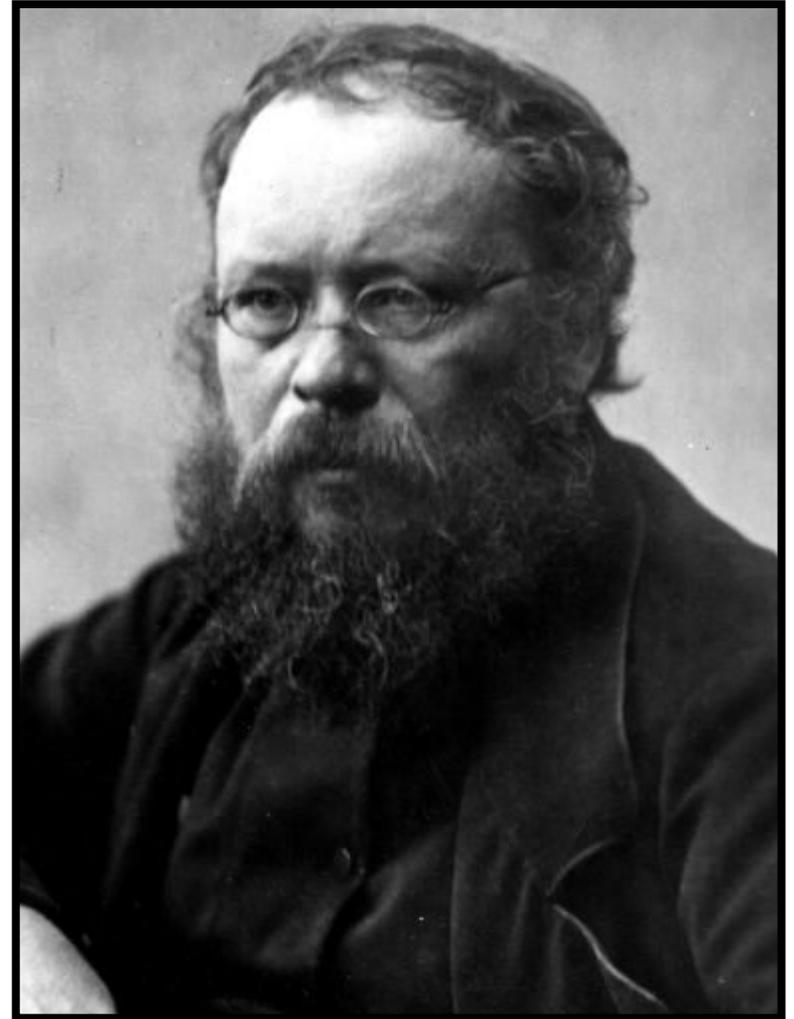


**Traditional Denial of Government  
Emergence of the Idea which Succeeds it**



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The notion of Contract succeeding that of Government,

Historic evolution leading Humanity inevitably to a new system,

Economic criticism having shown that political institutions must be lost in industrial organization,

We may conclude without fear that the revolutionary formula cannot be *Direct Legislation*, nor *Direct Government*, nor *Simplified Government*, that it is **No Government**.

Neither monarchy, nor aristocracy, nor even democracy itself, in so far as it may imply any government at all, even though acting in the name of the people, and calling itself the people. No authority, no government, not even popular, that is the Revolution.

Direct legislation, direct government, simplified government, are ancient lies, which they try in vain to rejuvenate. Direct or indirect, simple or complex, governing the people will always be swindling the people. It is always man giving orders to man, the fiction which makes an end to liberty; brute force which cuts questions short, in the place of justice, which alone can answer them; obstinate ambition, which makes a stepping stone of devotion and credulity.

No, the old serpent shall not prevail: it has strangled itself by involving itself in this question of direct government. Now that we grasp, as a clear antithesis, the political idea and the economic idea, Production and Government; now that we can deduce them reciprocally one from the other, test them and compare them, the opposition of Neo-Jacobinism is no longer to be feared.

They who are still fascinated by the schism of Robespierre will tomorrow be the orthodox of the Revolution.

## **Traditional Denial of Government.**

### **Emergence of the Idea which Succeeds it.**

The form under which men first conceived of Order in Society is the patriarchal or hierarchical; that is to say, in principle, Authority; in action, Government.

Justice, which afterwards was divided into distributive and commutative justice, appeared at first under the former heading only: a *Superior* granting to *Inferiors* what is coming to each one.

The governmental idea sprang from family customs and domestic experience: no protest arose then: Government seemed as “natural” to Society as the subordination of children to their father. That is why M. de Bonald was able to say, and rightly, that the family is the embryo of the State, of which it reproduces the essential classes: the king in the father, the minister in the mother, the subject in the child. That is also the reason that all the fraternity socialists, who take the family as the rudiments of Society, arrive at a dictatorship, which is the most exaggerated form of government. The administration of M. Cabet in his estate of Nauvoo is a good example. How much longer will it take us to understand this connection of ideas?

The primitive conception of order through Government is found among all peoples; and if, from the very beginning, the efforts that were made to organize, modify and limit the action of Power, to devote it to general needs and to special circumstances, show that the denial of government was implied in its affirmation, it is certain that no rival hypothesis arose; the spirit always remained the same. As the nations emerged from a state of savagery and barbarism, they are observed to have immediately entered upon the governmental path, and to traverse a circle of institutions which are always the same, and which historians and publicists arrange in classes succeeding one another, Monarchy, Aristocracy, Democracy.

But there is something more serious.

The prejudice in favor of government having sunk into our deepest consciousness, stamping even reason in its mould, every other conception has been for a long time rendered impossible, and the boldest thinkers could but say that Government was no doubt a scourge, a chastisement for humanity; but that it was a necessary evil!

That is why, up to our own days, the most emancipating revolutions and all the eruptions of liberty have always ended in a reiteration of faith in and submission to power; why all revolutions have served only to re-establish tyranny: I make no exception of the Constitution of '93, any more than that of 1848, the two most advanced expressions nevertheless of French democracy.

What has maintained this mental predisposition and made its fascination invincible for so long a time, is that, through the analogy between Society and the family, the Government has always presented itself to the mind as the natural organ of justice, the protector of the weak, the preserver of the peace. By the attribution to it of provident care and of full guaranty, the Government took root in the hearts, as well as in the minds of men; it formed a part of the universal soul, it was the faith, the intimate, invincible superstition of the citizens! If this confidence weakened, they said of Government, as they said of Religion and Property, it is not the institution which is bad, but the abuse of it; it is not the king who is wicked but his ministers; Ah, if the king knew!

Thus to the hierarchical and absolutist view of a governing authority, is added an ideal which appeals to the soul, and conspires incessantly against the desire for equality and independence. The people at each revolution think to reform the faults of their government according to the inspiration of their hearts; but they are deceived by their own ideas. While they think that they will secure Power in their own interest, they really have it always against them: in place of a protector, they give themselves a tyrant.

Experience, in fact, shows that everywhere and always the Government, however much it *may* have been for the people at its origin, has placed itself on the side of the richest and most educated class against the more numerous and poorer class; it has little by little

In my turn I have completed the analysis of economic functions, and of the theory of credit and exchange, if I may speak of myself at this time, when I alone represent the revolutionary point of view. To establish this discovery, I have no need, I fancy, to mention the different works and articles in which it is recorded: they have obtained enough notoriety in the past three years.

Thus the Idea, the incorruptible seed, passes along the ages, illuminating from time to time a man of willing mind, to the day when an intellect that nothing can intimidate receives it, broods upon it, then hurls it like a meteor among the astonished crowds.

The idea of contract, in opposition to that of government, which was the outcome of the Reformation, passed through the seventeenth and eighteenth centuries, without being noticed by a single publicist, nor observed by a single revolutionary. On the other hand, all that was most illustrious in the Church, in philosophy, in politics, conspired to oppose it. Rousseau, Siéyès, Robespierre, M. Guizot, all that school of parliamentarians, bore the banner of the opposition. At last one man, perceiving the disregard of the leading principle, brought again to the light the new and fruitful idea: unfortunately the practical side of his doctrines deceived his own disciples: they could not see that the producer is the negation of the ruler, that organization is incompatible with authority; and thus for thirty years the principle was lost to sight. Finally, it took hold of public opinion, through the loudness of protest; but then, *O vanas hominum mentes, o pectora coeca!* opposition brings about revolution! The idea of Anarchy had hardly been implanted in the mind of the people when it found so-called gardeners who watered it with their calumnies, fertilized it with their misrepresentations, warmed it in the hothouse of their hatred, supported it by their stupid opposition. Today, thanks to them, it has borne the anti-governmental idea, the idea of Labor, the idea of Contract, which is growing, mounting, seizing with its tendrils the workingmen's societies, and soon, like the grain of mustard seed of the Gospel, it will form a great tree, with branches which cover the earth.

The sovereignty of Reason having been substituted for that of Revolution,

the children continually diminishes in intensity, while instruction plays a more important part. *It has been the same in the education of society.* Military activity, that is to say, feudal or governmental, had to be strongest at the origin of society; it always had to diminish, while administrative activity had to acquire greater importance; and the administrative power must end by entirely overshadowing military power.

To these extracts from Saint Simon must be added his famous *Parable*, which in 1819 fell like an axe upon the official world; and for which the author was tried in the Court of Assizes, on the 20th of February, 1820, and acquitted. The length of this work, which is moreover well known, forbids us from quoting it here.

Saint Simon's negation of government, as is easily seen, is not deduced from the idea of contract, which for eighty years Rousseau and his votaries had corrupted and dishonored. It flows out of a different kind of insight, entirely experimental and a posteriori, such as is suited to an observer of facts. The end of governments, which the providentially inspired theory of contract had, since the time of Jurieu, foreshadowed in the future of society, Saint Simon establishes from the law of the evolution of humanity, appearing at his strongest in the heat of discussion. Thus the theory of the Law and the philosophy of history, like two surveyor's poles planted on in front of the other, direct the mind toward and unknown revolution; one step more and we shall reach the issue.

All roads lead to Rome, says the proverb. All investigations also conduct to the truth.

I think that I have over-abundantly established that the eighteenth century would have reached the negation of government by the development of the idea of contract, that is to say, by the judicial road, if it had not been turned from the path by the classic, retrospective and declamatory republicanism of Rousseau.

This negation of government Saint Simon deduced from observation of history, and of the progress of humanity.

become narrow and exclusive; and, instead of maintaining liberty and equality among all, it works persistently to destroy them, by virtue of its natural inclination towards privilege.

We have shown in a previous study how since 1789, the revolution having founded nothing, society, as M. Collard expressed it, having been reduced to dust, the distribution of wealth left to chance, the Government, whose task it is to protect property as well as person, found itself in fact established for the rich against the poor. who does not see now that this anomaly, which then it was thought proper to embody in the political constitution of our country, is common to all governments? At no epoch is property found to depend on labor exclusively; at no epoch has work been guaranteed by the equilibrium of economic forces: in this matter, the civilization of the nineteenth century is not any more advanced than that of the Middle Ages. Authority, in defending rights, however established, has always been for riches against misfortune: the history of governments is the martyrology of the proletariat.

Most of all in a democracy, which is the last phase of governmental evolution, it is necessary to study this inevitable desertion by Power of the cause of the people.

What do the people do when they proclaim their own sovereignty, that is, the authority of their own votes, after they are tired of their aristocrats, and indignant at the corruption of the princes?

They say to themselves:

Before everything else, order is necessary to society.

The guardian of this order, which should mean liberty and equality for us, is the Government.

Therefore let us take the Government into our own hands. Let the Constitution and the laws become the expression of our own will; let the office holders and magistrates, who are our servants elected by us, and always subject to recall, never be permitted to do anything but what the good pleasure of the people has determined upon. Then we

shall be sure, if our watchfulness never relaxes, that the Government will be devoted to our interests, that it will no longer be the tool of the rich, nor the prey of the ambitious politicians; that affairs will be conducted as we wish and to our advantage.

Thus reasons the multitude, at each epoch of oppression. Simple reasoning, logic that cannot be more straightforward, and which never fails in its effect. Even if the multitude went so far as to say, with Messrs. Considerant and Rittinghausen: Our deputies are our enemies; let us govern ourselves and we shall be free;--there would be no change in the argument. The principle, that is to say, Government, remaining the same, there would still be the same conclusion.

For several thousand years this theory has diverted the oppressed classes and the orators who defend them. Direct government dates neither from Frankfort, nor from the Convention, nor from Rousseau; it is as old as indirect: it dates from the foundation of societies.

No more hereditary royalty,

No more presidency,

No more representation,

No more delegation,

No more alienation of power,

Direct government,

**The People!** in the permanent exercise of their sovereignty.

What is there at the end of this refrain which can be taken as a new and revolutionary proposition, and which has not been known and practiced long before our time by Athenians, Boeotians, Lacedemonians, Romans, &c.? Is it not always the same vicious circle, always the same drop to absurdity, which, after having sucked dry and eliminated successively absolute monarchies, aristocratic or representative monarchies, and democracies, comes to the turning

The transitional crisis began by the preaching of Luther; since that time the tendency of thought has been fundamentally critical and revolutionary.

Saint Simon then cites in support of his ideas, as having had a more or less vague apprehension of this great metamorphosis, among statesmen, Sully, Colbert, Turgot, Necker, even Villèle; among philosophers, Bacon, Montesquieu, Condorcet, A. Comte, B. Constant, Cousin, A. de Laborde, Fiévée, Dunoyer, &c.

All Saint Simon is in these few lines, written in the style of the prophets; but too hard of assimilation for the age when they were written, and too condensed in meaning for the youthful spirits who first attached themselves to the noble innovator. Note well, that therein is found neither community of goods nor of women, nor purification of the flesh, nor androgyny, nor a Supreme Father, nor *Circulus*, nor Triad. Nothing of all that has been disseminated by his disciples really belongs to the master; on the contrary, the disciples have quite misunderstood the meaning of Saint Simon.

What did Saint Simon mean?

From the moment when, on the one hand, philosophy succeeds to faith, and replaces the ancient conception of government by that of contract; or, on the other, when after a Revolution which has abolished feudalism, society requires the development and harmonization of its economic powers; from this moment it becomes inevitable that government, already denied in theory, should fall to pieces in practice. And when Saint Simon, to designate this new order of things, conforms to the old style and uses the word government, joined with the epithet *administrative* or industrial, it is evident that this word, from his pen, acquires a metaphorical, or rather analogical, meaning, which could not but mislead the uninitiated. How is it possible to misunderstand the thought of Saint Simon, in reading the still more explicit passage which I here cite:

If we observe the course which is followed in the education of individuals, we notice that in the primary schools government has the most importance; and in schools of a higher grade, the government of

which never suffers but from the influence of foreigners, owes to Rousseau the bloody struggles and failures of '93

Thus, while the revolutionary tradition of the sixteenth century gave us the idea of the Social Contract as an antithesis to that of Government, an idea which the Gallic genius, so judicial in its character, had not failed to penetrate; the tricks of a rhetorician sufficed to divert us from the true road, and to cause delay in the interpretation of it. The negation of government, which is at the foundation of the Utopia of Morelly, which casts a gleam, soon extinguished, over the sinister manifestations of the *Enragés* and *Hébertists*, and which would have emerged from the doctrines of Baboeuf, if Baboeuf had known how to reason and deduce his own principles:--this great and decisive negation remained not understood, all through the eighteenth century.

But an idea cannot perish. It is born again, always from its contradictory. Let Rousseau triumph: his glory of a moment will be but the more detested. While waiting for the theoretical and practical deduction of the Contractual Idea, complete trial of the principle of authority will serve for the education of Humanity. From the fullness of this political evolution, we finally arise the opposite hypothesis: Government, exhausting itself, will give birth to Socialism as its historic sequel.

It was Saint Simon who first took up the thread again, in timid language, and with a still dim consciousness.

The human race, he wrote in the year 1818, has been called upon to live at first under governmental and feudal rule. It is destined to pass from the *governmental* or *military* rule to *administrative* or *industrial* rule, after it has made sufficient progress in the physical sciences and industry.

Finally, it has been subjected through its organization to endure a long and violent crisis in its passage from a military to a pacific system.

The present period is one of transition.

point of direct government, only to begin again with a dictatorship for life and hereditary royalty? Direct government, among all nations, has been an epoch of renewed life for destroyed aristocracies and broken-down thrones: it could not maintain itself among peoples which, like Athens and Sparta, had the advantage of a very small population and the service of slaves. It would be for us the prelude to Caesarism, despite our post office, our railroads, our telegraphs, despite the simplification of laws, the recall of officials, the imperative mandate. It would hurl us so much the more quickly toward imperial tyranny, in that our lower classes are no longer willing to be wage-workers, our proprietors would not suffer themselves to be expropriated, and the partisans of direct government, doing everything through politics, seem to have no notion of economic organization. One step more on this road, and the era of Caesars will have dawned: to an unworkable democracy will succeed, without any step of transition, the empire, with or without Napoleon.

We must get out of this vicious circle. The political idea, the ancient notion of distributive justice, must be contradicted through and through; and that of commutative justice must be reached, which, in the logic of history as well as of law, succeeds it. Blind men by choice, seeking in the clouds for what is under your nose, read again your authors, look about you, analyze your own formulas, and you will find the solution, which has dragged from immemorial time through the centuries, and which neither you nor any one of your satellites have deigned to notice.

All ideas are co-eternal in the mind: they seem to be successive only in history, in which they come in their turn to assume direction of affairs and to occupy the first rank. The operation by which one idea is driven from power is called in logic, *negation*; that by which another is established is called *affirmation*.

Every revolutionary negation therefore implies a subsequent affirmation: this principle, which the practice in revolutions proves, is about to receive a wonderful confirmation.

The first authentic negation of the idea of authority which has been made is that of Luther. This negation, nevertheless, did not go

beyond the sphere of religion: Luther, like Leibnitz, Kant, Hegel, was a thoroughly governmental mind. This negation was called *free criticism*.

What does free criticism deny? The authority of the Church.

What is reason? An agreement between intuition and experience.

The authority of reason; that is the eternal, positive idea, substituted by the Reformation for the authority of faith. As philosophy formerly sprang from revelation, revelation hereafter will be subordinated to philosophy. Their parts are changed: the government of society is not what [it] was: morality is changed: destiny itself seems to be modified. We can already in our time catch a glimpse of all that this renewal of reign contained, in which the words of man took the place of the voice of God.

A like movement is about to take place in the sphere of political ideas.

Following Luther, the principle of free criticism was carried, notably by Jurieu, from the spiritual to the temporal. To the sovereignty of divine right, the adversary of Bossuet opposed the sovereignty of the people, which he expressed with infinitely more precision, force and profoundness by the words *Social Contract* or *Pact*, of which the contradiction is manifest to such words as power, authority, government, imperium, ἀρχή.

What really is the *Social Contract*? An agreement of the citizen with the government? No, that would mean but the continuation of the same idea. The social contract is an agreement of man with man; an agreement from which must result what we call society. In this, the notion of *commutative justice*, first brought forward by the primitive fact of exchange, and defined by the Roman law, is substituted for that of *distributive justice*, dismissed without appeal by republican criticism. Translate these words, *contract*, *commutative justice*, which are the language of the law, into the language of business, and you have *Commerce*, that is to say, in its highest significance, the act by

Never man united to such an extent intellectual pride, aridity of soul, lowness of tastes, depravity of habits, ingratitude of heart; never did the warmth of eloquence, the pretence of sensitiveness, the effrontery of paradox, arouse to such infatuation. Since the time of Rousseau, and following his example, there has been founded among us a sentimental and philanthropic school, I should say, industry, which is able to gather in the honor due to charity and devotion, while really practicing the most complete selfishness. Distrust this philosophy, this politics, this socialism of Rousseau. His philosophy is all phrases and covers only emptiness, his politics is full of domination; as for his ideas about society, they scarcely conceal their profound hypocrisy. They who read Rousseau and admire him, are simply dupes, and I pardon them: as for those who follow and copy him, I warn them to look to their own reputation. The time is not far away when a quotation from Rousseau will suffice to cast suspicion upon a writer.

Let me say, in conclusion, that, to the shame of the eighteenth century and of our own, the *Social Contract* of Rousseau, a masterpiece of oratorical jugglery, has been admired, praised to the skies, regarded as the record of public liberties; that Constituents, Girondins, Jacobins, Cordeliers, have all taken it for an oracle; that it served for the text of the Constitution of '93, which was declared absurd by its own authors; and that it is still by this book that the most zealous reformers of political and social science are inspired. The corpse of the author, which the people will drag to Montfaucon, on the day when they shall have learned the meaning of these words: Liberty, Justice, Morality, Reason, lies glorious and venerated in the catacombs of the Pantheon, where never one will enter of these honest laborers who nourish with their blood their poor families; while the profound geniuses set up for their adoration send, in lubricious frenzy, their bastards to the almshouse.

Each aberration of the public conscience carries its punishment with it. The vogue of Rousseau has cost France more gold, more blood, more shame, than the hateful reign of the three famous courtesans, Cotillon I, Cotillon II, Cotillon III, (Chateauroux, Pompadour, Dubarry) ever caused her to sacrifice. Our country,

seen under Louis Philippe, and as some people would like to see again.

That as the sovereign, that is to say, the People, is a fictitious being, an ideal person, a mere conception of the mind, it has, as its natural and visible representative, the prince, who is the more valuable because he is one.

That the Government is not within a society, but *outside* of it.

That according to all these considerations, which are linked together in Rousseau like the theorems of geometry, a real democracy has never existed, and never will exist, seeing that in a democracy it is the greater number that should lay down the law and exercise the power, while it is contrary to the order of nature that the greater number should govern and the less be governed.

That direct government is impracticable, above all in a country like France, because, before everything else, it would be necessary to equalize fortunes, and equality of fortunes is impossible.

That besides, on account of the impossibility of maintaining equal conditions, direct government is of all the most unstable, the most perilous, the most fruitful of catastrophes and civil wars.

That as the ancient democracies could not maintain themselves, despite the powerful aid of slavery, it would be vain to attempt to establish this form of government among ourselves.

That democracy is made for gods, not for men.

After having trifled with his readers thus for a long time, after having drawn up the Code of Capitalist and Mercantile Tyranny, under the deceptive title of *Social Contract*, the Genevese charlatan deduces the necessity of a lower class, of the subordination of labor, of a dictatorship and of the Inquisition.

It appears to be the advantage of literary people that style should take the place of reason and morality.

which man and man declare themselves essentially producers, and abdicate all pretension to govern each other.

*Commutative justice*, the *reign of contract*, the *industrial or economic system*, such are the different synonyms for the idea which by its accession must do away with the old systems of *distributive justice*, the *reign of law*, or in more concrete terms, *feudal*, *governmental*, or *military* rule. The future hope of humanity lies in this substitution.

But before this revolution of doctrine can be formulated, before it can be comprehended, before it can take possession of the peoples who alone can put it into practice, what fruitless debates! what weary inactivity of ideas! what a time for agitators and sophists! From the controversy of Jurieu with Bossuet, to the publication of Rousseau's *Social Contract* almost a century elapsed; and when the latter appeared, it was not to assert the idea, but to stifle it.

Rousseau, whose authority has ruled us for almost a century, understood nothing of the social contract. To him, most of all, must be ascribed the great relapse of '93, expiated already by fifty-seven years of fruitless disorder, and which certain minds more ardent than wise wish us still to regard as a sacred tradition.

The idea of contract excludes that of government: M. Ledru-Rollin, who is a lawyer, and whose attention I call to this point, ought to know it. What characterizes the contract is agreement for equal exchange; and it is by virtue of this agreement that liberty and well being increase; while by the establishment of authority, both of these necessarily diminish. This will be evident if we reflect that contract is the act whereby two or several individuals agree to organize among themselves, for a definite purpose and time, that industrial power which we have called *exchange*; and in consequence have obligated themselves to each other, and reciprocally guaranteed a certain amount of services, products, advantages, duties, &c., which they are in a position to obtain and give to each other; recognizing that they are otherwise perfectly independent, whether for consumption or production.

Between contracting parties there is necessarily for each one a real personal interest; *it implies that a man bargains with the aim of securing his liberty and his revenue at the same time, without any possible loss.* Between governing and governed, on the contrary, no matter how the system of representation or of delegation of the governmental function is arranged, there is *necessarily* alienation of a part of the liberty and of the means of the citizen; in return for what advantage we have explained above.

The contract therefore is essentially reciprocal: it imposes no obligation upon the parties, except that which results from their personal promise of reciprocal delivery: it is not subject to any external authority: it alone forms the law between the parties: it awaits their initiative for its execution.

But if such is the contract in its most general acceptation, and in daily practice; what will be the Social Contract, which is relied upon to bind together all the members of a nation into one and the same interest?

The Social Contract is the supreme act by which each citizen pledges to the association his love, his intelligence, his work, his services, his goods, in return for the affection, ideas, labor, products, services and goods of his fellows; the measure of the right of each being determined by the importance of his contributions, and the recovery that can be demanded in proportion to his deliveries.

Thus the social contract should include all citizens, with their interests and relations. -- If a single man were excluded from the contract, if a single one of the interests upon which the members of the nation, intelligent, industrious, and sensible beings, are called upon to bargain, were omitted, the contract would be more or less relative or special, it would not be social.

The social contract should increase the well-being and liberty of every citizen. -- If any one-sided conditions should slip in; if one part of the citizens should find themselves, by the contract, subordinated and exploited by the others, it would no longer be a contract; it would

understand, consent to and sign, he gives us, what? That which today we call *direct government*, a recipe by which, even in the absence of all royalty, aristocracy, priesthood, the abstract *collectivity* of the people can still be used for maintaining the parasitism of the minority and the oppression of the greater number. It is, in a word, the legalization of social chaos by a clever fraud, the consecration of poverty, based on the sovereignty of the people. Moreover there is not a word about labor, nor property, nor industrial forces, nor the industrial forces; all of which it is the very object of a Social Contract to organize. Rousseau does not know what economics means. His program speaks of political rights only; it does not mention economic rights.

It is Rousseau who teaches us that the people, a collective being, has no unitary existence; that it is an abstract personality, a moral individuality, incapable by itself of thinking, acting, or moving; which means that general reason is not superior to individual reason, and, in consequence, that he who has the most developed individual reason best represents general reason. A false proposition, which leads directly to despotism.

It is Rousseau who teaches us by aphorisms the whole of this liberty-destroying theory, making his deductions from this first error.

That popular or direct government results essentially from the *yielding up* of liberty that each one must make for the advantage of all.

That *the separation of powers is the first condition of government.*

That in a well-ordered Republic no association or special meeting of citizens can be permitted, because it would be a State within a State, a government within a government.

That a sovereign is one thing, a prince is another.

That the first by no means excludes the second; so that the most direct government may well exist with a hereditary monarchy, as was

contract, according to Rousseau, is nothing but the offensive and defensive alliance of those who possess, against those who do not possess; and the only part played by the citizen is to pay the police, for which he is assessed in proportion to his fortune, and the risk to which he is exposed from general pauperism.

It is this contract of hatred, this monument of incurable misanthropy, this coalition of the barons of property, commerce and industry against the disinherited lower class, this oath of social war indeed, which Rousseau calls *Social Contract*, with a presumption which I should call that of a scoundrel, if I believed in the genius of the man.

But if the *virtuous and sensitive* Jean-Jacques had taken for his aim the perpetuation of the discord among men, could he have done better than to offer them, as their contract of union, this charter of their eternal antagonism? Watch him at work: you will find in his theory of government the same spirit that inspired his theory of education. As the tutor, so the statesman. The pedagogue preaches isolation, the publicist sows dissension.

After having laid down as a principle that the people are the only sovereign, that they can be represented only by themselves, that the law should be the expression of the will of all, and other magnificent commonplaces, after the way of demagogues, Rousseau quietly abandons and discards this principle. In the first place, he substitutes the will of the majority for the general, collective, indivisible will; then, under the pretext that it is not possible for a whole nation to be occupied from morning till night with public affairs, he gets back, by the way of elections, to the nomination of representatives or proxies, who shall do the law-making in the name of the people, and whose decrees shall have the force of laws. Instead of a direct, personal transaction where his interests are involved, the citizen has nothing left but the power of choosing his rulers by a plurality vote. That done, Rousseau rests easy. Tyranny, claiming divine right, had become odious; he reorganizes it and makes it respectable, by making it proceed from the people, so he says. Instead of a universal, complete agreement, which would assure the rights of all, provide for the needs of all, and guard against all difficulties, which all must

be a fraud, against which annulment might at any time be invoked justly.

The social contract should be freely discussed, individually accepted, signed with their own hands, by all the participants. If the discussion of it were forbidden, cut short or juggled, if consent were obtained by fraud; if signature were made in blank, by proxy, or without reading the document and the preliminary explanation; or even if, like the military oath, consent were a matter of course and compulsory; the social contract would then be no more than a conspiracy against the liberty and well-being of the most ignorant, the weakest and the most numerous, a systematic spoliation, against which every means of resistance, and even of reprisal, would be a right and a duty.

We may add that the social contract of which we are now speaking has nothing in common with the contract of association by which, as we have shown in a previous study, the contracting party gives up a portion of his liberty, and submits to an annoying, often dangerous, obligation, in the more or less well-founded hope of a benefit. The social contract is of the nature of a contract of exchange: not only does it leave the party free, it adds to his liberty; not only does it leave him all his goods, it adds to his property; it prescribes no labor; it bears only upon exchange: all these being points which are not found in the contract of association, which is even antagonistic to it.

Such should be the social contract, according to the definitions of the law and universal practice. Is it necessary now to say that, out of the multitude of relations which the social pact is called upon to define and regulate, Rousseau saw only the political relations; that is to say, he suppressed the fundamental points of the contract, and dwelt only upon those that are secondary? Is it necessary to say that Rousseau understood and respected not one of these essential, indispensable conditions,--the absolute liberty of the party, his personal, direct part, his signature given with full understanding, and the share of liberty and prosperity which he should experience?

For him, the social contract is neither an act of reciprocity, nor an act of association. Rousseau takes care not to enter into such considerations. It is an act of appointment of arbiters, chosen by the citizens, without any preliminary agreement, for all cases of contest, quarrel, fraud or violence, which can happen in the relations which they may subsequently form among themselves, the said arbiters being clothed with sufficient force to put their decisions into execution, and to collect their salaries.

Of a real, true contract, on whatsoever subject, there is no vestige in Rousseau's book. To give an exact idea of his theory, I cannot do better than compare it with a commercial agreement, in which the names of the parties, the nature and value of the goods, products and services involved, the conditions of quality, delivery, price, reimbursement, everything in fact which constitutes the material of contracts, is omitted, and nothing is mentioned but penalties and jurisdictions.

Indeed, Citizen of Geneva, you talk well. But before holding forth about the sovereign and the prince, about the policeman and the judge, tell me first what is my share of the bargain? What? You expect me to sign an agreement in virtue of which I may be prosecuted for a thousand transgressions, by municipal, rural, river and forest police, handed over to tribunals, judged, condemned for damage, cheating, swindling, theft, bankruptcy, robbery, disobedience to the laws of the State, offence to public morals, vagabondage,--and in this agreement I find not a word of either my rights or my obligations, I find only penalties!

But every penalty no doubt presupposes a duty, and every duty corresponds to a right. Where then in your agreement are my rights and duties? What have I promised to my fellow citizens? What have they promised to me? Show it to me, for without that, your penalties are but excesses of power, your law-controlled State a flagrant usurpation, your police, your judgment and your executions so many abuses. You who have so well denied property, who have impeached so eloquently the inequality of conditions among men, what dignity, what heritage, have you for me in your republic, that you should claim the right to judge me, to imprison me, to take my life and

honor? Perfidious declaimer, have you inveighed so loudly against exploiters and tyrants, only to deliver me to them without defense?

Rousseau defined the social contract thus:

To find a form of association which defends and protects, with the whole power of the community, the person and goods of each associate; and by which each one, uniting himself to all, obeys only himself and remains as free as before.

Yes, these are indeed the conditions of the social pact, as far as concerns *the protection and defense of goods and persons*. But as for the mode of acquisition and transmission, as to labor, exchange, value and price of products, as to education, as to the multitude of relations which, whether he wishes it or not, places man in perpetual association with his fellows, Rousseau says not a word; his theory is perfectly meaningless. Who does not see that without some definition of rights and duties, the sanction which follows is absolutely null; who does not see that where there are no stipulations, there can be no infractions, nor, in consequence, any criminals; and, to conclude with philosophical rigor, that a society which after having provoked revolt, punishes and kills by virtue of such authority, itself commits assassination with premeditation and by treachery.

Rousseau is so far from desiring that any mention should be made in the social contract of the principles and laws which rule the fortunes of nations and of individuals, that, in his demagogue's program, as well as in his Treatise on Education, he starts with the false, thievish, murderous supposition that only the individual is good, that society depraves him, that man therefore should refrain as much as possible from all relations with his fellows; and that all we have to do in this world below, while remaining in complete isolation, is to form among ourselves a mutual insurance society, is to form among ourselves a mutual insurance society, for the protection of our persons and property; that all the rest, that is to say, economic matters, really the only matters of importance, should be left to the chance of birth or speculation, and submitted, in case of litigation, to the arbitration of elected officers, who should determine according to rules laid down by themselves, or by the light of natural equity. In a word, the social