relations with a great number of men who have no particular obligation towards him, and towards whom he likewise has no particular obligations to fulfill, even if they live in the same country. He has social relations with others in turn, sometimes as a superior, sometimes as an inferior, other times, albeit less often, as a member of a corporation. He is the master or co-lord of some, the servant of others, and the equal of others still. Princes themselves, who are said to live in the natural or extra-social state, are only in it with respect to their equals, or relative to other men who have no relations in particular with them; but they live in a social state with their subjects and subordinates: they can therefore insist upon all the rights, and must fulfill all the duties, that stem from the nature of the relationship; and although it is much more difficult to enjoin princes to fulfill these duties than other men, this changes nothing about the obligation itself. In other respects, the commitments they make to their equals, as the result of various agreements, sometimes can even be scarcely distinguishable from the kind of ordinary service that obtains between private individuals. Finally, princes sometimes belong to corporations or bodies (for example, various orders, or, one might add, the Christian Church), in which, despite their power and wealth, they have no more rights than any other member. All this could not be otherwise, for it is absolutely impossible for *each* man to be in social relations with *every other man* at once; it is likewise impossible for him to live with them outside of all society. No man can see to all his needs by himself and without anybody's help; but he doesn't need *everybody's* help, and this is why nature put him in relations with some, but not others.

Thus, if we speak of the *origins* of social relations here, we do not mean to

say that they all came into being at such-and-such a time, or that there ever existed an era with no society whatsoever; rather, we consider their *natural* origin, and demonstrate the law and course of nature in the formation and dissolution of these relations—a course that she has always followed and still follows in our day.

The universality, necessity, and perpetuity of social relations already furnishes irrefutable proof that they are the immediate product of that Divine providence which, even as it grants us great liberty of legitimate action, never deprives Man of what is indispensable to his existence. Society is a fact that presents itself in all of nature; even animals have social relations between them; they are united in swarms, herds, packs, schools, etc., certainly not with all their fellows, but a great number of them. And if one took the trouble to closely study the origin and nature of these unions, one might find that they are not only the product of the same natural law for their reciprocal sustenance, protection, assistance, and affection, but that they also resemble our human aggregations in every other way as well to a much greater extent than one might think. By the same token, it would also be inconceivable that any man had ever been able, above all at the time of his birth, to live without any kind of society; for, alone and deprived of any assistance from his fellows, he would be in absolutely no position to preserve his existence; and even if all his physical needs were satisfied, the law of love and benevolence engraved in his heart would associate him with other humans. The double will of God, two providential forces, the law of necessity and that of duty, in concert drive him into social relations. Nature did not give birth to all men from her womb at once like mushrooms; but they are born in succession by way of reproduction, and are surrounded by the love and care of the authors of their lives. The newborn infant already finds himself in a social relation with his parents, just as the latter, in turn, are with other people; he contracts new bonds in proportion to the multiplication of his needs, and if it comes about that one of these bonds dissolves, it is then replaced by another. For even a man in the vigour of full manhood can't subsist by himself. Each needs his fellow, sometimes for preservation, other times for the commodities and amenities of life. Thus services are exchanged, and from there new and numerous bonds are born; nature extends the ties that bind society in wider circles. And since it is she who forms these bonds, they are, generally speaking, as indestructible as her.

The cessation of a social relation produces an equivalent at the very instant. The child who leaves the paternal house, enters into the service of a stranger, or alternately, contracts a marriage and becomes a father himself; a man who releases himself from one bond forms a new one just as soon; he attaches himself to others among his fellows, or others attach themselves to him; he serves or has others serve; and even when a fanatical sect attempts to violently bring down all social relations as hostile to liberty and equality; it can only succeed in doing so through an association of forces which itself is a social bond; and after all is said and done, it would never succeed in destroying family relations, nor the various private agreements which in turn attach one family to another, or many to one. Thus you can no doubt trample down the flowers of the field, but the power to create them is refused you, and nature, much stronger than you, will always reproduce more just like them.

If we consult history and experience, everywhere they confirm for us this same truth reason and human nature have demonstrated already. Those who take human society as an artificial creation: show us, then, some part of the world where society hasn't existed; and then let them tell us where, when, and by whom it was introduced. Call nature as your witness, cast your eyes on this revelation of the Almighty: do you see anything, if not an infinitely complex network of social bonds between men? Has there ever existed a land on Earth or a time in history without marriage, domestic relations, reciprocal dependence, mutual aid, heads of household, heads of armies or doctrine, or rather, without a unity of all this? They fancy themselves philosophers, friends of reason—and yet they ignore that a universal fact presupposes a universal cause, that an argument confirmed by all of nature is true, and that a hypothesis given the lie and rejected by this same nature belongs to the class of chimeras and hallucinations.

Finally, could it be possible that a truth that simple had just gone unnoticed by scholars? Honestly, there wouldn't have been anything there to be too surprised about, for the simplest things found right under our eyes, having nothing new or striking about them, are always mentioned last, and rarely deemed worthy of any attention. But no! The *authority* of all sages is in keeping with reason and general experience here. With the exception of a small number of madmen, almost all philosophers recognized *natural* social relations: their only fault was not going into their essence in enough depth,

and limiting themselves to basic elements, without following the course of nature any further. The prophets and doctrinal authorities of the Jewish nation already said: “*It was the Lord who created great and small*”; He created a prince to govern each people. The many passages in Scripture that say that the power of the sovereign, like that of private individuals, comes from God, are passages so clear, when taken together, as to mean nothing if not that this power isn’t man-made, but produced by the nature of things, as such part of the immutable order of the Creator. Plato asserted that the needs of men and the amenities they seek out must have inexorably given birth to society. Cicero explicates the natural origin and progressive extension of social bonds in an admirable manner. Even after the chimera of social contract emerged, and, as a result of this error, everybody lost sight of nature, and jurisconsults preferred to see corporations or Roman cities everywhere: *Locke, Boehmer, Pufendorf*, and others still recognized natural societies; sometimes they even seemed to prefer them to artificial societies, commonly known as civil. Only they hadn’t the courage to reject the latter entirely; they didn’t open their eyes wide enough to see that, to this very day, only the first type exists, and suffices to explain the existence of governments. We will pass over in silence a great number of other authors who, without denying family relations, and even more extensive natural groupings, disdained to consider them more closely, and struggled and contradicted themselves every time they set out to draw the line between these private societies and those called civil. *Achenwall* and *Putter* were at the point of recognizing that the latter is nothing but natural society raised to its height of perfection; but the Latin language and the authority of ancient jurisconsults, which always spoke in terms of a *civil society* formed by the people, prevented them from staying faithful to this illuminating idea, and drawing the right conclusions from it. Finally, one of the modern writers, all the while falling into gross errors of another type, came closer still to the truth, in explicitly stating that it is the civil state, not the social, that should be opposed to the state of nature inasmuch as, in the state of nature, there can, and do, exist *societies of various types*, governed by private law alone, but not civil, that is to say, artificial societies—societies that, according to this author, don’t even exist at all, but which he offers to us as an ideal that must be constantly approximated. As for us, we will inquire once again as to whether this natural social state, the order founded by Providence, isn’t preferable to the chimeras of sophists, and doesn’t suffice

to secure justice between men.

That the state of nature therefore, by force of nature alone, has, and must have, social relations within it, is a truth not only proven by reason and experience, but moreover generally well-known. Just as nature forms these ties between men through the diversity of their means and needs, of necessity she also establishes the lordship and dependence, liberty and subjection without which these relations could not endure. As a consequence of the unequal distribution of means between men, and for their mutual advantage, she makes some dependent, others independent, some servants, others free. Are not small children, the weak, the ignorant subjected by their nature, in proportion to their needs? Are not the powerful, the rich, the wise by contrast naturally free in proportion to the means they have received from nature? Hence, in our day as before, the husband commands his wife and children, the master his servants, the captain his brothers-in-arms, the founder of a school of thought his disciples, the head of household the residents of his house, and the landed proprietor his domestics, his employees, and all who live on his lands. There's more: a single individual can embody all these qualities; he can be a father, head of household, general, professor, and landed proprietor at once, and he would accordingly exercise a more extensive authority over a greater number of men under these titles. But what, then, is the nature of these so-simple relations, when they are considered more closely and compared against the law of justice? First of all, they are by no means formed by deliberations and collective assemblies, but by nature alone or individual contracts of service; by no means from bottom to top, but from top to bottom; and not all at once, but over periods of time, by successive aggregation. None of these superiors received his being and his power from his subordinates, but holds each of them as gifts of nature, that is to say, by the grace of God; they are *innate* to him, one might say, or better still, acquired as a result of something innate. The subordinates, for their part, made no sacrifice of their liberty, nor any existing right; they naturally find themselves dependent, or better still voluntarily entered their master's service, not in order to become more free (which would entail a contradiction), but to satisfy their needs, to be fed, protected, educated, and secure an easier and better life for themselves. The inferiors gave up nothing to their superior; the superior took nothing from them; on the contrary, they mutually help and serve one another.

Neither one of them has anything except for what belongs to them; equal in natural rights, unequal in acquired rights, they both of them exercise their legitimate liberty, by their own free will and according to their means. The objectives, extent, degree, and duration of services and mutual obligations vary to infinity. Each of them contracts according to his own understanding of what his needs are and what he seeks to accomplish, with the sole exception of universal Divine law, from which nobody is exempt. Here everything is free, natural, and without coercion. There is no unjust coercion in a man's entry into social relations, nor in the period of their duration, or the time when he leaves them; they can dissolve, and the two parties have the ability to renounce an individual contract. Much more still: if the power of the one or the need of the other ceases to exist, if the basis of authority or obedience disappears, the parties can even trade places; the free man can descend into servitude, and the one who served ascend to liberty; the strong can become weak, and the weak strong; but all men are never endowed with liberty *at the same time and to the same degree*. Lordship and dependence, liberty and subjection, are and always will be two correlated things, inasmuch as men are never endowed with the same abilities, and depend on one another for mutual needs. No free man can do without assistants in his service, nor assistants or servants without one or more free men; one can neither conceive of a master without a servant, nor a servant without a master. Making all liberty or all dependence vanish from Earth, attempting to make all men equally free or equally dependent; these two endeavours would be equally contrary to nature, equally impossible, and equally self-contradictory, the first and the second alike. Thus human society in general, with its subordination and its necessary correlation, is as old as the world. But in order to understand how authority and dependence come into being *in particular cases*; how social relations of every type are formed and dissolved, we need only open our eyes: experience shows it to us every day, not only in the interior of an *isolated* family, but in a wider sphere as well, in the relation of a single family to many, or many to one. And so we need not take recourse to a mythical or unknown antiquity, or lose our way in hypotheses falsified by all history, in order to make visible the general principle, the real and legitimate origin of social relations. Nature remains what she has been for millennia; and if we closely examine her constant and invariant course, it won't take long for us to discover the simple and

benevolent law by which she leads the human race into social relations of various types, and see how she so lovingly provides for the most essential needs of her children.

¹ The portrait of human life furnishes material for an interesting exposition of this idea. Every man is a subject from infancy; nobody is born free and equal in rights, as the Declaration of the Rights of Man would have it. For nine months before his birth, the infant already lives as a prisoner in his mother's womb. Even as he has just barely come into the world, he is bound by various ties, and subjected to two superiors he in no way appointed, and also to various subaltern masters who, one and all, give him laws, execute them themselves, settle his disputes, and punish his wrongs, with no jury and no civil code. In the games of childhood and the military sports of youth, he obeys a general who appointed himself to this office. Upon his arrival at public or private school, he finds himself under a theocratic government, subjected to masters he in no way made, and who unite sacerdotal, legislative, executive, and judicial power in their persons. He enters his adolescent years, in which he hopes to enjoy more liberty. On the contrary; he only gets a change of chains and superiors. At the theatre, he can't always be first; he finds men there who are bigger, older, or more distinguished than he, and have already taken the best places. At parties, it is female superiors who assign the young man to this or that table or gaming-group, without asking him. In the ballroom, dancing-masters determine his rank and place at their will; they go as far as to dictate the very movements of his body to him. If he commits himself to the service of the State, Church, Army, etc. he has only fallen out of one frying-pan and into another. All around him he finds superiors he didn't make; he is obliged to work and act according to their orders. If he sometimes commands, it is in conformity with the will of a superior. Does love lead him to marriage? He is often forced to give in; a thousand new ties bind him; and he himself contributes to perpetuating the exact same dependence. Finally, make him what you call a free republican, even taking position in the government; in it he still finds senators he didn't make and can't dismiss; he must submit to their majority; and there he is, a subject once again. In short, Man is born in the greatest dependence, and his liberty increases only by degrees; he changes ties, he passes through every type of social relation, he encounters patriarchal, military, and spiritual authority; corporations or republics, with or without representation; but everywhere there are superiors who came before him, and he never becomes absolutely free or independent until there is no longer anyone above him and, in order to defend this liberty, he additionally can command a great number of men. The latter state is the height of human fortune, that is to say, sovereignty, where there is no longer any superior but God. But this superior higher still, was He made by Man?

CHAPTER XIII.

On the Origin of All Rule or Lordship Among Men, According to a Universal Law of Nature.

IN THE SAME WAY that nature follows simple and immutable laws in all her works, so too it is according to one law alone that social relations form among men, and authority and dependence within them. We shall attempt to draw the attention of friends of the truth to this law, which many among them intuited very well, but was recognized only by a few, and explicated by none; to bring it fully to light in all its majesty; prove its universal reign; distinguish it from abuse of force; and finally, make its wisdom and goodness clear to wise and ignorant alike. If this endeavour succeeds for us, an order of things established by God will no longer be criticized, and, being better understood, will win the admiration and adoration of mortals.

Although spread or scattered across the vast surface of the planet, men are seen in more or less numerous divisions, united and grouped in various social relations, bound to one another in a thousand different ways. There is inequality of strength among them; reciprocal needs bring them together and unite them. They exchange their services and mutually help one another; sometimes a few attain to the height of fortune, come to total liberty, and crown, so to speak, these completed and perfect aggregations ordinarily called States. Natural or voluntary dependence, infinitely graduated, is in fact the lot of the greatest number; but from king down to beggar, there is nobody who doesn't reign over some things and some men. The father commands his wife and children; the mature man, inexperienced youth; the lord, his servants; the captain, his soldiers; the master craftsman, his labourers; the landed proprietor, his domestics and the inhabitants of his estates; the physician, the sick, and the lawyer, his clients. It has yet to occur to anyone to find anything unjust or contrary to reason in such simple relations; everyone recognizes justice, necessity, and reciprocal advantage in them, including the manner of their formation and dissolution. Nevertheless, philosophers have hardly deemed them noteworthy, although

these basic elements may perhaps provide the key to the most important of universal truths. As for ourselves, accustomed to discovering, in commonplace facts scarcely noticed by the inattentive eyes of men, great institutes of nature, and to following her course with all due care, we will extend our research further.

What, then, is the common foundation of all these relations, when they are studied more closely? What is the *unifying* characteristic of *resemblance* that always appears over and over again in spite of their great variety? What do they have in them that is constant and essential, whose outward forms alone vary; eternal, in all that is subject to change; invisible, in all that is visible; Divine, in all that is human? Open your eyes and you'll see it yourselves. It is clearly nothing other than a *greater degree of power for one party*, natural superiority in some useful ability; and for the other, a need for nourishment, protection, instruction, and direction, which corresponds to this superiority of power, and finds itself satisfied or taken care of by it. A man rules over his woman, because he has chosen her, taken her under his protection, ordinarily feeds her, and generally surpasses her in intellect and in physical strength. There are, however, rare exceptions where the relation trades places.¹ A father governs his children, not only because they owe him their lives and their upkeep, but also because he is their superior in age, intellect, strength, wealth, etc., and they need this power at all times. The master commands his servants, because he is able to feed and pay them, and because he pays for their lodging, upkeep, and various amenities of life out of pocket. The captain gives orders to his brothers-in-arms, because he surpasses them in skill or strength, or wealth for the remuneration of their services; and they in turn can neither do without his protection, nor the salary they receive. The master exercises authority over his disciples, because he is their superior in the art or science they need. Why do the sick submit to the rule of the physician, if not because of his superiority of knowledge of diseases and treatments, and because of their need for it? If physicians themselves come to triumph over human suffering, isn't it done by opposing the force of the disease with a superior force, by strengthening a friendly power and weakening or driving back a hostile power? Why do plaintiffs rush to a lawyer, and sacrifice their time, money, and personal judgment in following his advice? Whence this authority, if not the need of some and the superiority of others? Very well then! Now we are on the trail of the

existence and true meaning of that grand and indestructible law of nature, which gives *rule to the strongest*, that is to say, whoever is *superior in means*; or, to express ourselves with more precision, wherever power and need meet, there forms a relation in which authority becomes the lot of the former, and obedience or dependence, that of the latter; a relationship that is no less absolutely compliant with justice and the interests of both parties.² This rule and this subjection don't even depend on the will of Man; the effect of the law is universal, necessary, perpetual, like all that comes from God. The powerful man reigns or dominates, without wanting or even trying to; the needy man, by contrast (and every man is needy in certain respects), depends, or is obliged to serve, even when nobody requested his service and the whole world agreed to leave him be free. The illustrious scholar, for example, the man of genius who discovers and publishes important truths and rules, is an authority for a crowd of believers; he is the author of their will and actions, even though he didn't seek them out and doesn't know them at all. The ignorant, by contrast, the man of weak mind, obeys an external authority, even though nobody forces him to, no matter his pretensions of being a strong mind. Put a rich and a poor man, a wise man and a dullard, a strong man and a weak one, in contact with one another; whether they need each other or not, and whatever the agreements they may make, you'll never find any less liberty and lordship on the part of the first, or less dependence and obedience on the second.

Enough men of intellect have, in fact, intuited this law of nature and often recognized it *as though in passing*;³ but, as far as we know, it has never before been explicated in all its purity and with the character of universality and perpetuity proper to it, given that it has always been confounded with abuse of power, and that it seemingly was believed that there was something unjust or absurd in this Divine institution that ought to be remediated. But, as with other laws of nature, this one, too, reigns throughout the entire universe. Why do the elements rule over us, if not because they're more powerful? Why are we obliged to yield to heat, cold, fire, storms, and waves, and comply with their laws, if not because of the danger of being severely punished for having attempted to defy them, or even annihilated by their irresistible force? Throughout the entire extent of those kingdoms of nature we call inanimate or inorganic, is it not an invariable law that stronger substances hunt down those that are weaker, defeat them, and neutralize or

destroy their action? Consider the animals of the field, and the birds in the air, from the eagle to the elephant, to the insect and the worm that slithers on the soil: all around you'll see the stronger species exercising dominion over those that are weaker, the males lording over the females, the large over the small, the brave over the timid, etc. All herds have a head, and this head is always the strongest. "Among animals deprived of the gift of speech", Seneca has said already, "it is the biggest and strongest that walk in front; it is certainly not the decrepit bull that takes pride of place among horned animals, but the one that surpasses the others in size and strength. Herds of elephants are led by one that excels over all of them". And if we see the eagle, in the highest reaches of the air, hovering above all the other birds, is it because they elected it their king, or because it has more intrinsic strength and stronger wings?

Among men, whose forces are of a higher-order and more highly variegated type, the same law is found once again, only in forms more noble. Man, born without weapons, in general reigns over animals, because he is their superior through the power of the mind, and that wonderful instrument, the hand, which allows him to convert many forces of nature into weapons for his use. However, he doesn't always reign over *all* animals, nor over *every* animal; his rule is limited to those he has domesticated with benefits (that is to say, a useful power that provides for their needs); those he has proven his superiority over in warfare and combat, or finally, those he has defeated by means of some other power of nature. He also reigns over his fellows, whenever he surpasses them in some physical, intellectual, or moral capacity others need for their own benefit. The type and degree of this authority are indeed exactly proportioned to the type and degree of this superiority or the corresponding need. The rich are ordinarily obeyed only by the poor, the strong only by the weak, the sage only by those who need advice or instruction. The greater the intensity, extent, and duration of power, the stronger and more permanent it is; the more urgent or pressing the need, and the less it is possible to do without or satisfy it some other way, the greater and more inevitable are dependence and obedience as well. Often there is reciprocity of rule and obedience, since this man is superior in some respect, that man in another, and their needs are likewise reciprocal. Thus, for example, the master commands his servant, and the prince his minister, because they are their superiors in fortune and many other respects;

but often the master is dominated by his servant as well, when the latter surpasses him in intelligence, in knowledge of business, work, etc.; and has this type of power not been abused as much as any other? As soon as the greatest potentate in the world falls ill, he obeys his physician, even though he commands the latter in everything else. Entire armies often follow a poor peasant they have taken on as a guide, and follow his orders, even though they could annihilate him in the blink of an eye. In short, whenever a man makes himself useful or indispensable to others, whenever he can save them from some evil or procure them some good, he rules over them and makes their laws. By contrast, wherever forces are equal or believed to be equal, there is no authority on either side. Brothers, disciples, servants, and soldiers with a master in common, while they have an intimate relation among themselves, neither obey nor command one another. There is peace between them, if the laws of justice are obeyed, and war, if they aren't; it is unimportant whether the war is fought with arms in hand, or only with spoken and written pleas before a stronger party who settles it. Finally, since all lordship rests on superior power, it likewise also ends along with this superiority. When the rich become poor, the strong weak, or the sage dull, with the result that they are no longer capable of sustaining, protecting, and guiding other men, their reign immediately falls; and from the child who leaves paternal power behind once he can provide for his living, the newly-rich butler who quits the service of his master, the disciple who receives his doctorate in his turn, the patient who recovers his health, to the powerful vassal who ends up strong enough to protect himself, everywhere dependence ends along with need.

There's more: not only does this law reign in all of nature, but it is *most profoundly engraved in the heart of Man*. Is there anything as remarkable as the universal and irresistible penchant that impels men to attach themselves, to devote themselves freely and without coercion to someone whose power is recognized? Take a look at children, and see how they rank-order themselves according to relative degree of superiority. Look at how the weak among them voluntarily yield to the stronger, and take orders from them; the youngest to the oldest; the ignorant to the more educated, the poor to the rich, one born an unknown to one born into fame. Can it be said that there is a difference between children and grown men in this respect? No. Nobody on Earth suffers the rule of his equal or inferior, that is to say, someone less

powerful than him, without revulsion. Everyone wants to serve a real superior alone, and from the lowliest jobber to the ministers and generals of the armies of the greatest monarchs, everyone voluntarily obeys only those they recognize as above them. When death comes to take away the father he served with pleasure, the youngest son of a farmer leaves the plow and paternal roof behind to become the butler of a stranger who is superior to him, not his brother. The domestic in the towns thinks more highly of himself, in proportion to how distinguished his master is in terms of rank and fortune compared to others; he would rather serve a greater lord than a lesser one, even though the latter pays him just as well and perhaps treats him better. Disciples crowd around a distinguished and famous master of arts or sciences, and a thousand imitators copy not only his virtues, but his vices too. The power of what is called fashion, this fashion that often ordains brainless and annoying things, where else does it originate, if not in influential places, royal courts and great capitols, whose example everybody imitates, even without it being obligatory? Why seek to enter the service of sovereigns rather than private individuals, even though, in our day above all, the latter are often as wealthy and indeed more secure and free than the former. Look at the military, and it will be observed that the lowliest soldier always prefers to take orders from an officer who, in addition to his expertise in service, distinguishes himself further with the extraneous advantages of birth and fortune, or just has a name conventionally associated with some kind of idea of superiority. The same sentiment is found among officers; none of them voluntarily obeys another officer they hold in lower esteem than themselves. Gentlemen don't serve their equals, but only greater lords; the sons of princes serve nobody but kings or emperors. Entire armies are proud of the illustrious birth, fortune, and glory of their leaders; they obey them with pleasure, while those whose rank alone puts them above the others, always encounter a secret resistance, against which they have to struggle; and, in short, the greater and more powerful the master, the more of an honour it is to serve him. After a long period of centuries, nations still boast of their most powerful sovereigns; they laud them all the way to their faults; and which ones shine forth in history and arouse the wonder and admiration of their posterity, if not those who enjoyed the greatest power and proved their overwhelming superiority? And finally, if it should happen that a potentate unites superior genius with other gifts of fortune, we then

see the birth of an enthusiasm approximating the euphoric for this blessed mortal man; and the whole world rushes to bend the knee before him, so to speak. Far from it being that case that men in general abhor a naturally superior power, on the contrary hatred and jealousy obtain only between equals, or those who think of themselves as equals; and envy is soothed to the extent that distance is greater, or superiority more clear.

Is this not proof enough for you? Do you think facts as universal owe their origin to nothing but violence or prejudice, and still doubt this law of nature? Very well! Have a look at the games and voluntary pastimes of men. Whether they are equals, or don't need one another, they take pleasure in testing each other's strength and reckoning which one among them will be their king or would deserve to be. This is the spirit of every game without exception, from the Greek Olympics and the circus fights to the Amphitheater and gladiators of Rome; from the tournaments and games of chivalry in the Middle Ages to ordinary parlour games where skill is combined with chance; finally, the diversions of shepherds in the hills, and the amusements of earliest childhood. For how does it come about, without any formal agreement or deliberation, that in all lands, all ages, all nations, and all social classes, this battle of forces makes for the pleasure of men, and that they everywhere, by virtue of an involuntary and irresistible sentiment, bestow glory, honour, authority, even gifts and tribute, upon the victor, but none at all upon the vanquished? Can't something eternal be seen in what is transient here? Is it not yet more testimony to this all-powerful law of nature that enjoins Man to never, whether voluntarily or under duress, bestow rule upon anyone but his superior? And do you want to know why? It's because nature has generally given the weak a protector, a benefactor and not an enemy in the stronger; and it is for this reason that men love to see this force make itself known by external and visible effects. They presume in all men a law that serves as a bridle on their power, and consequently expect that this power will be used for good and not evil—which is also what may be said to be its usual and most frequent effect.

Finally, is there anything more free than *elections* and agreements between men? Very well! In spite of the concordance of human will, wherever a common force or power must be conferred or delegated to one or more individuals, the law of nature preserves its empire. From peace treaties and alliances between the greatest potentates to everyday sales, purchase, service,

and rental contracts between the lowliest private individuals, isn't it always the stronger party that dictates the terms, and without anyone accusing him of injustice or violence? And doesn't the weaker party have to consent to these terms, to the very extent that he's desperate? Why are contracts the poor and the weak enter into always disadvantageous and burdensome for them, if not because they have many needs and, save for their bodies and the toil of their hands, have almost nothing to offer? Why, by contrast, does one always make deals in an easier and less onerous way to the extent that one has more power, can provide more services, and even do without outside help? Do you perhaps think that in republics, at least, it isn't the strongest who rule, and that it's possible to exempt oneself from the law of nature? But consider, then, every corporation, every republic, from the smallest rural municipality to Rome, once mistress of the world; and you'll find without exception that everywhere the great and the most important, the richest, most notable, and famous citizens, those who are first among equals, and therefore the most powerful, are chosen as heads of affairs. Even though a law of Aristides allowed the Athenians to choose their magistrates from any class of citizens, they always stayed with the most noble and illustrious; and even though in Rome, the people had by open force arrogated the right to put plebeians in public offices, nonetheless it couldn't actually bring itself to appoint any to them. The same thing takes place in every city and every town without exception. To be sure, it happens often enough that a powerful citizen prefers peace and quiet to titles of office, and then we see people beg him, almost on their knees, to enlarge his power further still, by adding delegated power to his own. How, then, to explain this phenomenon other than by the universal and indestructible penchant each individual bears within himself to obey none but a man superior in power, and thus to lend his voice to him above all others? And the greater the numbers of the people, the greater the freedom of choice in the election, and the more vigorous the sentiment of equality, the more likely is this natural superiority to gain preference. For it is only as such that each individual believes himself subjected, in no way to Man, but to a higher power, namely, nature and its author. There's more: when no other mark of distinction is evident, people will defer to even physical size and appearance. Many types of superiority rest on hereditary objects (a family name, history of illustrious ancestors, territorial possessions, etc.). In addition, sometimes talents and moral

qualities perpetuate themselves in families; and for this reason, in any perpetual corporation, and through to the freest of popular elections, the same names are almost always seen to appear over and over for as long as they continue to exist, or those who bear them able to preserve their advantages. If a faction succeeds for time in inverting this natural order of things and elevating the humble above the great, this innovation has nothing but bad outcomes and is never long-lived. The upstart magistrates, distinguished by only their office, enjoy neither respect nor confidence; hatred or scorn dog them; civil wars are seen to break out, and the people always go back to the most illustrious, that is the most powerful individuals, unless a single individual more powerful than all, or a foreign usurper doesn't destroy the republic first. Finally, what is the majority in a corporation, if not a superior power? And why does it make law for the minority, if not because it is the stronger? And so, in vain would you attempt to repulse nature with violence; she will always triumph over your efforts; her irresistible force gently guides those who follow, and drags those who resist. Moreover, do you want to know why the wisest or most enlightened aren't always chosen in republican or other elections? For it's a complaint oft-repeated, not by peoples, but only those who believe themselves to be the wisest of all, and imagine that the Holy Spirit and the light of Heaven descend upon them alone. Here's the thing. Intellectual superiority isn't given to the senses; few men know how to recognize it; it is difficult to discern, and when it comes to this authority, everybody thinks they have it, if not over everybody else, at least as much as those who do. Once it is a *proven* fact and generally *recognized*, it too is taken into consideration; but ordinarily, at least unless combined with external advantages, it will only give rise to doubt and envy. In any case, this eminent wisdom is neither everywhere nor always needed. The first and universal need of men, is to live; the second, to be protected, the third, to be educated. Hence the poor man serves somebody who gives him bread, and the weak, someone who protects him, sooner than someone who lends him the precepts of a wisdom true or false. In general, the power whose necessity makes itself felt the most is the one that reigns. Thus, at war it is the most skillful or bravest who rule; in peacetime, usually the noblest or wealthiest; and when it comes to sciences, or those great calamities that can be overcome only through superior intellect, by doctrines and universal rules, it is then that men seek out the wisest, and obey him as a final

authority.

It is thus part of the eternal and immutable order of Divinity that the most *powerful* ought to rule, that they do rule, and will always rule. No doubt any power can be abused, as can any liberty, given that it is in essence a capacity for doing good or evil. We shall devote the next two chapters to examining which laws and which rules nature has prescribed for the use of power, and what the natural means of resisting the infraction of these same rules are. In the meanwhile, it will suffice for us to consider the *benevolent character* of this law of nature and recognize how infinitely more wise Divine institution is than the foolish reveries of Man. It is precisely in order to make abuse less common, in order that there should be less injustice and violence on Earth, that nature has remitted power to the most powerful. For, in order to do good, it isn't enough to know and to wish; power is needed above all. How much wisdom and elegance there is in the Divine institute, that none command except by virtue of real superiority; that he alone protects his fellows, who can actually protect them; that when an order is needed, it will be given only by someone who has the means to make his will effectual; and finally, that superior power rules only because it provides for the needs of others, and can rescue from evil or procure good! This way, the strong becomes the friend of the weak, and the weak, in turn, the friend of the strong. It is not at all by a forced and absolute submission, such as the sophists teach and dare call liberty; on the contrary it is through love and a reciprocal exchange of benefits that nature forms social bonds. So it is that she founds States and societies, peace and order, without men having to seek out these indispensable goods through long and arduous detours. Ah! If social relations had to be founded on human reason and as the result of a collective agreement, we would have never enjoyed this gentle and pleasant help, this charm of human life; and if *all* men were equal in strength, we would see, not only a *universal state of misery and neglect*, but in addition, as the misanthropic Hobbes said, a perpetual war of all against all.⁴ Where forces are unequal, sweet peace reigns between them, and nowhere is there more fighting than where equal forces come into conflict. In addition, the self-respect of subordinates is managed most delicately by the law that bestows rule on the strongest; this rule does not offend even the most sensitive point of honour, because it conforms to nature; and it is only as such that universal contentment becomes possible. Would you refuse to

believe this truth? Suppose for a moment, that the weak ruled the strong, and the strong were obliged to obey the weak. What abhorrent state wouldn't result? How could a relation as contrary to the natural order sustain itself in the long run? The master, impotent, tormented by fear and self-doubt, would constantly seek to weaken the strong, to oppress or destroy him. The latter, in his turn, full of feelings of superiority, would be the eternal enemy of the inferior who commands him; he would mock his orders and do everything in his power to bring him down. In our day we have seen things thusly inverted—and did it not produce the same effects? By contrast, leave nature to its course, and the powerful to his reign, and you will see that everything will return to the natural order by itself, given that the strong always has as much sense of duty as the weak. The two parties will now be happy; the strong, because he doesn't have to see an inferior above him, and the weak, because he need obey none except a superior. The powerful man has neither an interest in oppressing anyone, nor the desire to, since he has nothing to gain and is already the strongest. He can obtain voluntary obedience without coercion; the respect he inspires suffices where anybody else would have to resort to force; his power, hitherto perceived as a menace to the State's peace, now serves to consolidate it, and becomes a boon for all.

Finally—and this is the most important observation of all—nature, in her admirable wisdom, has ordered things in such a way that the sentiment of *superiority* ennobles the soul and develops, in the superior, precisely the sorts of virtues inferiors need most. If you doubt this truth, explain to us why you always *require* the master to act in a more noble way than the servant, and why you so mercilessly censure, in the great, anything that resembles baseness? Is it not because this vice is contrary to their nature, and thus less common among them, since they have less incentives and excuses to abandon themselves to such vices? Have a look at the everyday life and ordinary interaction between men, and tell us if one doesn't see the weak offend against the rights of the strong more often than the strong offend against the weak.⁵ Why else would it be that, in the latter case, universal human sentiment is so revolted, whereas in the former nobody is, so to speak, shocked? What man does harm to a baby, even when everybody else is stronger than him? Is it the great who watch over the good of the lesser with a jealous eye, or the lesser who envy the fortune of the great? Which of

the following can be expected to generally respect the rights of property: those in need, or those who have no need of the goods of others? Is it in the upper or the lower classes of society that most crimes are committed? Isn't it true that, among warriors, the true heroes are always the most humane, and among private individuals, the most courageous always the least belligerent, precisely because they need neither prove their superiority, nor acquire it? And in the domain of sciences, aren't the great minds always the most equitable and modest, the most given to appreciating and acknowledging merit, while mediocre writers decry or attempt to suppress all real talent with insufferable arrogance, for fear of being eclipsed? Go through various classes of writers, and tell us whether it's the weak or strong ones who are the most given to abusing their authority and the credulity of men in order to hurt them and serve their own interests. Among the priests of religion, this queen of the sciences, dedicated to restraining the arms of even the strongest, by making them recognize a superior and invisible power: which ones are the sectarians, the fanatics, the sophists who most brazenly profane sacred things, substitute absurdity for sublime truths, teach the most pernicious doctrines as the laws of Heaven, ordain dereliction as duty, and make a crime of virtue? Certainly not the strongest in science, nor those of superior genius; no, it's the weak and ignorant, who, lacking force of mind, confound themselves when they speak of spiritual things; who, impotent even in words, and destitute of any auxiliary science, import the figments of their imaginations into the writings of their master, give the name of reason to their dementia and conceit, and forge arbitrary divinities, because they are too weak to raise themselves to knowledge of the truth. It is, in short, mediocre or inept men who are wholly unable to distinguish abstractions from reality, or the means from the end, and are poor and debilitated precisely in matters where they ought to be rich and strong. Among lawyers, who are the shysters that crush the hopes of their credulous clients, regard all causes as equally just, and call black what is white, and white what is black; who turn human laws intended solely as a means of doing justice into the veil or even the instrument of iniquity; who prolong disputes instead of hastening peace; lead those who need protection to ruin; and, like hungry vultures, devour the innocent lamb? Certainly not the superior men, the masters of the science: such detestable abuses are unnecessary for them, even though they are just as capable as anybody else of giving themselves over to

them. No, it is precisely the weak and feeble men of law, who have pretensions of ruling, without superiority, and, unable to win by making a good case, resort to dirty tricks. Hiding their ignorance behind mediocre babble, never looking for the point of law, but only some weak side presented by their adversary, they drown the essence of the matter in a flux of words, bamboozle judges, and compensate for not being able to inspire widespread confidence by taking advantage of some hapless victims. Among those who practice medicine, who are the cruel and unconscientious men, that abuse a power such as no sovereign ever had? Who are the charlatans that cause illness and prolong instead of healing it; who perhaps have criminal tendencies, and only prepare the unfortunate patient for a miserable life, or an early death, in return for his docile obedience? Certainly, it isn't the real physicians or masters of the art of healing! The latter are always the most modest and scrupulous. It is by contrast the ignorant and weak physicians, those who are knowledgeable neither about the causes nor the cures of disease; medical sophists who, scorning nature, in their arrogance imagine that she can be made to obey their whims; who, lacking an accurate eye, an observant turn of mind, and judgment, always diagnose according to meaningless formulas, haughtily tout their cure-alls, and give out poison as medicine; just like those political charlatans who, under pretext of a commodious equality, albeit a tyrannical one, likewise prescribe the same forms and the same human laws, irrespective of the diversity of facts and circumstances. So you can very well seek as far and wide as you like, and everywhere you'll find the powerful man to be more noble, more generous, and more useful than the weak.⁶ And if it's true that men in general have no bridle more powerful than the fear of seeing their faults become publicly known: who is, or must be, the most careful to avoid evil actions, somebody whose slightest fault is seen by all, and exposed to being judged by all, or somebody who can commit a great deal of villainy unnoticed, and hide it all thanks to his obscurity? Hence, as paradoxical as this proposition may seem, it is no less true that a tyrant on the throne is always a very rare phenomenon; and this is something that cannot be denied except by those who, consumed by envy, hate the power itself much more than they do its illegitimate exercise, do violence to language, and call anyone above them a tyrant. In any case, these tyrants of one or many heads, these scourges of a mass of slaves, what were they themselves? Consult history, and you'll find

that they were always weak men who, with no personal superiority, were only by chance burdened with the heavy load of a power they weren't accustomed to carrying; who, as a result, saw a dangerous enemy in every individual, scared of their own shadow, so to speak, or were incessantly obliged to fight off the return of a rival power or a superior. Thus the apparent exception further confirms the rule, and helps bring out the truth more clearly. It is a factual constant, an historical universal, that despotism writ large always arises in circumstances where the natural order of things is inverted, that is to say, where the powerful man sank into weakness and need, but nonetheless wanted to hang on to his former authority, while the power he lacked was found in his subordinates. Innumerable outrages and acts of violence ensue accordingly; everything is in turmoil; nature strives to restore, one way or another, the order she had instituted, that is to say, to render power to the sovereign, or transfer his independence to another. How much that is noble, by contrast, in the truly powerful man, the natural king! He too can have his faults, to be sure, and abandon himself to vices that work towards his own detriment; but rarely is he seen dominated by base or deadly desires towards his subjects. *Fear* and *suspicion*, wellsprings of all tyranny, cannot arise in someone who feels himself superior to all, who finds no equal on his territory, and thus no dangerous rival. Hence *cruelty* is ever the vice of the weak, who, unable to count on his own authority or personal respect, needs to resort to violence to have his orders obeyed. *Envy* doesn't make its way into the heart of somebody who, at the height of fortune, has nothing to envy in anyone. At most he can be jealous of the advantages enjoyed by his equals, or those greater than him, but never the well-being of his subordinates, nor the fruits of their labour. Finally, *crass self-interest*, *avarice*, and *cupidity* can only be rarely encountered in someone who exceeds all his subordinates in wealth, and can satisfy his wants by himself; in short, everywhere and always, powerful men, by virtue of their very power, have much less incentive and desire to abuse their forces, although they are just as much able to as anyone.

How unjust and absurd those banal and poorly thought-out declamations against the Divine law that bestows rule upon the strongest! To you who seem to blame the architect of the universe for what He didn't ask for your opinion about, we say: what, then, are you asking for that nature hasn't already effectuated in a way infinitely more perfect than you can even

imagine? You want your man-made governments to be strong and powerful—and, yet, without your consent, it is upon the strongest that nature has bestowed rule? You want them to think in a noble manner, and rise above the vulgar—and what, then, ennobles character more than the sentiment of superiority, the absence of fear, and freedom from need? You want them to protect others, and themselves offend against none—but then, who can protect better than the strong? Who has the least interest in committing injustice? Would it be someone who's self-sufficient, and, content with his personal rights, neither has nor needs any delegated power, which would give him a pretext and excuse in order to whitewash acts of violence? You want that no man should be subjected to the arbitrary will of another, that none should forever alienate his right to liberty—even though nobody in the whole universe serves except in order to get what he lacks, that is to say, provide for his needs, and hence his own benefit, and even though it is also everywhere the case that once need ceases, dependence ceases at the same time? Strictly speaking, it therefore isn't Man who rules over you, but rather the power he has received, the force of nature he can use for or against you, but must use only for you. And if you consider things in an exact and philosophical manner, you'll see that God is and shall remain the one and only master, whether as the Creator, or as legislator and moderator of all power divided between men. Finally, you want an immense career to be open to talent and ability, so that everybody can reach the highest rung through his virtues and merit—but where, then, is the strict limit placed on the development of human faculties? Where is this supposed wall of separation you have built up in your brain, and exists nowhere else? No talent, to be sure, justifies any claim over the rights and fortunes of others. It is not permissible to despoil someone of his power in order to usurp his position, and rule as sovereign over what is his. But from whom has the possibility of coming to a similar fortune been taken away forever? Do we not see, in the entire universe and all of history, continual vicissitudes, the rich becoming poor, and the poor rich? The strong sinking into weakness, and the weak ascending to power? Obscure families acquiring fame, and others, formerly illustrious, being lost to obscurity, and without this turn of events always being brought about by unjust violence, since it is often the product of the ordinary course of things? What, then, can justify these complaints? What should be faulted, if not the error of those who dared

criticize the Divine institute without knowing anything about it and without wanting to delve more deeply into it? Oh, if only reality had never been disfigured by false ideas; had nature not been depicted as something other than what it is, how many men would be happy with their lot! How many tears and troubles would the world have been spared! Let us now prove this truth, and, after having considered the law of nature that gives rule its power, also consider the *general law of duty*, which must moderate and guide this power itself.

1 If, for example, the woman is *highly* superior to her husband in intellect and will, or simply in power and wealth, it is she who will command. Examples are found, not only among sovereign princesses who sometimes marry subjects or foreigners, but also private individuals.

2 This could in fact be called a contract, since the weak is presumed to have consented to the subjection that is advantageous to him. But this seems to us a subtlety about as valuable as saying that there is a contract between Man and the sun in order to be warmed or illuminated by the latter, or between us and the cold in order to clothe us more warmly.

3 The very opponents of this principle, those who always loudly make stupid and boring declamations against the rule of the strongest, themselves often recognize it nonetheless, in passing, whenever they have a few lucid moments. Wisdom presents itself to them along the way, but they are never able to take hold of it. In any case, who needs authority? Does not the entirety of nature answer the question?

4 The falsity of this doctrine of Hobbes' has been proven above. Moreover, the problem of whether or not this state of nature is one of war or peace is but one among many sophistic questions. Each come naturally to Man: peace, when nobody offends against him; war or resistance, when injustice is inflicted upon him; and this battle of forces itself is only a means of restoring peace. And one never puts forces to the test when they are evidently unequal, but only when they are actually or presumably equal. It is also for this reason that peace is less often disrupted within the interior of a State than it is between two different States, although there nonetheless obtains all sorts of private wars between subordinates who are equal with one another, which the most powerful of sovereigns can't always prevent, because his protection is only sought when personal means of defense are inadequate, or the harm already done.

5 Why, for example, the many laws against domestic theft, a heading which serves to designate a fairly common crime in which a servant steals from his master. But why is it that nobody ever made any law against domestic theft in which a master alternately robs his servant? Isn't it because this crime is exceedingly rare, and that it would be hard to even entertain the possibility? Before the tribunal of God, this same master is perhaps worth no more than his butler; perhaps he might be unfaithful and disloyal towards a lord who outranks him; but for him to despoil his own servant, is an infamy, contrary to nature, and inspires the most vivid horror, precisely because of its rarity. So much is written against the abuse of power by the strong, but one could just as easily write volumes on the abuse of force or the use of fraud by the weak.

6 *Vim potentiorum saevientem natura moderator* ["nature governs the raging force of the powerful"]—Ivo. For Man in general has a unique love for those who, by his own authority, are gathered under his wings.

CHAPTER XIV.

The Limits of All Power, or the Universal Law of Duty.

WERE IT NOT in our day necessary to carefully warn against abuses or false interpretations of every established truth, we would be excused from having to spell out here once again the difference between natural power or superiority (*potentia*) and a malfeasant force (*vis*); between rule conferred by nature, and abuse which is the fault of men. What? Because power rules everywhere, shall everything thus be permitted to power? Shall we say, with Brennus, that everything belongs to the strongest; or with Hannibal, at least as the Romans had him saying, that it's the outcome, and not the cause of a war that counts? Is it true, as Tacitus puts it, discussing the corrupt Caesars of Rome, that, for those of the highest rank, the most force is also the most just? Finally, do war and victory alone decide all right, as Lucan said of the battle of Pharsalus; that it would make the vanquished guilty? Shall the big and strong man have the right to crush the newborn baby underfoot? Can a father plunge the knife in the hearts of his children? Will it be permissible for the head of a family to mistreat, prostitute, or rob it? For the master, to abandon the servants he ought to feed and protect to hunger and misery, or order them to commit criminal acts? Shall the physician be authorized to poison the sick? The professor, to teach his students imposture and error, instead of true and solid knowledge? Ah! No doubt, there is no doctrine so sacred or so true that the malice and ineptitude of men can't abuse and denature them. The Devil is always able to build a chapel next to the temple of God; and when the spirit of good speaks of a peaceable, harmless, even benevolent *power*, the spirit of evil hastens to make it out to be a harmful force. But, certainly, to be unable to portray power without injustice, and always associate the idea of power with the abuse of force, would only amount to having principles of justice in one's mouth and none in one's heart. There are two different questions here. It is one thing to inquire as to what power rests upon, how far its reach extends, or how it ought to be exercised; another thing to say that the strongest is master, and yet another,

what use he must make of his force. Power and violence are distinguished between them as *power* pure and simple, and evil action; as the physical *capacity*, and how it is used. Everything is reciprocal between men; only useful power reigns legitimately, and not harmful violence. Far from *everything* belonging to the powerful man, nothing is his but what he owns by right of property; and, just like anyone else, he has duties to fulfill to other men, or even animals.¹ Nature has engraved another law in the hearts of strong and weak alike, that, far from opposed to the irresistible force of the former, on the contrary is in the most perfect harmony with it; a law that, without abrogating the rule of the most powerful, regulates and directs its exercise. And since, in our day more than ever, by force of sophistry, the existence of this law has outrageously been brought into question, by denying its obligatory character, claiming that it's possible to do without it, or substituting it with man-made institutions and constitutions; here we will briefly prove its necessity and facticity; we will examine its contents, qualities, and sanction, before moving on to the natural means which secure its reign.

Nature, or its all-powerful Author, in placing men on Earth alongside one another in infinitely-variegated reciprocal relations, has at the same time endowed them with free will, along with all sorts of means for putting this same will into execution, and hence for working towards their own well-being. Now, once this fact is recognized, reason alone suffices to infer how this diversity, and this rivalry of forces and interests, would give rise to friction and interminable wars, were it not for a universal law, a common rule, to direct the use of this liberty, in such a way that men make use of it in order to mutually help and not hurt each other, and that as a result the order of the social whole can coexist with the liberty of the individual, to whom an enormous career is nonetheless always open.

In the same way that all that is absolutely necessary for Man is never left to his invention, so too Divine wisdom saw to it that this universal law, intended never to be neglected, but observed at all times and under all circumstances, does not depend on our arbitrary will for its existence. It is by no means the outcome of a deliberation or agreement; it has never been put down on parchment or paper, nor posted in public places, but is innate, written in characters of fire, less in the faculty of reason than in the heart of Man; as such it is *promulgated* in every language, known and understood by

young and old, wise and ignorant alike. No doubt it lacks the character of necessity and irresistibility engrained in physical laws of nature, but it commands in a sacred and intelligible way deep within the heart; it does not leave those who infringe it unpunished, not those who observe it unrewarded. This is why it is also called *moral law*, or the *law of duty*, in order to distinguish it from laws of nature strictly so-called, which cannot possibly be violated. However, it is no way merely speculative, a product of the human mind, or a *postulate* of reason, intended to fill lacunae; but it is a fact of nature, attested to by experience like any other, and irresistibly clear; one that, in fact, isn't given to the senses, unlike physical objects, but can easily be recognized in its effects, in its fruits, in the acts and universal judgment of men. We see this law already known and observed by children, without them being taught, without reasoning, who, from the first years of their lives, display consciousness of guilt and innocence, the most vivid sentiments of justice, and even a benevolent disposition towards their fellows. There is no man on Earth who doesn't feel this law speaking from the bottom of his soul, nobody who doesn't demand that others follow it, and nobody who, all the while making exceptions for himself, would disagree that it is universally binding in character. Should a sophist attempt to either deny it or derive it from the arbitrary will of Man, he'll still invoke it when it is violated with respect to him, and thus fall into self-contradiction with every step. In all lands and all times, among all nations and all social classes, it has consistently been recognized as the rule, and regarded as the touchstone of justice and injustice, of the merit or infamy of human acts. All ordinances made by Man, that is to say, all manifestations of a will binding on others on his part, seek to ground themselves in this law as their sole foundation, taking it as their starting-point, and ultimately coming back to it. Hence in all times and among all peoples, there have always been great men who have drawn this law from the bosom of nature, and uncovered, expositied, and explicated it with eloquence, or better yet called men back to it, and revived and reanimated the sentiment within them. None among them ever attributed it with human origin. For is it not a law that all men recognize and have always recognized; one whose observance they unanimously demand and praise, and whose infraction they censure and punish, to the extent their means allow? One that serves as the foundation of all human law, is never obsolete, and can't be violated without reproach or chastisement? What kind of

blindfold must they have over their eyes, those who refuse to apperceive an invisible power in results so visible, and who are unable to infer the root from the fruit, or the cause from the effect?

But what, then, is the object or content of this law? It is what the voice of nature, or the word of God, inner sentiment, and the belief and judgment of all men continue to teach us. It is summed up in two words: *Avoid evil, do good. Harm nobody, but make yourself useful wherever you can*; don't invade the goods, possessions, and rights of others; but increase them according to your ability. The first of these commandments is called the *law of justice*; the second, the *law of love* or benevolence. One can and must, no doubt, carefully distinguish these two kinds of laws, since this distinction is grounded in nature, and has results important for science; but, whether in theory or practice, it is necessary to reunite them, explicate and follow them at once; for justice and charity are two inseparable sisters, both of them daughters of one and the same Divine law; both of them obligatory, and both of them indispensable to the well-being of human society.² Both of them must be fulfilled out of respect for the Legislator; both are binding on conscience. The former is negative or prohibits; the latter affirmative or requires; the one upholds, the other ordains; the one encompasses everything from which one must abstain, the latter, what one must practice; the one doesn't impoverish, the other enriches; the one takes nothing from anybody, the other gives up what it has. The first can and must be observed under all circumstances, by and towards all men; it therefore grants no exemption: the second presumes the opportunity and the means of putting it into practice; the manner and extent of its fulfillment thus depend more on human judgment and will. There is, however, nobody who *can't*, without doing the least wrong to himself, fulfill several duties of charity towards his neighbour, that is to say, towards the closest of those around them, and therefore nobody who isn't obliged to as a matter of conscience. If need be, force can be used to compel somebody to perform duties of justice, since, in doing so, it is a moral obligation that is being required of him, not a wrong done to him. In order to obtain acts of charity, by contrast, force isn't permitted; for that would be to rob another of what belongs to him, and therefore be unjust. These sorts of duties must rather be counseled and solicited rather than forced. Nature, however, has left us an indirect means of reminding the egoist of his duty: refusing him similar duties, and likewise withdrawing all

benevolence towards him. But perfection is found only in faithful adherence by one and all, which alone fulfills the law in all its aspects.

Except for the character of absolute necessity or inviolability, which belongs only to laws of nature properly so-called, that is to say, those that govern the physical universe, these moral laws otherwise embody all the qualities and all the marks of Heavenly origin—marks that serve so well to distinguish them from purely human ordinances. For, first of all, they are *innate* and have *no known historical origin*; while human laws always originate in a determinate era; *universal*, that is to say, in force at all times, in all places, for all men, in every position they may find themselves in; *necessary*, not in the sense that it is impossible to violate them, but in the sense that they must never be violated anywhere, while one can easily do without human laws or even abrogate them; *eternal*, not only in origin, but also duration; constant and *invariant*, while human laws change all the time; *obvious*, commanding by their own force and understood by all, while laws made by men always need promulgation and special interpretation. They are in addition supreme laws, those which come first, bear on all others and always presumed or tacitly reserved in all human commandments; they alone admit no exemption. Finally, what has been remarked upon the least, but can't be repeated often enough, for the glory of the Divine legislator and the advance of His reign, is that they are the *most gentle and benevolent* and easiest to fulfill of *all* laws, and in addition the most oft-followed; they ordain in two words everything that is necessary and nothing unnecessary; they restrict human liberty the least; their yoke is mild, and their burden light. Yes, whoever reflects upon these moral laws, who studies their motives and aims, is no less enthralled with admiration than one who contemplates the grandeur and glory of God in physical nature. The wisdom, goodness, and power of these laws most strikingly deploy themselves before his eyes with every step; he sees them, perfectly wise, perfectly benevolent, as is their author; and no joy surpasses the rapture that accompanies progress in this field of study, which could with justice be called the *contemplation of Divinity itself*.

But why must we obey this law, even though it is possible for us to break it? What is the foundation of its *binding* force? No matter how much the arrogance of men, or veiled atheism, might seek to deny it, it is not, and could not be, anything but the *will of the Divine*; the will of He who gave the law, and engraved it in our hearts. For all law presupposes a legislator; every

ordinance, a person who ordains. The sages of antiquity already recognized this truth; the most famous philosophers and jurisconsults of every century weren't ashamed to say that the binding force of natural law comes from God alone. It isn't the *general will of the people*, a will that has never been made known and can't be, would by nature be variable, and bind neither on the minority, nor future generations; it isn't a real or fictive *agreement* between the entire human race; it isn't *reason*, which is very useful for uncovering the law, but didn't make it; and nor is it the *public good*, which is extremely difficult to discern, and is indeed the certain outcome of following the law, but not its source. Much less still is it fear of the power of men, or punishment, since this power is but the means of execution of the law, and furthermore doesn't always materialize. Finally, it isn't *private* interest, which, no doubt, harmonizes very well with this law, but can also quite often come into conflict with it, and in any case is a matter of private preference. No, none of this is able to command our will in a way that is holy, and decisive in the clash of interests. The obligation couldn't exist except towards a superior being, towards the legislator himself, who, on the one hand, merits universal confidence through his wisdom on the one hand, and on the other has power enough to give efficacy to his law, rewarding, with various benefits, those who follow it, and punishing, with innumerable evils, those who scoff at it. It is impossible to doubt the reality of these good and evil outcomes, when one reflects upon the nature of things, and consults history and experience; and nothing is more satisfying or instructive than close study of the properties of these Divine rewards and punishments. Then one sees with admiration that they infinitely surpass those instituted by men, who, in this respect as every other, can do no better than to imitate the Author of the laws of nature; one sees how they follow immediately from the essence of the act itself; how, each and every one of them being founded on a hidden principle of reciprocity, repays with the most flattering and most desirable of rewards; how the punishments, without being cruel, are all the more acutely felt by the transgressor, and the most well-suited for his correction; and how they are, in addition, variegated and graduated to infinity, certain and inevitable. Finally, the obligation corresponding to the natural law embodies the same characteristics as the latter: it is innate, universal, perpetual, obvious, and makes no exceptions; it is the first and highest of all; in case of conflict, it trumps all others; at the same time, it is

the easiest and most pleasant to fulfill.

If this moral law, then, is the supreme law of the use of all human faculties and liberty, it extends to powerful men as well; and if its binding character derives from the Creator of nature, or the sovereign Lord, then all subaltern masters are likewise subjected to it. If it is innate in all men, then it has no need of being promulgated in any special way; it will be known to great and small alike. If it is universal, then it binds those who rule as well, whose rule can by no means consist in injustice, or the power to arbitrarily regulate everything, but only in superiority of strength and greater means of exercising natural rights, as a result having the upper hand in cases of conflict, and being in possession of a useful power capable of having the services or assistance of a greater number of men at its disposal. If it is the supreme law, then it outweighs all others; human laws and regulations are subordinated to it, and must be authorized by it, or at least not contradict it. Finally, if it is accompanied by natural rewards and punishments, then the strongest men can't evade them, and so they find yet another reason for conforming to its precepts.

It follows that any transgression of this moral law, from the greatest to the smallest, is an illicit abuse of power, just as much for the greatest potentate as for the mere head of household. The violation of the part that prohibits is called *injustice*; the violation or negligence of the part that requires, *heartlessness* or egoism; a vice which is that much more inexcusable in the powerful man, who can do without that many more things and has that many more means of exercising benevolence. Justice is rightfully demanded from the strong as it is from the weak, provided it is done to them in turn; as for acts of charity, they can only be hoped for, from the most noble part of the human heart; one must seek to commend them or repay them with acts and dispositions of the same nature, that is to say, with reciprocal good. In short, going beyond the sphere of his rights, be they natural or acquired; violently encroaching upon the domain of his neighbour, violating the rights of others, and finally, *creating need instead of satisfying it*, is abuse or despotism on the part of the sovereign just as much as it is on that of the lowliest servant or private individual. These principles have been recognized in every age, and by all men; sovereigns themselves have never denied them. Although jurisconsults haven't applied them to States, or power known as political, in a way as concise and as rigorous as we will do presently, they

nonetheless undoubtedly serve as its foundation everywhere. These principles are so simple, so clear, and have been taught by so many great men of every century, that it would be inexcusable for us to repeat them in a work of such a nature as this one, if the present state of corruption of political science didn't force us to. And if modern philosophers hadn't taken such great pain to render all that is certain dubious, and obscure all that is clear, there would be, so to speak, no child in the cradle who wouldn't be better able than them to distinguish between the just and unjust, between the use and abuse of liberty. But how, and up to what point, can this abuse be prevented? What means has the goodness of nature provided us, to uphold the law of justice, and even that of charity, against potential infractions; finally, to protect the rights of everyone in the milieu of social relations, as well as outside these relations? This is what we will examine in the following chapter, in order to subsequently return from subordinate social relations to those that are independent, that is to say, States.

¹ Proof that there are duties towards animals follows, not just in that it would otherwise be impossible for animals and men to live together, nor render mutual services; but additionally in that these duties are recognized and put into actual practice by all men (*exceptis hominibus detestandis* ["with cursed men excepted"]). "The just have taken pity on their animals." *Proverbs*.

² That such men of intellect as Boehmer, et al. could have maintained that justice alone would suffice to keep the peace between men, is proof of the grave errors into which one falls by occupying oneself with only one branch, whatever it may be, of a science, and not consulting the nature of things. Without benevolent acts, without a reciprocity of ethical obligations, neither the smallest family, nor indeed any social relation would last a day or even a quarter of an hour; those who doubt this can try it, if they are able to. For us, it would be easy to prove from history and experience that refusal to discharge duties of humanity or good conduct gives rise to much more enmity, strife, and war than the violation of the duties of strict justice.

CHAPTER XV.

Means of Thwarting the Abuse of Force.

BUT AT THIS POINT, we hear our adversaries screaming from all sides: what recourse, then, do we have against the abuse of power, abuse that, despite the law, always remains possible? Have we not been abandoned by nature here? Wouldn't it necessarily take man-made associations, artificial safeguards, public institutes, etc., which, truth be told, don't exist at all, but what you, in your system, call rational governments, political institutions, civil or constitutional States, etc.? Not at all, these contraptions are neither viable, nor necessary; they would only aggravate the evil, and nature has much better provided for our defense. And while we have already discussed these resources when, in order to refute the false political system, we had to prove in passing that natural social relations offer ample security, and are by no means a state of permanent war; we believe ourselves obliged to elaborate upon these means a little more extensively here, in the interest of calming the endless worries of the friends of liberty; reminding men of the true salutary means God has provided; and above all, refuting the error of those who imagine that justice and security cannot be upheld except by man-made institutions, and that nature has left us without recourse.

It is clear that, in order to obtain the greatest possible security, everything boils down to the following three points: 1.° preventing injustice in its infancy; 2.° stopping or paralyzing its action, and 3.° if that cannot be done, whether by oneself or with others, subtracting oneself from the malevolent power.

1.° The first and principal means of preventing the abuse of power, is thus to *observe the natural law oneself and constantly impart it to others*; to fortify, to incessantly reanimate the heartfelt sentiments of duty, considered as commandments of God; to apply it to cases and matters that present themselves. This means would have incredible efficacy, were it better understood how to make use of it; were efforts made to engrave the true law

deeper and deeper into the heart of Man, instead of trying to extinguish it, or destroy it with false doctrines. For the truth, once forcefully brought to light in all its purity, and moreover, made generally known, in a certain sense partakes of the omnipotence of its Author. It is undeniably true that the observance of justice and benevolence towards others is the best means of protecting oneself from the enmity and belligerence of men, above all powerful men. This way a great deal of conflict is prevented; injustice is deprived of all pretext and opportunity; and it is a fact that good sentiment is paid back as much as bad. However, this isn't enough; one must also incessantly reawaken the natural law in the minds of all men, preach and invoke it relentlessly, and address the source of evil, that is to say, will itself. As soon as such a doctrine is thusly proclaimed at every opportunity, by all possible means, by the *unanimous* voice of scholars as by the authority of respectable corporations such as the Church or educational bodies; little by little this rule becomes a sacred thing nobody dares touch, and whose violation indeed ultimately becomes almost impossible. From there something of the utmost importance follows, namely that true and not false doctrines govern the world; that the spirit of ancient justice reigns, not the so-called spirit of the times, lawless and out of control; in short, evil and not, as today, good is everywhere prevented and paralyzed. Good principles come into the hearts of great and small alike; for the natural law is as much innate in the former as the latter; the observance of this law is attended with benefits and rewards for the powerful too; and if they recognize it in good faith, if they respect it religiously, all is won; the wellspring of evil has dried up, and all other precautions become superfluous. There's more: suppose that, whether out of error, need, or bad intentions, some man sought to commit an outrage against justice, while on the other hand the true law was known, vividly felt, and respected by everybody else, or at least the majority: this man, despite his power, could never commit any great injustice; he would find neither assistants nor instruments in this endeavour; he would be strictly limited to his personal forces, which would be no greater than those of a mere individual. Nobody would counsel these acts of violence to him, nobody would whitewash them with sophisms, nobody would support or favour them; everybody, by contrast, would strive to hamper, paralyze, or prevent their execution. The law that hampers and thwarts him would incessantly appear before him like an omnipresent God; he would be

reprimanded by all his peers and even every man in the street; his prevarications, in short, would find obstacles at every step. It is in this sense that it is the place of the mind, and the mind alone, to reign over the temporal power; to regulate it, to direct it, and, if not to prevent abuse entirely, at least make it most difficult. Neither seditious conspiracies nor insurrections are needed for this, only probity as widespread as can be. And if men understood this immense power, which consists much less in an active force, than a force of inertia; if, in short, they feared God more than men, and voluntarily gave themselves over to the service of evil less often, they would rarely have cause to complain about injustice. If they are abandoned and forsaken, they have only themselves to blame; the cause lies more in their own impiety than that of the oppressor.

2.º The second natural means against injustice or the abuse of power is, as we have said elsewhere, *resistance, the right to do justice for oneself*, that is to say, the use of intelligence and forces God gave to men not in vain, but for their protection and the defense of His law. That one can make use of one's wits and good judgment in order to evade an impending evil; that, in case of need, it is even permissible to use force in order to see to the fulfillment of duties of strict justice, is something that has yet to be denied *in general principle*. For, through such coercion, a man only demands what is rightfully his, and wrongs nobody; he only upholds natural or Divine law, something that is a licit act, and even obligatory for all men, according to his means. In any case, this right of resistance, this right to do justice for oneself, is so profoundly engraved in the nature of Man and all living creatures, that neither sophisms, nor laws or human institutions will ever come to abolish or abrogate it. This right, precisely by reason of its Divine origin, is everywhere and always in force, not just in extra-social relations, but in *social relations themselves*; and men have never renounced it and never will. For the difference between the social state known as civil, and the extra-social state known as natural (although it isn't any more natural than the former), by no means consists in that all private justice and personal defense is banned in the former, but in that, along with these two means, one enjoys the added benefit of assistance from a superior power. Seeking to thwart evil as much as possible, above and beyond limiting oneself to not doing any, is what advances the reign of justice on Earth; and a so-called *civil* State, in which all

personal defense would be forbidden, would be the height of dementia and not reason; it would make the dreams of gangsters come true, not those of good people. For it isn't the latter who molest the property of others, but rather the former; and if the just were obliged to patiently endure every injury, if they could never defend themselves, and were reduced to relying exclusively on outside help, by necessity unreliable, slow, inadequate, often even impossible, the advantage would fall entirely on the side of the malefactors. One will agree that the incidence of crime and violence would increase to infinity if the guilty had nothing to fear on the part of the victim, no resistance, no sudden punishment, and was exposed only to the danger of being punished by the courts—punishment that isn't always realized, and is easy to evade. Let each man consult his own sentiment, and he will see whether the fear of resistance, or prompt punishment doesn't deter criminal endeavours much better than fear of judicial pains. Also, the doctrine that seeks to prohibit all personal defense for Man in society is identical with the system that likewise deems all war whatsoever unjust, with the result that, according to modern wisdom, it is resistance, not injustice, the power to do good, and not that of doing evil, which must be proscribed; an effete and hypocritical doctrine in which the wolf underneath the sheep's clothing shows, and behind the mask of peace, favours all crime, all injustice, by facilitating impunity, and abandoning good people to a deplorable end by depriving them of the swiftest and most reliable of all means of protection. Let our modern sophists go ahead and preach the absolute prohibition of the right to do justice for oneself all they want, and to that end, incessantly oppose the natural social state to their artificial civil state, which doesn't exist at all; make pointless and ridiculous distinctions between the use of force to defend rights that have not yet been taken, and the use of force to recover rights that have been lost;¹ seek to effectively ban personal defense or render it moot and impractical, even in case of strict necessity, by a thousand different subtleties; finally, let them pile up as many exceptions and loopholes as they want (saying, for example, that the right of self-defense sometimes comes back into force, that it can be tolerated or authorized by the State when help from the civil power is impossible or too distant, etc.) in order to escape the inevitable contradictions, the sentiment and truth that involuntarily stirs within them, and the relentless opposition of nature: but in spite of all these sophisms, the right of self-protection in just causes and

within just limits, belongs to men by Divine and human law. They enjoy it in practice, as universal experience proves, and exercise it everywhere without contradiction, within the sole limitations of feasibility, equity, and prudence. Without going into the right to avenge a murdered parent—a right nonetheless recognized among all ancient peoples—who has ever been, or in our day is, forbidden from using force against a killer, the rapist of his wife or children, or the thief who robbed him of his property, not only before the crime was committed, but after the fact as well; not only in order to repel a danger, but deter it in the future as well? Who was ever forbidden from stopping a thief, and taking back the stolen goods? From resorting to force to avoid being harmed or assaulted in his own house and on his own property? From keeping an object that has come into his possession as collateral for a legitimate debt? Finally, who was ever denied duties of strict justice and the attending right of self-defense by way of reprisals against someone who won't live up to similar obligations himself? Hence, at least to our knowledge, there exists no code of law that categorically prohibits self-defense or the right to private justice; and if any such disposition was ever slipped into certain modern codes, it represents only the private opinion of their editors, and moreover has immediately been refuted by general usage and by other laws that contradict it. The prohibition, contrary to nature, exists only on paper and not in reality; everyone does justice for himself anyways, to the extent of his ability, that is to say, as much he wants to, or possibly *could*, without putting himself in jeopardy. On the contrary, there are a great many positive laws in which the right to self-help is expressly recognized and consecrated, not only in certain exceptional cases, but as the general and self-evident rule; with the result that public recourse is represented in these codes only as purely auxiliary, that is to say, in cases in which the victim is unable to vindicate his rights by himself, and those in which prudence would dictate he refrain from doing so.² Such was the spirit of all of the old codes, which were more faithful to nature. Respectful of the liberty of Man, honouring the Divine above all things, they had no great love for malefactors, and wanted the practice of injustice to find more than one obstacle and be exposed to more than one danger. Even moderation in the exercise of personal defense, this *moderamen inculpatae tutelae*³ our punctilious jurisconsults insist upon so rigorously, wasn't prescribed in them at all, since it really falls under the heading of simple duties of charity.

Legislators left this moderation to the humanity of each man; they had enough wisdom and equity to keep up, on the one hand, a salutary fear in the malefactor, a sort of anxiety, and afford something to the righteous indignation of the victim and the force of circumstance on the other. In any case, what reason could princes and magistrates have to prohibit men the right to help themselves, or do justice for themselves? Who would benefit from it? Certainly not the private individuals who have been victimized, who would see themselves despoiled of the first, surest, and swiftest means of defense by this; still less the judges and magistrates themselves, who, swamped with an incalculable volume of complaints and disputes over all sorts of trivia, would be obliged to sit day and night the whole year through, and the immense accumulation of these minor proceedings would make it physically impossible to render justice to the contending parties. Such an order of things could only serve to make injustice rule; criminal conspiracies and their authors alone would find it to their advantage.

We will go even further, and maintain that not only do human and Divine laws, as well as reason and experience, allow men to help themselves in just causes, and that this ability is necessary and useful for the safety of good people, but additionally that its exercise is a duty of a certain sort, and that throughout time it has with good reason been regarded as a virtuous act, because it in fact advances and upholds the rule of God's law. A man who doesn't try to help himself first, doesn't deserve to be afforded redress; somebody who can prevent evil, but doesn't, should be regarded as having authorized it; and the harm he suffers is further joined with the just reproach of cowardice or ineptitude. In everyday life, does one not already see children and grown men alike scorn those who can never stand on their own two feet, and bother other people with their whining and crying for help with each trivial complaint they have? How could, or would, somebody never able to protect himself protect his fellow man in turn? The right or duty to procure justice for oneself or others, far from having been suppressed in the social or civil state, has on the contrary frequently been recommended or required, even by princes and magistrates. The proof is in the many laws of both antiquity and modern times that go as far to enact punishments for those who, able to defend themselves, or help protect others against victimization, nonetheless neglected to do so, since this indifference and cowardice in fact only serves to favour all crime. In Egypt, anyone who,

seeing a man being murdered or abused on the highway, didn't rescue him, when he could have, was put to death. Abbas, King of Persia, ordained by law, that if anyone were robbed or killed, without the perpetrator being caught, the inhabitants of the nearest village would be held responsible. Among the Spartans, anyone who, seeing an injury committed in his presence, didn't punish the offender, at least with words, would be regarded as his accomplice. And don't many similar laws and customs still exist in our day? To whom it is it forbidden, or better yet, to whom is it not ordained as a duty, to help oneself and one's neighbour against violence and brigandage, repel all harm and danger towards others, break up fights, and prevent malefactors from committing criminal acts, or even deter them in the future? Shall the most infamous egoism be made the general rule? Shall modern philosophists presume to also deny us the right to extinguish the fire that consumes a house, under the pretext that personal and private security is forbidden? Or shall one rather have to await a court ruling, as the *sole and unique possible sign*, that it is indeed a fire and not just illumination?

We thus believe that we have adequately proven the legitimacy, necessity, and even the obligation to do justice for oneself. But on the other hand, it must be agreed that the exercise of this right, like that of many others, presumes sufficient means; that, as a result, it isn't always possible; that in several cases, it is unnecessary, and often more prudent to abstain from it, owing to the danger and inconvenience it brings; finally, that charity or humanity must temper its use, with the result that preference must be given to the mildest or least harmful means, if they are equally effective. These are truths that cannot be brought into doubt, and which suffice, on the one hand, to prevent abuse of the right to visit private justice, and, on the other, to prove the indispensability of the third means of security, to which we now turn.

This third natural resort against the abuse of force, consists in the right of the victim to *petition for relief*, and the *grant of this relief* on the part of other men. Again, personal resistance, coercion by one's own personal means, while just and legitimate, is nonetheless neither always possible nor prudent. But the law of benevolence ordains that men help one another in order to uphold justice, and in order to do so, *natural* or Divinely-instituted societies suffice perfectly. For if nature's author has bound men to one another and given

them various forces, it is precisely in order that they help each other in all things, in order that the weak be protected by the strong, and the latter protect himself, if need be. It is permissible for any victimized individual to call another to his aid, since he does no wrong to anyone by doing so, but only appeals to the charity of his neighbour in order to protect his property. In addition, he needs no instruction in order to do so; nature and his awareness of his weakness alone teach him well enough. Likewise, any man has the right to lend a helping hand to his fellow, in just causes, given that he is only upholding or fulfilling Divine law by doing so. He is even morally obliged to, according to his means, and in general, naturally inclined to, whether out of natural benevolence, or the interest everyone has in seeing to it that justice is done. Mind you, this petition for, and this grant of, relief can very well co-exist with the right to do justice for oneself: these two things aren't mutually exclusive, for outside help is nothing but the supplement or complement of self-help needed when the latter is either impossible or insufficient.⁴ Furthermore, it is yet another error to think that the weak alone need such help. On the contrary, there is no man strong enough to be in a position to do without any outside help in the defense of his rights. It is just as often requested from one's inferiors or equals as it is from superiors. The help men receive from those weaker than them, is known as *service*; that which equals bring, *friendship, alliance, courtesy*; finally, that which is given by superiors, is designated by the term, *jurisdiction*. But in these three instances, the essence of the thing always remains the same. All assistance is necessarily preceded, in the mind of whoever gives it, by a judgment of some kind, subject to the general rule of verifying the facts, and comparing them to the natural law, albeit often quickly pronounced, at the very moment of the act, and without it being accompanied by a great deal of formalities, or spelled out in a great deal of words. Nature requires more than this neither as a necessary condition, nor in every case; since otherwise injustice typically goes on for longer, and grows even stronger. A friend and even a servant might sometimes refuse to give their help when, in exceptional cases, they suspect doing so might lead to greater evils for themselves and others. They furthermore need not lend assistance except to just and licit causes, and never in order to help iniquity prevail, under pain of becoming its accomplices. The difference between this type of recourse and what is called *judicial recourse* consists only in that equals and inferiors can't always execute

their judgments, and that their assistance isn't always efficacious; while the superior can execute the sentence he has given, and, if need be, force those who refuse it into compliance. Here again, it is the case that the servant who appeals to his master for assistance must rely on the good will of the latter more than the master who requests the assistance of his servant, although, in both cases, the obligation remains the same. And while outside help, by nature, is a resource that is unreliable, often slow, and only rarely perfect, it could nonetheless have been infinitely useful and contributed eminently to upholding justice, had men loved one another more, and each of them felt the harms done to his neighbour as deeply and as vividly as those he himself has suffered; were the servants of those who have complaints faithful and zealous, their equals good-hearted and compassionate, and finally, their superiors vigorous and charitable, and all of them religious followers of Divine law; had judicial recourse granted by superiors, who can help more efficaciously than others, and not all too often been rendered meaningless by a heap of onerous positive laws, and an excess of forms, terminology, and literature, with the result that it became yet another disaster-area. But, even though judicial recourse isn't as useful as it could have and should have been, the assistance of friends and servants is still available to us; nature would never leave us wholly without recourse.

4.° The fourth and final natural means against the abuse of force, is *flight* or *separation*, by means of which one subtracts himself from power and its noxious influence. This is another way of doing justice for oneself, and nature teaches it not only to Man, but every animal. Thus while the sun, otherwise so beneficial, can sometimes be bothersome, it isn't for us to abolish its power, or prevail against it; but there's no law against heading for the shade, that is to say, a place sunlight can't reach. Thusly we protect ourselves against the cold, storms, fire, and everything known as evils or superior forces of nature; not by ruling over them, but by conforming ourselves to their laws, making them serve to our advantage, or alternately removing ourselves from their empire and their power. Likewise, the action of all human power is confined within certain limits; it ordinarily doesn't extend very far; the farther away one goes, the more one lessens the desire and ability of injustice to do harm; and nobody has found a way to make his will and power obeyed the whole world over just yet. There are good men,

and men who remunerate the services rendered them on a *quid pro quo* basis, everywhere. Nature hasn't limited her favour to *any single* country, *any single* people, and the just find their fatherland wherever the law of God is followed. Should this or that social relation, then, offer neither peace nor security to men any longer; should they be oppressed by a foreign or superior power; should they even see themselves abandoned by those who ought to have protected them; they still have the option of subtracting themselves from the noxious power, and *looking elsewhere* for the peace that was stolen from them. People often leave their fatherland and cherished things behind, with fortune and an easier life in view; why not leave it behind with justice, first condition of all well-being, in view? One frequently breaks up with friends; why not break up with enemies? For the means of flight, separation, or emigration are naturally permitted to all men; and additionally it's almost always possible, at least if one isn't guilty of any crime. And could one even imagine anything more cruel and more inhumane than robbing from the unfortunate, from the good man who has been persecuted, a last resort, with which he doesn't do the least harm, even to his enemy. And yet, should the new political principles ever be put into practice to their full extent, we will see the creation of a despotism so execrable as to have been unknown in antiquity, by means of the maxims taught by the modern doctors of natural law, to wit, that one must be forced to join the State and never allowed to leave the State, that outside the State there can be no justice and every man must be considered an enemy, etc. That aside, it isn't always necessary to flee to foreign countries or uninhabited regions in order to save oneself from private individuals;⁵ it often suffices to keep a relatively short distance from them. As regards powerful enemies, their rule too doesn't extend everywhere; and this would be one more reason, among many others, to desire the existence of a greater number of small States or independent human associations, in order for injustice to be contained within a more limited sphere of influence and made to police itself more, and to enable the oppressed weak to find peace and safety under the auspices of another power.

How greatly the rule of justice would be strengthened and the Kingdom of God advanced, if men would make more use of these various means; were Divine law religiously followed by all, incessantly imparted to everyone, ever-revived in the hearts of strong and weak alike; if men would only refuse

injustice their service; if the malefactor found ready-made obstacles and peril in the resistance of his victims; if, in addition, the recourse afforded by superiors, equals, or inferiors were more timely, more disinterested, and more effective; if finally, the helpless weak abandoned even by their neighbour, could at least find the security and hospitality they need from more virtuous men abroad? What more could be asked for from benevolent nature, what could even be imagined more eminently suited to make justice reign supreme on Earth, than the four means she has provided for us: 1.° a universal law with intrinsic power and an obligatory character; 2.° various moral and physical forces in order to have this law respected; 3.° assistance from one's fellows, and finally; 4.° the ability to flee, another means of securing oneself against human power, just or unjust, but limited by necessity?

However, we neither can nor should refrain from making the following important observation here: belief in a supreme law is and will always be the first and last means of recourse, the sole condition of utility of the others, absent which they are either impossible or pernicious. For resistance comes to nought when, out of pusillanimity, one would make no use of it at all, even when it is a duty; and if it isn't regulated by justice, and tempered by prudence and charity, it too degenerates into an offense. Appealing for help to men powerful or otherwise, is an illusory recourse, if these men refuse out of egoism, or themselves become participants in injustice; if they don't fear God's law at all; if they don't love the truth; or even if they render assistance that is just, but so burdensome and fraught with difficulties that, far from granting redress, rather adds another harm to the first one. Finally, even flight is no guarantee, when it might entail too much sacrifice; when the servants of iniquity make it difficult or impossible; or when justice and compassion don't reign in other places either; when egoism, fear, or perverse doctrines give rise to refusal to grant asylum to the unfortunate; or finally, when powerful neighbours conspire to exercise injustice in concert, when they ought to make treaties only against malefactors, and for the defense of justice. Seek as you may, and rack your mind trying to find means of preventing and thwarting evil; and you will always see, in the final analysis, that everything absolutely must come back to the consciences of men themselves, to religious respect for Divine law, a necessary condition presumed by every other means of security, outside of which there is

nothing good for Man at all, even in this life.

It follows from what we have said so far with respect to social relations that, being as any given human power has a superior power above it, abuse on the part of the first can, quite imperfectly, to be sure, but to a certain extent, be thwarted or punished, by enjoining the second, or through intervention; and it is out of this that laws and tribunals first emerged within States, but not States themselves. For the latter are neither laws, nor human institutions; but, as we will show presently, a relation given in nature. Appeals for relief from violations of justice, and impartial assistance, produce *jurisdiction*; positive laws only come later, in the wake of many abuses, and are frequently revised; their goal isn't to introduce justice as though for the first time, but to serve as reminders of the natural rule that has been neglected or violated and threaten infractors with such and such pains, or confer to certain persons the ability to hear and decide the cases that present themselves. Wherever there are few abuses or none at all, there are as few man-made laws, or none at all; but States and empires are found everywhere and always; yet more proof that they aren't a human invention. Hence a multitude of laws is in no way proof of the perfection of a social relation or of the reign of justice; it is much more a sure sign of the opposite. For it clearly attests that the moral law was little-obeyed, that numerous abuses took place, and that there were frequent attacks on the rule there, against which it was deemed necessary to take such measures, which nonetheless rarely achieve their goal. However, this assistance furnished by a superior power, this protection that a social relation can, by means of the diversity of human forces, afford to an individual, in short, judicial or public, recourse, without being the only or most perfect means of security, is nonetheless an important advantage the weak find in their relation with the strong.

But to presume to prevent or thwart, through human institutions, all abuse of sovereign power, that is to say, a power which has no superior other than God, is an idea that could only have occurred to the conceit of our times; it is a problem that is radically impossible to solve, and whose very definition implies contradiction. For in order to guarantee against the abuse of supreme power, it would be necessary to oppose it with, and thus create, a superior power; but then the latter would be the supreme power, and there would be abuse on its own part to fear. How to thwart it this time, without continuing the operation into infinity, forever encountering the same problem, and

perpetually spinning about in the same vicious circle? The self-styled popular assemblies, large or small, those of the representatives of the people, were they even composed of entire nations united en masse, could, by means of their power, commit as many crimes and exercise as much tyranny as individuals—and history has furnished enough examples for the instruction of all. If, with your fantastical ideas, you establish a tribunal for States, or a State of States above every private king and prince, with the design of preserving the peace, and securing for each the enjoyment of his property—who will protect us from this same tribunal, this master of the Earth? If it is without force, how can it protect; and if it has force enough to restrain, who would prevent its abuse? Who could say that it wouldn't be tyrannical itself in turn, that it would pronounce no unjust sentences whatsoever, wouldn't violate individual rights, prefer its private interests to the public good, and carry out all sorts of violence under the guise of justice? Fill human associations with as many written laws, constitutions, and structures as you like; dismember their power, or use what you call checks and balances in order to maintain their equilibrium; at most you'll alleviate the problem, but you'll never be able to destroy the law of nature: some individual or body will always be the *most powerful*, and wield supreme authority; and abuse becomes possible just as soon as there exists power and will enough to commit it. Constitutions and structures are then brought down, checks and balances set aside, and human laws respected even less than Divine law.⁶ Alternately, if some supposedly supreme power finds itself excessively restrained by an opposing power; if there are constant struggles between them; neither of them can provide protection any longer; one force is paralyzed by the other; and then everybody sees themselves once again exposed to all manner of abuse by private power, or a foreign and belligerent power. History furnishes more than enough cautionary tales of this truth. The strongest always ends up ruling; but this time also has a greater interest in oppressing, as well as greater means of doing so. The new state of affairs is usually worse than the old; peoples go from cough to cold, from frying-pan into fire; they tear out the hedge, and get bitten by the snake.

It will forever be true, then, that the abuse of supreme power can only be prevented by religion and morality, that is to say, by respect for the natural law of justice and charity, and voluntary submission to what they prescribe. The supreme power, which none can defy, has no judge on Earth; there is

no recourse against it except with God, that is to say, a law and a power in a real sense superior to every human law and power.² This is another reason why it is so necessary, so indispensable to spread religious sentiment everywhere. All the sages of ancient times recognized this truth; it was reserved to the dementia of our pathetic times to pretend one could do without this mother and root of all justice, this foundation and pillar of all security, by means of legal forms and dead letters. Aristotle has already told us, that in any republic, care of sacred things must come first. Religion, Plato teaches us, is the foundation of human society and the pillar of all authority. Plutarch recognized that belief in God (in His law and His power) is the bond and the cement of all society, the pillar of all justice, adding that “it would be easier to build a city in the clouds than form or preserve a State without any kind of religion”. According to Cicero, good faith, human society, and justice, that most excellent of all virtues, would necessarily disappear along with reverence towards the gods. Religion and the fear of God alone, says Lactantius, preserves society between men. And never has there been seen a State without some semblance of religion. All this proves yet again how absurd is the position of those who maintain that religion was only invented to serve the interests of the great and powerful, or that it wasn’t made for them, but only the people. No doubt it is advantageous for princes too; for what else could it be, if not religion, this daughter of Heaven, this benefactress of men, this tender and sacred bond, that unites them with one another, and to their common Creator! Religion secures the loyalty of subjects for Sovereigns, and this voluntary obedience is something coercion could never replace. It nips crime in the bud, and produces great and generous virtues; it facilitates the execution of every law, and makes the use of force and surveillance superfluous; it operates even where these things can’t; finally, it inspires in princes that confidence, that calm that makes life sweet, that uplifts the soul and brings magnanimous sentiments into it. But had religion been a human invention, which is impossible, the weak would have found it to their benefit much more than the strong; since it imposes upon the latter the only fetters that can hold strong men within the limits of justice, while punishment and fear usually suffice to force the weak to do so. And if religion, the sacred respect, or better yet, love for God and his law, were made for only one class of men, instead of being obligatory for all without exception, one would, for the good of peoples, have to hope to see

it reign precisely over the great and the strong, in order that, abstaining from all injustice, they would use their power for good and not evil.

And so, we believe we have adequately indicated the natural means of recourse against the abuse of strength. They more than suffice for the peace and happiness of the world, if men better knew how to use them or wanted to. Except for the recourse extended by superiors, or what is called jurisdiction, these means of recourse are the same against great and small, strong and weak, with the sole differences that it is often more prudent or easier to use one means rather than another, and that resistance is neither always possible nor sufficient. What's more (admirable thing!), nature, in her generous goodness, has arranged everything in such a way that interest in, and motivation for, committing injustice decrease proportionately with the increase of power and superiority. This isn't to say that strong men, and those endowed with sovereign power, don't or can't do harm, since even the weakest private individuals can do so, and do so often enough, without it always being possible able to prevent or deter them. Total security that could never be disturbed isn't the lot of mortals here below; we can't even conceive of how it could possibly be reconciled with free will, nor how there could be other virtues, if crime were impossible. Two principles clash over possession of this world; all that is left for us, is to fight relentlessly for good to prevail, and to suppress evil, without ever being able to extirpate it. Injustice great or small sometimes even seems necessary, whether as punishment for other transgressions, or in order to keep up and revive sentiments of justice in men; for, as with every other good thing on Earth, it is only through deprivation that one comes to appreciate its full worth.

¹ It is thus permissible for me to use force against a robber who wants to take the wallet I'm carrying, or the horse I ride, although in this case I'm only guessing his intentions, and the offense remains uncertain; but once the robbery is committed, I can't tear the loot away from him, and must let him escape with it in peace. What absurdity!

² As to the number of these codes, I rely above all on the *judicial ordinances* still in force in my fatherland until 1760, the time of their final revision. Already in matters concerning uncontested jurisdiction, such as guardianship, wills and testaments, etc., they always start from the legitimacy of the right of self-help, and introduce judicial recourse only as an auxiliary. The same goes for the petty infractions today known as correctional, as well as assault. "Whoever, in order to defend and save his life and limb (in the older law of 1614, "*or his property*" had been added), goes as far as to kill the aggressor, *cannot be brought to justice*". Law I, fol. 490. "Whoever is the author of an assault, must not only suffer every harm he would have done the victim, even if it involves bleeding, trauma, etc., and if he files a complaint, shall be punished further by the judge". Law XIV, fol. 503. "Whoever attacks

another man with open force in his home, or is found on his property in a suspicious manner, cannot, in case the proprietor should *personally punish him with assault*, file any complaint; but furthermore shall pay three times the amount of damages he caused as reparations”. Law I, fol. 516, and Law VI, fol. 517. “But if, in such a case, the proprietor offended against *cannot do justice for himself or does not want to*, and brings the cause before a judge, the guilty party shall be sentenced to pay three times the damages he has caused as reparations, and additionally to a greater penalty to be determined”. Law III, fol. 516, and law VIII, fol. 518. Could it speak any more clearly? May God long preserve such laws for us, and not allow them to be replaced by false doctrines. They were truly made to protect property.

3 Editor’s note—“moderate degree of blameless force”. Legal term of art for justifiable force used for self-defense.

4 A ridiculous assertion of our modern jurists is supposing that, by permitting personal defense, there would be no judges at all, or that the existence of a judicial power entails the prohibition of personal defense. One helps oneself, one does justice for oneself when one can; and when one can’t, or doesn’t want to, one petitions a superior for relief. Likewise, ever since the beginning of the world, self-help and judicial recourse have coexisted together.

5 No matter what else could be said for it, judicial recourse isn’t always effective against private individuals, and only very rarely against superiors to say the least. Process, like warfare, ordinarily takes place only between equals.

6 It is strange to see our philosophers incessantly insist that it is possible to violate natural laws, as though it weren’t also possible to violate human laws. If anything, the latter are followed even less, for they don’t have the same character of sanctity about them; articulated in vague terms, everyone interprets them differently; and they’re quick to be forgotten as much by those who made them as those who must obey them.

7 These are no empty words; it is not an illusory recourse, as so many are tempted to think. For, in the first place, it is impossible to completely destroy the natural sentiment of justice in Man. Communicative and moral means, when they are disinterested and pure, and used with confidence and dignity, are thus certainly not useless. But what is communicated, if not the nature of things and the natural law? Are not both a superior force? Secondly, the natural order of the world is such that great injustices don’t last for long; the force of nature weighs against it. Thirdly, they are always accompanied by natural punishments or ruinous outcomes; with the result that, having been taught a lesson the hard way, one is often forced to restore justice. Fourthly and finally, flight is a natural or Divine recourse of a certain sort. For, by fleeing, one does nothing other than fight the force of men, which of necessity is limited, with the superior force of nature. Thus, to say there is no recourse against the supreme power other than with God, simply means that no human judge or auxiliary can be found, and certainly not that there is no recourse whatsoever.

CHAPTER XVI.

On the Difference Between States and Other Social Relations.

NATURE, through the variety of means and mutual needs, forms various social relations between men. In each of these relations, by necessity she gives rule to the strongest, dependence or servitude to the weak, that is to say, those most in need. The use of this lordship, this superior power, has a natural law of justice and charity as its rule, the very same law imposed upon all men. Finally, nature furnishes ample means of safeguarding against the violation of this law, against the abuse of force, but without ever making it *absolutely impossible*. This is what we have demonstrated in the preceding chapters, and in general has yet to be falsified.

But what, now, is the difference between ordinary relations of service or society and States properly so-called; between *natural* societies, and those, in the language of our academics, known as *civil*? This question is incontrovertibly the most important; for ultimately everything, in this science, depends on knowing whether States should be regarded as societies that were created arbitrarily, and distinct from every other in their origin and purpose, or if they are rather only the utmost degree of natural or private society, as a result differing only as the large differs from the small, the perfect from the imperfect, and the whole from the part. Our times have been made to pay very dearly for the fault of scholars, who didn't solve this decisive problem, and instead of seating the fundamentals of science on nature, like an unshakeable rock, have grounded them in chimeras nature abhors. For if people weren't always so obstinate about seeing something other than natural social relations in States, about imagining, over and above the latter, a society of convention, and to which they gave the name, *civil*; the vain theories of an original social contract and the delegation of power, with the innumerable errors that follow from them, would have never seen the light of day. The illicit use of supreme power alone would have been denounced, never its existence; and all antipathy towards the very nature of social relations would have become impossible. But, since their existence in

fact cannot be denied, and since even the majority of publicists, although in error in other respects, were forced to recognize them, once these *natural* societies are admitted, we need nothing else, no deliberations, mandates, or renunciation of private liberty, in order to explain not only the existence and distinctive feature of States, but every other right and obligation that stem from them as well. We shall prove this distinctive characteristic, above all through reason, general experience, and its accordance with the language of all peoples.

First of all, it's easy to deduce, from pure reason, that since there are, by fact of nature alone, social relations; superiors and subordinates, free men and dependents, by necessity sooner or later there must be found, in every such union, somebody who is the *highest* and the *most free of all*, since a progression into infinity is impossible to imagine. Therefore, the true state of nature contains, and must contain, not only societies of various types (as several authors have pointed out), but also, and by necessity, *States* or sovereignties. Indeed, it could not be otherwise; for power or superiority, lordship and subjection, liberty and dependence are relative ideas; by no means do they denote a thing-in-itself, but only a relation between the one and the other; with the result that a man, powerful and free in one relation, can be weak and dependent in a different one. He rules over other men, to the extent that he is naturally superior, and can do them good or evil with the power at his disposal; but, to the extent that he has needs himself, he in turn depends on superiors more eminent still, who are in a position to satisfy them. Hence it is the case that the head of household gives the orders to his wife and children, and the master to his servants; but the two often serve a master higher than both of them, by whom they in turn are fed and protected. The owner of a house additionally gives the orders to everyone who resides there in various capacities; but perhaps the house is built on someone else's land, to whom he owes rent, or even certain obligations. The owner of a landed estate has many more men under his dependence; but often he will have received these lands in exchange for delimited obligations of service, or a certain extent of obedience; it could be that he himself is a dependent as a result of the terms of service in his private contracts, or finally just because of his relative weakness. The leader of a platoon gives orders to his men or brothers-in-arms, the general to entire armies; but he in turn is under orders from whoever it is that took the troops into his service,

and pays them out of pocket. The academic serves as authority figure for his students and disciples; he is in a certain sense the author of their principles and conduct; but often he himself gives credence to and serves another academic in the discipline in which he is professor, one more famous, or that had mentored him. And even supposing—something very rare—that he is independent in this respect, free by his own mind, and has nobody above him but God and nature; physical needs, however, make him dependent on others. Such an individual could even embody several of these qualities at once, and rule, in various capacities, over a great deal of men, but he will never be anything but a powerful private individual, as long as there is a single superior he serves, and to whom he has obligations to fulfill. However, this natural and necessary chain of subordination, which we encounter the world over, by necessity must cease at some individual who is completely free, and has no superior other than God. And wherever this *free or independent man* is found, there the social network is perfect or *crowned*; the State (the self-sufficient and self-contained entity), is achieved; *sovereign power* results, not by external delegation, but the very nature of things. The ancients also said, with very good reason, that in this sense States, as well as all other social relations, are the work of God and not men.

Does universal experience tell us anything that pure reason didn't already? Let us cite it as evidence in order to find out whether the principles we have just explicated are true or false. Doesn't the history of all times and places prove to us, with thousands of examples, that private social relations rise to the status of States; and former States fall back into the status of private associations, for the sole reason that their heads acquired or lost their personal independence? What is the genre of history known as political, if not an account of the acts and events through which individuals or corporations, acquired, consolidated, or lost their sovereignty or perfect liberty? And don't we see how, by universal usage, whether ancient or modern, any group of men, any family or social network, was reckoned a State and ranked as sovereign the moment when, through its deeds, it proved and maintained its independence, and its freedom from all human authority? Unless they have this distinctive characteristic, history hardly takes notice of them, not because they didn't exist or had no rights, but because they are less eminent, and can't be counted among the powerful and free people who are self-sufficient.

Consider the internal nature of States in other respects, compare them to one another or to similar social relations, and you'll see that there is absolutely no characteristic trait common to them all, and that distinguishes them from other relations, if not independence, which itself often consists only in an imperceptibly higher degree of liberty and power, of fame and renown. There is such a striking resemblance in almost every other respect between States and those subordinate social relations known as private, be they seniories or corporations (for example, a prince or king and any other rich nobleman, or a republic and any other collective or corporation), that we have a hard time understanding just how so few publicists ever saw it, or, if they did see it, how that didn't lead them to discover the whole truth. In both cases, with prince and mere proprietor alike, one finds a *territory*, a *domain* separate from any other, whose various parts can be contiguous or dispersed; in short, a power confined to a sphere, beyond which it doesn't extend. Already with the mere proprietor, we encounter a *master* and a people, with various mutual obligations, some given in nature, others by agreement; we see *hostile or peaceful relations with neighbours* and, in miniature, the whole set of what is called the law of nations; *servants* and *employees*, *inhabitants* and *simple residents* with highly-variegated functions; *laws*, that is to say, manifestations of the binding will of a common master, according to the extent of his right and power; *exceptions* to these laws, and other *grants* or *exemptions*; we see *jurisdiction* or assistance in procuring justice, exercised in person or by officers, often in a highly imperious way, and even with no appeal; *domains*, and what are called *royalties*, that is to say, *seniorial goods and revenues* of various types, perfectly resembling those of princes; a *regular administration* of these *goods* and *finances*; several *charitable establishments*, foundations open to the inhabitants or devoted to their benefit and convenience (without being owned by them), etc.; finally, with the simple proprietor, the attending power and authority is *heritable* and *alienable*, just like it is with royal houses, and often according to the same laws of succession. What does a private seniority need to become a principality, if not independence? Or better yet, isn't it already a State, smaller and less powerful, and circumscribed by another, more considerable one? Likewise, in any town, any corporation, we find the very image of a Republic; within it we see an association of *equals*, the end product of this or that circumstance; a *common goal*, *equal rights and duties* for every member of the

community; a given *constitution* of the *public thing*, whether natural or positive; admission into the society, or exclusion; assemblies which represent the community, or better, only exercise delimited functions; *common properties*; and, by means of them, a *common territory*, within the boundaries of which the corporation exercises a collective authority exactly like that of individual lords over persons and things. Add independence to all this, and you will have achieved a republic. And the same resemblance is found once again, albeit on an even smaller scale, in any head of household, or any rural municipality. It isn't the size of the territory or the population that makes for sovereignty, for nobody can specify the extent of terrain or the number of subjects needed in order to form a State; often small societies are free, while more considerable ones have masters. No more does sovereignty consist in certain exclusive powers, whether one or several; for, as we will prove shortly, there exists no so-called right of sovereignty or majesty that can't likewise be, and often is, exercised by private individuals in a narrower sphere, or finally, whose legitimate exercise would find obstacles other than lack of opportunity or means. Rather, according to reason and history, sovereignty consists solely in *independence*, the fortuitous circumstance of having no human superior above oneself, and being accountable for one's actions to God alone.

There's more: this independence even has, as an effect of the diversity of forces, and the mutual agreements princes have with one another, degrees and nuances so imperceptible that, if titles consecrated by usage were abstracted away, it would become almost impossible to define the true point that separates a prince from an opulent and powerful vassal, a republic from a private corporation; everything comes down to a certain custom or protocol, to fame and renown over and above substance; the true difference lies much more in words than in the thing itself, in such a way that by this route one also arrives at the discovery, in its totality, of the following great truth: that what we call a State and a civil society, is nothing other than the imperceptible and continuous progression of unequal fortune, an infinitely complex aggregation of reciprocal needs and private agreements; that every man is naturally surrounded by inferiors, superiors, and equals; that he rules over the first, obeys the second, and maintains parity of rights with the third;¹ and finally that, in the final analysis, God *alone* is master, and we are all His people, since the strongest among us received their power from God

alone, the very Author of nature, who gives it and takes it away, who distributes the forces and goods of fortune, and who therefore founds and transfers kingdoms.

Finally, the language of all lands and all peoples, with the sole exception of what, with the help of Roman law, has insinuated itself into our books and schools, accords with these principles and this general experience. This universal language is always an infinitely instructive authority for us, since these signifiers, simple and unselfconscious, but born of the immediate observation of phenomena, with no technical assistance, faithfully trace out the image of nature, and are nothing other than the unanimous testimony of the human race. How much could be learned from everyday language, were more attention paid to it, were it not scorned with such arrogance! We will have several occasions to return to this.

By itself, the word, *State*, which, in its primordial force, denotes something stable, existing in itself and for itself, alone should have led to the discovery of the truth. All of our supposedly scientific terminology, which posits a fundamental difference between the state of nature and the civil state, between natural and political society; which goes on incessantly about a unification of men, followed by deliberation and a social contract; about ends of State, arbitrary constitutions, delegation of power the alienation of liberty, etc.; all these expressions or phrases were unknown to antiquity; just as they are the world over, in our day still, academia alone excepted. The Hebrew sages gave sovereigns no titles other than *lords*, *grandeess*, *the mighty*, *the strong*, *superiors*, etc. In Scripture, the title, king, is even applied to mere lords, patriarchs, and landed proprietors; and in order to distinguish other kings from them, the term, *great king* alone is used. Thus it is that to this day, we speak of great and small lords, and that, in everyday language, the people never call a prince or king anything but a great lord, as though in order to express that he is distinguished from other lords only by a greater extent of power, or his independence. In every language, the titles of princes are drawn, not from an end of whatever kind, but solely from the idea of a superior power, or rather the status of a head of household, proprietor, or leader of an army. The Hebrew word *Abimilech*, signifies my father the king. In general, the Hebrew *Melech*, and the Arabic *Malik* (king, ruler), derives from the verb *malaka*, which means: *he who has property of his own*, above all land. *Abram* means high father, *Abraham*, father of a great multitude; *Sarai*,

my princess; *Sarah*, princess. The two grand magistrates of Carthage bore the title of *Sufetes* (or *Sophetes*), that is to say, *men of the highest rank, those who sit on high*. *Darius* signifies he who halts, he who restrains; *Xerxes*, the warlike; *Artaxerxes*, the great warrior; *Alfred*, the pacifier. The Persian term *Sultan*, comes from Syriac *Salatha*, and means nothing other than holder of power, of authority. *Shah* signifies *lord*, and *Pascha*, *great lord*, a title that the emperor of Turkey bears to this day. The very term *despot*, today become so odious, originally expressed nothing other than a father or head of household. The Latin words *princeps* (the first, the highest); *dominus* (the master of a house); *pater familias* denotes the same relation; *rex* (ruler), signifies the head of a warband that belongs to him, conceived in terms of the idea of a herd; *imperator*, by contrast, pertains to the republican office of commander-in-chief, a status that was the essence of the original Caesars, and since falsely applied to princes who never usurped a republic, and commanded their own troops, not those of others. The kings of Hungary bore the title, *Tanshu*, son of God, or *Tschemliko Tanshu*, son of God and the Earth, lord by the power of the sun and moon; an expression deriving from an Oriental embellishment that ultimately denotes nothing else than a man who holds extensive power from the Author of nature, a powerful man. It is in the same sense that Homer, with respect to the origins of power, called kings, *children of Jupiter*, and the word, *Nebuchadnezzar*, signifies the *ruler, who came from the sky*. The name, *Balthus*, borne by an Ostro-Gothic dynasty, meant the most eminent, the bold. Among the Peruvians, *Inca* is a synonym of lord, and *capac*, another word which usually precedes the latter, means *rich and powerful*, above all in virtue and arms. In German, the titles of princes also relate to the idea of superior power. Such are, for example, the words *furst* or *first*, the first, one who stands above all others, the most eminent (not because he has been made such by others, but because he is such by himself); *potentat*, from Latin *potens*, powerful; *macht* (power), often used by itself to denote great States; *könig* or *könnig* (king), from the verb, *können*, power; also, in every game, the title of king is given to the strongest and most powerful. Every other language certainly offers the same, or at least similar, etymologies. The German tongue, whose ease of composition of words, as in Greek, lends it much wealth and precision, also has the special added benefit of expressing, in a highly instructive manner, the various types and gradations of authority, from the mere master to the prince. In German, *herr* by itself, means master

or lord; *hausherr*, master of the house or head of household; *grundherr*, landed lord; *lehenherr*, feudal lord, *freiherr*, free lord; *landesherr*, territorial lord, *schutzherr*, lord who protects (protector, patron, advocate); *feldherr* or *kriegherr*, lord of the camp or war (i.e. general); *schiffherr*, lord or commander of a vessel; *geistlicher herr*, lord spiritual; etc. And if only more attention had been paid to this profound language, drawn from the nature of things, doctrines on the State and all public law, would long since have taken on a better form, and would have found themselves in accordance with reason and experience. *Herr* (*hehr*, in Low German), denotes nothing other than a superior, the opposite of a servant; *hausherr*, the owner of a house; *grundherr*; someone who holds a landed estate of whatever kind, and who, in this capacity, gives orders to his underlings; he is known as *freiherr*, when his lands are wholly and absolutely his property, and in no way a fief; the territorial lord or lord of the land (*landesherr*), or the sovereign, distinguished only by the extent of his holdings, and a greater variety of ties. Patronage (*schutzherrschaft*) by contrast rests not on property, but a contract in which the weak is obliged to fulfill certain duties towards the strongest, who in turn, promises to protect them in the rest of their rights. The authority of the general (*feldherr*), isn't tied to this or that terrain, but the command of a militia he has levied at his own expense, or that is conferred to him; he also exercises this authority over the entire theatre of operations, wherever his troops are found. *Master or commander of a vessel* (*schiffherr*, *schiffpatron*), is the name given to the owner of a boat, who exercises an almost unlimited authority over the vessel, its crew, and its passengers, such as no prince ever has over his subjects, for the sole reason that the vessel belongs to him, and he alone has the right to ordain everything necessary for its preservation; and those who want the advantages of travel by boat naturally must submit to the conditions he imposes on them. Finally, the *lord spiritual* (*geistlicherherr*), is someone who, by means of a religious doctrine, rules over the mind, and directs the will in accordance to the principles he teaches. All these different lords or natural superiors, and the possible combinations thereof, would be so many princes or sovereigns, and the relation that unite their subordinates to them, be called a State, if they themselves were independent. Nonetheless, we will show that this independence cannot originate except with landed proprietors (although not all of them enjoy it), and that it is among them that the first princes and States must be sought.

Hence, reason, experience, and the language or authority of all men, join hands to prove that the difference between States and other social relations lies in independence, or a higher degree of power and liberty, alone. We demonstrate that the thing must be so, and could not possibly be otherwise; moreover, that it is actually so everywhere, and finally, that it is regarded and attested to as such by all men endowed with sound reason. What additional criterion of validity could be asked for? From there, it thus also follows that the distinction between *civil* society and *natural* society, endlessly repeated in the corpus of the currently accredited doctrine, is without foundation; that it doesn't correspond to anything that exists, and that the first of these two false expressions is indeed altogether superfluous. For what we call civil society, is nothing else than the summit of all natural society. Just like other relations of service or society, States were in no way created by reason, or following a collective deliberation, but formed by nature one and all. They have the same origin and the same attributes. All of them are governed by the same natural right, the same law of justice and mutual benevolence, although the forms and titles vary somewhat. The addition of the independence that consummates the State or the sovereign social relation, does not change the original purpose of the private relation one whit; they are only distinguishable from one another, as what is large from what is small, what is perfect from what isn't, and what is self-sufficient from what still needs support. It is indeed to be desired that this expression, *civil society*, which has insinuated itself from the language of the Romans into ours, be entirely ousted from science; for, just as it was the source of innumerable errors in its implications, it was also what first introduced confusion into ideas, and imperceptibly led minds to consider all States and all social relations as corporations of citizens strictly so-called, and to giving them that form, or, at the very least, judging them according to this so-called model. Likewise as well, obstinate attachment to these false terms is the only reason why the best minds, those who came the closest to the truth, and often recognized it in passing, were nonetheless never able to stop there, but, themselves led on by these forms of language, incessantly slid back into the same antithetical error, something that even the most distinguished modern writers furnish striking proof of for us, should we need it.

¹ This important remark owes to an objection that was made to me, and which consisted in saying

that there had indeed been kings who weren't wholly independent. But this objection actually confirms and sheds even greater light on true principles; for it is in the nature of truth, that every apparent refutation brings something new to light, turns into proof, and draws attention to certain points that hitherto went unnoticed. Everything is state of nature, mutual and infinitely variegated interlinkage between men; there are no absolute isolates on Earth; no man is totally independent; one always needs another. Only the limits of our intellect force us to draw the line somewhere and admit complete liberty or independence at a certain point, even when it is merely apparent.

CHAPTER XVII.

Definition of States in General, and Their Goal.

GIVEN THAT STATES are but the highest degree of natural relations of service, or corporate association, otherwise known as private relations; given that they can be distinguished from the latter only by independence, or the superior power and liberty of their head; they are therefore not, as the majority of publicists define them, *public institutes for the defense of rights, associations of citizens, corporations or societies formed arbitrarily* for the maintenance of external justice, securing the rights of Man, realizing primordial rights, or any other such purpose. They are rather only *independent social networks*, that is to say, existing by and for themselves; *fully-realized and completely self-sufficient networks of men*, whether *independent relations of service or independent corporate bodies*; a definition whose exactitude was proven in the preceding chapter. It would be tiresome and pointless to reproduce all of the supposed definitions of the State found in our works of philosophy and jurisprudence here. We will cite only a few. Bodin defined the State as *the good government, by sovereign power, of several households and what is common to them*. (Of the Republic, book I, chap. I). But there are many imprecise expressions here: for first of all, one might rightly desire and indeed, demand that all government be just; but a State that acts unjustly is still a State, just as a perverse man does not cease to be a man. Secondly, what is governed is by no means what is *common* to several families, but only what belongs to the prince, to the sovereign power itself. Finally, he ought to have explained what sovereign power consists in, given that it and it alone constitutes the essence of a State. Grotius defined civil society as follows: *Caetus perfectus liberorum hominum, juris fruendi et communis utilitatis causa sociatus* [“a perfect band of free men, united for the enjoyment of right and common advantage”]. This definition, copied by the majority of publicists with only a few changes in wording, would be worth more were it shortened to the following words: *caetus perfectus hominum* [“a perfect band of men”]. For first of all, a State isn’t made up of free men alone, at least not if,

by these words, one understands only powerful and independent men; on the contrary, it is a completely self-sufficient network of free men and dependents. Secondly, as we will see presently, neither was it *created* for the purpose of securing justice or the common good, although they can do both of those things very well, and indeed must address them. Additionally, the majority of philosophers since that time have dropped the words *common good* from the definition, since this idea is in fact extremely vague, and serves as the pretext for the greatest abuses. As for us, we have already proven, and will prove more clearly still, that justice (although it is, along with mutual benevolence, the most universal need of men), or even the maintenance of justice, cannot properly be said to be the purpose of States, as nobody makes any agreements or forms any associations for things that are self-evident, since an innate law compels them to observe it, independently of any compact, and since all of the means of having justice respected, even if one would limit them to positive law, judgment, and punishment, are already found in every natural society. According to Kant, the State is merely “the union of a number of men in accordance with the laws of justice”. A pathetic definition, according to which any trade guild or troupe of comedians would also be a State, since the members who make them up are also united in accordance with the natural law. If, by contrast, Kant had the intention of saying that this union was made with *a view to* the laws of justice, and *for them alone*, then this argument is equally false, both for States and other human associations.

We will pass over in silence a host of similar definitions, in which the same false idea, put differently, always serves as foundational; and as to those overblown and unintelligible descriptions, those abortions of a disordered imagination one encounters in the most recent writings, we will have less still to say about them, because it is impossible to read them without disgust. These definitions all share the vice of assuming that States have a common and imaginary goal, while these very same States have no goal as such, and above all, their definition must not be deduced from a goal that can vary, and in fact does, but only from the attribute of independence shared by all States without exception. Moreover, they sin by doing too much and too little at once; on the one hand, they are too broad, since they apply to a host of societies that aren't States; on the other hand, too restrictive, since they miss the essential and distinctive characteristic of the State, to wit, independence.

In any case, it is as amusing as it is instructive to consider, on the one hand, how uncertain and wavering modern philosophists are when it comes to determining the *purpose of the State*, and to discern the cause of this infinite diversity of opinion on the other. In the same way that they have no idea *just who exactly it was* that must have founded their civil society, their political association, they are likewise unable to say just *why* it was. The first one posits *justice* as the purpose of the State, as though none existed before, or there were nothing else in the world to do than devise legal codes and judge cases. The second sees it in the *public good* or general welfare, something everybody has their own opinions on, and which the first sees as the pretext of every injustice, and the most fertile ground of human evils. A third finds it in *population growth*, in the endless reproduction of the human race, with the result that one should occupy oneself only with building cities, and that, in the final analysis, no more plants and animals, and by extension, no more men would exist on this planet. A fourth would locate the objective of civil society in *agriculture*, as if one couldn't steer a plow or harvest the fruit of the soil without an artificial civil corporation. For the fifth, it's the *progress of enlightenment and morality*, so that sovereigns would be no more than priests, leaders of sects, or professors; and remarkably, this opinion is held precisely by those who would otherwise tolerate neither priests nor religion, and pretend to replace them with their infernal associations. According to a sixth, the goal of the State would be the *dignity of Man* or of *humanity*; two expressions which, in their modern sense, can mean only so-called liberal education, moulding men for absolute independence, and the absence of any superiors, with the result that the purpose of a social bond would be the very destruction of all social bonds. Finally, if the seventh is to be believed, the State must have *endowing the individual with the characteristics of the species* as its goal, a pretentious and ridiculous phrase, whose sole meaning is that all individuality must be renounced, so that one would no longer be a citizen of this or that country, but only a human being—something that is precisely the opposite of a society, which always produces some particularity of its own. Others, fed up with endless babble about security to the exclusion of everything else, and less limited in their horizons than mere jurisconsults, have the ends of the State consist in *security, welfare, and civilization* taken together, which, rendered in traditional language, means protection, sustenance, and education. It is true that these are three great needs of Man;

no doubt that it is in part to avail himself of them that he enters relations of service or association, and subjects himself to his fellows; but simple private relations suffice to obtain these benefits; and since they in no way comprise the sole objective of princes or heads of State, they are therefore not the reason behind sovereign societies, considered as such. All these highly divergent opinions derive from, and to this day continue to derive from, the false idea of social contract, an idea that is the root of every other political error. For once, instead of seeing the State as a product of nature, or simply the summit of other social relations, one thinks one sees an arbitrarily-created institution in it, and above all an association of *citizens*, which could just as easily not exist;¹ a purpose must necessarily be ascribed to the imaginary act of association; and since, in this respect too, there is no documentation, anybody can find this purpose in whatever they want, and everybody thinks himself allowed to put forward his own pet idea. But the truth is that States, considered as such, strictly speaking have no original purpose, or at least none common to all of them, precisely because they differ only by degree from other natural social relations. On the other hand, it cannot be said that these private relations have no goal. For in any seniorial relation, in a set of contracts of service, whether tacit or formal, each man, in making himself dependant on another, or promising him obedience, seeks to satisfy a need, consequently to draw a benefit—but this benefit isn't the same for everybody. Somebody might just want sustenance or an easier life; somebody else, protection; and yet another, instruction. Often several of these objectives are sought after at once, in such a way that one of them is more pronounced than the other, so that here one, there another will be the original and chief goal.

Thus there exists no *common* goal, but only a host of highly-diversified *particular* goals or aims, which all boil down to *life and its amenities* (*vita et vita grata*), according to the wants of each. As to the other type of social relation, to wit associations properly so-called, collectives or corporations: no doubt they have a common goal for all, as we will see in due time, which is the result of a common need; sometimes this can be protection against outside forces, sometimes freedom of commerce, sometimes the administration of property held in common, and other times, as in certain religious or political orders, the fulfillment of common vows, etc.; this goal, then, is not the same in every association. Should these collective seniories or these corporations

become powerful and free, and take their place among States: this by no means gives them a new goal, or in any way changes what they were before, but only procures for them greater means of achieving their goal. The independence that elevates them to the rank of States, is but a superior degree of power, glory, and fortune which distinguishes them from other seniories and corporations; and this is also why their names never relate to an objective or function of whatever sort, but only the idea of superior power. Furthermore, nature herself usually leads men into social relations; and if it isn't presumptuous to guess the immediate purpose she had in mind, this purpose, judging by its results, could only have been to tame the disordered desires of men, and to make life sweet and pleasant, by means of mutual love and reciprocal assistance. All there is left to add is that security of rights or true peace; a greater number of enjoyments; cultivation of mind and morals; all this follows naturally, or at least can follow, from social life, from the reciprocal emulation and mutual needs of men. These are side-benefits society procures, and often doesn't procure, while by contrast the immediate goal, or the private advantage each person is looking for in a social relation, is almost always wholly realized therein.

¹ Schloezer, professor at Goettingen, said that men invented States as they did fire insurance. But how, then, does it come about that States are found everywhere, fire-insurance firms, not so much?

CHAPTER XVIII.

Specific Definition of Princes and Republics.

ACCORDING TO THE POLITICAL THEORY that has reigned in academia until now, the name, prince or king must be given to somebody who executes the laws of others, or is tasked with seeing to it that justice is observed; a definition according to which any village mayor or hired goon would equally qualify as a sovereign, and whose absurdity thus jumps at the eyes. But with the principles we have just put forward, nothing could be easier than determining just what a principality and a republic is, and giving an exact and complete definition. A sovereign prince is nothing other than an *opulent man*, above all in *landed property*, *powerful* and by the fact *independent* (*homo locuples, potens, nemini obnoxious*), or alternately, any man made completely free by fortuitous circumstances, and by the fact become prince or sovereign. At the same time, since one can become neither strong nor free without the assistance of other men, and since power and authority are always conjoined: it is easier still to say that a prince is an *independent lord*, that is to say, a man who *gives orders to others and takes none himself* (*aliias imperans, nemini parens*). If, on the other hand, a corporation of whatever sort succeeds in attaining to this perfect liberty, it is also counted among States, and bears the name, *republic*, in the sense of nothing other than a powerful, opulent, and independent corporation (*civitates liberae, sodality nemini obnoxia*). This definition, so simple but nonetheless exhaustive, is also confirmed by universal experience, once one takes a look at real kings and republics, and abstracts away what is inessential. For, as we have already proven in Chapter XVI, it is independence alone that, in fact, distinguishes a prince or a king from other free and opulent men, and a republic from other associations, guilds, orders, or corporations. In many places one sees great lords, with much more land, considerably more revenues, and who command many more men than sovereign princes elsewhere. However, they are only regarded as distinguished private noblemen, since they aren't independent, having received their estates either by title of fiefdom or as a donation with

certain strings attached, or finally, as luck would have it, they found their lands surrounded by a much more powerful man with whom they had to negotiate in order to keep the peace, and whose authority they must recognize in some respects. Likewise, in every country there are towns, corporations, orders, etc. whose domains are more extensive and heavily-populated, and who have authority over a greater number of men than the old free cities of Greece, Italy, Switzerland, etc.; but the latter, however, are considered States and republics, while the others aren't, because they continue to recognize a superior. In short, if princes and republics rule or govern, they share this feature in common with a great deal of men or other societies; indeed, most of the time authority precedes independence, and to put it in terms of logic, command over others is the closest form; obeying none, the distinctive feature. Hence the traditional and eminently reasonable distinction between *imperium subordinatum* ["subordinate government"] and *imperium summum* ["supreme government"].

Would anyone have us adduce some evidence to these proofs? This conception of the distinctive characteristic of a prince was known to all the old philosophers and jurists; only they were unable to stop there and draw all the natural conclusions that follow. When the Greeks and Romans spoke of kings or princes, they always identified independence or perfect liberty as the essential characteristic. Hence it was that Aeschylus said: *rex est suo utens jure nemini obnoxius* ["a king, exercising his right, offends no one"]. Otane, in Herodotus; Dion, of Prussia, had the power of a monarch or the authority of a prince consist in "doing what he wants to and not doing what he doesn't want to, without being accountable to anyone". Seneca elegantly said, *rex est qui metuit nihil, rex est qui cupiet nihil* ["a king is he who fears nothing, a king is he who desires nothing"]. Cicero expressed the same thought in saying, "a great many philosophers have sought after the same goal as kings", that is to say "to need nothing, obey nobody, and enjoy liberty, which is to live as one likes", with the sole exception of natural or Divine laws, a restriction which must always be presumed, although it can't be repeated each and every time. This independence is also what the ancients had in mind when they insisted that kings have only God above them, and can be judged and punished by Him alone. The publicists of yesteryear intuited the same truth when they asserted that the prince is the only one in his country who is completely free and *sui juris* ["of his own right"] in all his relations;

only, led astray by the republican terminology of the Romans, they didn't stay faithful to this idea. Moreover, our definition of a prince is found in almost all dictionaries, and the entirety of history comprises continuous proof of its exactitude.

It is only in modern times that these principles have by design been put aside or doomed to obscurity. Is it not in fact highly strange that the definition of the words, *prince* or *sovereign* are nowhere to be found in any of our handbooks of public law, as though they were irrelevant, or there never even existed any prince on Earth? But since, in accordance with reason and *universal* experience, it was impossible to give any definition different from our own, and since the latter couldn't be reconciled to the rest of the *philosophical* system, according to which kings mustn't be anything but the servants of their subjects, the essential question: *what is a prince*, was by design hidden away in the dark, and that's what they nonetheless called the progress of enlightenment. Hence these philosophists content themselves with speaking in general terms of *the State*, or the *head of State*, whilst never determining just what a State is, or why this or that individual is its head. This vague and meaningless language is even found, with the most striking affectation, in some of the most recent legal codes. It is also completely inappropriate (as has been done for the last thirty years) to simply term princes and republics *governors* and *governments*. These semi-revolutionary expressions, by design substituted for tried-and-true terminology, first of all have the defect of having been deduced, not at all from the main phenomenon itself, but only from a secondary consequence; for the government is by no means a thing-in-itself, but a mere emanation of the personal rights of whoever reigns, the natural effect of his power and property, from which governing authority can exist separately no more than the shadow from the body. In addition, this false expression, government, also leads to dangerous errors in practice. For on the one hand, it must necessarily lead every prince and every republic towards despotism, given that, by a natural effect of the word, they think it incumbent on themselves to govern all private affairs, while as a rule, they ought to govern their own affairs alone, and with respect to everything else limit themselves to providing judicial recourse to those under their protection. On the other hand, this same expression, government, makes all superior authorities odious to their subjects, for nothing is more insufferable to the self-respect of

a man than the thought of being governed in all things for all time. And the very people who profess such doctrines are then the first to complain when it is put into practice. Finally, the word, government lends itself to the false idea that it is a title of employment, denoting not the first, but the second in the hierarchy of power, and presumes that those who rule were tasked by other men with governing certain things; it thus has the fatal flaw of causing the existence of princes to be regarded as unimportant, and accustoming even well-intentioned, but none-too-thoughtful men to seeing every revolution that despoils kings or free cities of their liberty and properties, by extension also the right to govern them, not as an injustice, not as a wrong against the despoiled, but merely a licit or at least neutral rotation in government.

CHAPTER XIX.

Means of Acquiring Independence or the Height of Fortune.

BUT WHAT, NOW, is this independence or perfect liberty, that makes a prince out of a man, and a republic of a corporation? How can it naturally belong to a man, or how can it be acquired in a legitimate way? In light of what we have said, the question answers itself. Independence, also known as *sovereignty* or *majesty*, is nothing other than a gift of nature and circumstance, a natural effect of relative or absolute *personal* power; power enough in order to no longer need to serve a master. It is thus a good of fortune, indeed its height (*summa fortuna*), which, like all other goods, can be acquired or lost in various ways, sometimes legitimately, and no doubt, sometimes illegitimately. It is, in the language and sense of religion, a blessing or grace of God. Every man has the right to enjoy it, if favoured by circumstance; but, as with any great fortune, only a few ever come into it, and for most, it would only be an unsustainable burden, since without sufficient forces, it would be impossible to keep and require too many privations.

Given that the first man (or the first human couple) emerged immediately and was endowed with all his forces by the bosom of nature, that he was created by the very hand of God; this independence must by nature have been his prerogative, for this original man had no superior on Earth; he commanded the woman he had been given, and also the children born of this union, and the terrain he occupied and cultivated, and alone could defend, was his complete and indisputable property. If his descendants wanted to remain in the same land, they would have had to obey the primordial founder or the heir of his goods, since they could not despoil him of his possessions and his natural or acquired rights without injustice, and because various needs made them his dependants. But from the moment they left him and established themselves in new lands, they in turn became independent, and thus formed new States there. Such was the origin of a great number of patriarchies, or heads of independent families, separate from one another, who, following the received hypothesis of academia, would

have had to enter into a social contract, and put a newly-created civil power above them; but according to our theory, and the testimony of all of history, far from having done so, remained sovereign and held on to their liberty for as long as they could, that is to say, until, over time, gradual weakening, onerous treaties, or the extinction of their lineage, took this independence from them, in order to transfer it to different hands. In any case, what need have we for such conjecture, or ancient history that is partly unknown, and partly fabricated? Nature still is what it was. Its invariant course has never changed, and before our own eyes as from the beginning of the world, she forms and dissolves relations of authority and subjection according to an eternal law; likewise everyday experience shows us how independence or sovereign power can be acquired, and has actually been acquired throughout time by mere individuals. It is by no means, in fact, an inherent right, for no man brings it with him upon his arrival into the world, and even the sons of kings are born into the greatest dependence. Little by little, in proportion to the growth of their forces, men also acquire greater external liberty, and since the highest degree of this liberty, that is to say, independence or sovereignty, is itself founded only on the possession of sufficient relative power, and chiefly on land, wealth, and the assistance of other men, as the end product of these advantages, it is clear that independence can become the lot of any man, just as soon as he comes into this power through his own efforts, or the results of a pact, a donation on the part of a master, or finally, favourable circumstances; as soon as he is able to liberate himself from any outstanding personal obligation, or is freed by those to whom he had been obliged; that is to say, just as soon as the natural obstacles standing in the way of perfect liberty, namely the specific causes of his prior dependence, are made to disappear. Without going into the most recent examples, doesn't history show an abundance of unknowns of low birth who, through their talents, worth, and the help of fortune, rose to absolute independence, and from there founded dynasties or sovereign houses? If, in our day, as in the furthest reaches of antiquity and the times of the first leaders of colonies, some man discovers a land which belongs to nobody and never belonged to anybody, a land he could easily defend against all neighbouring lands, such as for example a desert island or a certain stretch of land in an inhabited country—there he will be sovereign and reign unopposed over all the servants who accompanied him, and over all the new inhabitants who might

move there. Certainly, such things are still possible. Suppose, on the other hand, something exceedingly rare, that the colony which has come to be occupied by new residents, was made up of men who were free and equal with respect to one another, but out of common need united into a corporation: it would comprise a republic, and it was under such circumstances that Marseilles and Venice are thought to have been founded. But even where all lands are occupied and already have their masters, as in our modern Europe, there nonetheless still remain several means of acquiring independence, for the sole reason that it rests only on physical goods and forces, and is thereby capable of changing hands. Thus as soon as one obtains, through wars and the treaties that end them, or other voluntary agreements, whether onerous or generous, such as purchase, exchange, marriage, donation, inheritance, etc., sufficiently vast and completely free landed properties from a previous master, wealth, and the power inseparable from it, one thereby immediately comes into possession of perfect liberty, and hence the status of prince. History is so full of examples of this sort, that it would be pointless to recount any one of them here. Each ascent of a prince to a throne is proof on a large scale, and each initial private inheritance proof on a smaller. Before the death of their father, his children were dependent and subject to him; as soon as they come into possession of the paternal goods, they become powerful and free. This same sovereignty can also be attained when, instead of acquiring new goods, one succeeds in liberating goods one already holds from any and all obligations and services attached to them by virtue of their status as fiefs or by other agreements, and the means of maintaining this liberty in the future are found. Such emancipation can be obtained either by force of arms, all sorts of onerous agreements, or finally, by donation. The struggle undertaken with the intention of completely freeing oneself from a tie to a superior, when crowned with success, is known as *defection*. It can be justified, when the servitude itself rests on subjection owing to violence (without it having subsequently been remedied), or when, even in the case of a justly-founded servitude, grave transgressions against the private rights of the subject give him reason enough to legitimately wage war, in which case he can demand, in the peace treaty, not just the restoration of his original status, but rather a more advantageous one that can guarantee his security in the future. And if the former master consents to it, then there is no gainsaying this

independence, even though it was won at the point of the sword. But defection is unjust, and tarnished with the name of *revolt* or *rebellion* when it involves disloyalty or neglects duties of justice, when it involves use of open force without reasonable motive against either the existence or the use of power. And yet, do not many princes and republics owe their origin solely to such defections, sometimes legitimate, sometimes not, and most often of all, a little of both? However, this can in any case be termed a liberty and a power *acquired* by one's own efforts.

History furnishes no fewer examples of great landed proprietors, be they vassals or opulent corporations, who, having obtained more and more privileges or exemptions from their former masters in exchange for loans of money or other services, were in this manner eventually completely freed from any higher bond, and came into perfect independence through this perfectly legitimate mode of its acquisition, or received it as a free gift with certain properties. Independence can thus well be bestowed by a superior, but never delegated by inferiors, since nobody can give what he doesn't have. One can in fact receive it from the hands of somebody more powerful than oneself, or be released from duties towards him, but a similar concession could not possibly be made by weaker men who never owned any such lands, or to whom one was never obliged. It can be readily conceived that inferiors and equals can give a man certain powers over them, choose him as their leader or for their president, enter into his service, and then obey his orders, but they can't grant him independence, or make him sovereign *by their will alone*; for in order to do so they would need to have had this sovereignty beforehand—and in this case, they wouldn't be subordinates, but superiors, or at the very least free men, and they certainly wouldn't with full willingness renounce this liberty in favour of another.

Finally, independence being only a gift of fortune, a *favour from God*, it often comes about by itself, like a type of inheritance, when a prior bond to a superior loosens or disappears; when, by a fortuitous eventuality, the superior by whom one was saddled with certain obligations dies without leaving a successor, or neglects or abandons his subjects; for it is clear that, in such a case, the obligation ceases along with the person to whom it was owed, and hence one naturally finds oneself in a state of independence. Thus history has often seen a host of smaller kingdoms and republics rise at once from the ruins of a vast empire. Hence the progressive loosening of the bond

of the Germanic empire, or imperial suzerainty, gave birth to a host of more or less completely free princes, prelates, and cities. Likewise, the weakening or distance of former masters and protectors have a thousand times over left vassals or towns to fend for themselves, and gave them a liberty with no support whether they wanted it or not; a liberty advantageous for them, when they could keep it; but ruinous when they were too weak to defend it, in which case it had no effect other than putting them at the mercy of a foreign and often hostile power.

In any case, while independence and sovereign power can be *acquired* through personal effort by somebody who reports to a master, *bestowed* by the good will of a superior, or finally, present themselves as though a type of *inheritance*; these three means, however, are usually found in conjunction. Sovereign power and perfect liberty are like great private wealth: it is rare for either one to be acquired suddenly, or by one path alone; they almost always owe in due part to one's own talents, favours done by others, and what is called luck, that is to say, the benevolence of an invisible superior being. But these three means above all boil down to a Divine blessing that grants talents as well as friends and favourable circumstances. Only the imperfection of human intelligence, the need for clearer exposition, forces us to separate what nature has joined, and what science, her imitator, must unify anew.

Finally, if you consider the history of every State, what is it, if not the history of how independence was acquired, consolidated, and lost, by individuals or corporations, in short, the ongoing transformations of powerful and free persons? By which virtues and what means did some sovereign household or a republic come to power, and thence to perfect liberty? These are the essential points the history of each State must chiefly address and make clear, if it is to become a source of instruction, a veritable school of virtue and wisdom. And in our day still, every time an individual or an association of men elevate themselves to independence, they form a new State, and every time a previously free man is deposed or subjugated, we likewise see a State disappear, with nothing changing for the land or its inhabitants in other respects.

CHAPTER XX.

General Division of States.

JUST AS THERE are only two types of persons, one physical, the other moral, that is to say, collective;¹ individuals and associations made up of several united men; just as there can only be independent individuals, or independent corporations; it follows that all States are either *principalities* or *republics*, monarchies or polyarchies. It is impossible to imagine a third type. This distinction, the only one that is exact, also finds itself confirmed by universal experience, and all great thinkers have always recognized it. Hence Machiavelli, for example, says, in the first chapter of his work, *The Prince*, “All States, all lords who have had sovereignty over men, have been and remain either principalities or republics”. Likewise Jean Muller, with great justification, always distinguishes between *seniories* and *communes*, a distinction to which one need only add that the commune or republic can itself in turn act as a seniority with respect to other men. Montesquieu, whose reputation is, in general, overblown, draws a highly-inappropriate division between *republics*, *monarchies*, and *despotic States*. For despotism is no way a particular type of State, but, in the generally-accepted sense of the word, consists only in the abuse of force. Montesquieu also seems to have fabricated the distinction between monarchy and despotism in order to make an exception in favour of France, his fatherland, and give himself cover for the animosity and reproach he might otherwise have exposed himself to; for in every other respect, the sense of the work clearly tends to deem republics alone to be legitimate, and all monarchies despotic. Also, even when it does happen that, in a monarchy, certain great and powerful men exercise, through the effects of custom, by virtue of certain concessions, or other circumstances, a more or less marked influence, such that they sometimes temper the royal power, and sometimes fight with it; this, however, doesn’t furnish material for a primary distinction, but at the very most a subtype.

The usual classification of States into *monarchies*, *aristocracies*, and *democracies*, borrowed from Aristotle, is no more exact, and leads to all kinds of false

notions; for aristocracies and democracies are but subtypes of republic. If one supposes that supreme authority can belong to *one*, *several*, or *all*, and that therefore, there must be *monarchies*, *polyarchies*, and *pantocracies*, expressions defined by number alone; we answer that it is never the case that *all* men, *all* inhabitants of a land can be independent, and that, in this sense, neither democracies nor pantocracies have ever existed or ever will. Even in so-called *popular* republics, women, children, mere residents, foreigners, and many more still are excluded from the sovereign body, what is called the free people, or rather just *aren't part of it*; it is thus nothing but a corporation that is greater in size, an aristocracy, one that is smaller. If, by contrast, the essence of democracy must consist in that the *idea of the free corporation means* each of its members, each *true* citizen has, in this capacity, the same rights as the others—this, however, is true of all republics without exception, and in this sense one can say that any republic is essentially democratic. Conversely, if aristocracy is understood as the state of affairs in which not every citizen, but only the best and most distinguished among them *govern* the affairs of the community in the name of the community itself—once again this is the case in any republic, and in this respect they can all be called *aristocratic*. And finally, if, following the newly-accepted and revolutionary meaning of the word, aristocracy, one muddles all ideas to the point of giving the name, *aristocratic* to any republic that, aside from citizens, also has subjects or subordinates, and even supposing that, for this reason alone, they are illegitimate; this designation would apply to, or rather, this ridiculous accusation would have to be made against, not only every republic, but also every corporation, and every rural municipality. For there never has been, and never will be any that, above and beyond its membership, doesn't also command others: servants, employees, subordinates, and other men who, in short, without being part of the free society, inhabit its territory, or, in other relations, are obliged to fulfill certain duties towards it. Thus, if the expressions, *democracy* and *aristocracy* are to be preserved in science, which honestly strikes us as complete unnecessary, only one reasonable meaning can be attached to it: *democracy*, a republic in which the supreme power is exercised by the *entirety of the free corporation*; and *aristocracy*, by contrast, a republic in which supreme power is exercised only by part of its membership, which however must always be drawn and recruited from it. In the *democracy*, the citizen has an *effective* share in the administration of the

public thing; in an *aristocracy*, he can come into it by *election*, while someone who isn't a citizen, but only an outsider, foreigner, or emigrant can aspire to neither one nor the other. Democracies and aristocracies are therefore, as we have said, only subtypes of republic; subtypes based, not on the essence of the thing, but an insubstantial difference in internal organization.

The *oligarchies* and *ochlocracies* one sometimes hears of, are in no way constitutions, but two antithetical forms of degenerated republics. Oligarchy does not mean, in the literal sense of the word, a republic where a *small number* of men alone govern, but one where, in the very interior of the corporation itself, a few powerful members oppress the rights of the rest, seeking to strip them of all legitimate influence, and by force of usurpation draw all power exclusively to themselves. By the same token, one cannot apply the term, *ochlocracy* to a republic in which power is in the hands of a *great number* of men, or rather, in which men of inferior rank have the right to participate; one calls ochlocracy, the state of affairs where, in the very heart of the corporation, a raging multitude, out of order and out of control, tumultuously makes its will law, and so to speak degenerates into a mob, tramples on legality, and in doing so makes any natural influence of wise and experienced men impossible. What these two types of corrupted republican government have in common is that the *rights of the body as a whole* are oppressed by them; sound constitutional laws can well present some obstacles to them, but republican virtues alone can prevent or thwart them altogether. The word, *tyranny* is borrowed from depraved Greek republics in which a single powerful individual would sometimes seize all power and succeed in preserving this usurpation only with great difficulty and by continual injustice; other than the idea of monarchy, this word usually connotes, in current parlance, cruelty and violence. Strictly speaking, *despotism* signifies only *seniory*, and a seniory founded on the status of head of household, or proprietor. It is a derivative of *master*, *lord*, *proprietor*, nothing objectionable. The secondary and odious connotation this word has taken on in our day is possibly also due to republican usurpers who attempted to *appropriate* the power that had been conferred to them, and one way or another sought to turn the public thing into a private thing. But what might also in part justify this new meaning is that despotism, even among true princes, consists in a certain mania of command or rule in which, not content with governing their own affairs, granting relief in their capacity as judges, enjoying respect

voluntarily given, and taking precedence in every case of conflict, they refuse to leave any liberty to others in what is their own, but presume to meddle in everything, govern everything, in short, see and treat the estate or house of another as their own.² In this sense, despotism isn't any different from injustice, and can, as with the abuse of power, be encountered in any government, in republics as well as princes. States known as *federative*, aren't any more of a particular type of State, but only an alliance between several republics. And even if (something that happens rarely) the alliance should become more strict, and communal goods make it solid and durable enough for the plurality of voices to decide everything in the house of delegates, and for the confederation to act with a *common* power, independently of its individual members; what would result, strictly speaking, is merely a new republic, as a corporation made up of corporations, in short, an association whose members are thus associations and not individuals.³ But in such a case, each of the members of the confederation is eclipsed, and, so to speak, absorbed by it; the *union* alone would make itself known, and it alone would be regarded by foreigners as independent.

Finally, the *representative system*, taken in our day as an absolutely new invention, is just another word to designate *the aristocracy within an association that is either fictive, or at least extended by a fiction*. It is an expression intended to serve as cover for the project of turning every principality into a republic. For from the moment that, following the new *philosophical* theory, the servants and subjects of the prince were envisioned as a sovereign corporation, and a body thus supposed to exist when it didn't; or alternately, efforts were made to forcibly extend existing bodies to include all subjects: there emerged a plan to elect the most noteworthy and distinguished individuals to represent this new republic, and thus install an aristocracy in it, and that's what was called the *representative system*. Nonetheless, without going into the injustice of such an endeavour, it was never anything other than a new republic; thus it will always remain true that there can exist only princes and republics in this world. As to the latter, in some, all citizens can assemble, in others, they are represented by deputies; it is something that has been known for a long time, and such a representative system has existed in every republic except for the very smallest. But among its many other false and ruinous doctrines, the radical vice and fanaticism of the revolutionary system consisted in pretending to represent imaginary communities, which,

having existed only in the brains of those who dreamed them up, had to be created by violence. With the exception of associations with full equality of rights, all other social relations, all commitments of service were deemed illegitimate; and as a result, efforts were made to turn monarchies into forced republics, and likewise in true republics, give foreigners and subjects an equal part in the affairs of the corporation, and admit them to co-proprietorship in things and possessions they had no legitimate title to.

¹ Translator's note: "Moral person" is French legal jargon for what, in English, would be called a corporate actor. The word, "moral", denotes *only* a legal capacity to act, and in no sense a moral quality as understood in English.

² This type of despotism, which is in fact the most insufferable of all, follows directly from the principles of those who otherwise incessantly and indiscriminately declaim against despotism. Hence it has never been as widespread and far-reaching as today.

³ Translator's note: The Constitution of the USA is most fruitfully and suggestively considered in this light. The rights of the several States, considered as the private rights of collective persons, also shed invaluable light on the *true* meaning of individual rights in any Republic, as opposed to the fictions of Liberalism.

CHAPTER XXI.

Appraisal of the Question: Which Constitution is Better, Monarchical or Republican?

FOR AS LONG AS, following the false principles received in academia, States have been regarded as arbitrary institutions, and the power of princes or republics, as an office conferred by the people; it is clear that there had to be endless debates over whether it would be better to delegate this popular authority to one individual or several; that is to say, what is the best *form of government*, monarchy or republic? And the very manner in which this question is constantly debated, should already have exposed the falsity of the theory from which it stems, since it was easy to find as many problems in the one form as in the other; and in the final analysis, the most coherent answer would have come down to saying: it is better not to delegate this popular power to anybody, or even stay in the state of nature, and by no means create an artificial association. But if, following the principles we have just elucidated, one sees, in princes and republics, not officers equipped only with a power delegated by the people, not just so many *forms* of a government established in an arbitrary fashion, but independent persons, free individuals and corporations, whose authority has their own personal power as its foundation, and their own personal rights as its limits; if it has thus been proven that the state of nature never ceased, but still exists: this question, unfortunately all too widespread, would fall apart by itself, or be lowered to the level of miserable and useless hair-splitting. In fact, if one would look at it with respect to sovereigns themselves, whose rights or interests deserve some consideration too, it becomes absurd, and answers itself. It would never occur to the monarch or individual lord to give himself co-sovereigns, or share his power and independence with others; much less still would he expose himself to the danger of losing them, and being subjected by those he would have associated with his power, as happened to King Louis XVI, who consented to receive the law from a part of his subjects, and allowed himself to be degraded to the point of being nothing

but the mere executor of their orders. And while the German Illuminati many times over exhorted their princes to turn their States into soundly-constituted republics, that is to say, make their servants master, they couldn't find a single one among these sovereigns willing to heed advice of this kind. Likewise, one wouldn't have any more success convincing a citizen or magistrate that he must, in his own interest, renounce his share in the collective seniority, submit to a sole individual, and make himself the subject of his equal: for liberty is always the last word for anybody who doesn't have to serve in order to live; and independence, as much of it as possible, is the highest good for him. The Senate of Rome was already severely weakened, tormented and exhausted by civil discord, and on top of it effectively *subjugated*, before it submitted to an August or a Caesar—and yet, during this period, attempts to restore the ancient liberty were made time and time again with each favourable circumstance. Medieval and modern history offer an abundance of similar examples. Among the great many republics destroyed in our day, not one was ever seen to have submitted with good will, nor to have preferred death over life, and subjection over liberty: but they were all too weak to resist and preserve their independence. The best constitution, or rather the best position for powerful individuals, is therefore that of ruling alone, or alternately, if that isn't possible, at least participating in sovereignty.

If, on the other hand, it is being asked which form of authority is generally preferable for the *good of the subjects*, monarchical or republican: one could, in fact, respond by saying that both of them have their advantages and drawbacks, which inhere in the nature of things, and which usually balance out between them. At the end of this work we will organize them in a single table;¹ and a great number of writers have already explicated them more or less ingeniously, but less out of their love for the truth, than their tastes, habits, and respective interests. In this respect, it might be salutary, or at least harmless, for each man to take advantage of the benefits of the political relation in which he finds himself, in the interest of making men happier with their lot. This goal, however, would be even better achieved if one were to tie it above all to elucidating the justice or *legitimacy* of a seniority, whether an existing monarchy or republic, given that men have respect for justice, and for its sake voluntarily tolerate certain partial inconveniences. In any case, the well-being of subjects depends above all on the conduct, that is

to say, the virtues and wisdom of their sovereign; and in this sense, Pope was right to say, that the best government is the one that is best-administered; to which we will add that the one best-administered, is the one that follows the laws of justice and benevolence the most religiously. Moreover, even if one were to argue that the individual or collective nature of a sovereignty could by itself contribute to this sound administration, however little, and whether or not good or evil find more obstacles in one than the other: this question would be no less frivolous and useless, and should never be posed from a practical point of view. For, since sovereignty is legitimate in itself, and since it is grounded, as we have proven, not on delegated rights, but the personal rights of the sovereign; the subjects have no business pontificating on its nature, and deciding whether it should be made up of one man or several, but rather obliged to respect the rights of those who actually possess them. Here circumstance produces a principality, an independent lord; there, it gives birth to a republic, a free corporation. Both can be legitimate in the origin and exercise of their power. Thus, even if (an impossibility) it were undeniable that one or the other is generally more advantageous, subjects would nonetheless have no right to turn principalities into republics, or republics into principalities, nor even the right to increase or decrease the number of citizens in a republic, since neither one was made for them, but existed *before* they did, and independently of their will. It is, in fact, permissible for subjects to complain about the abuse of power, inasmuch as such abuse exists, and even to employ every licit means against it, because it violates their own rights; but with respect to the nature of the relation itself, there is no legitimate right left to them other than leaving the social tie, and entering a new one that better suits their purposes. Would one man prefer an individual lord? Let him go set himself up in a principality. If another one would rather live under a senate? He can either go live within the territory of a corporation, or enter its service; all of this is lawful for them; what more could they want? This is the actual, and also the only, meaning of the right of the majority of subjects, and indeed, every individual to choose between various superiors and various legitimate social relations; while they may neither create nor reform them arbitrarily, nothing is stopping them from entering the service of whoever they like best. And this is yet another reason why emigration must never be prohibited—all the more so in that such a prohibition, made to free men, is incompatible with the laws of justice, and

has never successfully been whitewashed except with the help of the false political principles of those who, constantly talking about liberty and the protection of rights, end up unleashing absolute and universal slavery into the world in practice.

¹ Translator's note: Neither the French nor German-language editions include the promised table!

CHAPTER XXII.

End of the Introduction. General Results.

IN THE FOREGOING, we have proven that States differ from other, private relations of service and society, not by their nature, but solely by degree, that is to say, by their greater power and liberty; that supreme or sovereign authority consists only in the personal independence of the prince; that this independence is but the natural result of a sufficient amount of power or goods of fortune, and can be legitimately acquired and lost in various ways, sometimes by individuals, sometimes corporations. From these established truths, the following *results* or corollaries, which demolish the political system dreamed up by *philosophism*, and at the same time comprise the elementary principles of true natural public law, whose various subdivisions we will soon explicate: 1.° Sovereigns (whether individual or corporate) *rule by virtue of their own personal rights, and not delegated rights (jus proprio et non jure delegato)*. In no way did the people give them power, otherwise they could take it back or put it in different hands at their whim; but sovereigns hold this power of themselves, as well as the superior liberty that results from it; they owe it, either to nature, as with anything that is innate, the legitimate use of their own means, that is to say, the product of their innate talents, or finally, to favours and particular agreements, as with anything that can be acquired. 2.° *The people therefore neither installed nor created them*; on the contrary, they gradually *rallied this people* (the sum total of their subordinates) around them; they took this people into their service; they are, in short, the fathers or authors of this mutual bond. In origin, the people didn't exist before the *prince* did, but the prince existed before the *people* did, just as the father existed before the child, the master before the servant; everywhere the superior before his inferiors, the root and the trunk before the bough, branches, and leaves. 3.° Princes aren't *administrators of a public thing*; for a master-servant relation in no way comprises a corporation, therefore in no respect a public thing. Nor are they *first servants of the State*, for without them the State is nothing, as their independence alone defines the social network

known as the State; nor are they *first officers or functionaries* of the people, which would make the servants masters, and the masters servants; nor merely *heads of State*, in roughly the same way a mayor is head of his municipality. All of these modern expressions are contrary to nature, and are essentially synonymous; they all emanate from the same revolutionary spirit, and presuppose the same false principle of social contract, the sovereignty of the people, and the delegation of power. On the contrary, princes are *persons who are completely free, independent lords* who, just like other lords govern, in essence and as a rule, not the affairs of others, but only *their own*. All of their powers must derive from their own personal rights, that is to say, the natural rights of Man, which belong to them as much as any other mortal, and from acquired private rights; that is to say, their liberty and their property; hence we will see how these two principles suffice for the elucidation of all, and that there is no need to seek out any others. 4.° *The power to govern, and the exercise of government, is thus in their hands as a right, and not a duty*. For any man has the right to make use of what belongs to him, to exercise liberty according to his means, to make himself useful to other men and give them help; this right therefore belongs to men who are independent as much as it does to those who aren't. Only the *manner of governing* is a duty, since it must not violate, but rather, support the rights of others. In this sense, supreme authority is rightly considered an *office received from God*, just as the forces and talents of private individuals are called a trust received from God, which they must use in order to uphold and practice His laws of justice and benevolence. And by the very reason that a prince in essence governs only his own affairs, the part played in the government by the subaltern officers he appoints to assist in this administration, imposes, *as with all other servants*, a duty towards the master and not the people on them, a duty at all times limited by the Divine laws (that is to say, pre-existing and higher duties) to which particular human laws are always subordinated.¹ 5.° Just as princes *were in no way created by the people, they likewise aren't made exclusively for the people, but first, foremost, and in essence, for themselves*. Conversely, *it is no more true that subjects exist exclusively for the prince and his interests*, for otherwise they would be slaves, and nobody would freely enter such a social relation. The obligations are reciprocal; everyone seeks his own advantage in service, and therefore must fulfill the attending duties. From the point of view of right, in accordance with strict laws of justice, everybody exists *for himself*, as the

end of his own actions; but, in a moral relation, according to the law of charity, and the exchange of mutual good deeds, *each man is made for another*, the master for the servant, and the servant for the master; the strong for the weak, and the weak, in turn, for the strong.^{2 6.°} A principality, even when large enough to bear the name of monarchy, is *in no way a public thing*, but is in essence private, a seniorial relation, a great family (*magna familias*). It cannot be called a republic in any respect, and nor can the two terms be assimilated into one another, as has been done, with more art than exactitude, even by writers who were geniuses, and in every other way enemies of the revolutionary system. While it can be said that prince and subjects form a unitary totality between them; that, at least in a great many cases, if not always, they have a common interest, above all against external enemies; that the advantage of the prince is in several ways bound up with that of the people; nonetheless, the designation, republic, applied to a principality, will always remain false and inexact, and gives rise to the most absurd, and hence most disastrous, forms of reasoning; it is indeed correct to say that this particular confusion of ideas produced every other political error. The term, *republic* (*civitas*), is appropriate only to a society in the special sense of a corporation owned in common, and in which there must be equal obligations and benefits for all.

By means of these rectified principles, which ground the power of princes, not on delegated rights, but personal rights: everything that had hitherto been murky and difficult for science, becomes clear and simple, and everything that, under the pseudo-philosophical system, seemed absurd and contradictory, becomes legitimate and accessible to every mind. And, as much as this system provides a solid foundation for the existence and true rights of princes, it is nonetheless far from amenable to despotism or the abuse of authority, since it grounds those rights on the same bedrock as the rights of any other man. On the contrary, and in accordance with natural justice, it only gives each man what is rightfully his; it is as good for peoples as it is for princes. In fact, for the very reason that sovereigns only have their own personal rights, natural or acquired, they are also limited by these same rights. For all property has its boundaries, while what is supposed to have been delegated has none whatsoever; and the possession of power and independence gives neither the right nor the pretext for its abuse, the way the false idea that serves as the foundation of a universal and all-embracing

power does. The modern doctrine that envisions princes as the representatives and officers of the people as a whole, or as interpreters and executors of the general will, is much more dangerous, indeed, singularly dangerous for sovereigns and peoples. For on the one hand, it undermines the foundations of the authority of the highest, upsets the nature of existing relations, and prepares the ruin of princes; while on the other hand, under the pretext of the public good, imaginary ends of State, or the putative destiny of the human race, it gives the State absolute authority over person and property; with the result that there is no injustice this pretext can't whitewash or put into practice. Hence the plain truth is a boon to all men, while lies and veiled injustice are ruinous to everyone without exception. As we will show at a suitable time and place, the sophistic doctrines of fraudulent sages alone are behind all the despotic and oppressive measures that, in modern times, have weighed down on entire peoples. Formerly they were either unknown, or extremely rare, and at least one didn't see these doctors of the human race, with an appalling perversity, calling injustice justice, and turning the violation of the rule into the very rule itself.

Finally, the principles explicated in this introduction, also define the subject-matter, extent, and limits of the science we shall treat. Free (independent) individuals and corporations, that is to say, *principalities* and *republics* comprise the subject-matter of universal public law. Hence, in the first part, we shall occupy ourselves with principalities, and republics in the second; we must, to be sure, also show how sovereign individuals and corporations naturally emerge, and through what legitimate means they can come into independence. But in a stricter sense, universal public law presupposes the existence of its subject-matter, taking it as given that sovereignty has already been legitimately acquired, and dealing only with the attending rights and obligations, be they between masters and servants, or within a corporation of citizens enjoying equal rights. In the first case, it's the *law of princes*, in the second, that of *republics*, considered solely in their interior, or the relation of their members to one another (the reason being that the relationship of the corporation as a whole to its servants and subjects must, as with princes and their servants and subjects, be judged according to seniorial right or the right of princes). Three intimately intertwined areas, in any case, make up the science of public law, to wit: 1.° general knowledge of *States*, which encompasses their origin, rise, and fall; 2.° *universal public law*,

which treats the mutual rights and obligations of sovereigns and subjects, albeit without neglecting the duties of benevolence that serve to supplement those of strict justice; 3.^o *universal Statecraft*, which must indicate the means of preserving and strengthening States. But, as we have said already in Chapter II, it would be impossible to separate these several parts of a single whole, without each one losing its integrity, or without having to borrow too many things from the other two. They mutually support and complete each other; they cannot be conceived in isolation. Fact and right, or, better yet, the laws of necessity explicated in their reciprocal harmony with commandments of justice, benevolence, and wisdom, are what make for the perfection of the natural order of things in social relations; an order of things established by God Himself, of which the human science we shall explicate, when all is said and done, is not and never will be more than a faint image and an imperfect sketch.

1 As soon as one establishes the truth that a minister, general, etc. are servants of the prince and not those of the people (something proven by evidence and language), very many people are terrified by it, as though such a minister, for this reason, would no longer have any duties towards other men, and would have to become the instrument of all sorts of crimes, or as though everything he did *for* the prince was by the fact alone necessarily directed *against* the people. These fears derive only from the impiety of our age, which no longer recognizes a supreme law. Were I to order a domestic servant to kill such-and-such an individual who displeases me, or secretly rob the other domestics who live in the house in order to fill my own wallet, he wouldn't answer: Sir, I am in no way your servant, but the servant of the house or the domestic people. He would say: Sir, I can't do that; you have no right to order me to do anything like that; and me, I'm not the one to carry out your orders in this area, since I can only commit myself to doing what is lawful. I have duties to God and other men too, duties I am not allowed to neglect, etc. The same goes for servants of a more elevated sort. A conscientious minister, for example, would never lend himself to executing measures he personally saw as unjust or violent, and it wouldn't be because he is servant of the people, but because he must not commit injustice in general, nor make himself its instrument or accomplice. There were once more than enough of these religious-type servants, back when men still believed in the need to fear God more than men, that is to say, translating these words into philosophical language, back when it was still thought that human laws must be subordinate to natural laws; and that, in case of conflict, the latter must take precedence.

2 Revolutionaries and would-be philosophers always think they emerge triumphant whenever they ask the following loaded question: "Was the prince made for the people, or the people for the prince", as though only one of these positions can possibly be taken. They think nobody would dare take the second, and if one comes out in support of the first, then they win the day. But one need only reply: *Neither*. Such questions are but frivolous hair-splitting, cheap sophisms that bog down the simple-minded. One might as well ask whether the merchant exists for his wares, or his wares for the merchant. In one relation, every man exists for himself, in another, he exists for his fellows. Everybody looks out for themselves; but they help each other too.

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