

**CLASS ANALYSIS, SLAVERY AND THE INDUSTRIALIST THEORY OF HISTORY IN
FRENCH LIBERAL THOUGHT, 1814-1830: THE RADICAL LIBERALISM OF
CHARLES COMTE AND CHARLES DUNOYER**

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PREFACE

A. ABSTRACT

The work of Charles Comte and Charles Dunoyer spanning the years from 1814 to 1830 demonstrates that a reassessment of the nature of nineteenth century liberalism in general, and early nineteenth century French liberalism in particular, is required. The picture of nineteenth century liberalism which emerges from traditional accounts does not prepare one for the kind of liberalism advocated by Comte and Dunoyer, with their ideas of class analysis, exploitation, the relationship between the mode of production and political culture, and the historical evolution from one mode of production to another through definite stages of economic development.

We have been told that liberals restricted themselves to purely political concerns, such as freedom of speech and constitutional government, or economic concerns, such as free trade and deregulation, and eschewed the so-called "social" issues of class and exploitation. I will argue in this thesis that there was a group of liberals in Restoration France which does not fit this traditional view. Charles Comte and Charles Dunoyer combined a traditional liberal concern with political and constitutional liberty and a social theory of class and exploitation which they developed during the late 1810s and 1820s. I discuss at some length their interest in the nature of slave labour, in particular its profitability and its class structure, as well as Dunoyer's industrialist theory of history. Since their strong advocacy of private property, individual liberty and laissez-faire economic policies makes it impossible to classify them as "proto-socialists" or "early socialists" however much their theories may have influenced later socialists including Karl Marx, one is obliged to classify them as liberals. Yet, they are quite unlike the mainstream liberals of the early nineteenth century we have come to know through traditional accounts. It is my conclusion that historians, with a very few exceptions, have badly misunderstood the nature of early nineteenth century liberalism by focusing excessively on political and economic policy matters. A study of liberals like Comte and Dunoyer shows there is another dimension to liberalism which has never been adequately appreciated, a "social" dimension in which the problems of class, exploitation and the evolution of societies through definite economic stages played an important rôle.

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Funding for my study first at Stanford University, California and then at King's College, Cambridge came from a variety of sources. I would like to thank the Liberty Fund, the Institute for Humane Studies, the Claude Lambe Fellowship, the Commonwealth Bursaries, and the ORS for their financial support. Also King's College kindly made travel money available to me in order to work in London. The bulk of my research was done at the libraries of the University of Cambridge and the University of London. In particular I would like to thank the librarians of the Goldsmiths' Library of Economic Literature at the University of London and the librarians of the Acton Collection at the University Library of Cambridge for their assistance. I would also like to thank the following individuals who have assisted me over the years it has taken to write this dissertation: my supervisor Richard Tuck, Fellow of Jesus College, Cambridge; Robert Dare, Department of History, University of Adelaide, who cast a critical and experienced eye over an almost finished dissertation; and Walter E. Grinder, Vice-President for Academic Affairs, Institute for Humane Studies.

Part of this dissertation was written while I was teaching at the University of Adelaide. I would like to thank the faculty members and secretarial staff of the History Department for their material and moral support during this time.

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I. INTRODUCTION

The work of Charles Comte and Charles Dunoyer during the Restoration demonstrates that a reassessment of the nature of nineteenth century liberalism in general and early nineteenth century French liberalism in particular is required. The picture of nineteenth century liberalism which emerges from traditional accounts does not prepare one for the kind of liberalism advocated by Comte and Dunoyer, with their ideas of class analysis, exploitation, the relationship between the mode of production and political culture (or "morals" as Dunoyer expressed it), and the historical evolution from one mode of production to another through definite stages of economic development. I have used the expression "mode of production" to translate a variety of terms which Dunoyer uses, such as "la manière même dont ils pouvaient à leurs besoins," "les modes d'existence," "la manière de vivre," and "la mode imparfait de subsistance," all of which were taken from a few pages in Charles Dunoyer, *L'Industrie et la morale considérées dans leurs rapports avec la liberté* (1825).¹ I chose this translation for two reasons. Firstly, it seemed to carry the meaning of what Dunoyer was trying to say. Secondly, the appropriation of this term by Marxists gives the impression that it was they who invented the concept. By associating it with an obviously liberal social theorist my intention it to show that the term was much more broadly used than is commonly recognised. One has been led by many historians to expect that these issues and even this terminology were the exclusive preserve of the early utopian socialists, such as Auguste Comte and the Saint-Simonians, or the Marxists. Since it was Karl Marx who developed the most influential theory of class conflict and historical evolution through economic stages, it has been assumed that these ideas were somehow peculiarly "socialist." They are considered by some historians even to be a distinguishing feature of this tradition of thought.

On the other hand, we have been told, liberals restricted themselves to purely political concerns, such as freedom of speech and constitutional government, or economic concerns, such as free trade and deregulation, and eschewed the so-called "social" issues of class, exploitation and the relationship between the mode of production and political culture. I will argue in this thesis that there was a group of liberals in Restoration France which does not fit this traditional demarcation between liberals and socialists. Charles Comte and Charles Dunoyer combined a traditional liberal concern with political and constitutional liberty and a

¹Charles Dunoyer, *L'Industrie et la morale considérées dans leurs rapports avec la liberté* (Paris: A. Sautetlet, 1825), pp. 181, 182, 185.

social theory of class and exploitation which they developed during the late 1810s and 1820s. Since their strong advocacy of private property, individual liberty and laissez-faire economic policies makes it impossible to classify them as "proto-socialists" or "early socialists" however much their theories may have influenced later socialists including Karl Marx, one is obliged to classify them as liberals. Yet, they are quite unlike the mainstream liberals of the early nineteenth century we have come to know through traditional accounts. It is my conclusion that historians, with a very few exceptions, have badly misunderstood the nature of early nineteenth century liberalism by focusing excessively on political and economic policy matters. A study of liberals like Comte and Dunoyer shows there is another dimension to liberalism which has never been adequately appreciated, a "social" dimension in which the problems of class, exploitation and the evolution of societies through definite economic stages played an important rôle.

When one acknowledges that our understanding of liberalism must be changed in order to include what I have called "the social dimension," it quickly becomes apparent that there are many other nineteenth century liberals who share Comte's and Dunoyer's interest in such things as class and exploitation, but who are often left out of or only selectively used in histories of nineteenth century liberalism. A history of liberalism, based upon my expanded redefinition of what liberalism is, would now have to include, in addition to Charles Comte and Charles Dunoyer, others such as Thomas Hodgskin, Herbert Spencer, Gustave de Molinari, Vilfredo Pareto, and Max Weber, along with the traditionally highly regarded figures such as Benjamin Constant, John Stuart Mill, Richard Cobden, and Alexis de Tocqueville. Even these latter liberals have an interest in class and exploitation which has not yet been fully explored by historians. For example, Benjamin Constant's economic writings have been largely ignored by historians and his most interesting piece of social theory, the "De l'esprit de conquête et de l'usurpation dans leurs rapports avec la civilisation européenne" (1814)² which so influenced Dunoyer, has not always been recognised as such. Mill's interest in social issues is well documented, especially in the *Principles of Political Economy* (1848) and the *Essays in French History and Historians. Collected Works of John Stuart Mill* (1985), but the important discussion of the nature of subjection under feudalism in *The Subjection of Women* has not been fully appreciated.³ Richard Cobden uses an undeveloped theory of class

²Benjamin Constant, "De l'esprit de conquête et de l'usurpation dans leurs rapports avec la civilisation européenne" (1814) in *De la liberté chez les modernes*, ed. Marcel Gauchet (Paris: Livre de poche, 1980).

³John Stuart Mill, *Principles of Political Economy* (1848), ed. Donald Winch (Harmondsworth: Penguin, 1970); *Essays in French History and Historians. Collected Works of John Stuart Mill*, ed. John M. Robson (University of Toronto Press, 1985); *The Subjection of Women*, ed. Kate Soper (London: Virago, 1983).

and exploitation in his speeches and pamphlets where he analyses the rôle of the aristocratic classes in the British Empire and military services.⁴ Seymour Drescher and Roger Boesche have constantly asserted that Tocqueville's economic and social contributions are just as important as the other aspects of his work which are more commonly discussed and Boesche has attempted to uncover the "hidden" Tocqueville in a series of important articles.⁵

I suggest that a new interpretation of early nineteenth century liberalism, which would take into account this social dimension is urgently required. One looks in vain in recent overviews of the history of liberalism to find any mention of this "social" dimension. John Gray, for example, acknowledges the importance of the idea of the autonomous individual, private property and the free market to liberal theory, but makes no mention of any theory of class, exploitation, or historical development.⁶ Because the social dimension plays no part in Gray's account of liberalism, it is not surprising that he dismisses Hodgskin, for example, as just one of "a host of lesser figures" who "produced valuable work (unspecified by Gray) in the classical liberal individualist tradition." While grudgingly acknowledging Hodgskin's philosophical individualism, Gray ignores entirely Hodgskin's theory of property and the vitally important idea of class and exploitation which he developed from it.⁷ Max Weber and Vilfredo Pareto suffer similar fates of dismissive neglect. Spencer is congratulated for his "Principle of Equal Freedom," but his synthetic philosophy or social theory is quickly disposed of as an unfortunate aberration. Comte, Dunoyer, and Molinari are not mentioned at all - a symptom of the narrow, anglocentric perspective of most historians of liberalism.⁸

⁴ Richard Cobden, *Speeches on Questions of Public Policy by Richard Cobden, M.P.*, ed. John Bright and J.E. Thorold Rogers (1870) (New York: Kraus Reprint, 1970) and *The Political Writings of Richard Cobden*, ed. Naomi Churgin Miller (New York: Garland Publishing, 1973).

⁵ Seymour Drescher, *Dilemmas of Democracy: Tocqueville and Modernization* (University of Pittsburgh Press, 1968); *Tocqueville and Beaumont on Social Reform*, ed. Seymour Drescher (New York: Harper Torchbooks, 1968). Roger Boesche, "The Strange Liberalism of Alexis de Tocqueville," *History of Political Thought*, 1981, vol. 11, pp. 495-524; "Tocqueville and *Le Commerce*: A Newspaper expressing his unusual Liberalism," *Journal of the History of Ideas*, 1983, vol. XLIV, no. 2, pp. 277-92; "Why did Tocqueville fear Abundance? or the Tension between Commerce and Citizenship," *History of European Ideas*, 1988, vol. 9, no. 1, pp. 25-45; *Reconsidering Tocqueville's Democracy in America*, ed. Abraham S. Eisenstadt (New Brunswick: Rutgers University Press, 1988).

⁶ John Gray, *Liberalism* (Milton Keynes: Open University Press, 1986).

⁷ Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted...* (London: B. Steil, 1832) reprinted (Clifton, New Jersey: Augustus M. Kelley, 1973).

⁸ Other accounts of liberalism share Gray's reluctance to examine liberal notions of class and social evolution. For Manning, Arblaster, and Bramsted and Melhuish, the economic dimension of nineteenth century liberalism is poorly treated, whilst the social dimension is all but ignored. D.J. Manning, *Liberalism* (London: J.M. Dent and Sons, 1976); Anthony Arblaster, *The Rise and Decline of Western Liberalism* (Oxford: Basil Blackwell, 1984), *Western Liberalism: A History in Documents from Locke to Croce*, ed. E.K. Bramsted and K.J. Melhuish (London: Longman, 1978).

There is, however, a liberal theory of society and social evolution which Gray does accept and that is the idea of "spontaneous order" taken from the Scottish Enlightenment, via the writings of Friedrich Hayek.⁹ According to Hayek, the very methodology of liberal theory, that is methodological individualism, precludes a liberal theory of class, a liberal theory of history, or indeed a liberal sociology at all - a view which many historians of liberalism share. Hayek seems to be unaware of Comte and Dunoyer, but he displays his considerable irritation with social theories in his discussion of Auguste Comte and Saint Simon in *The Counter-Revolution of Science: Studies in the Abuse of Reason*.¹⁰ Following Hayek, Gray gives the impression that, between Adam Ferguson in the eighteenth century and Friedrich Hayek in the twentieth century, liberalism did not have a social theory, except for the bizarrerie of Herbert Spencer's synthetic philosophy. Liberals like Hayek and Gray recognise the importance of the Scottish Enlightenment, especially such figures as Adam Ferguson, Adam Smith, and John Millar, in the development of a liberal social theory, but assume that the matter ended there until Hayek rediscovered the idea of "spontaneous order." Ignoring the important contributions of the Physiocrats in France (Turgot in particular), not to mention the entire tradition of liberal thinking on social theory which existed in the nineteenth century, Hayek argues that, after an exciting period of innovation and development in the 1750s, 1760s, and 1770s, the insights of the Scottish Enlightenment petered out after the hiatus of the French Revolution and Napoleon's Empire. In the period covered by the Restoration and the July Monarchy, when the foundations of the three major ideological movements of the nineteenth century (that is conservatism, liberalism, socialism) were being forged, Hayek believes that liberals ignored or had forgotten the Scottish tradition of social theory. Other theorists, most notably Auguste Comte and Saint Simon, who pursued an interest in social questions, became sidetracked by their infatuation with "reason" and science in the development of their theory of class and social evolution. Hayek believes that all theories of class and history are an "abuse of reason" and "collectivist" by their very nature, the result of the "composite" method of analysis (as opposed to methodological individualism of which Hayek approves).

Furthermore, Hayek seems to link all theories of class and history to political illiberalism. This is certainly true for the social theory of Auguste Comte and Saint Simon, who believed in the rule of a technocratic elite of engineers, scientists and bankers, and Karl Marx, whose

⁹John Gray, "The Idea of Spontaneous Order," *Hayek on Liberty* (Oxford: Basil Blackwell, 1984), pp. 27-55.

¹⁰Friedrich Hayek, *The Counter-Revolution of Science: Studies in the Abuse of Reason* (Indianapolis: Liberty Press, 1979).

teleological social theory was to result in the nirvana of socialism. It is my belief that Hayek and other historians have badly misinterpreted nineteenth century liberal thought. Firstly, they have ignored the "social" dimension to much liberal thought, especially French liberal thought, and secondly, they have falsely associated any theory of class and social evolution with socialism. The study of Comte's and Dunoyer's liberalism shows the necessity of correcting these misinterpretations.

Some historians might prefer to deny Comte and Dunoyer membership in the tradition of nineteenth century liberal thought altogether, rather than redefine what liberalism is. One might argue that Comte and Dunoyer began their careers in 1814 as liberals but, as they developed their social theory in the late 1810s and 1820s, they steadily moved away from liberalism towards something else. This something else was, if not "socialism," then the confused melting pot of ideas which became socialism in the 1830s and 1840s. According to this interpretation, in the new circumstances of the early nineteenth century, interest in class analysis, exploitation and theories of economic evolution was the preserve of a new tradition of thinking, which has come to be known as "socialism." Almost by definition then, anyone who developed theories of class and theories of economic evolution was a "socialist" and anyone who defended property rights and constitutional limits to state power was a liberal. Since Comte and Dunoyer had strayed from these political and economic issues, they had entered a new domain of political philosophy. One might view them as "fellow travellers" of Auguste Comte and Saint Simon and just two more of the many writers who influenced the development of Marx's theory.

However, to define rigidly the boundaries of liberalism and socialism in this manner and to exclude Comte and Dunoyer from the liberal tradition, or even to accuse them of abandoning liberalism under the influence of "socialist" ideas of class and exploitation, would be to deny them their impeccable liberal credentials won at such personal cost during their struggles against censorship and authoritarian government throughout the Restoration. If belief in class analysis and a theory of history based upon the concept of modes of production disqualifies Comte and Dunoyer from membership in the liberal camp, then it is hard to understand their continuing interest in "traditional" liberal causes during the period these ideas were being developed. When Comte and Dunoyer were writing their books on social theory during the 1820s they continued to be part of liberal circles in France, Switzerland and England. They participated in campaigns to protect freedom of speech and trial by jury, they sought and got political office under the more liberal July Monarchy, they became members of the liberal Academy of Moral and Political Sciences, they wrote on various issues of liberal political economy, and Dunoyer, since he outlived Comte by some years, was an active member of the

Political Economy Society and wrote many articles for the preeminently liberal *Journal des Économies* from the early 1840s onwards.

I believe that a reading of Comte and Dunoyer shows the inadequacy of traditional accounts of the nature of nineteenth century liberalism. It will become clear in the course of this dissertation that Comte's and Dunoyer's theory of class and history follow logically from their very liberal theory of private property, the free market, and individual liberty. Since the latter three concepts are essential to liberalism, Comte's and Dunoyer's belief in them must qualify them as members of the liberal tradition. Furthermore, the social theory of class and history they developed from their liberal political and economic ideas must also be considered a legitimate part of the nineteenth century liberal tradition. This necessitates a redefinition, or rather an "expansion" of one's definition of liberalism, so that it includes theorists like Comte and Dunoyer and ideas such as their view of class and history. What this means is that the family of individuals who make up the tradition of nineteenth century liberalism is a more complex and diverse group than many have previously suspected. It also means that ideas of class and theories of history commonly associated with the socialist tradition, if they are combined with a belief in property and the free market, are also an important part of the liberal tradition.

II. THE DEVELOPMENT OF LIBERALISM IN THE RESTORATION, 1814-1830

A. INTRODUCTION: THE HISTORICAL CONTEXT OF RESTORATION LIBERALISM

The Restoration has a curious and fitting neatness about it. At one end it is bounded by a political stutter - the double overthrow of the king-like Emperor Napoleon Bonaparte and the double restoration of the legitimate king Louis XVIII after an absence of a Bourbon king of France of some 22 years. At the other end the Restoration is bounded by yet another overthrow - the “political suicide” of the ultra-royalist Bourbon monarchy and the creation of the conservative liberal July Monarchy of Louis-Philippe.¹¹ To misquote Oscar Wilde, one could say that for the French to lose one Bourbon monarch was a mistake; to lose two was carelessness. However, the second failure of the Bourbon monarchy to retain power was a consequence of the same political mistakes which had resulted in the pushing aside and then overthrow of the Bourbons in 1789-92. In both cases the monarchy refused to allow wider political representation to challenge the monopoly of the aristocratic elites, refused to permit any constitutional limits on the exercise of arbitrary power, and was unable to address the pressing economic and fiscal needs of a rapidly changing society. Once again, the rigidity of the Bourbon monarchy forced France to endure another interlude in the cycle of revolution and reaction which plagues modern French history.

Not surprisingly, just as there is a certain parallel or continuity in the behaviour and attitudes of the Bourbons in 1789 and 1830 there is also a certain parallel or continuity in the demands of the political opposition to Bourbon rule. In both instances the demands for limited government constrained by a written constitution, representative government with ministers responsible to parliament, the protection of civic rights such as freedom of speech, and fiscal and economic “rationalism” (to use an anachronistic but highly appropriate term which would have been appreciated by the Physiocrats, Idéologues and French classical political economists) were voiced by individuals and groups which can be identified as “liberal” by modern historians, even if contemporaries did not use the term “liberal” explicitly. The counterpart of the constitutional monarchists, the Girondin group, and Condorcet of the early phase of the French Revolution from 1789-93 is the broad and eclectic group which made up the “liberal opposition” which sprang up in reaction to the policies of

¹¹André Jardin and André-Jean Tudesq, *Restoration and Reaction, 1815-1848*, trans. Elborg Forster (Cambridge University Press, 1988), p. 94.

both Emperor Napoleon and the Bourbon Restoration in the first three decades of the nineteenth century. It is the aim of this dissertation to explore the “peculiar” liberalism of one segment of this liberal opposition, namely the radical liberalism of Charles Comte and Charles Dunoyer. I have selected them for examination because I believe their interesting combination of political, economic, and social theory helps us better understand both the nature of early nineteenth century liberalism and the stresses and strains of French society during the Restoration.

The historians Jardin and Tudesq divide the history of the Restoration into three periods based upon the degree to which the monarchy was willing to accede to the liberal demands for constitutional, responsible and limited government: the monarchy of “limited suffrage” (April 1814 - September 1816); the government of constitutional monarchists (September 1816 - February 1820); and the rule of royalist reaction (1820 - 1830). The first period was that of the monarchy of “limited suffrage” (the “*monarchie sensitaire*”) which lasted from about April 1814 when the Senate appealed for the return of the Bourbons to the dissolution of the Incredible Chamber in September 1816. Louis reluctantly accepted the constitution or Charter as a condition of his return but he was able to circumvent it to a considerable degree. His claims to legitimacy were given some credence with references in the Charter to the “nineteenth” year of his reign and the creation of pseudo-liberal institutions by royal fiat. The political controversies which were to echo throughout the Restoration were already evident from the first moments of the régime: the relationship between Church and State; the issue of the freedom of the press; the relative powers of the House of Peers, Chamber of Deputies and the Crown; the extent of the voting electorate; the vexed question of nationalised property and compensation to the émigré nobles. The ambivalent or even contradictory nature of the government of the restored monarchy was clearly revealed in the way in which the “liberties” of the French were articulated in the Charter. On the one hand, the rights to liberty, property and equality were proclaimed, along with religious and press freedom. However on the other hand, there were clear constitutional provisions to curb press freedom to avoid “abuses” and Catholicism was declared to be the state religion. As long as the king and his hand-picked ministers were not responsible to the Chamber for their actions the liberties enumerated in the Charter could be gradually whittled away. In addition, article 14 authorised the king to issue royal ordinances in times of crisis to ensure “the enforcement of the law and the security of the State.” This power meant the Crown could at times dispense entirely with the need to consult the Chambers, thus hindering the development of a true constitutional monarchy.

The chaotic return to power of Napoleon for the Hundred Days (March - June 1815) made it even more difficult to create such a constitutional regime in France. The first elections

following the second Restoration took place in August 1815 and returned an overwhelmingly royalist Chamber - the “Incredible Chamber” as Louis XVIII called it.¹² The “ultra-royalists” in this newly elected Chamber organised themselves into the first formal political party of the Restoration and one of their first actions was to support the Crown in passing a series of laws to purge the state and administration of those who had supported Napoleon during the Hundred Days as well as prominent liberal critics of the régime such as Charles Comte and Charles Dunoyer. The “legalised White Terror” comprised a series of laws passed between November 1815 and January 1816 defending public security, banning seditious speeches and writings, and creating special courts to try opponents. Although Louis had hoped and expected to be able to control the ultras in the Chamber he underestimated the powerful independent and vested interest the ultras were becoming. The issues over which the Chamber and the government split were increased taxes and the sale of government land (once mostly owned by the clergy) designed to reduce the massive state debt. The ultras in the Chamber opposed these measures since they stood to lose most. Ironically, in order to oppose the crown and its government the ultras used a liberal interpretation of the Charter and liberal arguments in favour of responsible ministerial government, limited monarchical power, and the need to gain the consent of the majority in the Chamber in its pamphlet war against Decazes’ scheme to dissolve the Incredible Chamber by decree in September 1816. As Jardin and Tudesq observe

The government’s victory was to open a new chapter in the history of the Restoration... (T)he Incredible Chamber... had come to interpret the Charter against the king himself, in the sense of increased independence for the legislative branch: unaccountability of the king, accountability of the ministers, the necessity to obtain the consent of the majority, the Chamber’s right to introduce or amend legislation - all of these ideas were being treated in its debates and discussed in a wide variety of pamphlets at the very time when the Chamber was dissolved. The most famous of these pamphlets was Chateaubriand’s *De la monarchie selon la Charte*. Thus the ultra-royalist party itself contributed to an evolution that moved the regime issued from the Charter toward a parliamentary regime.¹³

The second period of Restoration government was that of the constitutional monarchists which lasted from the dissolution of the Incredible Chamber in September 1816 to the assassination of the duc de Berry in February 1820. New elections resulted in an increase in the number of liberal deputies from a paltry 10 in 1816, to 20 in 1818, to 35 in 1819. The election of October 1818 was particularly noteworthy as La Fayette and Benjamin Constant

¹²Jardin and Tudesq, p. 26.

¹³Jardin and Tudesq, p. 31.

were elected and took their place amongst the so-called “independent party” of liberal-minded deputies. The liberals in the Chamber comprised a diverse group ranging from constitutional monarchists, Bonapartist sympathisers, to liberal conspirators who wished to overthrow the monarchy. To the right of the independent liberals was the group of constitutionalists known as the “Doctrinaires” who wished to tie the monarch as closely as possible to the provisions of the Charter and to steer a middle course between the threat of a return to Jacobin-style democracy and ultra-royalist autocracy. The issues which occupied the attention of the Chambers were the military law and a number of press laws. The military law proposed a lottery system to enlist a proportion of all 20-year old French males and a scheme for appointment of officers in an army still containing a large proportion of veterans of the Napoleonic Empire. The press laws were highly controversial as the French press had suffered severe censorship during the Terror, the Empire and the early years of the Restoration. The more liberal Chamber of 1817 and 1818 lessened the severity of press censorship as it was agreed that a well informed public was vital to the functioning of a constitutional monarchy however limited in scope. To oppose the already established great conservative newspapers and journals such as the *Quotidienne*, the *Gazette de France*, and the *Journal des débats*, a number of important liberal papers were established - the *Constitutionnel*, Comte’s and Dunoyer’s *Le Censeur* and *Censeur européen*, Constant’s *Le Mercure*, *La Minerve*, and *La Renommée*. To these one should add the organs of the Doctrinaire group - the *Journal général* and Guizot’s formidable sounding *Archives philosophique, politiques et littéraires*. Harsh critics of the regime like Comte and Dunoyer had their journal suspended by the authorities on a number of occasions and also were treated arbitrarily in the courts, prompting the formation of the Society for the Friends of Freedom of the Press in 1818 whose task it was to raise both money and public awareness for Dunoyer’s campaign against the censorship laws in the courts. The result of the bitter struggle for press freedom was the passing of the de Serre press laws by the Chamber in May and June 1818. The minister of Justice de Serre took advice from the duc de Broglie and Guizot in formulating the new press laws which established a firmer basis of press freedom in France than had existed hitherto.

The third period of Restoration government was that of the rule of the royalist reaction following the assassination of the duc de Berry in 1820. The assassination of the duke provided the government with the opportunity to further distance itself from the liberal provisions of the Charter. This move should be seen in the general European context of anti-liberal reaction by conservatives like Prince Metternich, who introduced the repressive Carlsbad Decrees for the German states following episodes of student unrest and the

assassination of Kotzebue, and unrest in Spain, Portugal and Piedmont. The assassination of de Berry enabled Decazes to propose a number of emergency measures in the Chambers which resulted in a sharp polarisation between the ultras and the liberals, who protested the suspension of individual liberty, the tightening of press censorship, and the restricting of the already limited democracy through the “law of the double vote.” In the next election to the Chambers the conservatives benefited from these measures as the liberals had a paltry 80 deputies in an expanded Chamber of 480 and later lost key deputies like La Fayette and Voyer d’Argenson in the election of 1822.¹⁴ By 1824 the liberal deputies had been reduced to a mere 19 members. The repression of liberalism continued under the governments of Richelieu with some liberals like Comte and Dunoyer closing down their journal and going into exile while others went underground to participate in secret conspiratorial societies like the Carbonari.¹⁵

The longest lived government of the Restoration was that of the ultra-royalist Villèle government which lasted from 1821 to 1828. Villèle earned the resentment of the liberal opposition with his purges of the civil service, by his tampering with the electoral lists by the prefects, and by deliberately ignoring the slightly more liberal press laws of de Serre. New, stricter press laws in March 1822 required journals to have a preliminary permit, allowed the government to investigate critical publications for a “tendency” critical of the regime which might lead to their suppression, and began the quite daring policy of buying up critical newspapers in order to control them better. Although a few conservatives like Chateaubriand came to believe that some reconciliation between the restored monarchy and liberalism was possible the political climate after the death of Louis XVIII and the accession of Charles X in 1824 continued to be hostile to liberalism.

The traditional coronation of Charles X at Reims in May 1825 gave a clear indication of the tenor of his reign. Rossini’s opera “Il Viaggio a Reims” was written to celebrate the occasion of the coronation and concludes with a number of the guests, who cannot proceed to Rheims to participate in the actual coronation but who take shelter in an inn aptly named “The Golden Lily,” taking turns to sing the praises of Charles X. In the aria sung by Corinna (based on the fictional figure of Madame de Staël’s *Corinne*) Charles is depicted as “the majestic author” of everlasting joy to the French people and as the legitimate monarch

¹⁴Jardin and Tudesq, pp. 49, 57.

¹⁵Alan B. Spitzer, *Old Hatreds and Young Hopes: The French Carbonari Against the Bourbon Restoration* (Cambridge, Mass., 1971) and *The French Generation of 1820* (Princeton University Press, 1987).

protected by “immortal divine favour.” Sadly for Charles, this “immortal divine favour” was to last a mere five years:

In the pleasant shade of the Golden Lily a serene breeze intoxicates the heart. France has never yet seen arise a fairer dawn of joyful days, and gratefully applauds, admires and adores the majestic author of so many boons. The prop and honour of the crown, Charles bestows on it new splendour. The nobility of his heart appears in his majestic royal countenance. Contentment is the harbinger of joy, a sweet pledge of divine goodness. Beside the throne which has no equal, everyone will enjoy sweet enchantment. Ever protected by immortal divine favour, may dearest Charles, delight and love the French, live happily for hundreds of years!¹⁶

During “dearest Charles”’s reign liberals felt that the promised “joyful days” were as far away as ever because the Church was granted a greater say in the formation of government policy, eldest sons of the wealthiest families were favoured under new inheritance laws designed to foster the rural aristocracy, the dissolution of the Paris National Guard (April 1827), and the attempted stacking of the House of Peers with the creation of 76 new peers. The latter, along with Villèle’s clumsy attempt to dissolve the Chamber of Deputies in November 1827, provoked the creation of a new liberal opposition group, the “Aide-toi et le ciel t’aidera” Society whose secretary was Guizot, which formed a successful alliance with a number of disaffected conservatives to defeat Villèle and force his resignation in January 1828. Charles X continued his campaign to restore the power of the monarchy under the governments of first Martignac (January 1828 - August 1829) and then Polignac (August 1829 - July 1830). The end of the regime came about because of a dispute over the power of the king under the Charter to dismiss his ministers. Charles decided to deflect the criticism which might arise from a high-handed sacking by dissolving the Chamber in the hope of getting a more compliant new set of deputies. Unfortunately for Charles X the elections of June and July 1830 were an electoral disaster with the opposition group increasing its share of the Chamber from 221 to 274. Once again the crown resorted to the emergency powers granted in article 14 of the Charter this time to tamper with the way in which candidates for the Chamber were recruited. Charles X introduced four ordinances on 25 July in order to carry out his plan. Freedom of the press was suspended, the newly elected Chamber was dissolved, the number of deputies in the new Chamber was reduced from 430 to 258 by altering the type of taxes which qualified one for the franchise, and only departmental electoral colleges were entitled to elect deputies. The electoral colleges were called for the 6

¹⁶Gioacchino Rossini, *Il Viaggio a Reims, ossia l’Albergo del Giglio d’Oro. Dramma giocoso in un atto composto per l’incoronazione di S.M. Carlo X, Re di Francia*, conducted by Claudio Abbado, The Chamber Orchestra of Europe (Hamburg: Deutsche Grammophon 1985), pp. 223-5.

and 13 September, but before they could meet opposition to the king's ordinances culminated in the July Days which overthrew the last Bourbon king. The day after the ordinances were issued journalists and typesetters of the journals to be effected by the harsh censorship laws protested at a meeting at the offices of the *National*. Disaffected electors threatened a tax strike, a tactic called for by Dunoyer in an inflammatory article he wrote, and 44 journalists signed a statement of protest defending the Charter and condemning the dissolution of the Chamber of Deputies. Over the next few days simple resistance to the illiberal ordinances of the Charles X escalated into open rebellion and then revolution. The liberals who were to benefit most from the coming to power of Louis-Philippe interpreted the 1830 Revolution as a reaction to an attempted coup d'état on the part of Charles X to subvert the Charter and destroy the limited constitutional monarchy of the Restoration, and as an opportunity to implement the policies of the independent liberals. The purges and dismissals of the civil service by Louis-Philippe's government enabled liberals like Comte and Dunoyer to take official posts in the July Monarchy. However, gradually many of them became disillusioned with the naked place-seeking and increasing authoritarianism of the new regime. La Fayette was one of the first liberals to voice his protest against the new regime when he resigned from the command of the National Guard in December 1830. Comte and Dunoyer did likewise by resigning from their respective government positions somewhat later (1834 for Comte and 1837 for Dunoyer).

B. THE IMPORTANCE OF THE RESTORATION IN THE DEVELOPMENT OF FRENCH LIBERAL THOUGHT: "THE LIBERAL MOMENT"

As the above sketch of the major political events of the Restoration indicate, liberals played an important role in the opposition to the restored monarchy and classical liberal issues such as constitutionalism, freedom of speech and the rule of law were the subjects of continued debate throughout the period from 1814 to 1830. Fortunately, after a period of some neglect, the period of the restoration of the Bourbon monarchy in France is beginning to receive the attention it deserves from historians of political and economic thought, especially those interested in the history of classical liberalism. Too often in the past the years from 1814 to 1830 were dismissed as a hiatus between two more productive and more interesting periods in the development of political and economic thought, namely the late eighteenth century which saw the emergence of the Physiocrats and the Jacobins, and the 1830s and 1840s when Tocquevillian liberalism appeared and the "social question" was discovered. This neglect of the Restoration by historians is surprising, given the fact that it was a period of

remarkable intellectual agitation when the achievements and failures of the French Revolution were beginning to be assessed and the modern forms of conservative, liberal and socialist thought emerged. Indeed Paul Johnson is not wrong to describe this period as “the birth of the modern” and this epithet seems to be very appropriate when discussing the modern or classical liberal tradition.¹⁷

An indication of the importance of the Restoration in the history of thought can be got by surveying some of the issues which sparked often heated debate among conservatives, liberals and socialists. As we have seen above, of primary concern was the power of the restored monarch and his relationship to the Charter. The clash between the monarch and his supporters (for example de Bonald and de Maistre) and liberal advocates of individual liberty and constitutionalism (like Constant) resulted in discussions about the source of political power, the nature of liberty, the proper relationship between the individual and the State, and the role of religion and the Church in society. One of the most persistent problems, as indicated above, was the issue of freedom of speech. The restored monarch correctly saw in the free press a serious challenge to his absolute power and thus attempted on several occasions to place limits on what could be said and who could say it. All critics of the regime, especially Constant and Comte and Dunoyer, campaigned tirelessly for an end to censorship and policies designed to harass or otherwise hamper the free discussion of political matters.

The turmoil of the previous 25 years of revolution prompted an intense interest in the study of history, especially the history of previous revolutions such as the Glorious Revolution of 1689 (Augustin Thierry) and the history of their own revolution. Beginning with Madame de Staël’s early account, Restoration historians grappled with the reasons for the failure of the French Revolution to achieve political stability. The answers they gave, as Stanley Mellon has shown, were determined by their party political position in the ongoing debates about the constitution and the crown which preoccupied the Restoration.¹⁸ Studies of the revolution also raised the question of social class, most notably why did some classes support and others oppose the revolution (Montlosier treated this issue with some insight), which classes were in decline and which were coming to dominate society (for example, Guizot’s work on European civilisation), and how the clash of one class against another could be seen to be a characteristic of European history as a whole and not just the period of the French Revolution itself (Thierry). In addition to the historical interest in revolution the issue

¹⁷Paul Johnson, *The Birth of the Modern: World Society 1815-1830* (New York: Harper Collins, 1991).

¹⁸Stanley Mellon, *The Political Uses of History: A Study of Historians in the French Restoration* (Stanford, California: Stanford University Press, 1958).

of revolution was kept alive because of the continued repression of dissent by Restoration governments in France as well as other European countries. Following the assassination of the duc de Berry the political clampdown pushed a number of liberal and other opponents of the regime to join conspiratorial, quasi-revolutionary associations such as the Carbonari as Alan Spitzer has shown.¹⁹

The issue of property was a serious one given the fact that émigrés were demanding compensation or even restoration for the land and property (including slaves in the French colonies) which had been confiscated (or liberated in the case of slaves) during the revolution. As industrialisation took place in France (particularly during the 1840s which is outside of the scope of this dissertation) ownership of property and the economic contribution of different forms of property ownership to economic well-being became a concern especially for French political economists and their socialist opponents like Proudhon. Even before the onset of industrialisation proper in France, the possibilities of the future industrial society were becoming evident. Constant based his distinction between “ancient” and “modern” forms of society on the underlying economic structures of each type of society, with the emerging “modern” society essentially a free market and “industrial” one. The problems and possibilities of the transition to an “industrial” society were taken up by socialists (Auguste Comte and the Saint-Simonians) and liberals (Thierry, Charles Comte, and Dunoyer) alike. As property qualifications determined who could and could not vote in the Restoration the issue of property had a political and legal as well as an economic dimension.

Until quite recently if attention were given to Restoration political thought it was directed either to the conservative defenders of the restored monarchy like de Bonald and Chateaubriand or to the “Utopian” socialists like Saint-Simon and Auguste Comte. The latter in particular were studied as important precursors to the “scientific” socialism of Marx which emerged after the 1848 revolutions. Not surprisingly therefore Marxist historians have always been interested in the Restoration as a vital and rich period in the development of political, social and economic thought.²⁰ Historians interested in other schools of thought have, until recently, devoted less attention to this period. This is particularly true for those who have studied French liberalism. As Laurence Jacobs has correctly observed in a useful review article “(h)istories of European liberalism have tended to ignore the restoration liberals, passing straight from the period of the French revolution to de Tocqueville.” But as Jacobs’

¹⁹See references in note 5.

²⁰A typical example of Marxist interest in the Restoration is Göran Therborn, *Science, Class and Society: On the Formation of Sociology and Historical Materialism* (London: Verso, 1980).

review indicates there has been a considerable revival of interest in Restoration liberalism over the past decade. After surveying the large number of works which appeared during the 1980s he goes so far as to depict the Restoration as "le moment libéral" - a period crucial to the emergence of liberalism as a modern political theory in France.²¹ This view is shared by one of the key figures in this scholarly reassessment, the Guizot scholar Pierre Rosanvallon, who has claimed, correctly in my view, that "(t)he Restoration constitutes a veritable golden age of political reflexion."²² One of the purposes of this dissertation is to continue the process of rediscovery and reevaluation of French liberal thought which has been in progress for some time. The focus here is on two radical liberals, Charles Comte and Charles Dunoyer, who were well-known and highly regarded at the time but who unfortunately have not shared in the recent renewed interest in Restoration liberal thought.

I think the revival of interest in Restoration liberalism has occurred for a number of reasons. Firstly, there has been the rediscovery of the significance of Madame de Staël²³ and Benjamin Constant in the period of Napoleon's Empire. But recent research has shown that the impact of their activity extends well into the early years of the Restoration.²⁴ Although most of Constant's and Staël's work was completed during the Napoleonic Empire and away from the Weltstadt of Paris historians have pursued their intellectual prey well into the Restoration. This is especially the case with Constant whose important career as a leading liberal journalist in the early Restoration is now well documented most notably by Éphraïm

²¹Laurence Jacobs, "Le moment libéral": The Distinctive Character of Restoration Liberalism," *The Historical Journal*, 1988, vol. 31, no. 2, pp. 479-91.

²²Pierre Rosanvallon, "Présentation" to Guizot's *Philosophie politique: de la souveraineté in Histoire de la civilisation en Europe, depuis la chute de l'Empire romain jusqu'à la Révolution française*, ed. Pierre Rosanvallon (Paris: Hachette, 1985), p. 307.

²³More recent and important works on Madame de Staël include S. Balayé, *Mme de Staël. Lumières et Libertés* (1979); Ghislain de Diesbach, *Madame de Staël* (Paris: Librairie Académique Perrin, 1983); Renee Winegarten, *Mme de Staël*, (Leamington Spa: Berg, 1985). Two of her long neglected works which have been republished and thus reflect the concerns of the 1970s and 1980s include *Corinne ou l'Italie. Une édition féministe de Claudine Herrman*, 2 vols. (Editions des Femmes, 1979); and *Considérations sur la Révolution française*, ed. Jacques Godechot (Paris: Tallandier, 1983).

²⁴Étienne Hoffman, *Les 'Principes de Politique' de Benjamin Constant (1806)*, 2 vols, vol. 1, *La Genèse d'une oeuvre et l'évolution de la pensée de leur auteur 1789-1806* (Geneva: Droz, 1980). Constant, *Political Writings*, ed. Biancamaria Fontana (Cambridge University Press, 1988). Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism* (New Haven: Yale University Press, 1984). Benjamin Constant, *De la liberté chez les Modernes: Écrits politiques*, ed. Marcel Gauchet (Paris: Livre de poche, 1980) with a lengthy introduction by Gauchet, "Benjamin Constant: l'illusion lucide de libéralisme," pp. 11-91; Kurt Kloocke, *Benjamin Constant: Une biographie intellectuelle* (Genève: Droz, 1984); Guy Howard Dodge, *Benjamin Constant's Philosophy of Liberalism* (Chapel Hill: University of North Carolina Press, 1980); and the recognition of Constant's rediscovery by Carlo Violi, *Benjamin Constant per una storia della riscoperta politica e religione* (Rome: G. Gangemi, 1985).

Harpaz.²⁵ Constant, unlike many of his liberal contemporaries, had always been remembered by scholars. Older biographers liked to stress his reputation as the infamous lover of the voracious Madame de Staël, whilst literary critics justly refer to his classic novel *Adolphe* (1816). In more recent decades, scholars have drawn attention to Constant as a political theorist and political journalist. His considerable output of political journalism and occasional but important economic writings has remained in obscurity until only quite recently. The efforts of people such as Éphraïm Harpaz, Étienne Hoffman, Guy Dodge, Stephen Holmes and most recently Biancamaria Fontana are beginning to show how important Constant was to both the political and intellectual developments of Restoration France. However, in spite of the growing attention being given to Benjamin Constant, an important aspect of his thought is still being neglected. His writings on economic matters, in particular his commentaries on *Filangieri*, in which Constant defends a laissez-faire economic policy, are still to be properly assessed. Among the more recent commentators only Holmes has discussed the *Commentaire* even if only too briefly. Constant concluded his commentary on *Filangieri* with the call for total laissez-faire which might surprise some modern historians who have tended to see Constant primarily as a theorist of constitutionalism. A good example of Constant's concern for the economic side of liberal thought is the following statement from his *Commentaire sur l'ouvrage de Filangieri* (1822):

For all those who want no connection with positive crimes, let us expunge from the vocabulary of power the words “restrict”, “destroy” and even “direct”. For thought, for education, for industry the motto of governments ought to be: *laissez faire et laissez passer*.²⁶

What is less well known is that Constant's economic and sociological ideas had an impact on a younger generation of liberals who rose to prominence in the first years of the Restoration, in particular Charles Comte and Charles Dunoyer. What Comte and Dunoyer seized upon in Constant's work is not that for which Constant is now best remembered. They were less concerned with Constant's theory of constitutionalism or his work on religion than with a few passing but acute observations he made in the polemical anti-Napoleonic pamphlet *De l'esprit de conquête et de l'usurpation* (1814) on the differences between “ancient” society (the model of Jacobin economic interventionism) and “modern” society (based upon liberal non-interventionism) and the social and economic structures which underpinned them.

²⁵Ephraïm Harpaz, *L'école libérale sous la restauration: Le “Mercure” et la “Minerve” 1817-1820* (Geneva: Droz, 1968).

²⁶Benjamin Constant, *Commentaire sur l'ouvrage de Filangieri* (Paris: P. Dufart, 1822), pp. 300-1.

Out of these brief remarks Dunoyer was to evolve his elaborate and detailed theory of “industrialism” which will be discussed below.

Secondly, a similar process of discovery has been occurring from the other end of our time frame. In this case scholarly interest in the careers of François Guizot and Alexis de Tocqueville during the July Monarchy has led inevitably to research on their early careers in the 1820s. Guizot’s early political and journalistic career, the influence of his inspired teaching and the popular success of his published histories is well documented and has prompted his modern intellectual biographer, in a fit of Gallic excess, to describe the Restoration and Guizot-dominated July Monarchy as “le moment Guizot.”²⁷ According to Rosanvallon

One can speak in this sense of a “moment Guizot” in order to mark out the originality of the liberal political culture of the years 1814-1848. The peculiarity of Guizot is to have been the determined interpreter, sometimes to the point of caricature, of the aspirations of an entire intellectual generation and at the same time the expression of an extreme manifestation (“singularité”) of it. He was both completely at home with and radically foreign to French political culture of this period. He was at home with French culture in that he expressed perfectly the sense of early 19th century liberalism’s complete rupture with the tradition of the 18th century. But he was also radically foreign in that he precipitated this sharp break to the point that French political culture was detached from its essential connections to a national tradition and was made culturally and practically unsustainable. One could say that Guizot pushed the singularity of liberal political culture of the period 1814-1848 to its limit. It is for this reason that Guizot merits his privileged position as observer of this period.²⁸

Pierre Rosanvallon is correct to identify the importance of Restoration liberal thought but I think he exaggerates the extent to which it marked a rupture with both the traditional French manner of doing political and economic theory and with French culture in general.²⁹ One might dispute Rosanvallon's claim on two grounds: firstly, that extreme liberalism alienated French politics from its cultural traditions and secondly, that Guizot was the key figure in this intellectual break with the past. One can reject the notion of alienation from the past as all the liberal historians were keen to show the continuity of French history across the divide of the revolution. Thierry after all saw the one unifying feature of French history in the never-ending struggle of the "Third Estate" to protect its property and to expand its trading and

²⁷Pierre Rosanvallon, *Le moment Guizot* (Paris: Gallimard, 1985) and Guizot's *Histoire de la civilisation en Europe* (Paris: Hachette, 1985), ed. Pierre Rosanvallon.

²⁸Rosanvallon, *Le moment Guizot*, p.29.

²⁹ It is interesting to note that Rosanvallon, like Robert Warren Brown, links the new political thinking of the Restoration to a new "génération intellectuelle." Robert Warren Brown, *The Generation of 1820 during the Bourbon Restoration in France. A Biographical and Intellectual Portrait of the First Wave, 1814-1824* (Duke University, PhD, 1979. Ann Arbor, Michigan: University Microfilms International, 1988).

industrial opportunities. The Restoration for Thierry, Comte and Dunoyer was only the best opportunity for decades to complete this revolution which had begun in the thirteenth century. Furthermore, Alexis de Tocqueville identified another important continuity which weakens Rosanvallon's argument. Tocqueville provocatively argued that the process of political centralisation was continuous in spite of the disruptions of the revolution. One can also question Guizot's rôle in the reassessment of liberalism during the Restoration. For Comte and Dunoyer the break with their more traditional political and constitutional liberalism came about from reading Say's *Traité d'économie politique*, which might suggest that a better expression than Rosanvallon's "le moment Guizot" would be "le moment Say." The general lack of interest in economic liberalism has led to the unjustified neglect of one of the most important theorists of the Restoration, the economist Jean-Baptiste Say. His contribution to both economic liberalism and social theory in the broader meaning of the term has still not yet been appreciated. A comprehensive analysis of his life and thought is urgently needed because of the enormous influence he had on the development of French liberalism in particular and European classical economic thought in general.³⁰

The reason for the renewed interest taken in the political philosophy of Guizot might lie in the attraction of French scholars writing in the 1980s to that most English of French liberals who warned of the double danger of Ultra conservatism from the right and popular revolution from the left. Where once Guizot's policy of "middlingness" was a matter of contempt it is now seen as one of his great strengths and the policy best suited to achieve political stability in the post-revolutionary era.³¹ Although Tocqueville has not had the honour of having an historical period named after him like Rosanvallon's Guizot, the constant interest American historians, political scientists and sociologists have taken in him since the appearance of *De la Démocratie en Amérique* (1830, 1835) might lead one to note the existence of "l'Amérique Tocqueville." Now it appears that French scholars, following the footsteps of François Furet, have adopted the American enthusiasm for all things Tocquevillian, as the number of recent

³⁰An initial step in assessing Say's important contribution to early nineteenth century liberal thought has been taken by Evert Schoorl of the Institute of Law at the University of Amsterdam. Evert Schoorl, *Jean-Baptiste Say* (Dissertation, Amsterdam, 1980); "Jean-Baptiste Say and the New World," Paper given at the American History of Economics Conference, Michigan State University, 1981; "Say, Everett and Malthusianism," Paper given at the UNESCO Malthus Conference, Paris, 1980. I would like to thank Leonard P. Liggio for bringing Schoorl's work to my attention.

³¹Vincent E. Starzinger, *Middlingness: "Juste Milieu" Political Theory in France and England, 1815-48* (Charlottesville: University Press of Virginia, 1965).

writings on his work would attest.³² They now like to see French society, history and politics through Tocqueville's eyes in order to uncover what they might like to call "la France Tocqueville."

And thirdly, what links both these two sources of interest in Restoration liberalism is the general collapse of both intellectual and political Marxism, especially in France in the 1980s. The loss of faith in Marxism has led scholars to investigate the other schools of thought which were developing at this time, most notably liberalism. As regard for Marxism has waned so too has the concentration on the Utopian socialists, Saint-Simonians and Positivists as the sole important or interesting political theorists of the time. Where once one might have smiled at the "Utopians'" extravagant personal behaviour, the tendency to individual cultism, the messianic fervour, the theories of free love, support for rule by a technocratic elite, the misogyny, and the factional infighting of the Saint-Simonians (tolerating these peccadilloes because of the influence of a number of the school's ideas on Marxism) one now is much more circumspect and even suspicious. Perhaps, one could argue, there is a disturbing continuity between the authoritarian idiosyncrasies of the Saint-Simonians and the experience of Marxism in the twentieth century with its cult of the leader, rule by a party and technocratic elite, and utter disdain for the individual in the face of the forces of history.³³ It is no wonder then that historians would want to reassess the period when the foundations of modern conservatism, socialism and liberalism were laid in an effort to more fully delineate the tangled threads of modern political and economic thought.

C. THE PROBLEM OF DEFINITION - "LIBERALISM" IN THE RESTORATION

The period following the upheavals of the French Revolution and the Napoleonic Empire was one of flux both for French society and institutions and for French political thought. At a time when there was no liberal political party organised along clear ideological lines and no acknowledged source of liberal orthodoxy it is more accurate to speak of "liberalisms" rather than liberalism per se. The conservatives had a newly restored Bourbon monarch around whom to gather both physically and metaphorically. Bonapartists likewise had the figure and

³²See André Jardin, *Alexis de Tocqueville, 1805-1859* (Paris: Hachette, 1984); Jean-Claude Lamberti, *Tocqueville et les deux démocraties* (Paris: Presse Universitaires de France, 1983); François Furet, *Interpreting the French Revolution*, trans. Elborg Forster (Cambridge University Press, 1981).

³³An early statement of this view was put forward in 1952 by F.A. Hayek, *The Counter-Revolution of Science: Studies on the Abuse of Reason* (Indianapolis: Liberty Press, 1979). See also the essays by Allen Buchanan, David Gordon and John Gray in *Marxism and Liberalism*, ed. Ellen Frankel Paul et al. (Oxford: Basil Blackwell, 1986).

then the powerful myth (after his death in 1821) of Napoleon to give them inspiration.³⁴ Opponents of Napoleon and later the monarchy were fractured into a multiplicity of groups - liberal, Jacobin, socialist and so on - which were defined more by affiliation to a particular magazine, salon, or charismatic individual, or by support or opposition to particular pieces of legislation than by clear party political membership. Raymond Williams has described the transformation of “liberal” from an adjective expressing the “unorthodox” at the turn of the eighteenth century to a noun defining an “orthodox” political opinion by the mid-nineteenth century. In 1820, in the period covered in this dissertation, the word still had its meaning of “unorthodox”, and to English ears it had even a slightly foreign and exotic flavour.

The adjective is very clear in a political sense in an example from 1801: ‘the extinction of every vestige of freedom, and of every liberal idea with which they are associated’. This led to the formation of the noun as a political term, proudly and even defiantly announced in the periodical title, *The Liberal* (1822). But, as often since, this term for unorthodox political opinion was given, by its enemies, a foreign flavour. There was talk of the “Ultras” and “Liberals” of Paris in 1820, and some early uses were in a foreign form: *Liberales* (Southey, 1816); *Libéraux* (Scott, 1826). The term was applied to advanced Whigs and Radicals by their opponents; it was then consciously adopted and within a generation was powerful and in its turn orthodox.³⁵

Although Williams’ remarks are directed more to the British context much of what he says can also be applied to the French. In the absence, even by the mid-century, of a specifically “Liberal Party” in France to provide a definition of the “orthodox” liberal position there was instead a number of “liberalisms” or liberal “families” which can be identified by historians of liberal thought.³⁶ It is useful to establish a working definition of early nineteenth century liberalism in order to categorise the multiplicity of “liberal” groups and their corresponding “liberalisms” which emerged in the intellectual hothouse of the immediate post-Revolutionary and post-Napoleonic period. I would define early nineteenth century liberalism as a set of beliefs which include the following: a government limited in its scope of action by means of a written constitution; a preference for the voluntary economic activity of the free market over government regulation and control; the rule of law administered by independent judges and juries; private ownership of property; a policy of low taxes, sound money and a small government bureaucracy; civil rights especially freedom of speech and religious

³⁴J. Lucas-Dubreton, *Le culte de Napoléon 1815-1848* (Paris: Albin Michel, 1960).

³⁵Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (Glasgow: Fontana, 1976), “Liberal,” p. 149.

³⁶The idea of liberal families is developed by Jardin and Tudesq, p. 79.

observance; and a general preference for the rights of the individual over the claims of the broader community, the church or the state.

With a suitably broad definition such as this and one which includes economic, legal, and political aspects, one is then in a position to categorise the various branches of Restoration liberalism according to the emphasis placed on one or more of the above beliefs (for example those who emphasised constitutionalism and those who emphasised economic matters) or the degree to which one or more of them are pushed (those moderate liberals who defended the free market in general but allowed some government regulation and those radical liberals who advocated total *laissez-faire*). One also could talk of a liberal “mansion” with many rooms occupied by the different groups. Their shared liberal values justify their presence in the same mansion. However, their different emphases and temperaments require that they take up residence in separate rooms so that some semblance of order be maintained within the mansion. Alternatively one could talk of a spectrum of Restoration liberal thought. François Guizot and the Doctrinaires take up a place on the “conservative” end with their suspicion of democracy and their support for a strictly limited franchise. Benjamin Constant assumes a position in the middle of the liberal spectrum with his strong support for constitutionalism and freedom of speech. As a Deputy in the Chamber Constant was loosely grouped with the left of centre “Independents” as he could not join the Doctrinaires for reasons of both temperament and ideology, thus meriting a separate position in the spectrum of liberal thought.³⁷

At the “radical” end of the liberal spectrum we find the journalists and scholars Charles Comte and Charles Dunoyer. In calling them “radical” liberals I wish to highlight three aspects of their liberalism. Firstly, that they had an interest in social and economic matters such as social class, conflict, and exploitation which distinguished them from the other groups of liberals in the Restoration period. It also suggests some affinity to other “radical” groups such as the Saint-Simonians and other early socialists who had similar concerns. Secondly, that they pushed their faith in the free market to the logical extreme of the purest *laissez-faire*. Their defence of the individual was such that they viewed any act of the state as coercive and a violation of individual rights. Hence, they wished to abolish the state, or at least see it wither away to virtually nothing - to “municipalise” the state as Dunoyer put it. Thirdly, as Cheryl Welch has argued the term “radical” in France had much the same meaning as

³⁷Biancamaria Fontana entitles the first chapter to *Benjamin Constant and the Post-Revolutionary Mind* (New Haven: Yale University Press, 1991) “An Independent Traveller” which nicely captures the problem of locating Constant on the liberal political spectrum.

“liberal” did in England in 1819-20 when another wave of liberal and nationalist revolutions broke out in Germany, Italy, Spain and France. According to Welch

The term *radical* was in fact used in France in 1819 and 1820 by the conservative press to designate the “extreme” liberalism that was sweeping Germany, Italy, and Spain, as well as France... The term, explicitly borrowed from the English, was one of vague abuse. For example, the *Conservateur* (October 1819) ... lumped together “visionaries, idéologues, reformers, radicals, fanatics.” *Radical* failed to catch on in France until the early years of the July monarchy when it was adopted by republicans as a way of suggesting the need for complete reform of the system without using the prescribed term *republic*.³⁸

To call the views of Comte and Dunoyer “liberal” is not inappropriate given the fact that they shared so many aspects of mainstream Restoration liberal thought, especially in the early phase of their journalistic activity from 1814-1817 when their defence of constitutionalism, the rule of law, trial by jury and most importantly freedom of speech, placed them squarely in the Constant camp of “independent” left liberals. The fact that they pushed their liberal views to the extreme of pure laissez-faire and the ultra-minimal state surely warrants the label of “radical” in this context. Further support for describing Comte’s and Dunoyer’s liberalism as “radical” comes from the fact that they were active in liberal circles frequented by Idéologues, Carbonari, and other assorted “radicals” as defined by Welch. She goes on to call the radical wing of the liberal movement “militant economic liberalism.”³⁹ I believe the expression “radical liberal” is a more suitable one to describe the amalgam of political, economic, and social beliefs held by Charles Comte and Charles Dunoyer during the Restoration and I will use this expression in this way through this dissertation.

D. THE “PECULIARITY” OF THE FRENCH LIBERAL TRADITION - THE DISCOVERY OF THE SOCIAL DIMENSION

There have been a number of attempts to define the nature of French liberal thought in the Restoration and all of them have been incomplete and therefore unsuccessful. Historians have traditionally viewed Restoration liberals as preoccupied with political matters such as freedom of speech and constitutional limits on state power. This was considered understandable in the light of the post-revolutionary desire to achieve a stable and well-ordered political system on the one hand, and to avoid the complete restoration of Bourbon

³⁸Cheryl B. Welch, *Liberty and Utility: The French Idéologues and the Transformation of Liberalism* (New York: Columbia University Press, 1984), p. 241, note 22.

³⁹Welch, *Liberty and Utility*, p. 158.

absolutism on the other hand. Recent work on Guizot and Constant for example has highlighted the liberal concern about representative government, the role of the press in a free society and other primarily political issues. The older as well as the more recent accounts of early nineteenth century French liberal thought are beset by a number of severe weaknesses, most notably concerning those who are regarded as belonging to the liberal movement, and the range of liberal issues discussed. Most previous histories of French liberal thought ignore the diversity of the spectrum of liberal thought mentioned above. The Doctrinaires, Benjamin Constant and Tocqueville are usually covered but the “radical” liberals like Say, Tracy, Thierry, Comte and Dunoyer are usually omitted or only briefly mentioned in passing. The neglect of the radical group within Restoration liberalism leads to the next major weakness in the historical accounts - the absence of discussion of the important social and economic dimension of liberal thought. By focusing on the “right” and the “independent” middle group of liberals Restoration liberalism, with a few notable exceptions, is seen primarily as a struggle for constitutional government and civil rights. However, when the radical wing is admitted to the discussion one is forced to confront the issues which concerned them - economic liberalism, class analysis, and theories of history.

For example, the classic account by Guido de Ruggiero, *The History of European Liberalism* (1927) contains only the briefest of discussions of Restoration liberalism from the almost exclusive perspective of constitutionalism and Constant’s contribution to its development. Three pages only are devoted to other aspects of liberal thought - Thierry, Say, and even Dunoyer are mentioned for their contributions to historical analysis and economic liberalism but little discussion is offered. Since Ruggiero largely ignores the radical liberal wing he is able to falsely conclude that “(a)s is clear from this short account, French Liberalism was definitely conservative in tendency.”⁴⁰ To support his case he even quotes a passage from Dunoyer’s *De la liberté du travail* (1845) (hardly appropriate for a discussion of Restoration liberalism as it is a vastly expanded version of an early work which deals with the quite different debates of the mid-1840s with the focus now on the “social question” and the challenge to liberalism posed by socialism) on the harmful effects of trade unions and the Malthusian trap on the well-being of ordinary workers, thus ignoring all of Dunoyer’s radical analysis of class exploitation, class conflict, and the withering away of the state. Roger Soltau in *French Political Thought in the Nineteenth Century* (1931) devotes only a short chapter to “Liberalism and the Monarchy” and criticises the liberals for being “narrow and limited”,

⁴⁰Guido de Ruggiero, *The History of European Liberalism*, trans. R.G. Collingwood (Boston: Beacon Press, 1967), p. 173.

excessively “legalistic” and unable to rise above their fear of popular democracy.⁴¹ Soltau’s list of Restoration liberals is itself a narrow one, limited to de Staël and Constant, Guizot and the Doctrinaires, and Tocqueville. No mention is made of Jean-Baptiste Say, de Tracy, Thierry, or Comte and Dunoyer. René Rémond in *The Right Wing in France* (1954) scarcely mentions liberals during the Restoration at all. He discusses them only in the context of “Orleanist liberalism” and the coming to power of the Doctrinaires in the July Monarchy.⁴² Even more recent surveys continue to present a one-sided view of Restoration liberal thought as primarily a political ideology. The collection of documents edited by Bramsted and Melhuish on *Western Liberalism* (1978) is weak on the Restoration liberals and the editors virtually ignore economic liberalism outside of Great Britain.⁴³ Much the same can be said for Louis Girard’s and André Jardin’s works from the mid-1980s.⁴⁴ In his review article on Restoration liberalism Laurence Jacobs properly chastises Girard and Jardin for this continuing vital oversight, reminding the reader with a restrained understatement that this is “particularly inappropriate for a period in which economic and political theory was so closely intertwined.”⁴⁵ I hope that the truth of Jacobs’ remark will be demonstrated in the very clear example of Comte’s and Dunoyer’s liberal thought in the Restoration period.

There have been very few exceptions to this unfortunate habit of neglecting the social and economic dimension of Restoration liberal thought. Éphraïm Harpaz is one of the few historians to have devoted considerable attention to the economic views of liberals like Comte and Dunoyer and the way in which their theory of industrialism influenced their theory of class structure, historical development and even aesthetic theory.⁴⁶ Harpaz has also written on the liberalism of the *Mercure* and *Minerve* journals between 1817-1820 and has justly devoted considerable space to the ideas of Constant and the other liberals who published in

⁴¹Roger Soltau, *French Political Thought in the Nineteenth Century* (London: Ernest Benn, 1931), p. 32.

⁴²René Rémond, *The Right Wing in France: From 1815 to de Gaulle* (First French edition 1954. Philadelphia: University of Pennsylvania Press, 1971).

⁴³*Western Liberalism: A History in Documents from Locke to Croce*, ed. E.K. Bramsted and K.J. Melhuish (London: Longman, 1978).

⁴⁴Louis Girard, *Les Libéraux Français, 1815-1875* (Paris: Aubier, 1985) and André Jardin, *Histoire du libéralisme politique de la crise de l'absolutisme à la constitution de 1875* (Paris: Hachette, 1985).

⁴⁵Jacobs, “Le moment libéral,” p. 484.

⁴⁶See Éphraïm Harpaz’s series of articles on Comte’s and Dunoyer’s liberal industrialist worldview: “*Le Censeur*, Histoire d’un journal libéral,” *Revue des sciences humaines*, Octobre-Décembre 1958, 92, pp. 483-511; “*Le Censeur européen*, histoire d’un journal industrialiste,” *Revue d’histoire économique et sociale*, 1959, vol. 37, no. 2, pp. 185-218 and vol. 37, no. 3, pp. 328-57; “*Le Censeur européen*: histoire d’un journal quotidien,” *Revue des sciences humaines*, 1964, pp. 113-116, pp. 137-259.

these magazines on foreign policy, theory of history, liberal aesthetics, literature, and art.⁴⁷ A handful of other historians have noted the fascinating connection between art, literature, and economic liberalism which existed in the Restoration. The best example of this is Fernand Rudé who has provided a comprehensive analysis of the connection between Stendhal's novels and travel stories and "la querrelle des industriels" between the socialist-inclined Saint-Simonians and the radical liberal Dunoyer in the mid-1820s.⁴⁸

Stanley Mellon is another historian who has recognised the social dimension of Restoration liberal thought, in his case through a study of the considerable interest in historical studies and what we would now call sociology during the Restoration by liberals and non-liberals alike. In *The Political Uses of History* (1958) Mellon discusses the impact the Revolution and the Bourbon Restoration had on French historiography and the way in which the changed balance of social power after 1815 was reflected in the sociological and economic history written by Thierry, Comte, Dunoyer, and the sociological approach to economic theory taken by Jean-Baptiste Say.⁴⁹ For representatives of all political persuasions, the French Revolution was an event, whether a "rupture" or not, which had to be explained and which needed new concepts to do so. Two new concepts which Comte and Dunoyer used to great effect were "class" and "industry," both of which were to have an unimagined importance in nineteenth and twentieth century history. Behind the interest in class and industry, which modern social theorists now take for granted, was a new concern for the political and the social questions thrown up by the failure of the French Revolution to achieve its liberal ends. All the liberals were impressed with the dramatic politicisation of all aspects of life which took place during the revolution. Guizot particularly strove to redefine the boundaries between the political and the social spheres, thereby to take into account the new "pouvoir social."⁵⁰ Other liberals such as Comte and Dunoyer tried to eliminate the political altogether by expanding the economic and social realm in such a way as to do without "politics" or the "civitas" as such, thus pushing to an extreme the hostility to the state which has always existed within some versions of classical liberalism.

⁴⁷Éphraïm Harpaz, *L'école libérale sous la Restauration: Le "Mercure" et la "Minerve", 1817-1820* (Geneva: Droz, 1968).

⁴⁸Fernand Rudé, *Stendhal et la pensée sociale de son temps* (New enlarged edition. Brionne: Gérard Monfort, 1983). One could also mention the broad and quite comprehensive collection of extracts on French liberal thought edited by Walter Simon. He is one of the few to give recognition to Destutt de Tracy, Say, and Sismondi along with the more traditionally recognised liberals: *French Liberalism, 1789-1848*, ed. Walter Simon (New York: John Wiley and Sons, 1972).

⁴⁹Stanley Mellon, *The Political Uses of History: A Study of Historians in the French Restoration* (Stanford, California: Stanford University Press, 1958).

⁵⁰Rosanvallon, *Le moment Guizot*, pp. 41 ff.

One of the more intriguing and stimulating attempts to draw attention to the long ignored social dimension to Restoration liberal thought has been by the Oxford political philosopher and historian, Larry Siedentop. His approach is to claim that French liberalism constitutes a "second tradition" within European liberalism.⁵¹ Siedentop argues that the best known tradition of liberalism is that of the British, for whom social questions of class and exploitation were of little importance. The "second tradition," which coexisted somewhat uneasily with the British tradition, was French and very socially minded. Because liberalism emerged first in Britain and was more successful there than elsewhere in seeing its political and economic agenda achieved, liberalism came to be associated with its British form alone. However, the form of liberalism which emerged in France in the years immediately after the fall of Napoleon was very different from the liberalism which emerged from Britain, in his view. In a provocative essay, "The Two Liberal Traditions," Larry Siedentop argues that French liberalism developed into a different "tradition" of liberalism with quite different "modes of argument and themes" from what became known as the British mainstream of liberal thought. The very different concerns of French liberals from the late eighteenth to early nineteenth centuries, such as the source of political legitimacy and the nature of class structure and exploitation, which are more commonly associated with the development of socialist thought, meant that historians who went looking for a French version of British liberal thought never found it. In fact, Siedentop argues, important concepts such as political equality, the development of systematic theories of social change, the central rôle given to changing modes of production in influencing and changing social relations and ideas, and the critical concept of class in historical analysis "were introduced by French liberal thinkers, and only later adapted by socialist writers."⁵²

It was the different historical experience of French liberals, Siedentop argues, which led them to ask different questions about political and economic power, thus making their form of liberalism different from their British colleagues. The economic crises of the ancien régime, the class conflict of the revolution, the rise of a military dictatorship, the return of the conservative and authoritarian monarchy and the slowness of industrialisation compared with Britain, naturally led French liberals to strike out in a different direction. Siedentop has another reason for the comparative neglect of French liberal contributions to social theory. This is due, in Siedentop's view, to the excessive attention given to the English liberal

⁵¹Larry Siedentop, "The Two Liberal Traditions," *The Idea of Freedom: Essays in Honour of Isaiah Berlin*, ed. Alan Ryan (Oxford University Press, 1979).

⁵²Siedentop, "The Two Liberal Traditions," p.153.

tradition - a tradition which tends to emphasise philosophy of mind and the sensationalist theory of knowledge. On the other hand, the French liberals of the early nineteenth century tended not to be philosophers of mind but rather historians, jurists, or political economists and journalists. The occupational background and intellectual interests of the French liberals was much closer to their eighteenth century counterparts, the Philosophes in France and the members of the Scottish Enlightenment. The liberals whom Siedentop identifies as the "originators of a sociological approach to political theory" included Madame de Staël, Benjamin Constant, the group known as the "Doctrinaires" which included Royer-Collard, Barante, and Guizot, and, most importantly, Alexis de Tocqueville.⁵³ However, as important as these liberals are in the development of a sociological and historical approach to political theory, there is another group of lesser-known liberal theorists of which Siedentop appears not to be aware, and yet which seems to be just as important, if not more so, in the development of such a sociological approach to political theory. This lesser-known group includes Jean-Baptiste Say, Charles Comte and Charles Dunoyer, the early, more liberal Henri Saint-Simon, and Augustin Thierry.

Larry Siedentop is not alone in seeing a different, more "sociological" form of liberalism emerge in France in the late eighteenth and early nineteenth centuries. Shirley Gruner discusses the contribution of Comte and Dunoyer in their Restoration journals *Le Censeur* and *Le Censeur européen* to the development of this peculiarly French form of liberalism. Whereas Siedentop includes more conservative French liberals such as François Guizot and the other "Doctrinaires" in this new group, Gruner argues that Comte and Dunoyer should be placed in a political category of their own, due primarily to their view of class and the rôle of the mode of production in influencing political structures and behaviour. She even goes so far as to argue that the different theories of class analysis presented by Comte, Dunoyer and Thierry, on the one hand, and Guizot and the Doctrinaires on the other, are so radically different that the two groups logically cannot both claim to be "liberal." Gruner prefers to call the "Thierry-*Le Censeur européen* group" radical liberal and the Guizot group constitutional conservative.⁵⁴ Although I cannot go as far as Gruner in rejecting the title of "liberal" for Guizot and the Doctrinaires, she is correct in identifying the uniqueness of the radical liberalism of Comte and Dunoyer. However, I believe Gruner is at least partly correct and that the "Thierry-*Le Censeur européen* group" has a far stronger claim to being the originators of

⁵³Siedentop, "The Two Liberal Traditions," p.157.

⁵⁴Shirley M. Gruner, *Economic Materialism and Social Moralism: A Study in the History of Ideas in France from the latter part of the 18th century to the middle of the 19th century* (The Hague, 1973), pp. 108-10.

the kind of radical liberal social theory which Siedentop identifies with Guizot and the Doctrinaires and which he believes makes up the "second tradition" of nineteenth century liberalism.

Yet, in spite of the considerable contributions these recent works have made to our understanding of French liberalism during the Restoration, a proper appreciation of the "social dimension" is still lacking. An interesting assessment of how pervasive the social dimension was to writers in the Restoration is given by Donald Kelley, who has described it as "this apotheosis of the 'social'." Although Kelly is primarily interested in tracing what he calls the "endless fascination with the 'social'" in French legal theory and history, his assessment can be extended to include other disciplines such as history and economics.

There is one characteristic that not only binds together ideological extremes but also seems essential to the 'new history' that emerged in Restoration France. This was the endless fascination with the 'social' - with social questions and above all the Social Question. Before the Revolution, the focus was on political authority and political liberty; a generation later, interest had shifted markedly from such abstractions to more practical problems of society, especially property relations. Revolutionary legislation and the Napoleonic Code were reversed or modified; the social engineering of Jacobins and Bonapartists alike were looked on with suspicion as a means of controlling or directing social change; and publicists in many ways turned their attentions from constitutions to institutions, from rulers to 'the people.' In this apotheosis of the 'social,' historical scholarship tended to follow suit, and sometimes to take the lead.⁵⁵

As this dissertation will endeavour to show, it is even more appropriate to describe the efforts of Charles Comte and Charles Dunoyer to formulate a liberal theory of class and industry as a similar preoccupation with the "social." It was by means of class theory and the concept of industrialism that the radical liberals Charles Comte and Charles Dunoyer, building upon the work of Benjamin Constant and Jean-Baptiste Say, were able to expand and enrich liberalism in the Restoration period by taking it beyond its traditional concern with constitutional and political matters.

E. THE VARIETIES OF LIBERAL THOUGHT: “POLITICAL”, “ECONOMIC” AND “SOCIAL” LIBERALISM

One might conclude from the above discussion that it would be better for analytical purposes to divide up or compartmentalise liberalism into distinct varieties based upon

⁵⁵Donald R. Kelley, *Historians and the Law in Postrevolutionary France* (Princeton, New Jersey: Princeton University Press, 1984), p. 25.

whether or not the individual or group under discussion sees the world through political, economic or social “ideological lenses.” This has been the practice in the past but it is a practice which I believe gives only a partial and misleading account of Restoration liberal thought for the reasons given above. To take André Jardin’s *Histoire du libéralisme politique* (1985) as the most recent example, not only does his emphasis on “political liberalism” miss the richness of early nineteenth century thought with its combination of interest in economics, history, social structures, and literature, it also is misleading. Even with Guizot, perhaps the most “political” of French liberals, to concentrate on his political activity alone and to ignore his historical writing with its strong social and economic threads would be to fracture the integrity of Guizot’s thought. Guizot the liberal historian of “civilisation” during the Restoration is just as important to our understanding of French liberal political thought as Guizot the conservative liberal statesman of the July Monarchy.

The same holds true for the study of French “economic liberalism”. This has been a sadly neglected area with the main attention of scholars of the history of economic thought directed to the study of British political economy and the bulk of historians of French liberalism ignoring it completely. Outside of a few very much older works such as Raymund de Waha’s *Die Nationalökonomie in Frankreich* (1910) and Albert Schatz’s *L’individualisme économique et sociale* (1907) liberal economic thought in the Restoration has not been much studied.⁵⁶ Again the problem seems to be that the Restoration period is jumped over with scholars preferring to study the periods immediately before 1815 (the Physiocrats and the Ideologues⁵⁷) and after 1830 (early French socialist thought, the debate about the social question and free trade in the 1840s). This neglect is surprising since no Restoration liberal who advocated “political” liberal policies such as constitutionalism or freedom of speech did not also favour to some extent “economic” liberal policies such as free trade, an end to government subsidies and monopolies and low taxes. Nor can one ignore the continuing influence of the economist Jean-Baptiste Say whose lectures at the Athénée were almost as popular as Guizot’s history lectures in the mid-1820s. One need only look at the impact of economic liberalism on the writer Stendhal to see the pervasive impact of economic liberalism in the Restoration - if only to ridicule what he perceived to be the excesses of Dunoyer’s theory of industrialism. Equally with the law-trained liberal journalists, Comte and

⁵⁶Raymund de Waha, *Die Nationalökonomie in Frankreich* (Stuttgart: Ferdinand Enke, 1910) and Albert Schatz’s *L’individualisme économique et sociale. Ses origines, son évolution, ses formes contemporaines* (Paris: Armand Colin, 1907).

⁵⁷Cheryl B. Welch, *Liberty and Utility: The French Idéologues and the Transformation of Liberalism* (New York: Columbia University Press, 1984).

Dunoyer, who reacted to the re-issue of Say's *Treatise on Political Economy* in 1817 with an expansion of their liberal Weltanschauung into a rich, radical and coherent liberalism which combined their previous constitutionalism along with an appreciation of the laissez-faire free market, and an economic interpretation of history and social structures which was to dominate their thinking for the rest of their lives. The best example of how Say's laissez-faire economics influenced Comte's and Dunoyer's liberalism is their attitude towards slavery in the late 1810s and early 1820s, which is the subject of a separate chapter in this dissertation.

Finally, one might want to refer to one of the strains of Restoration liberalism as "social" liberalism and the version of economic liberalism which evolved from it as "social economy" or "economic romanticism" as opposed to the more orthodox "political economy" of Adam Smith and Say.⁵⁸ This term is believed to have originated with the Idéologue Destutt de Tracy who preferred to use the term "social" rather than "political" to describe his economic views in volume four of his multi volume *Éléments d'Idéologie* (1817).⁵⁹ From Tracy the idea passed to Simonde de Sismondi who found it convenient to use at a time when he was experiencing a gradual disillusionment with laissez-faire liberalism in the immediate post-1815 period of economic dislocation following the defeat of Napoleon. Sismondi and the advocates of social economy differed from the orthodox political economists in arguing that economic theory should be more than merely the science of the creation of wealth (i.e. of production) but should also have a theory of just distribution so that all citizens might share in an improvement in "the pleasures of life which the wealth represents."⁶⁰ In the dire economic climate of the transition from the Napoleonic war economy to a peace-time economy, and the disruptions caused to artisan employment by the first wave of the industrial revolution Sismondi was concerned that the political economists had forgotten about human "happiness," especially that of ordinary working people, in their desire to see the wealth of nations increased.

Yet it would be a mistake to see in Sismondi's concern for the "poor" a complete rejection of economic liberalism or a precursor of mid-nineteenth century socialism, however much Marx may have been indebted to Sismondi for some of his insights. He was no Ricardian or

⁵⁸G. Vandewalle, "Romanticism and Neo-Romanticism in Political Economy," *History of Political Economy*, 1986, vol. 18, no. 1, pp. 33-47.

⁵⁹Brian Head, *Ideology and Social Science: Destutt de Tracy and French Liberalism* (Dordrecht, M. Nijhoff; Boston, Hingham, MA, 1985), p. 129.

⁶⁰From *Nouveaux Principes*, vol. 1, p. 9 quoted in Charles Gide and Charles Rist, *A History of Economic Doctrines from the Time of the Physiocrats to the Present Day* (London: George Harrap, 1961), p. 191.

even “Smithian” Socialist to use Noel Thompson’s unfortunate terminology.⁶¹ Sismondi questioned the classical political economists’ definition of individual happiness, rejecting the narrow utilitarian conception because of doubts sown in his mind by Kantian notions of individual fulfilment.⁶² This was something Mill was to do later in the century (inspired in part by another German liberal Wilhelm von Humboldt) but no one would question Mill’s liberal credentials as they have done Sismondi’s. He also worried about the unsolved problem of the business cycle, having read Say’s essay on the plight of the English economy in 1814 and seen for himself the economic dislocations of continental Europe in the early years of the Concert of Vienna. However, for all his doubts about the free market economy, Sismondi was to remain very much within the liberal camp. His interest in social history and literature illustrate again Siedentop’s important insight that French liberalism at this time was different from the English version. Sismondi was able to combine his interest in constitutional history and the need for laws to ensure freedom from all forms of constraint on individual action, with a broad understanding of European history as a struggle for liberty (typified by his interest in the history of the Italian city states). Even when he doubted the benefits of the early impact of the industrial revolution on the peasants of Tuscany, for example, he retained his very liberal belief that state enforced or guaranteed happiness was impossible and that much of the problem in England in the late 1810s was the result of state-enforced or subsidised industrialisation to favour the interests of organised producers at the expense of ordinary consumers. He believed the temporary dislocations of the transition to peace-time would soon pass and that the future dislocations to the peasant and artisans caused by the industrial revolution should not be made worse by government subsidies to industry as the following quote from an essay in 1834 attests:

Even before having recourse to such direct means of restraining industrialism, instead of continually exciting it, the aspect of society would change, if the government were persuaded that it was not advantageous, either to itself or to the nation it governs, to direct its efforts towards extending manufactures, to favour great manufactories at the expense of small trades, or the agglomeration of fortunes preferably to their division. The cessation of the indirect but daily encouragement which society gives to that system, whose dangers it is now experiencing, would perhaps suffice to restore the equilibrium, especially if, whenever a crisis occurred, an

⁶¹Noel W. Thompson, *The People’s Science: The Popular Political Economy of Exploitation and Crisis 1816-34* (Cambridge University Press, 1984).

⁶²H.O. Pappé, “Sismondi’s System of Liberty,” *Journal of the History of Ideas*, April-June 1979, vol. XL, no. 2, p. 260. H.O. Pappé, *Sismondis Weggenossen* (Geneva: Droz, 1963).

enlightened government should labour to diminish the glut instead of increasing it.⁶³

The hostility of many more orthodox liberals like Say to the publication of Sismondi's *Nouveaux principes d'économie politique* (1819) should not distort the fact that Sismondi's basic liberal temperament and his interest in the structure of social orders, class analysis in history, the problems of agriculture, the history of literature in southern Europe, and the sociology of law and free constitutions places him very much in the liberal camp during the Restoration.⁶⁴

Charles Dunoyer is sometimes linked to the Sismondian school of "social economy" partly because he used the term "social economy" in the title of a slightly expanded version of his 1825 work which appeared in 1830,⁶⁵ and partly because of his interest in class analysis, economic exploitation both by the state and other private vested interest groups, and other "social" concerns which are normally regarded as "socialist" (or proto-socialist) rather than "liberal." But like his radical liberal counterpart and contemporary in England, Thomas Hodgskin, the commitment to individual liberty, private property rights, voluntary market activity, minimal (or even no) government, and hostility to all state planning of the economy make the claim that they are "Ricardian" or "Smithian" socialists a nonsense. If the term "social economy" means anything in relation to the radical liberals of the Restoration it would suggest a total divorce of the political (i.e. the state) from the economic. Whereas some of the classical political economists favoured some admittedly minimal government intervention in the economy, radical liberals like Dunoyer and Hodgskin were hard-core advocates of pure laissez-faire. "Social" to them meant private, individual, voluntary economic exchange undertaken in the absence of government intervention, in contrast to "political" which meant state coercion, monopoly, regulation, taxation, conscription, war and other obligations of the citizen to obey the civitas. In this sense then "social economy" has some meaning - a theory of laissez-faire economics so devoid of politics that it borders on anarchism.

⁶³Simonde de Sismondi, "On the Condition of the Work People in Manufactories," in *Political Economy and the Philosophy of Government* (London: John Chapman, 1847), p. 221.

⁶⁴"Halévy on Sismondi," in *The Development of Economic Thought: Great Economists in Perspective*, ed. Henry William Spiegel (New York: John Wiley), p. 265.

⁶⁵Charles Dunoyer, *Nouveau traité d'économie sociale, ou simple exposition des causes sous l'influence desquelles les hommes parviennent à user de leurs forces avec le plus de LIBERTÉ, c'est-à-dire avec le plus FACILITÉ et de PUISSANCE* (Paris: Sautélet, 1830) 2 vols.

F. THE INTELLECTUAL ORIGINS OF COMTE'S AND DUNOYER'S LIBERALISM

Before turning to a more detailed analysis of Comte's and Dunoyer's life and work before the 1830 Revolution brief mention should be made of the intellectual origins of Restoration liberal thought in general and the variety of intellectual currents which contributed to the formation of the radical liberalism of Comte and Dunoyer in particular. Further discussion of the intellectual influences on Comte and Dunoyer in the important year of 1817, when their liberalism changed from a mainstream constitutional and political liberalism to a more radical social and economic liberalism, will be discussed in more detail below. In general terms, when Comte and Dunoyer studied law together in the early years of the new century the heritage of liberal thought they could draw upon for inspiration was varied and somewhat fragmentary. It was varied because early nineteenth century French liberalism had roots in the rival traditions of eighteenth century English constitutional monarchism (as interpreted by Montesquieu), American republicanism (supported by Condorcet and La Fayette), Scottish economic and social theory (via Constant who studied in Scotland briefly), and domestic political and economic thought spanning the sixty odd years of the Enlightenment, the Revolution and the Napoleonic Empire. It was fragmentary for both political and ideological reasons. French liberalism had been unable to evolve gradually and continuously like its British or American counterparts because it had suffered at least three and perhaps four serious political defeats which necessitated the periodic dispersal of key figures and its ideological reformulation, including the defeat of Turgot's programme of deregulation of the French economy in the 1770s, the defeat of the Girondin faction by the Jacobins in 1793, and the purge and crackdown on the Idéologues by Napoleon in 1803. The Restoration of the Bourbon monarchy and the creation of the constitutional Charter in 1814-15 offered one more opportunity for liberalism to regather its forces and introduce some measure of liberal reform to France. However, Metternich's Carlsbad Decrees of 1819 and the assassination of the Duc de Berry in 1820 resulted in yet another political crackdown on liberalism, driving a number of liberals into exile (such as Comte and Dunoyer) or underground (the Carbonari movement). Only after the removal of the Bourbon monarchy in the 1830 Revolution and the creation of a regime more sympathetic and accessible to liberal ideas (the July Monarchy) did liberalism in France have the opportunity to become influential and to evolve into an orthodoxy.

In addition to the political setbacks which French liberalism had to endure it also was fragmented by differences in ideological composition, some of which were common to

Western European liberalism as a whole; some of which were unique to French liberalism, all of which differences hindered the formation of unified body of liberal thought. The common ideological differences included such things as the debate over a natural rights vs a utilitarian defence of individual liberty; and support for democracy vs a restricted franchise. Peculiar French controversies within liberalism included the debate about the virtues of republicanism vs constitutional monarchism; the necessity of a religious-based liberalism vs anti-clericalism; and the historical and political significance of the French Revolution and Napoleon and the social classes which struggled to control the state. For liberals active after 1815 the particular historical tradition they favoured, the issues they took up, and the very language they adopted determined the type of “liberal” they became and located them on the liberal political spectrum.

In the case of Comte and Dunoyer, the main intellectual influences on them were both generational and the result of reading specific texts. Perhaps most important and immediate was the general political climate of the late-1790s and early 1800s (when they were teenagers at school and university) which was generally supportive of the so-called liberal “principles of 1789” and hostile to the Jacobin excesses of the Terror. They absorbed the liberalism of the moderate philosophes and their revolutionary heirs (Condorcet and the Girondins) and rejected Rousseauianism and Jacobinism, a not surprising combination in the more conservative period of the Directory. During the Consulate and early Napoleonic Empire they benefited from the *Idéologue* reforms of the French education system which entrenched liberal ideals in spite of Napoleon’s eventual rejection of “ideology.” As law students in Paris they absorbed the natural law tradition of Pufendorf and Grotius and ancient Roman republicanism, adapting both to fit the needs of early nineteenth century liberal constitutionalism at a time when Napoleon was undermining it through the weakening of parliament and the centralisation of political power in his own hands.

The threads linking the liberalism of the Montesquieu, the moderate philosophes, the Physiocrats, Condorcet, the Girondins, and the *Idéologues* with the liberals of the late Napoleonic Empire and early Restoration are yet to be fully delineated. A recent historian of French liberalism, Louis Girard, sees a continuity in French liberal thought across the revolutionary divide in terms of “generations.”⁶⁶ The post-revolutionary generation of liberals are linked by temperament, ideology and personal contacts with the generations of liberals who went before. Girard calls the *Idéologues* the “first generation” who paved the way for the

⁶⁶Louis Girard, *Les libéraux français, 1814-1875* (Paris: Aubier Montaigne, 1985).

work of Constant and Staël, who in turn paved the way for the “aristocratic” liberals, the “constitutionals,” the doctrinaires, and the “independents of the left” who were active during the late 1810s and 1820s. An interesting example of the linkages which tied revolutionary or Napoleonic liberalism with Restoration liberalism is that of the Idéologues Destutt de Tracy and Jean-Baptiste Say. Say was a disciple of Ideology who taught political economy at the Athénée. Charles Comte later became his son-in-law after seeking out Say for personal tuition in the intricacies of the new political economy.⁶⁷ The full impact of Say’s work on Comte and Dunoyer will be discussed in more detail below. Tracy’s salon was another important mechanism by which Napoleonic liberalism was transmitted to the post-revolutionary generation. As Cheryl Welch has shown, young liberals who were to play an important part in Restoration intellectual and political life (like Comte, Dunoyer, Thierry, and Stendhal) attended Tracy’s salon and absorbed the liberal principles of the Idéologues.⁶⁸ Stendhal gives an amusing though harsh picture of the impact Tracy’s salon had on “ultra liberals” like Dunoyer.

M. de La Fayette is extremely polite and quite affectionate towards the whole world, but he is “as polite as a King.” That is what I said one day to Madame de Tracy who became angry, at least as angry as grace incarnate could become angry, but she understood perhaps from that very day onwards that the energetic simplicity of my remarks were not at all like the stupidities (bêtise) of M. Dunoyer for example. He was a courageous and honest (brave) liberal, today the morally upright prefect of Moulins, the best intentioned, perhaps the most heroic and the most stupid of the liberal writers... What I think of all this, I who am of their party, much could be said. The naive (gobe-mouche) admiration of M. Dunoyer, the editor of *Le Censeur*, and of 2 or 3 others of the same kind constantly envelops the arm chair of the general who has positioned his chair so that he can admire most easily at close range and with a twinkle in his eye the pretty shoulders of some young woman who has just entered the room, to the great scandal of his intellectual admirers. These poor “virtuous” men try to keep a straight face in the midst of their disgust and for this I mock them, thus scandalising my new friend.⁶⁹

Although one should take Stendhal’s cynicism, self-irony and mocking tone with a pinch of salt his picture of Dunoyer at the Idéologues salon is proof of the links which bound two different generations of liberal writers and activists.

⁶⁷André Jardin, *Histoire du libéralisme politique de la crise de l’absolutisme à la constitution de 1875* (Paris: Hachette, 1985), p. 239.

⁶⁸Cheryl Welch, *Liberty and Utility: The French Idéologues and the Transformation of Liberalism* (New York: Columbia University Press, 1984), p. 156.

⁶⁹Stendhal, *Souvenirs d’égotisme*, ed. Béatrice Didier (Paris: Gallimard, 1983), pp. 74-5.

G. COMTE AND DUNOYER AND THE “GENERATION OF 1820”

A number of historians have interpreted the differences in political ideology and political interest separating the Restoration from the revolutionary period in terms of generational change. Jardin and Tudesq write in terms of three generations which they define as follows:

The oldest generation, 45 years old in 1815 and 60 in 1830, remained steeped in the classical tradition. It furnished the last, hairless rearguard at the battle of *Hernani* fought in the pit of the Théâtre français. These were the men at whom Préault shouted from the gallery: ‘To the guillotine, baldheads!’ The next generation (20 to 45 years old in 1815) had been moulded chiefly by the events in which it had participated and still hankered after the glories of the Empire. The ‘children of this century’, finally scarred by defeat and faced with the prospect of limited opportunity, were a generation that questioned all received ideas as well as their elders, a generation that had its aggressive elements in the art students of ‘*Jeune-France*’, but it was fundamentally a serious generation, eager to form its own judgement.⁷⁰

Thus according to Jardin and Tudesq one should count Comte (33 in 1815 and 48 in 1830) and Dunoyer (29 in 1815 and 44 in 1830) as part of the second generation. However, this seems unreasonable as they could hardly be said, as radical liberals, to have “hankered after the glories of the Empire.” Rather, they seem more at home with the “children of this century” with their questioning of all received ideas and their seriousness (as the above quote by Stendhal indicates). Another historian has described the small group of young men who burst onto the scene in the early years of the Restoration as the “generation of 1820.”⁷¹ They were a new generation who had been born just before the outbreak of the French Revolution. They came of age at a time when the gains of the Revolution were under threat, first of all by Napoleon and then by the return of the Bourbon monarchy. Robert Brown argues that the “first wave” of this generation, consisting “principally of Charles Comte, Charles Dunoyer, Augustin Thierry, Charles-Arnold Scheffer, and the others associated with them,”⁷² were journalistically active in the period between 1814 and 1824 and were very self-conscious of themselves as being part of a transition period between the illiberalism of the Empire and the Restoration, and the introduction of a new, truly liberal age. Alan Spitzer, on the other hand, does not include Comte and Dunoyer in the “generation of 1820” which he defines as the

⁷⁰Jardin and Tudesq, p. 71.

⁷¹Robert Warren Brown, *The Generation of 1820 during the Bourbon Restoration in France. A Biographical and Intellectual Portrait of the First Wave, 1814-1824* (Duke University, PhD, 1979. Ann Arbor, Michigan: University Microfilms International, 1988).

⁷²Robert Warren Brown, *The Generation of 1820 during the Bourbon Restoration*, p. iii.

cohort which was born between 1792-1803.⁷³ Comte and Dunoyer were born in 1782 and 1786 respectively. Spitzer prefers to link them to what he calls the "generation of Stendhal." In my view it seems nitpicking to exclude Comte and Dunoyer from Brown's "generation of 1820", as they rose to public prominence and produced their most important work in the period between 1815 and 1825. This surely gives them the right to included in the "generation of 1820."

According to the Warren Brown, the "generation of 1820" (Comte and Dunoyer included) endeavoured in their numerous writings to achieve a number of tasks: firstly, to understand the upheaval which the Revolution had caused in French society; secondly, to formulate a way in which this upheaval could finally be ended without losing the considerable gains which the Revolution had ushered in; thirdly, to map out a path which France might follow for the future. The first task led to the discovery of the need for history, that the only way to make sense of the Revolution was to study it historically by collecting documents, reading the memoirs of participants, and writing historical interpretations of the major stages through which the revolution passed. One need only mention the pioneering work of François Guizot and Augustin Thierry, as well as the numerous historical review essays in Comte's and Dunoyer's journal to be aware of the enormous importance of history to "the generation of 1820."⁷⁴

The second task led to the development of liberal constitutionalism of which Benjamin Constant is perhaps the leading figure. Comte and Dunoyer early in their careers contributed to the push for liberal constitutionalism by actively campaigning for freedom of speech, trial by jury and the rule of law in general and they became, in fact, quite notorious for their aggressive court cases in which they legally challenged the abuses by the new régime of these recently created freedoms. The hope of the liberal reformers was that the only way to temper the power of political authority, whether it be the military dictatorship of Napoleon or the attempt to restore the arbitrary authority of the crown and the privileges of the church and the nobility under the Restoration, was to follow the English and American model of a constitution. Thierry in particular wrote essays for *Le Censeur* in which the virtues (imaginary and real) and lessons for France of the Constitutions and Bills of Right of 1688-89 and 1787/1791 were discussed at length. But Brown is incorrect to argue that, even after the

⁷³Alan B. Spitzer, *The French Generation of 1820* (Princeton University Press, 1987).

⁷⁴Although not using the same terminology as Brown, Stanley Mellon in his pioneering study of the historiography of the Restoration period makes it very clear why history was so important and what political agenda it served: Stanley Mellon, *The Political Uses of History: A Study of Historians in the French Restoration* (Stanford, California: Stanford University Press, 1958).

political crack-down in 1820 following the assassination of the Duke de Berry and the dispersal of the "first wave" of the 1820 generation, these events did not lessen their faith in the benefits of constitutionalism. Some may have been confident enough in their faith in constitutions and the balance of power to wait for someone like Louis Philippe to see their plans fulfilled, but Comte and Dunoyer were not. Under the influence of the political economy of Jean-Baptiste Say and the philosophical history of Benjamin Constant and François Montlosier, Comte and Dunoyer abandoned their faith in pure political and constitutional liberalism and sought answers to the problems facing Restoration France in a new social theory known as "industrialism."

The third task for the "generation of 1820" according to Robert Brown, was to map out a path which France could follow for the future and for many it was an "industrial" future. Brown and others have discussed the theory of "industrialism" which appeared at this time and which is best known in the formulation of Saint-Simon (under the influence of Augustin Thierry). However, the liberal version of "industrialism" which Comte and particularly Dunoyer formulated has not received the attention it merits. It emerged after Comte and Dunoyer came to the conclusion that there were more fundamental forces at work than the liberal constitutionalists acknowledged and which needed to be understood before a truly liberal society could be created. These forces included the nature of economic exploitation, the structure of class power, the influence of the economy and the mode of production on the development of political culture, and the evolution of society from one economic stage of development to another. Much of their theoretical work in the late 1810s and mid-1820s was devoted to an examination of these underlying forces at work in history and which still governed the fate of France in the post-revolutionary world. After discussing at considerable length how different classes had maintained their rule over the centuries, they turned to an examination of the future path they predicted France would take. For Dunoyer in particular, it was one of increasing depoliticisation of French society, a complete withering away of the state in fact, where all aspects of social and economic life would be regulated by the interplay of the forces of supply and demand through the free market. In such a radical market society there would be no need for state officials, regulatory bureaucrats, and the horde of privilege-seeking farmers, manufacturers, and monopolists who sought state protection for their inefficient concerns. Comte and Dunoyer in moments of liberal rapture even went so far as to suggest the possibility of a stateless society in which even the limited functions of police services and military defence would either be unnecessary or would be taken over by the

market - a theme which the editor and economic theorist Gustave de Molinari developed with some sophistication some years after Comte and Dunoyer suggested it.⁷⁵

H. CONCLUSION

It is the aim of this dissertation to show how two important members of this "generation of 1820", Charles Comte and Charles Dunoyer, developed a sophisticated and coherent sociological and historical approach to liberal political theory, which Siedentop has identified as the "second liberal tradition." This "peculiar" liberalism which Comte and Dunoyer developed during the Restoration, with its interesting blend of political constitutionalism, laissez-faire economics, historically and socially focused interest in class and economic development, will be explored in more detail in the following chapters. The methodology adopted in the pursuit of this goal is part biography of Comte and Dunoyer and part history of ideas. It is my conviction that the two approaches are mutually supporting and add to our understanding rather than detract from it. Some purists, as Frank E. Manuel has aptly put it, may not recognise the importance of studying the individuals behind the ideas expressed on the page of a book or a newspaper. My defence is the one he gave in the preface to *The Prophets of Paris*:

Since the book belongs to the genre known as the history of ideas, purists may bridle at the intrusion of flesh-and-blood personages and occasional reflections on economic and social reality. The tracing of disembodied moral and philosophical traditions, an art which has many eminent practitioners, is not my method. I still feel the need to introduce the bearer of the idea even when he disturbs the flow of abstractions. Thus the attempt has been made to combine portraiture with historical commentary.⁷⁶

I think this approach works well in the case of Comte and Dunoyer. As will be shown in the chapters to follow, their political activity in opposing the restrictions placed on free activity during the Restoration, even with Comte his marriage to the daughter of his intellectual mentor Jean-Baptiste Say, and the implications of their thinking on the nature of

⁷⁵See chapter three for a discussion of Dunoyer's view of the state in a purely industrial society. Molinari first presented his ideas on the complete privatisation of all government functions, a form of liberal anarchism in other words, in Gustave de Molinari, "De la production de la sécurité," *Journal des Économistes*, 1849, vol. 22, pp. 277-290, and a little later in *Les soirées de la rue Saint-Lazare: entretiens sur les lois économique et défense de la propriété* (Paris: Guillaumin, 1849), "Onzième soirée," pp. 303-337, and in other works throughout his long life. Molinari's anarchist form of laissez-faire liberalism is discussed in David M Hart, "Gustave de Molinari and the Anti-statist Liberal Tradition: Part I," *Journal of Libertarian Studies*, Summer 1981, vol. V, no. 3, pp. 263-290.

⁷⁶Frank E. Manuel, *The Prophets of Paris: Turgot, Condorcet, Saint-Simon, Fourier, and Comte* (New York: Harper Torchbooks, 1965), "Preface."

individual liberty and the free market which they pursued in their journal and their books, are all intimately related.

III. THE JOURNALISM OF CHARLES COMTE AND CHARLES DUNOYER IN THE EARLY RESTORATION, 1814-1820

Before turning to the careers of Comte and Dunoyer as liberal journalists and arch-critics of the newly restored Bourbon monarchy it is necessary to briefly discuss their lives prior to the events of 1814-15 which thrust them into the public arena. It seems appropriate to begin with Charles Comte since he was born some four years before Dunoyer, but unfortunately the details of his early life are more obscure than for his colleague. It is not until their paths cross, first at law school in Paris (most likely in about 1807) and then as joint editors of *Le Censeur* and *Le Censeur européen* during the Restoration, that information about Comte's activities becomes more abundant. As is so often the case with early nineteenth century liberals, one learns most about Comte's life from the eulogies given at his funeral by friends and colleagues who had known him well. One of these was Mignet, that indefatigable eulogiser of departed liberals, who delivered a speech before the Academy of Moral and Political Sciences on the occasion of the tenth anniversary of the death of Charles Comte.⁷⁷ In this speech Mignet pointed out that Comte's significance to nineteenth century French liberalism lay in his key role in linking the political liberalism of the Enlightenment and the liberal constitutional phase of the Revolution with the new economic liberalism of Jean-Baptiste Say to form a richer and more complex form of liberalism.

...M. Charles Comte, whose generosity of thought and energy of activity approaches that of the thinkers of the previous century and the participants in the Revolution, ... from 1804 onwards, with the ardour of youth, followed a course of action which would have tired or mislead others but which he pursued with strength of purpose and resolution for as long as he lived. He was an outspoken adversary of military power under the Empire, a courageous defender of popular institutions under the Restoration. He proved himself to be an indomitable polemicist in the press whose independence he, perhaps more than any one else, helped re-establish. He was an unyielding theorist in his publications where the philosophy of the 18th century was combined the science of the 19th and he linked in some way the generation which engineered the revolutionary conquest of the social rights of our country to the generation which brought about the establishment of its liberties under the law (*libertés légales*).⁷⁸

⁷⁷Mignet, *Notice historique sur la vie et les travaux de M. Ch. Comte* (1846) read at a meeting of the Academy of Moral and Political Sciences, 30 May 1846 and published in *Journal des économistes*, June 1846. vol. XIV, p. 269-280. See also Gustave de Molinari, "Comte (François-Charles-Louis)," *Dictionnaire de l'économie politique*, ed. Charles Coquelin and Guillaumin (Paris: Librairie Guillaumin, 1852), vol. 1, pp. 446-447.

⁷⁸Mignet, "Comte," *Journal des économistes*, June 1846, vol. XIV, p.269.

As will be shown in the following chapters Comte's work confirms Mignet's assertion. His work on the economic and social consequences of slavery and other forms of class exploitation pushed his liberalism far beyond the traditional liberal defence of limited government, constitutionalism and civic rights such as free speech.

François-Charles-Louis Comte was born on 25 August 1782 in Sainte-Énimie, a small village in the department of Lozère, into a bourgeois family which owned a modest amount of land. During the turmoil of the early 1790s Comte was privately educated by a priest, much like Stendhal's character Julien Sorel in the novel *Rouge et Noir*, before attending one of the new central schools at Mende. Not much is known of Comte's activities during the Directory and early Empire. However, Mignet does note that Comte, at the age of 22, refused to vote in favour of the establishment of Napoleon's Empire in the referendum of 1804, thus indicating his opposition to arbitrary state power which was to be the hallmark of his intellectual and political career. According to Mignet, Comte believed that the Consulate was stable politically and that the power of Napoleon as Consul was more than sufficient. Any vote for Napoleon as Emperor, Comte thought, only indicated the political immaturity of the French people and their willingness to enslave themselves to a tyrant. Although Comte's anti-Napoleonic protest was without effect at the time, it shows how early in Napoleon's reign Comte had reservations about his use of state power. He was to give voice to similar reservations ten years later in a quite different context when the liberal Charter was prepared and Napoleon's reign appeared to be at an end.⁷⁹

Two years after the referendum Comte went to Paris in order to study law. He graduated as an advocate but did not go to the bar, preferring instead to take part in editing the collection of decrees being published by M. Sirey on the jurisprudence and regulatory powers of the supreme court. In addition to his legal studies and the editing of dry legal documents, Comte tried composing poetry and even a drama on the expulsion of the Roman tyrant King Tarquinius. It is not surprising that Comte was attracted to the story of the expulsion of King Tarquinius and his family. Tarquinius had been a bloody and violent ruler, attributes which were shared by his son Sextus who raped Lucretia. The rape of Lucretia was the excuse for Tarquinius' opponents to expel the entire family from Rome. Given Comte's political views, it would not have been out of character for him to liken Emperor Napoleon to King Tarquinius

⁷⁹Comte's sentiments towards Napoleon are clearly summed up by the title of one of his pamphlets written at the time of the One Hundred Days: *De l'impossibilité d'établir une monarchie constitutionnelle sous un chef militaire, et particulièrement sous Napoléon*. (Paris: les marchands de nouveautés, 1815).

and to imagine the people rising up to expel the dictator.⁸⁰ More important for Comte's future career than his unsuccessful literary activities was the fact that during his law studies (most probably in 1807) he met Charles Dunoyer, who was also a student at the law school, thus beginning a partnership which was to last until their forced separation in the early 1820s when the censors forced their journal to close for good.

Much more is known about the early life of Dunoyer, who has attracted more scholarly attention than his older friend and colleague. This attention is due to the fact that Dunoyer lived long enough to pursue a political and scholarly career during the July Monarchy and even well into the Second Empire.⁸¹ Barthélemy-Charles-Pierre-Joseph Dunoyer was born at Carennac in the old vicomté of Turenne on 20 May 1786 and died in Paris on 4 December 1862.⁸² Like Comte, Dunoyer had a comfortable family background but, unlike Comte, his family had noble pretensions.⁸³ Dunoyer at first followed family tradition by using the more aristocratic-sounding name of "Dunoyer de Segonzac" until 1803, after which he took the

⁸⁰Mignet apparently saw a copy of his play and was not impressed by its style or content. It is a pity that this play was not published and that Mignet dismissed it out of hand with little effort to discuss the political implications of Comte's interest in the comparison between Napoleon and Tarquinius. One is left to speculate about the opera Verdi might have composed if Comte's play had been known to him.

⁸¹In recent years Leonard Liggio has been the scholar most interested in the life and work of Dunoyer. See Leonard P. Liggio, "Charles Dunoyer and French Classical Liberalism," *Journal of Libertarian Studies*, 1977, vol. 1, no. 3, pp. 153-78. Leonard Liggio has also an unpublished manuscript on Dunoyer: chapter 1 "Dunoyer and the Bourbon Restoration of 1814: The Constitution and Freedom of the Press," pp. 1-40; chapter 2 "Moral Education and the Creation of Public Spirit among the French," pp. 41-84; chapter 3 "International Relations in 1814-1815: Anglophobia, Counter-Revolution and the Congress of Vienna," pp. 85-145; chapter 5 "*Censeur's* futile Struggle for Freedom of the Press: Dunoyer during the Hundred Days and the Second Restoration," pp. 155-82; chapter 5 "Untitled," pp. 1-49.

⁸²Biographical details about Dunoyer have been scattered among the following sources: Ernest Teilhac, "Dunoyer," *Encyclopaedia of the Social Sciences*, ed. Edwin R. Seligman, vol. 5 (New York: Macmillan, 1931), pp. 281-2; Anon., "Dunoyer," *Dictionnaire de l'économie politique*, ed. Charles Coquelin and Guillaumin (Paris: Guillaumin, 1852), vol. 1, pp. 622-3; "E.R." article "Dunoyer," *Nouveau Dictionnaire d'économie politique*, ed. Léon Say and Joseph Chailley (Paris: Guillaumin et Cie, 1891), vol. 1, p. 750; Entry by "A.L." (perhaps Liesse?) in the supplement to the *Nouveau Dictionnaire d'Économie Politique* (1897), vol. 1, pp. 142-44; "Nécrologie. Mort et funérailles de M. Ch. Dunoyer," *Journal des économistes*, oct-dec 1862, vol. 36, series 2, pp. 442-51, including contributions by Joseph Garnier, Lélut president of the Academy of Moral and Political Sciences, Louis Reybaud on behalf of the Moral Science section, Charles Renouard on behalf of the Political Economy Society; Mignet, "Notice historique sur la vie et les travaux de M. Charles Dunoyer," *Journal des économistes*, 15 May 1873, vol. 30, 3rd series, pp. 161-81, a paper read at the annual public meeting of the Academy of Political and Moral Sciences, 3 May 1873; another version of Mignet's eulogy can be found in: "Charles Dunoyer: Notice," *Nouveau Éloges historiques, de Savigny, Alexis de Tocqueville, Victor Cousin, Lord Brougham, Charles Dunoyer, Victor de Broglie, Amédée Thierry* (Paris: Didier et Cie, 1877), pp. 239-84; Roman d'Amat, "3. Dunoyer," *Dictionnaire de Biographie Française*, ed. Roman d'Amat (Paris-IV: Librairie Letouzey et aîné, 1970), vol. 12, pp. 286-88; E.L. Villey-Desmerets, *L'oeuvre économique de Ch. Dunoyer* (Paris, 1899); R. Adenot, *Les idées économiques et politiques de Dunoyer* (Toulouse, 1907); Edgar Allix, "La déformation de l'économie politique libérale après J-B. Say: Charles Dunoyer," *Revue d'histoire économique et sociale*, 4, 1911; Albert Schatz, *L'individualisme économique et sociale: ses origines, son évolution, ses formes contemporaines* (Paris: Armand Collin, 1907).

⁸³His family was an old languedocian family which had owned the seigneurie of Segonzac from the fourteenth until the mid-eighteenth century but had since lost it. Dunoyer's father was Jean-Jacques-Phillippe Dunoyer and his mother Henriette de La Grange de Rouffillac. In spite of the fact that their ancestral family estate had been lost, they chose to use the name "Dunoyer de Segonzac."

untitled name of Dunoyer, perhaps an indication of his growing liberal sentiments which spurned such pretensions. Also like Comte, Dunoyer was privately educated by priests until he too went to one of the new central schools in Cahors. Dunoyer was nominated by the prefect of his department to attend the University of Jurisprudence in 1803, which had just recently been founded in Paris, and then the School of Law in Paris, where he met Charles Comte in 1807.

As young law students who had absorbed the liberal principles of 1789, Charles Dunoyer and Charles Comte reacted strongly to the creation of the Empire under Napoleon. In words reminiscent of Benjamin Constant's attack on Napoleon's "usurpation" and "domination" Dunoyer described the feelings of the two young liberals in the early years of the Empire as one of total aversion and disgust for the militarism and bureaucracy which enabled ambition, vested interest and nepotism to run rampant.

We both felt a strong and powerfully motivated aversion for military power which seemed to us to be animated by no grand principle (*idée*) but only a concern for advancement in the public service. From top to bottom it appeared only to be the putting into practice of all the self-seeking and ambitious passions which the revolution had awakened. In our eyes this quite material domination was worthy of the utmost contempt. We were especially irritated by the state of suffocation into which all individual existence had fallen. Whatever value one might have it was impossible to count for anything outside of the established domination, a domination which had absorbed everything, that each day got worse and more widespread, a domination which was incessantly victorious abroad and which came back to impose on the country all the burdens which it had imposed on the conquered nations of Europe.⁸⁴

After having completed his law studies Dunoyer pursued a brief career as a translator of Byzantine legal documents and, under family pressure, unsuccessfully sought a position as an auditor at the Conseil d'État. However, in 1809 his family was able to arrange a position for him as a private secretary to a family friend, Julien Bessière, who was the intendant général in Navarre (1810-11) and then intendant in Holland. It was thus in the service of the Empire that Dunoyer observed at first hand the disastrous consequences of Napoleon's domination of Europe and the eventual occupation and humiliation of France.⁸⁵ He also witnessed the brutal

⁸⁴Mignet "Dunoyer," *Journal des économistes*, pp. 163-4. The words used to describe the spirit of "domination" felt by liberals under Napoleon are very similar to those used by Benjamin Constant in 1814 in his famous anti-Napoleonic pamphlet "De l'esprit de conquête et de l'usurpation dans leurs rapports avec la civilisation européen," in Benjamin Constant, *De la liberté chez les modernes. Écrits politiques*, ed. Marcel Gauchet (Paris: Livre de Poche, 1980). This essential document of anti-Napoleonic liberalism is now available in a modern English translation with a useful introduction: Benjamin Constant, *Political Writings*, ed. Biancamaria Fontana (Cambridge University Press, 1988).

⁸⁵In particular his sympathy for the Spanish liberals, who were opposed on one side by the legitimists and on the other side by the Anglophile constitutionalists, was evident in his later writings on the Spanish problem in *Le*

police methods of the Imperial government in repressing dissent in Holland, one of the factors which led him, like many other liberals, to turn against the Empire as a travesty of the principles of 1789. When Napoleon's Empire collapsed in 1814 Dunoyer was twenty seven years old. If his family connections should have inclined him towards welcoming the return of the Bourbon monarchy, his legal and political views strongly inclined him towards the opposite of what his family stood for, that is for liberalism and the rights of man. During the first days of the Restoration Dunoyer dutifully joined a group of young aristocrats who had joined a National Guard cavalry unit which served as a guard of honour for the Comte d'Artois, Lieutenant General of the Kingdom, when he entered Paris ahead of his brother, the restored King Louis XVIII. Unlike his colleagues in the honour guard, who no doubt had been led to expect a political reaction to accompany the Restoration of the monarchy, Dunoyer initially welcomed the new régime with the quite opposite hope that it would introduce a truly liberal constitutional monarchy. Perhaps he dreamed that Louis was really William of Orange and 1814 was in fact 1688. Dunoyer's hopes for the liberal nature of the new régime, based as he and others had hoped on the liberal Charter drawn up by Benjamin Constant, were shattered by Louis' declaration preceding the promulgation of the Charter of 1814. Dunoyer found Louis' declaration insufficiently liberal and responded with a public attack on the weakness of the royal promises and a defence of liberal constitutionalism in a pamphlet which he had the temerity to distribute even in the Tuileries Palace itself.⁸⁶

A. COMTE AND DUNOYER AS POLITICAL JOURNALISTS - THE FOUNDATION OF *LE CENSEUR*

Comte and Dunoyer first came to public attention when they joined the ranks of the opposition liberal press and began publishing critiques of the arbitrary actions of the restored Bourbon monarchy in a weekly magazine they called *Le Censeur*. Comte founded the weekly journal alone on 12 June 1814 during the first Restoration, only three days after the

Censeur and *Le Censeur européen*. Leonard P. Liggio, "International Relations in 1814-1815: Anglophobia, Counter-Revolution and the Congress of Vienna," and the series of articles by Éphraïm Harpaz on Comte and Dunoyer's journalism: "*Le Censeur*, Histoire d'un journal libéral," *Revue des sciences humaines*, Octobre-Décembre 1958, 92, pp. 483-511; "*Le Censeur européen*, histoire d'un journal industrialiste," *Revue d'histoire économique et sociale*, 1959, vol. 37, no. 2, pp. 185-218 and vol. 37, no. 3, pp. 328-57; "*Le Censeur européen*: histoire d'un journal quotidien," *Revue des sciences humaines*, 1964, pp. 113-116, pp. 137-259. A good survey of liberal attitudes to questions of foreign policy, in particular the movements for national independence, is given by Éphraïm Harpaz, "Politique mondiale," *L'école libérale sous la restauration: le "Mercure" et la "Minerve" 1817-1820* (Genève: Droz, 1968), pp. 175-222.

⁸⁶Charles Dunoyer, *Réponse à quelques pamphlets contre la constitution* (Paris: Dentu, 1814).

promulgation of the Charter.⁸⁷ After the appearance of the second issue he welcomed as joint editor his old friend from his law student days, Charles Dunoyer. Comte had two stated purposes in starting a new magazine. The first was to oppose the expected reactionary politics of the Bourbons. The second reason was his disillusionment with the existing newspapers because they refused to treat the important issues of the Restoration with the seriousness he believed they merited. The purpose of *Le Censeur* was to fill this void and to provide the proper, critical and searching analysis of events which Frenchmen needed in these difficult times. Comte summed up his intentions in founding the new journal in the following passage:

Newspapers could be of great utility, but the great importance which they attach to simple literary discussions, the indifference they have for anything which smacks of legislation, and the habit they have acquired of adulation (of the government), prevents one from hoping that they will busy themselves in enlightening citizens of their true interests. What they do not do, I propose to undertake.⁸⁸

Like many liberals Comte had little reason to expect that the restored monarchy would abide by the liberal guarantees of the Charter. Human nature and political experience led him to believe that the King and his aristocratic advisers would attempt to undo the Charter and to return as soon as possible to the practices of the ancien régime. Thus he thought the government needed a "censor" of its own which would expose and condemn any attempt to weaken the provisions of the Charter.⁸⁹ The name *Le Censeur* has other meanings which

⁸⁷The first volume of *Le Censeur* carried the date June 12-September 30, 1814 and had the full title of *Le Censeur Ou examen des actes et des ouvrages qui tendent à détruire ou à consolider la constitution de l'état* with a motto taken from Aristotle "Si quos proeesse oportet, ita sunt proficiendi, ut custodes legum atque ministri."

⁸⁸Quoted by Mignet, "Notice historique de M. Comte," *Journal des économistes*, June 1846, vol. XIV, p.271. As Dunoyer put it in somewhat different but still rather high-sounding words, their aim in publishing *Le Censeur* was "the desire to push the nation towards the purposeful, honest and serious examination of its affairs and its own destiny," in Mignet, "Dunoyer," *Journal des économistes*, p. 165. The most comprehensive history of Comte and Dunoyer's journal is by Éphraïm Harpaz in a series of articles, cited in full in a note above. Harpaz provides much detail about what was written in each volume of *Le Censeur* and *Le Censeur européen* but little real insight into their thought. Robert Warren Brown, "The Political Response: The *Censeur* and the First Restoration," in *The Generation of 1820 During the Bourbon Restoration in France*, pp. 48-116 also recognises the political importance of their journal and the evolution of their ideas expressed in it.

⁸⁹A historian of the French press during the Restoration, Eugène Hatin has described the function of *Le Censeur* in similar terms: "The only truly independent journal of the epoch was *Le Censeur*. *Le Censeur* had been created by two of those young men for whom the imperial despotism contradicted all their ideas, revolted all their sentiments, and who despite their patriotism, had seen in the day of March 31 the signal of the universal deliverance. Admitted to the intimacy of the most distinguished members of the liberal minority of the Senate and of the philosophic party, the Tracys, the Lanjuinais, the Lenoir-Laroques, the Lambrechts, the Volneys, and the Cabanis, Comte and Dunoyer had imbibed a horror of tyranny, and it was to prevent its return that they had taken their stand... the ideas which, in its first numbers, *Le Censeur* expressed and developed in a firm and grave tone, contrasted singularly with most of the writings currently published. In sum, it was a support rather than a danger to the constitutional government of June 4, if that government would march directly along its path; but it would encounter in the new paper an inflexible censor every time that it deviated." Quoted in Liggio, "Charles Dunoyer and French Classical Liberalism," *Journal of Libertarian Studies*, p. 159 from Eugène Hatin, *Histoire*

Comte may have been trying to express. It could be a play on words mocking the illiberal censorship laws of the Restoration⁹⁰ or perhaps it could be a reference to Jeremy Bentham's "rational censor" of the laws. Comte much admired the work of Bentham whose works⁹¹ he had closely studied whilst a law student in Paris and whom he probably met when he was mixing in Benthamite circles when he was in exile in England in the early 1820s. In his *Traité de législation* (1827) Comte acknowledged his debt to Bentham's contribution to analysing and reforming the laws and wished to model his own critique of moral philosophy and legislation on the example provided by Bentham in the area of legal theory and the political economists in the area of the economy. Comte began work on his magnum opus in the last years of the Empire but he set it aside to take up a full-time career as a political journalist during the Restoration. It was not until his exile first in England and then in Switzerland that he was able to finish it and have it published in 1826-7. Comte readily accepted Bentham's method of analysis and rather excitedly compared it to an Archimedean lever which magnified the power of a weak man to shift heavy stones.

If I had had to count only on my own power I would not have had the courage to undertake such an enterprise. Although (the science of) legislation is far from being as advanced as other sciences, much has already been done. Some branches of this science have already made such great progress that there remains little to add and the method which has served to bring enlightenment to it can readily enlighten those areas which are less advanced. We owe to two scholars (savants), Bentham and Dumont (whose names are impossible to separate), the fact that we have at the same time both a better method of reasoning and many examples of its successful application. On the other hand, the progress of political economy and the research done on the causes of the increase and decrease of populations in all countries has given us the means to resolve a number of important questions. Finally, a good method (of analysis) gives the mind such a power that it can to some degree replace (intellectual) talent. It is a lever which gives a weak man who uses it a power greater than the strongest man who has no similar tool.⁹²

Since Comte had been working on his treatise on legislation for a couple of years before he launched the magazine *Le Censeur*, it may not be too much to expect him to have been familiar with Bentham's distinction between "the censor" and "the anarchist" and to have had

politique et littéraire de la presse en France. La press moderne, 1789-1860. La presse sous la Restauration (Geneva: Slatkine Reprints, 1967, original edition Paris: 1859-61), vol. VIII, pp. 82-86.

⁹⁰This is the opinion of Mignet, "Dunoyer," *Journal des économistes*, p. 165.

⁹¹At least the dubious "translations" of Étienne Dumont.

⁹²Charles Comte, *Traité de législation, ou exposition des lois générales suivant lesquelles les peuples prospèrent, dépérissent ou restent stationnaire*, 4 vols. (Paris: A. Sautélet et Cie, 1827). A second revised edition was published in 1835 by Chamerot, Ducollet of Paris in 4 vols. to coincide with the publication of its sequel, the *Traité de la propriété*. A revised and corrected third edition was published in 1837 by Hauman, Cattoir et Cie of Brussels. All references are to this third edition of 1837. Quote about Bentham's method, p. 6.

this in mind when he named his magazine. Bentham used the distinction in an amusing and scathing attack on natural rights called "Anarchical Fallacies: Being an Examination of the Declaration of Rights issued during the French Revolution."⁹³ According to Bentham the "rational censor," wishing to reform the laws, does so only after an exhaustive study and codification of the existing laws, whereas the "anarchist," the "man of violence," like the French revolutionaries, denies the validity and justice of the law in question and calls upon mankind to rise up and to resist or overturn it.⁹⁴ How far Comte agreed with Bentham is hard to say. He would certainly have wished to use the magazine to analyse unjust laws rationally and carefully and to urge their repeal. However, the readiness of both Comte and Dunoyer to challenge the true censors in court and to interpret the law in such a way as to avoid the intention of the law makers suggests that they behaved much more like Bentham's "anarchist" than his "censor." Nevertheless, Comte's interest in Bentham's writings on legislation suggests that he might have intended to imply their role as a "rational censor" in the uncertain political climate of the Restoration.

In the first issue of *Le Censeur* Comte challenged two acts of the new government he believed were undermining the liberal intention of the Charter. One concerned some ordinances requiring all citizens to observe certain aspects of the Catholic religion and to respect the Sabbath and religious holidays, a measure which Comte believed contradicted the freedom of religion guaranteed by the Charter. The second concerned freedom of the press. Censorship had been reestablished by a royal ordinance in 1814 following a technical interpretation of the provisions of the Charter dealing with freedom of the press. Comte argued that this ordinance was illegal and refused to obey it, preferring instead to challenge the state to close his journal down and make a test case of the legality of his actions. He successfully snubbed the authorities until such time as they closed the loophole in the law.⁹⁵ Only after a further ordinance had confirmed the legality of the royal ordinance was *Le Censeur* finally censored. The editors were again able to evade this new development by changing the format of their magazine to a hard bound volume of more than 320 pages and

⁹³Jeremy Bentham, "Anarchical Fallacies: Being an Examination of the Declaration of Rights issued during the French Revolution (1796)," in *The Works of Jeremy Bentham*, ed. Bowring (Edinburgh: William Tait, 1843), vol. 2, pp. 491-534.

⁹⁴"For such is the difference - the great and perpetual difference, betwixt the good subject, the rational censor of the laws, and the anarchist - between the moderate man and the man of violence. The rational censor, acknowledging the existence of the law he disapproves, proposes the repeal of it: the anarchist, setting up his will and fancy for a law before which all mankind are called upon to bow down at the first word - the anarchist, trampling on truth and decency, denies the validity of a law, and calls upon all mankind to rise up in a mass, and resist the execution of it," Bentham, "Anarchical Fallacies," p. 498.

⁹⁵According to Mignet, "For several months he alone exercised freedom of the press as a privilege of his courage." Quoted by Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 446.

the frequency of its appearance. They were thus able to continue to publish their criticism of the régime uncensored.⁹⁶

Comte's manoeuvring with the censor was interrupted when Napoleon returned to power. Without hesitation he wrote a scathing attack on Napoleon the dictator who, for fifteen years, had trampled on French liberties. In *De l'impossibilité d'établir une monarchie constitutionnelle sous un chef militaire, et particulièrement sous Napoléon*⁹⁷ Comte reminded the public of the overweening ambition of Napoleon and reminded the army of its legal responsibilities under the Charter, in particular its duty to defend constitutional liberties and "la patrie," rather than to swear allegiance to any individual general. In a particularly sharp aside he remarked on the absurdity of Napoleon's aspirations to establish a constitutional régime at the point of a gun. Given the speed with which Napoleon was able to return to the throne in 1815 suspicions were naturally aroused that he must have had an organised conspiracy working on his behalf. Legitimists of course assumed that the most outspoken critics of Louis XVIII and defenders of the unreformed army, which included Comte and Dunoyer, must have been part of this conspiracy. In addition, Comte's successful defence of one of Napoleon's generals Excelmans in the court of Lille⁹⁸ and his ironic remarks about the state of the army and the possibility of a return by Napoleon in his pamphlet fed legitimist fears of a such a conspiracy. Thus a legitimist newspaper, *La Quotidienne*, accused Dunoyer and Comte of collaborating in Napoleon's landing at Cannes (1 March 1815). This assumption was utterly absurd given the tradition of hostility and opposition to Napoleon

⁹⁶Mignet, "Dunoyer," *Journal des économistes* and Roman d'Amat, "Dunoyer," *Dictionnaire de Biographie Française*, ed. Roman d'Amat (Paris: Letouzey et Ané, 1970), vol. 12, pp. 286-88. Publications less than 320 pages were subject to prior censorship. On censorship in France see Frede Castberg, *Freedom of Speech in the West: A Comparative Study of Public Law in France, the United States and Germany* (Oslo University Press, 1960); Lenore O'Boyle, "The Image of the Journalist in France, Germany and England, 1815-1848," *Comparative Studies in Society and History*, 1968, vol. X, no. 3, pp. 290-317; Irene Collins, *The Government and the Newspaper Press in France, 1814-1888* (Oxford University Press, 1959); *Histoire générale de la presse française*, ed. Claude Bellanger, et al. (Paris: Presses universitaires de France, 1969). Like Comte and Dunoyer during this period Benjamin Constant was a vigorous defender of a free press. Benjamin Constant, "De la liberté de la pensée," in *Les "Principes de politique" de Benjamin Constant*, ed. Étienne Hofmann (Genève: Droz, 1980), vol. 2, pp. 125-54. Also during the first period of publication of *Le Censeur* Charles Comte and Charles Dunoyer found time to publish a pamphlet: Charles Comte and Charles Dunoyer, *Observation sur divers actes de l'autorité et sur des matières de législation, de morale et de politique* (Paris: Marchant, novembre 1814).

⁹⁷Charles Comte, *De l'impossibilité d'établir un gouvernement constitutionnel sous un chef militaire* (Paris: les marchands de nouveautés, 1815). Two editions under this title. Third and revised edition, *De l'impossibilité d'établir une monarchie constitutionnelle sous un chef militaire, et particulièrement sous Napoléon* (Paris: Renaudière, 1815). Fourth edition 1815.

⁹⁸Comte successfully defended General Excelmans in January 1815 for having offended the King in a letter he wrote to the newly restored monarch. Although Comte defended him on the grounds of opposing the arbitrary acts of the restored monarchy, the result of the court action might have been interpreted by pro-Napoleon elements as an indication of the weakness of the crown in removing Napoleonic sympathisers from the army. Charles Comte, *Défense de M. le comte Excelmans, lieutenant-général* (Paris: Renaudière, 1815). Signed, Comte, avocat, 2 January 1815.

both Comte and Dunoyer showed throughout the Empire from an early age. Their liberal and constitutional views make it even more unlikely that they would place any faith in a return of Napoleon to the throne. In order to clear their names of any suspicion of having assisted in Napoleon's return from Elba, Comte and Dunoyer attempted to sue the legitimist paper for libel. They instigated proceedings on 19 March 1815 on the eve of Napoleon's entry into Paris, but their suit was interrupted by the unexpected course of events. The rather timid judges were not willing to accept the case because, in the uncertain situation where it was not clear whether Napoleon or Louis XVIII would win power, they did not want to offend either contender for the throne. They therefore took the traditional bureaucratic solution to a difficult problem and simply postponed the suit until matters had settled down.

After Napoleon's entry into Paris on 20 March 1815 and the start of the Hundred Days of his "restoration," one of Napoleon's ministers, the duc d'Otrante, attempted to persuade Dunoyer and Comte to support openly the new régime with the rather spurious argument that it had been "transformed by liberty."⁹⁹ Not surprisingly Comte and Dunoyer did not believe that Napoleon had been suddenly transformed into a supporter of liberal freedoms, given Napoleon's previous conduct towards the limited constitutional freedoms of the Empire. Dunoyer and Comte declined the Duke's offer, saying in their provocative style that if the régime were truly liberal they would be free to pursue their independent course as they had done under the Bourbons. The duc d'Otrante then attempted to intimidate Dunoyer and Comte by seizing the next edition of *Le Censeur*. Dunoyer and Comte were able to use the laws to their own advantage by demanding that the government pay them restitution for their confiscated property as required under the Charter. The next step in the government's attempt to tame the liberal opposition was to force Dunoyer and Comte to revive their libel suit against the *Quotidienne*, which accused them of being accomplices in the revolution of 20 March, in an effort to embarrass them by discrediting their credentials as liberal opponents of Napoleon. However Dunoyer and Comte were still adamant in their wish to continue the libel suit but for reasons quite different to that of the government. They argued before the politically sensitive judges that Napoleon's latest revolution had not changed their opinion of his dictatorial régime and that they still wished to sue those who had falsely accused them of supporting Napoleon's return to power.¹⁰⁰

⁹⁹Mignet, p. 167.

¹⁰⁰Mignet describes the difficult situation in which the judges found themselves when confronted on the one hand by the immanent return of Napoleon and on the other hand by the stubbornness of the liberals Comte and Dunoyer: "The position of the judges was delicate... (P)laced between the government which still existed and the government which would soon exist they felt some embarrassment in making a decision - what was a crime

Comte's and Dunoyer's political opposition to Napoleon's monarchical style of rule led to the suppression, on the orders of Fouché, of the fifth issue of *Le Censeur*, which had appeared during the Hundred Days.¹⁰¹ The reason why Napoleon and his censors might find their journal offensive can be found in the strong defence, not so much of the restored Bourbon monarchy per se, but of the possibilities for liberal constitutionalism offered by the Charter (or "la véritable liberté" as they put it) which they supported soon after Napoleon returned to power. Comte and Dunoyer believed that an acceptable constitution recognised by the crown was preferable to a less acceptable constitution imposed by the return of a military dictator, even if the dictator was a popular one. They expressed this opinion in no uncertain terms, thus again incurring the wrath of the censors:

We believe that a tyrant elected by the people would be much less respectable than a good king placed on the throne by the grace of god. We believe that an acceptable constitution, which had been *conceded* and *decreed* (octroyée) by the prince, would be quite preferable to a less good constitution, which had been considered and accepted on the champ de mai. In a word, we would like to attempt to prevent the people from being deceived by the attraction of certain appearances, by the charlatanism of certain words and finally to make the people understand, if that is possible, what true liberty is.¹⁰²

When the fifth volume of *Le Censeur* was seized Comte went immediately to the office of the prefect of police to demand the return of the confiscated edition. He stated with some youthful liberal swagger that

If we have reasoned badly it is necessary for you to refute us. If we are guilty of any crime it is necessary for you to punish us. The minister seems to think that his threats will have a greater effect on us than his offer (to cooperate). He is deceiving himself. Under the previous regime we laughed at their swords. Today I swear to you that I will equally mock the bayonets of Bonaparte. "So, you want to be a martyr," replied the prefect. I am not seeking it, but I do not fear it.¹⁰³

today might be a mark of honour tomorrow. The prudence of the accused journalist drew them into this difficult situation. He demanded the postponement of the sentence in the hope that later on it would be just as impossible to impose the sentence as it would be to carry it out. But this (act) was to underestimate MM. Comte and Dunoyer and their intrepid views. Called before the bench when the Emperor had resumed his throne, in order to continue a suit which had lost all meaning, they persisted and had the following inscribed in the register of complaints (registre du greffe) that 'if the accusation of having cooperated in the reestablishment of the Imperial government had not exposed them to any harm, that of having sought to overthrow the established government had exposed them to public disapprobation'. Quoted in Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 446. See also Mignet, "Comte," p. 273.

¹⁰¹Five issues had appeared in the last half of 1814 and the first few months of 1815. It was the fifth issue which appeared during the Hundred Days: *Le Censeur*, vol. V, 18 April 1815. The dates of the volumes are as follows: volume 1, 12 June, 1814; vol. 2, Nov 15, 1814; vol. 3, Dec 20, 1814; vol. IV, March 1, 1815; vol. V, April 18, 1815; vol. VI, June 1, 1815; vol. VII, Sept 6, 1815.

¹⁰²*Le Censeur*, vol. V, 18 April 1815, pp. 269-270.

¹⁰³Quoted in Mignet, "Comte," pp. 273-4.

The distribution of the fifth volume was interrupted briefly by this suspension but it proved to be only temporary because Constant, with his courage in facing government officials, and Carnot, with his influence in government circles, were able to persuade Baron Legoux, the procureur général, to withdraw the order banning the issue. Comte's audacity resulted in the return of the seized volume and a renewed determination to continue the criticism of Napoleon's régime in future volumes of *Le Censeur*.¹⁰⁴

The magazine did not reappear until the return of Louis XVIII,¹⁰⁵ at which time Dunoyer and Comte were placed on a list of those opponents of the régime who were to be banished. They were saved at the last minute by the intervention of Prince Talleyrand, who was to be a colleague of theirs in the Academy of Moral and Political Sciences some seventeen years later. Although Talleyrand was able to save the two liberal journalists this time, their continued criticism of the régime led to another confrontation with the monarchy. The seventh issue was once again censored by Fouché (this time acting on behalf of the restored Bourbon monarchy) in September 1815.¹⁰⁶ The reason for the censorship of the seventh volume was that it contained a report of the debates in the Chamber of Deputies, including the protest at the closure of the Chamber by the occupying Prussian troops and another report on the excesses of the royalist reaction in the south of France. The arbitrary nature of the confiscation led Comte and Dunoyer to conclude that they had exhausted the patience of the régime and should cease their regular publication of *Le Censeur* for a while.¹⁰⁷

¹⁰⁴Hatin, without approving of the stand taken by the editors of *Le Censeur*, states that had other newspapers and journals shown the same diligence and courage as Comte and Dunoyer they too might have been able to defeat the censors: "*Le Censeur* was heard every hour to reprimand so vigorously the newspapers on their pusillanimity, and without doubt proved to them how far one was able to be bold. It is said that Fouché, wishing to attach to himself the editors of that paper, had offered to them the editorship of the *Moniteur*; then, on their refusal, had given them the choice of places which would be agreeable to them. But Comte and Dunoyer had rebuffed these offers, and they had remained inflexible in their opposition to the imperial government, an opposition which, it is very necessary to say, was not under the circumstances, very intelligent or very patriotic." Quoted in Liggio, *Journal of Libertarian Studies*, p. 160.

¹⁰⁵Vol. VII, Sept. 6, 1815.

¹⁰⁶Fouché, whether he was acting for Louis XVIII or Napoleon, would seem to be destined to censor *Le Censeur* no matter for whom he worked. Some 4,500 copies of the seventh volume was seized thus giving some idea of the size of the circulation.

¹⁰⁷Mignet states that Comte wrote a pamphlet in defence of the army which could not be published at this time. He gives no details about this pamphlet except to say that it was written at about this time. He could be referring to two pamphlets Comte wrote in 1815; either the Excelmans pamphlet which could be interpreted by some parties as a defence of the army, or to Comte's attack on Napoleon's claims to establish a constitutional government which could not. Thus Mignet's reference remains mysterious. Mignet, "Comte," p. 274.

B. THE PROBLEM OF SLAVERY IN *LE CENSEUR*

In addition to the interest in political and constitutional matters which had taken up most of the pages of *Le Censeur*, Comte and Dunoyer did address other issues before the suspension of the journal. One of the more important of these was the question of slavery, which was to become a major interest to both Comte and Dunoyer in their latter writings after their discovery of political economy and class theories of history. For the moment, their interest in slavery was essentially moral and political in keeping with the overall tone of their liberalism at this time. They rejected slavery as evil because it violated the natural right to liberty which all individuals had and was a political problem in the early years of the Restoration because of the pressure being placed on Britain to suppress the slave trade to the French colonies. Dunoyer in particular wrote on slavery in *Le Censeur* in connection with the issue of British foreign policy.¹⁰⁸ His interest in the issue of slavery and the slave trade came about from the reviews he did of French translations of pamphlets published by the British abolitionists and reports of debates in the House of Commons. At the time the negotiations for the Treaty of Paris in May 1814 were taking place, the House of Commons was debating the suppression of the slave trade and the handing back of French colonies taken in the war against Napoleon. Like the French abolitionists of the 1820s who were to be active in the Society for Christian Morality, Dunoyer was puzzled by the lack of interest shown by the French public in the question of slavery.¹⁰⁹ The answer lay partly in the activity of the British government. Since the suppression of the slave trade was official British policy, French patriots felt obliged to oppose whatever was in the interests of the British Empire. French cynics might argue the British supported or at best tolerated the trade in slaves for centuries while it was in their interests and now that they perceived their interests in a different way the British wanted to impose a similar view on the French. Dunoyer was critical of the oscillations in the French attitude towards the British which made a considered reaction to the slave trade difficult. From an attitude which Dunoyer described as "the ridiculous infatuation which we had for them (the British) before the revolution" the French public now went to the opposite extreme of opposing a particular policy merely because their recent enemy supported it. Another reason for the French public to doubt the motives and humanitarianism

¹⁰⁸The attitude of Dunoyer to slavery has been discussed by Leonard P. Liggio in an unpublished manuscript dealing with Dunoyer's political philosophy and I would like to thank him for making his manuscript available to me. The section dealing with Dunoyer's attitude to slavery comes from chapter 3 "International Relations in 1814-1815: Anglophobia, Counter-Revolution and the Congress of Vienna," pp 114 ff.

¹⁰⁹See the discussion in Seymour Drescher, "The Abolition of Slavery," in *Dilemmas of Democracy: Tocqueville and Modernization* (Pittsburg University of Press, 1968), pp. 151-195.

of the British in wanting to end the slave trade was their memory of the behaviour of the British army in the treatment of French prisoners of war. Dunoyer believed that the poor treatment given to French prisoners in the frightful conditions of the convict ships led many to question the humanitarian credentials of the British with respect to the blacks.¹¹⁰

One of the more important British abolitionist pamphlets to be reviewed by Dunoyer in *Le Censeur* was Thomas Clarkson's *Essay on the Impolicy of the Slave Trade*.¹¹¹ According to Leonard Liggio, Clarkson had some contact with French liberals and Dunoyer was influenced by him only indirectly through their friendship with the leading French abolitionist, the Abbé Grégoire. Clarkson had come to Paris in the summer of 1789 to assist the Société des Amis des Noirs in their work on behalf of the abolitionist cause, whose French supporters included Lafayette and Condorcet. Clarkson's major works on the slave trade had been translated into French and he had spent some time speaking with sympathetic Deputies. He was so successful that he was able to convert Grégoire to a more radical abolitionist position. He later returned to Paris in August 1814 to attempt to help remedy the lack of interest expressed by the French public in the issue of slavery. Clarkson met with Grégoire again in order to arrange for the translation of more British abolitionist pamphlets and Liggio suggests that this is when Dunoyer may have met Clarkson.¹¹² In his long review of Clarkson's book Dunoyer expressed horror that anyone professing to be rational could defend the existence of slavery

¹¹⁰Dunoyer, *Bulletin du Censeur*, vol. 1, no. 10, 12-22 September, p.71; quoted in Liggio, pp. 115-6.

¹¹¹Dunoyer, review of Thomas Clarkson, *Essai sur les désavantages politiques de la traité des Nègres... Traduit de l'anglais sur la dernière édition qui a paru à Londres en 1789* (Paris, 1814), in *Le Censeur*, vol. 2, pp. 156-75; discussed by Liggio, pp. 116-16A.

¹¹² Grégoire had other important contacts with radical liberals who had a considerable influence on Comte and Dunoyer. For example, Jean-Baptiste Say (an important mentor of Dunoyer and the father-in-law of Comte) was an active member of the Société des Amis des Noirs, founded by Grégoire in March 1796. Say reviewed and announced the Société's publication in the *Décade philosophique* (the journal of the Ideologues which Say edited) and spoke at society meetings. Thus it can be seen that Comte and Dunoyer had access to several sources of anti-slavery thought, including Clarkson and the radical British abolitionists (via Grégoire); the philosophe tradition of Condorcet and Denis Diderot; the Coppet circle of Benjamin Constant, Madame de Staël, and Simonde de Sismondi; and the political economists such as Adam Smith, Destutt de Tracy and Jean-Baptiste Say. Any history of the abolitionist movement in France must include Madame de Staël and Simonde de Sismondi. Madame de Staël wrote an influential introduction to a French translation of William Wilberforce, "Préface pour la traduction d'un ouvrage de M. Wilberforce, sur la traite des nègres," (1814) in Madame de Staël, *Oeuvres complètes*, ed. Auguste de Staël (Paris, 1817), vol. 17. Her son, Auguste, was one of the leading members of the liberal abolitionist movement during the Restoration period. Sismondi while at Coppet under the influence of Madame de Staël developed a life-long interest in all forms of coerced labour, in particular slavery and serfdom. See Simonde de Sismondi, *De l'intérêt de la France à l'égard de la traite des nègres* (Genève: 1814); and the following essays: "Des effets de l'esclavage sur la race humaine," and "De la marche à suivre pour retirer les cultivateurs nègres de l'esclavage," "Des colonies" in volume 1 of *Études sur l'économie politique* (Paris: Treuttel et Würtz, 1837) and "De la condition des cultivateurs dans la compagnie de Rome," in vol. 2. See also Alfred Berchtold, "Sismondi et le groupe de Coppet face à l'esclavage et au colonialisme," in *Sismondi européen. Actes du Colloque international tenu à Genève les 14 et 15 septembre 1973*, ed. Sven Stelling-Michaud (Genève: Slatkine, 1976), pp. 169-98.

and then proceeded to attack some of the common arguments put forward by defenders of slavery. In an emotional passage he exclaimed:

What! You see men violently torn away from their country, from their family, from their habits, from their affections; packed like animals, chained together in irons, in horrible prisons; in this state, and nearly deprived of air and of food, they are forced to undertake a voyage of several months; sold to colonists sometimes more barbarous than their ravishers; condemned to work all their lives harder than our galley-slaves, without any wages but whip blows, without consolation except contempt, without hope (other) than of a quick death, and you ask if humanity suffers from this kind of unhappiness! What! the laws divine and human proscribe slavery in metropolitan France, and you doubt if it ought to be allowed in the colonies! Our laws punish the Frenchman who voluntarily alienates his liberty, and you do not know if it ought to support the burden of ending it among Africans.¹¹³

Following this characteristic outburst, Dunoyer attacked some of the most common arguments put forward by defenders of slavery. It should be remembered that at this time Comte and Dunoyer had not yet fully digested the significance of Say's political economy. Their liberalism was still primarily moral and political rather than economic (or industrial as they liked to term it) as it was to become increasingly after 1817. Thus Dunoyer's arguments against slavery do not yet include any discussion of the relative profitability of slave and free labour which was to dominate their later work, although he is certainly aware of some economic arguments against slavery. To those who argued that the Europeans were doing the blacks a favour by removing them from a worse form of servitude in Africa, Dunoyer dismissively responded with the question "Why does not one see in Europe nor in any colonies anyone who voluntarily left Africa?"¹¹⁴ To those who argued that slavery was the normal result of internal African wars and that the Europeans merely purchased the tragic results of these conflicts, Dunoyer responded by saying that the reverse was the case: the African princes engaged in wars precisely in order to acquire slaves for the European traders. "Truly do you purchase only the men destined to death or condemned to slavery? How many free men do you not receive from the hands of violence or of avarice?"¹¹⁵ Those who argued that the Europeans exercised a civilising function on barbaric savages, Dunoyer also summarily dismissed as hypocrites. The very process of acquiring slaves brutalised the

¹¹³Dunoyer, review of Clarkson, *Le Censeur*, vol. 2, pp 156-9; quoted and translated by Liggio, p. 117. The expression "wages of whip blows" used by Dunoyer in this passage is one Charles Comte liked to use in his discussion of slavery in the *Traité de législation* some ten years later. Comte cynically called "les coups de fouet" a new form of money which the slave owners used to pay their slaves for labouring in their fields. See below for a discussion of this.

¹¹⁴Dunoyer, *Le Censeur*, pp. 160-62; quoted in Liggio, p. 118.

¹¹⁵Dunoyer, *Le Censeur*, pp. 162-3; quoted and translated by Liggio, p. 118.

Europeans and was certainly no example to set "uncivilised" Africans. To those who drew upon the precedent of the ancient Greek and Roman slave societies, what Dunoyer called disparagingly the so-called "civilisation" of the Romans, he reminded his readers that the ancestors of the ancient Greeks had at one time been more barbarous than the blacks of Senegal, yet they had been able to develop a wonderfully developed and civilised culture in spite of being conquered and enslaved by the Romans. What might the blacks in West Africa have achieved, Dunoyer asked, if they had been left in peace in their own homeland by the Europeans, whom he compared with "ravaging wolves" and "Ferocious beasts."¹¹⁶

Although Dunoyer admired some aspects of the British concern for the welfare of black slaves he also shared some of the Anglophobia of late Imperial and early Restoration France, even if his version of Anglophobia was limited to attacking the activity of the British state and navy rather than its people.¹¹⁷ Dunoyer concluded his review of Clarkson with the observation that the British change of heart on the slave trade was a combination of the influence of abolitionist humanitarianism and imperial self-interest. He thought that England "gives the world without it costing it anything" and that its greater imperial interests would be served by forcing France and the other European nations to abandon the slave trade, irrespective of the morality of doing so. It was a mistake, Dunoyer believed, for the defenders of slavery to advocate the continued transportation of expensive slaves across the Atlantic. With the British able to seize easily the French colonies at any time, it was foolish to continue to "invest" in them in this manner. If France wished to retain the colonies Dunoyer's solution was to free the slaves so as to give them a personal stake in defending the islands from the British Navy.¹¹⁸

Dunoyer's next opportunity to discuss the problem of slavery enabled him to respond to some of the economic issues of coerced labour, whether of serfs or black slaves. In a review of Grégoire's book *De la traite et de l'esclavage des noirs et des blancs; par un ami des hommes de toutes les couleurs*,¹¹⁹ Dunoyer noted that one of the key arguments of the defenders of slavery was that Europeans could not physically cope with labouring in the tropics and that therefore blacks from Africa were needed if the colonies were to have a labour force at all. Dunoyer rejected this argument for a variety of reasons which reveal an

¹¹⁶Dunoyer, *Le Censeur*, pp. 162-3; quoted and translated by Liggio, p. 118.

¹¹⁷A good example of Dunoyer's Anglophobia can be found in Dunoyer, *Le Censeur*, pp. 168-73; quoted and translated by Liggio, p 119.

¹¹⁸Dunoyer, *Le Censeur*, pp. 174-5; quoted and translated by Liggio, p. 121. I have altered the tense of the verbs in one sentence.

¹¹⁹Comte Henri Grégoire, *De la traite et de l'esclavage des noirs et des blancs; par un ami des hommes de toutes les couleurs* (Paris, 1815); reviewed in *Le Censeur*, vol. 4, pp. 210-30.

interesting divergence from the views of his future mentor Jean-Baptiste Say who, although he rejected slavery, subscribed to this particular argument.¹²⁰ Dunoyer began by reminding his readers that the slaves' physical condition was actually very poor because of the trauma of the "Middle Passage" and the bad food and conditions to which they were subjected on the plantations. They could not compare, he thought, in physical stamina to the healthy and vigorous European farmers. He cited the evidence of a planter who argued that the enthusiasm of the white farmers caused them to exhaust themselves in the heat of the tropics, whereas the blacks only worked as little as possible thus conserving their strength. This a curious defence for a planter to use since it was one of the main arguments of the abolitionists that slave labour was less productive than free labour for this very same reason - the greater capacity for work of free labourers, whether white or black, who spur themselves on in the expectation of reaping the financial rewards of their hard work. However, at this stage of the argument the question has more to do with racial characteristics than with the relative efficiency of free or slave labour. Dunoyer easily was able to find reports, such as Drouin de Bercy's, which dealt with the use of European labour in Santo Domingo and suggested the opposite, that a white farmer with motivation and the correct tools could outperform a black forced to labour for the plantation owner. Bercy discussed the capacity of the whites to work in the tropics where it was claimed that settlers

indentured for thirty-six months, who were whites, did, in the origin of the establishment of Saint-Domingue, what today the Blacks do; even in our days, nearly all the inhabitants of the dependency of Grand-Anse, who in general are soldiers, workers or poor Basques, cultivate their farms with their own hands. Yes, I sustain it, and I had the experience: the whites are able to labour in the plains from six in the morning until nine, and from four in the afternoon until the sun set(s). A white with his plough will do more work in one day than fifty Blacks with the hoe, and the earth will be better worked.¹²¹

Dunoyer was also keen to point out that it was not just Europeans who had the capacity for industrious labour. Not only did all mankind have this capacity for work if only they were free to exercise it, but socially useful free labour was in fact the basis for social relations per se. Slavery had two serious negative effects in Dunoyer's view: it had the damaging social consequence of inhibiting much useful industrious activity and secondly, on a personal level it prevented the slave from being truly human. Slavery turned autonomous and potentially useful men and women into machines directed by the hand of another. Freedom was vital if men and women were to be completely human.

¹²⁰See the discussion of Say's views of slavery below.

¹²¹Dunoyer, *Le Censeur*, vol. 4, pp. 210-13; quoted and translated by Liggio, p. 122.

Forbid a man this premier quality (the right to labour freely), he is forbidden the principle which constitutes man, and which is so necessary to his existence that, when he is deprived of it, he declines, he is effaced; he is no more than a machine moved by an impulsion which is not his own.¹²²

Even if slavery continued for centuries it could not totally expunge "the sacred fire which sparks all the active faculties of the soul," but it would have the effect of making all those enslaved hate their masters and act in such a way as to minimise the burden placed upon them. Slaves would quite naturally behave in a deceitful, treacherous, spiteful, vindictive, lazy and slothful manner partly out of hatred for their oppressors and partly to try to alleviate some aspect of their dreadful lives. The tragedy of slavery, Dunoyer thought, was that the slaves came to adopt the "vices" which the Europeans used to justify their enslavement, namely by arguing that only a period of enslavement would equip the blacks with the correct morals and work habits for them to become "civilised." The example of the free blacks in Haiti was instructive for Dunoyer. Once freed from the burden of coerced labour yet still threatened with internal divisions and invasion,

these former slaves, metamorphosed by liberty, into energetic men, vigorous and disciplined, have presented at the present time the aspect of a flourishing people who had known how to defend its liberty against the efforts of Bonaparte...¹²³

Many of the characteristics which Europeans attributed to blacks were also exhibited by enslaved whites, thus supporting Dunoyer's view that it was the institution of slavery and not the inherent characteristics of blacks themselves which gave rise to them. One example he used (which was in keeping with his general Anglophobia) was that of the Irish peasants under the yoke of English government. This was another reason to doubt the sincerity of the British government in their crusade to force the other European powers to give up the slave trade. The British were now keen to end black slavery but they maintained a system of white slavery in Ireland at the same time.¹²⁴ A more general example was the attitude of the government towards the soil and the peasants who worked it. Much like the plantation owners in the Caribbean who claimed exclusive control over the soil and the product of the slave's labour, the European governments claimed similar rights over the supposedly "free" land owners and labourers by means of taxes and other claims on their labour and property.

¹²²Dunoyer, *Le Censeur*, vol. 4, p. 214; quoted and translated by Liggio, pp. 122-3. The Russian political economist Henri Storch also described enslaved labourers as machines. For a discussion of Storch's important views of the economics of serf and slave labour see below.

¹²³Dunoyer, *Le Censeur*, vol. 4, pp. 215-22; quoted and trans. by Liggio, p. 123.

¹²⁴There were other examples Dunoyer cited of the behaviour of "enslaved" or coerced whites behaving much like enslaved blacks, for example whites who were kidnapped to form gangs of soldiers (in other words armies composed of conscripted or press-ganged men).

Napoleon especially was compared to the plantation owners in his propensity to judge his wealth in terms of how many soldiers-slaves he controlled. Dunoyer believed that at times Napoleon, "this extravagant colonist" as he dismissively called him, went so far as to consider all citizens of France and even all of Europe as soldiers at his disposal, with their lives, liberty and property also at the complete disposal of the government, thereby behaving much like a typical slave owner in the colonies.

He (Napoleon) wished in France that there be only soldiers, and he sought that all the work of the nation have for its ulterior end, war. He wished them to ravish from man his faculty to act wholly and entirely by his own will in order to make him the instrument of his will. He wished then to reduce the French and Europe to the last degree of servitude. Also he scorned fundamentally the human species; man was in his eyes only a vile cattle destined to be devoured in order to enslave new victims. But this extravagant colonist ended by ruining and losing his plantation in his wish to extend the number of the slaves that worked for him.¹²⁵

What is intriguing about this passage is the way in which Dunoyer used a discussion about slavery in the Caribbean (launched as a review of a book by Grégoire on the slave trade) to make more general points about the nature of freedom and the power of the state in both Europe and the New World. This is just one example of many which could be produced to show how the debate about slavery raised issues which were central to the development of Comte's and Dunoyer's liberalism during the Restoration.

Another general political conclusion which Dunoyer drew from the problem of slavery was that to some extent the people must accept some of the blame for their enslavement.¹²⁶ By "the people" Dunoyer is referring more to the European "slaves" than to the black slaves in the Caribbean. He thought that the Europeans were enslaved because they had not resisted sufficiently the tendency of governments to expand their power and authority. In only a few countries have the people been able to erect some institutional restrictions to government power in the form of representative bodies and constitutions and these successful cases of popular resistance to the power of the states were often a result of violent revolution, as the English and French experience demonstrated. Despotism was made possible, Dunoyer argued, by the existence of slavery and the absence of opposition to government power. Despotism was in fact a system based upon a hierarchy of slaves, with those at the top exercising power over a system of subordinate slaves who in turn exercised power of the next

¹²⁵Dunoyer, *Le Censeur*, vol. 4, pp. 223-6; quoted and trans. by Liggio, p. 124. Liggio makes the interesting point that Diderot also compared the situation of European workers with the black slaves in the New World.

¹²⁶This is a theme Dunoyer returns to in *L'industrie et la morale* (1825), namely that to a large extent individuals are to blame for their own continued enslavement by not sufficiently resisting tyrannous governments.

level of slaves, until the bottom level of farm labourer, conscripted soldier, and ordinary taxpayer was reached.¹²⁷ In the absence of any resistance to government power, as was the case in feudal Europe and in the colonies, the entire society was "in a state of servility, immobility and torpor." Historical experience (especially recent experience) had given reason for optimism, as Dunoyer believed that the natural impulse of those enslaved was to resist those who governed and enslaved them.¹²⁸

As the above discussion shows quite clearly, Dunoyer's interest in the issue of slavery¹²⁹ at this time was primarily moral and political. His reviews and articles are filled with thinly disguised comparisons of the relationship between slave owners and their black slavery with that of Napoleon and the French people. As the question of slavery will show, after Dunoyer and Comte discover political economy and class theories of history between 1815 and 1817 their view of slavery will change quite dramatically. Combined with the continued liberal anger at the moral evil of slavery will be a new understanding of slavery as an economic system of exploitation of labour and as a stage of production on the way to a more perfect and liberal industrial stage of society. Since Comte and Dunoyer were involved in so many issues of political and economic liberty during the early years of the Restoration their discussion of slavery was not long nor was it fully worked out and incorporated into their social theory. However, the brief reviews of abolitionist literature done by Dunoyer reveal some of the concerns which both authors were to return to later in *Le Censeur européen* and again during the 1820s.

¹²⁷Dunoyer is using an analysis of power based on an hierarchical or pyramidal structure which was elaborated by the 16th century writer and friend of Montaigne, Étienne de la Boétie. He too believed that to some extent slavery is voluntary in that many put up with exploitation in the hope that they can pass it on to others further below them in the pyramid. In addition, those at the very bottom who cannot pass it on to anyone else, do not realise that their strength lies in their very numbers. See Étienne de la Boétie, *Discours de la servitude volontaire* (circa 1552), ed. Simone Goyard-Fabre (Paris: Flammarion, 1983) and Étienne de la Boétie, *Le Discours de la servitude volontaire*, ed. P. Léonard (Paris: Payot, 1978). Similarly, Dunoyer's discussion of "despotism" has some similarities to the English radical minister, Vicesimus Knox, in whose *Spirit of Despotism* (1795) it is argued that the privileged aristocratic classes used war to whip up popular enthusiasts and thus distract attention away from domestic problems. Furthermore, these privileged classes used the prospect of spoils from the system to buy off dissent: Vicesimus Knox, *The Spirit of Despotism*, in *The Works*, vol. 5 (London: J. Mawman, 1824), pp. 137-403 reprinted (Hildesheim and New York: Georg Olms Verlag, 1970). Although the parallels with Dunoyer's analysis of Napoleon and despotism in general are striking there is no evidence that Dunoyer was aware of either Boétie or Knox.

¹²⁸Liggio, pp. 124-5.

¹²⁹It would be interesting to know why the task of reviewing the material on slavery fell to Dunoyer rather than Comte. As their later work reveals they were both extremely interested in the problem of slavery and slavery formed a vital component in their social theory. One might have expected them to share their reviews. However this was not the case.

C. THE DISCOVERY OF CLASS THEORIES OF HISTORY AND POLITICAL ECONOMY DURING THE SUSPENSION OF *LE CENSEUR*

Thus ended the first phase of Comte's and Dunoyer's career. The main issues which had concerned them had been the traditional, liberal political issues of the proper limits to be placed on arbitrary state power and the struggle for freedom of the press, both of which could be summed up as an attempt to get the state to abide by the provisions of the Charter, and a growing interest in the moral and political problem of slavery. The next phase of their careers began during the nearly eighteen months of enforced inactivity following the suspension of their journal. The impact of the sudden discovery of the ideas of the political economist Jean-Baptiste Say, the journalist and political philosopher Benjamin Constant, and the historian François Montlosier and their incorporation into Comte's and Dunoyer's social theory can be traced primarily in the pages of their new journal *Le Censeur européen* which appeared in 1817 and in their subsequent writings.

The catalyst which brought these disparate elements together was the discovery of Say's economic thought during the period from September 1815 to February 1817 when journalistic activity was denied them. The censors had forced the closure of *Le Censeur* and, in the interval before they were able to reopen their magazine under the new title of *Le Censeur européen*, Comte and Dunoyer closely read the third revised edition of Say's *Traité d'économie politique* which appeared in 1817. It was subsequently reviewed there in a lengthy article by Comte. The insights they found in Say's book on the nature of market society, property, the evolution of the institutions of the free market, as well as Say's numerous historical and sociological asides, provided the theoretical framework for a new social theory with a theory of class, a theory of history, and a vision of the future industrial society in which the state would virtually disappear and the free market would predominate. In other words, Say provided them with a social and economic dimension to their hitherto primarily political liberalism which they had expressed in their political pamphlets and *Le Censeur*.

In addition to the evidence provided by the essays and book reviews in *Le Censeur européen* on the sources which influenced the development of their social theory, there is also an important and revealing article by Dunoyer written some ten years after his initial discovery of Say in which he discussed the evolution of his ideas. In this article he acknowledged some intellectual debts, in particular he referred explicitly to Jean-Baptiste

Say, Benjamin Constant and François Montlosier.¹³⁰ In this essay published in 1827, Dunoyer describes how his reading of Say, Constant, and Montlosier opened up new patterns of thought and analysis, which ultimately resulted in the development of the social theory of "industrialism" which will be discussed in more detail below. However, he avoided any mention of the contribution of Augustin Thierry, which is surprising because Thierry had been an editor and major contributor to *Le censeur européen* after his split with Saint-Simon and had written path-breaking essays on an "industrialist" interpretation of history for Comte's and Dunoyer's magazine. Dunoyer must have been aware of Thierry's important essay "Des nations et de leurs rapports mutuels," one of the first explicit liberal accounts of an industrial interpretation of history.¹³¹ Thus, any assessment of the origin of Comte's and Dunoyer's social theory must take into account the explicitly acknowledged intellectual debts, as well as others, who influenced Comte and Dunoyer but, for whatever reason, did not receive due recognition by them.¹³²

The most important influence on Comte's and Dunoyer's social theory was undoubtedly the work of Jean-Baptiste Say, especially his *Traité d'économie politique* which Comte was to review enthusiastically in *Le Censeur européen* in 1817.¹³³ A thorough analysis of Say's life

¹³⁰Charles Dunoyer, "Esquisse des doctrines auxquelles on a donné le nom d'*industrialisme*, c'est-à-dire, des doctrines qui fondent la société sur l'*industrie*," *Revue encyclopédique*, février 1827, vol. 33, pp. 368-94. Reprinted in *Notices d'économie politique*, vol. 3 of *Oeuvres*, pp. 173-199. In addition to the works of Say already mentioned, Dunoyer refers directly to François Montlosier, *De la Monarchie française depuis son établissement jusqu'à nos jours* (Paris, 1814); Benjamin Constant, "De l'esprit de conquête et de l'usurpation" (1814) in *De la liberté chez les modernes: Écrits politiques*, ed. Marcel Gauchet (Paris: Livre de poche, 1980). Dunoyer described the years from 1814 to 1817 when Say, Montlosier, and Constant's works appeared as "l'époque où paraissaient ces précieuses productions." Dunoyer, "Esquisse," *Revue encyclopédique*, p. 372.

¹³¹Augustin Thierry, "Des nations et de leurs rapports mutuels; ce que ces rapports ont été aux diverse époques de la civilisation; ce qu'ils sont aujourd'hui, et quels principes de conduite en dérivent," *Seconde partie: Politique*, vol. 1, pp. 19-127 of Saint-Simon's *L'Industrie ou discussions politiques, morales et philosophiques dans l'intérêt de tous les hommes livrés à des travaux utiles et indépendants* (Mai, 1817), reprinted in *Oeuvres de Claude-Henri de Saint-Simon* (Paris: Editions anthropos, 1966), vol. 1.

¹³²The theory of industrialism and the contribution of the liberals to its formation has been discussed by Michael James, "Pierre-Louis Roederer, Jean-Baptiste Say, and the concept of *industrie*," *History of Political Economy*, 9, 1977; Leonard P. Liggio, "Charles Dunoyer and French Classical Liberalism," 1977, vol. 9, no. 4, pp. 455-75; Mark Weinburg, "The Social Analysis of three early nineteenth century French liberals: Say, Comte, and Dunoyer," *Journal of Libertarian Studies*, 1978, vol. 2, no. 1, pp. 45-63; Henri Gouhier, *La jeunesse d'Auguste Comte et la formation du positivisme*, tome III, *Auguste Comte et Saint-Simon* (Paris: Librairie philosophique J. Vrin, 1941); and Elie Halévy, "Saint-Simonian Economic Doctrine," *The Era Of Tyrannies: Essays on Socialism and War*, trans. R.K. Webb (London: Allen Lane, 1967), pp. 17-81; and *Henri Saint-Simon, 1760-1825: Selected Writings on Science, Industry and Social Organization*, ed. Keith Taylor (London: Croom Helm, 1975); Edgar Allix, "La rivalité entre la propriété foncière et la fortune mobilière sous la Révolution," *Revue d'histoire économique et sociale*, 6, 1913; Edgar Allix, "J-B Say et les origines de l'industrialisme," *Revue d'économie politique*, 1910, vol. XXIV, pp. 303-13, 341-63; Shirley M. Gruner, "Forerunners of Industrialism," *Economic Materialism and Social Moralism: A Study in the History of Ideas in France from the latter part of the 18th century to the middle of the 19th century* (The Hague, 1973).

¹³³Charles Comte, Review of the third edition of Say's *Traité d'économie politique*, *Le Censeur européen*, 1817, vol. 1, pp. 159-227 and vol. 2, pp. 169-221. The first edition of Say's *Traité* appeared in 1803 and the edition which Comte and Dunoyer read was the third revised edition of 1817.

and work is urgently needed if his contribution to Restoration social theory, French political economy and French liberalism is to be fully appreciated. Say had been active during the Directory as one of the principle editors of the *Idéologue* journal, *La Décade philosophique* from 1794 to 1800, in which he developed many of his economic and social ideas. Say used the journal as a forum for the introduction of Adam Smith's ideas to France during the 1790s, thus providing a counterweight to the influence of the Physiocratic school of political economy. Having read Smith Say combined many of his economic insights with the French philosophe and revolutionary liberal traditions as well as his own experience as a cotton manufacturer. He established his reputation as the leading French political economist of the early nineteenth century with the publication of the first edition of his influential *Traité d'économie politique* (1803). Later Say was sent by the French government in 1814 to assess the strength of the British economy and his report discussed the terrible impact of the war on the standard of living of the average Englishmen.¹³⁴ He continued to exert an influence on French liberalism throughout the Restoration by means of his teaching at the Collège de France in the mid-1820s and his many writings including, interestingly a number of items published in the Saint-Simonian journal *Le Producteur* during the 1820s.¹³⁵

Comte in particular turned to the study of political economy with such enthusiasm that he sought out Say, the leading liberal political economist of the time, as his personal instructor. Mignet states that Comte's knowledge of political economy before this period of enforced leisure was rather "vague" since his training had been primarily in the classics, the philosophy of the Enlightenment, and the law. It was only after Comte had read closely the latest 1817 edition of the *Traité d'économie politique* that he developed his passion for political economy. In fact, he was so taken by the new discipline that he approached Say for personal advice and guidance in his reading of the *Traité*, advice and guidance which Say was very willing to give. It was by frequenting the Say household that Comte became familiar with both liberal political economy and Say's daughter, Andrienne, whom he married sometime in 1818. One could not imagine a closer relationship than this. Not only did Comte adopt as his own the economic ideas of the leading laissez-faire liberal economist in France in the early

¹³⁴Say's report was published as "De l'Angleterre et des anglais," (1815) reprinted in *Oeuvres diverses...* (Paris: Guillaumin, 1848), pp. 205-231.

¹³⁵On Say, see Joanna Kitchen, *La Décade, 1794-1807. Un journal "philosophique"* (Paris, 1965); Ernest Teilhac, *L'oeuvre économique de Jean-Baptiste Say* (Paris, 1927); Charles Comte, "Notice historique sur la vie et les ouvrages de J.-B. Say," *Mélanges... de J.-B. Say*, (Paris, 1833); Edgar Allix, "J.-B. Say et les origines de l'industrialisme," *Revue d'économie politique*, 24, 1910; idem, "La méthode et la conception de l'économie politique dans l'oeuvre de J.-B. Say," *Revue d'histoire économique et sociale*, 4, 1911; André Liesse, "Un professeur d'économie politique sous la Restauration..." *Journal des économistes*, 46, 1901. See also the dissertation by the Dutch historian Evert Schoorl, *Jean-Baptiste Say*, (Dissertation, Amsterdam, 1980).

nineteenth century but he also married into his family, thus cementing on a personal level a deep commitment which had already been made on the intellectual level.

Two of Say's ideas particularly struck Comte and Dunoyer as significant and original. The first was the perception that a new sector of the economy, the service sector, also created economic value and thus contributed to industrial growth. "Immaterial" goods, as Say called them, were goods provided by the provision of services or the transmission of information such as legal, medical, or even religious services.¹³⁶ By their very nature they were not of a physical kind, but they were equally the product of human "industry" and equally useful and productive as the material goods traditionally discussed by the political economists. Dunoyer took up Say's interest in "immaterial" goods and incorporated it into his theory of class, based upon the distinction between productive and non-productive activities. The tertiary sector activities which Dunoyer thought were essential to an industrial society included lawyers, judges, researchers and so on. This led to the discussion of what was productive and what was unproductive labour, and ultimately to a theory of class in which an "unproductive class" which lived off the productive efforts of others.

The second idea of Say which appealed to Comte and Dunoyer was the idea of the "entrepreneur" as an economic actor who is as productive as any other in the manufacturing process. Perhaps because of his own experience as a cotton manufacturer Say was able to go beyond the narrower outlook of the Physiocrats and their hostility towards commercial and industrial middlemen with their one-sided view of the importance of agriculture. A consequence of Say's view is that there were many productive contributors to the new industrialism, including factory owners, entrepreneurs, engineers and other technologists as well as those in the knowledge industry such as teachers, scientists and other "savants" or intellectuals. At the heart of Restoration liberal class analysis lies the idea that the exploiting class was that group of people who did not engage in mutually beneficial exchanges.¹³⁷ The

¹³⁶Say called this value "immaterial" to distinguish it from the traditional eighteenth century view (which persisted into nineteenth century socialism as well as some classical political economists) that only labour which resulted in "material" goods created true value. Say's influence on French political economy in general and on Dunoyer in particular on the doctrine of "immaterial" goods is discussed by A. Clément, "Produits immatériels," *Dictionnaire de l'économie politique*, vol. 2, pp. 450-52. See Say's discussion of immaterial goods and the productivity of the industrial entrepreneur in "Analogie des produits immatériels, avec tous les autres" and "De quoi se composent les travaux de l'industrie" chapters V and VI of Part One of the *Cours complet d'économie politique pratique...*(Paris: Guillaumin, 1840), vol. 1, pp. 89-102.

¹³⁷As Say put it in his last major work, the *Cours complet* published in 1828: "On the other hand, if we consider wealth in the interest of society we should devote particular attention to individual wealth because individual wealth ensures the well-being of the individuals who compose society. But we regard the goods acquired by an individual as a gain only to the extent that it is not achieved by means of an equivalent loss for another individual. Society has gained nothing when one man's loss is another's gain. Individuals can believe that the most important thing is to acquire wealth without concerning themselves with its origin. This narrow economic

conclusions drawn from this by Comte and Dunoyer (and Thierry) is that there existed an expanded class of "industrials" (which included manual labourers and the above mentioned entrepreneurs and savants) who struggled against others who wished to hinder their activity or live unproductively off it. The theorists of industrialism concluded from their theory of production that it was the state and the privileged classes allied to or making up the state, rather than all non-agricultural activity, which were essentially non productive. They also believed that throughout history there had been conflict between these two antagonistic classes which could only be brought to end with the radical separation of peaceful and productive civil society from the inefficiencies and privileges of the state and its favourites.

But Dunoyer did not believe that Say's view of industrialism, however innovative and stimulating it might be, was a complete one. The major weaknesses was that Say acknowledged the role of "industrial" activity which created immaterial value, but did not draw the necessary political and sociological conclusions from this. Say did not use this distinction between the productive "industrial" class (which produced both material and immaterial value) and the unproductive, parasitic classes (such as the nobility, state employed bureaucrats, the military) to develop a theory of class and history as Comte, Dunoyer and the other theorists of industrialism were in the process of doing. As long as Say was content to deal only with the traditional topics of political economy, "the production, distribution and consumption of wealth" and not with "industry in the broadest definition" (including the industry of the non material tertiary sector) the broader political and social implications of the industrial perspective would escape him. Dunoyer blamed Say for not seeing the radical political implications of his own economic work. Say, he thought, could have risen above the prevailing "superficial" political debate in the new edition of his *Treatise* but instead he preferred to argue, following Smith, that politics was the science of the organisation of society and that wealth-creation was independent of this organisation. Dunoyer therefore challenged Say's view that politics was

quite simply *the science of the organisation of society*, without any concern for the kind of life for which society ought to be organised, or for what ultimate purpose (but) it is organised, or even if this organisation ought to have such a purpose... (Such matters have) no influence on public prosperity and *wealth (creation) is essentially independent of the organisation of society* ¹³⁸

calculation will not satisfy serious investigators or liberally minded individuals. The latter want to know the source of wealth which must be continually produced if constantly changing needs are to be provided for." Say, "Considérations générales", p. 18 of vol. 1 of the *Cours complet*.

¹³⁸Say, *Traité d'économie politique*, "Discours préliminaire," p. 1. Dunoyer, "Esquisse," *Revue encyclopédique*, p. 374. Dunoyer also criticised traditional political philosophy for neglecting the relationship between what he

On the other hand, Dunoyer was convinced that Say's own work showed the very opposite. Say's efforts, along with most of the liberal political economists of the nineteenth century, to make economics a "science" independent of the political structure of society was entirely in vain according to Dunoyer. The science of political economy was "value laden" as we might say and implied quite specific policies on property, government intervention in the economy and individual liberty, something Say did not appreciate but which Dunoyer and Comte incorporated into their work. Nevertheless, in spite of these reservations, Dunoyer still acknowledged his enormous debt to Say for contributing to his development of the theory of industrialism and claimed him as one of the three pioneers of the new "economic" or "industrial" interpretation of politics. After all, it was Say who led Dunoyer to the important conclusion that: "industry, seen in its broadest terms, namely as human activity considered in all its useful applications, is the fundamental object of society"¹³⁹ - a view which was to underpin all Dunoyer's later work.

Alongside Say, the next most important influence on Comte and Dunoyer in this period was Benjamin Constant. Constant's contribution to the development of Dunoyer's theory of industrialism was the historical perception that the post-revolutionary world had left the "era of war" and had entered a new "era of commerce." Constant developed this idea in a polemical work on "conquest and usurpation," which was a scathing attack on Napoleon Bonaparte's militarism as well as a pioneering attempt at "industrial" class analysis, according to Dunoyer. He considered Constant to have been the first writer to appreciate the true end of social activity in the post-revolutionary world and the first published statement of this view was the pamphlet *De l'esprit de conquête et de l'usurpation dans leurs rapports avec la civilisation européenne* (1814).¹⁴⁰ What caught Dunoyer's imagination was Constant's claim that "modern" European societies were fundamentally different from "ancient" societies. What distinguished ancient from modern society was their different concept of liberty and their different concept of what was the purpose of society. Constant believed ancient society was warlike with a political system which granted individuals the freedom to participate as citizens in choosing their leaders and in making major decisions. Modern nations, in contrast, were peaceful and commercial and had a political system which corresponded to these needs.

termed "the science of *industry* and the science of society; that is to say, (the relationship) between the knowledge of the laws according to which *all the useful professions* develop and the knowledge of the laws according to which society itself is perfected." Dunoyer, "Esquisse," *Revue encyclopédique*, p. 368.

¹³⁹Dunoyer, "Esquisse," *Revue encyclopédique*, p. 373

¹⁴⁰Benjamin Constant, *De l'esprit de conquête et de l'usurpation dans leurs rapports avec la civilisation européenne* (1814), in *De la liberté chez les modernes. Ecrits politiques*, ed. Marcel Gauchet (Paris: Livre de poche, 1980), pp. 105-261. An English translation is now available by Biancamaria Fontana, Benjamin Constant, *Political Writings*, ed. Biancamaria Fontana (Cambridge University Press, 1988).

Liberty was not seen as being just the right to choose one's rulers and participate in decision-making, but to be free from rulers per se, free to participate unmolested in one's private commercial or industrial activities. Constant rather optimistically believed that the defeat of Napoleon had marked the dividing line between ancient and modern societies. Europe, he thought, had left the "epoch of war" and had now entered a new epoch, "the epoch of commerce" or industry as Dunoyer would have put it. In particular, Dunoyer was interested in the sentence "(t)he unique end of modern nations is peace (repos), and with peace comes comfort (aisance), and the source of comfort is industry,"¹⁴¹ which nicely summed up his own thoughts on the true aim of social organisation.

Dunoyer did not agree entirely with Constant's claim that the modern era had already become the age of commerce rather than war. It would be an exaggeration, Dunoyer thought, to claim this much. Rather it should be the end towards which society should aspire. In the immediate post-1815 period, France was far from being a society in which the peaceful and non-violent pursuit of commerce was the rule. Too many "passions for domination" (passions dominatrices) still ruled the nobility, the church and even the merchant classes. Dunoyer believed that Constant was completely wrong to assert that people had yet realised the new possibilities made possible by the pursuit of industry rather than war. Dunoyer preferred to view industry as the principle around which society ought to be organised, rather than the prevailing reality, which was still "pre-industrial".¹⁴² As we will argue below, Dunoyer was of the opinion that France in the Napoleonic Empire and the Restoration was at a transition stage (which he called "political place-seeking") which obliged French society to go back either towards the traditional privileges of the ancien régime or to go forward to the new age of industry. Dunoyer was certain that France had not yet reached the stage of industry as Constant apparently did. The great insight which Constant had developed was the recognition that industry was the guiding principle around which modern society ought to be organised.

¹⁴¹"The aim of modern nations is comfort, and with comfort, dignity, consideration, glory, clarification (l'illustration); and the source of all these goods is the moral and enlightened exercise of all the useful professions or, as M. Benjamin Constant expresses it, *industry*, which includes all the professions useful to society." Dunoyer, "Esquisse," *Revue encyclopédique*, p. 371. See also Gauchet, p. 118. Dunoyer quibbled with Constant over the use of the word "unique" and reminded him that far from believing that man's sole interest in life were material and physical needs Constant had written a *Traité sur la Religion* in which the spiritual needs of mankind were discussed at considerable length.

¹⁴²Referring to himself and Comte in the third person Dunoyer stated: "They do not say, as M. B. Constant does, that industry is the sole (unique) object of modern nations: too many dominating passions (whether noble, sacerdotal, mercantile) occupy centre stage for us to say with confidence that people have this honourable disposition to prosper only by peaceful labour and regular exchanges. But what M. B. Constant does do is to put it forward as a principle. They recognise, not that industry is, but that it ought to be, that it is destined to become, that it increasingly will become the purpose of modern nations, and that the object of politics is both to state what this purpose is and to seek out how society could achieve it." Dunoyer, "Esquisse," *Revue encyclopédique*, p. 375.

An interesting consequence of Comte's and Dunoyer's reading of the political economy of Say (along with other British political economists such as Adam Smith, Thomas Malthus and David Ricardo) and Constant's *Spirit of Conquest* was that they both came to view the contribution to western civilisation of the ancient Greeks and Romans, upon which they had been brought up as youths, in a completely new light. Whereas before, as a result of their classical education and legal studies, they had revered all aspects of ancient language, culture and politics, they now saw considerable social and economic weaknesses in classical civilisation. The disdain both Comte and Dunoyer later expressed on numerous occasions for a civilisation based on slavery and conquest was formed as a result of this encounter with Say and Constant. Knowledge of economic science and the practice of industrial values became the hallmark of a civilised society for Comte and Dunoyer, and the Romans were found sadly wanting in these important values. Their rejection of the ancient world did not take the path of many during the late eighteenth century which had been to reject the values of warlike "Sparta" for those of commercial "Athens."¹⁴³ Rather it was more like Benjamin Constant's complete rejection of "ancient" forms of liberty as a fraudulent form of liberty based upon political participation instead of independence from government control, as the "modern" form of liberty defined it. In Comte's view any society which depended upon slave labour for the surpluses which made their culture possible was a criminal and unworthy one.¹⁴⁴ Comte concluded it was only in the modern world, in which private property, free trade and industry created surpluses, that a truly vibrant and libertarian culture could take root.¹⁴⁵ Dunoyer found it odd that ancient Greek and Roman philosophers continued to be so highly regarded in the modern world. They may have been writers of good prose but to him they were no better than

¹⁴³The tendency for liberals to favour Athens over Sparta is discussed in a stimulating article by N. Loraux et P. Vidal-Naquet, "La formation de l'Athènes bourgeoise: Essai d'historiographie 1750-1870," in *Classical Influences on Western Thought A.D. 1650-1870. Proceedings of an International Conference held at King's College, Cambridge March 1977*, ed. R.R. Bolgar (Cambridge University Press), pp. 169-222.

¹⁴⁴Dunoyer somewhat later admitted that one of their major sources for rejecting the "ancient" form of liberty and for spurning ancient Greek and Roman militarism and slavery was one of Constant's essays, *De la liberté des anciens comparée à celles des modernes* in Benjamin Constant, *De la liberté des anciens comparée à celles des modernes. Discours prononcé à l'Athénée royal de Paris en 1819*, in *De la liberté chez les modernes. Écrits politiques*, ed. Marcel Gauchet (Paris: Livre de poche, 1980), pp. 491-515. Dunoyer discusses his intellectual debts in "Esquisse historique," *Revue encyclopédique*, février 1827, vol. 33, pp. 368-94.

¹⁴⁵The extent of Comte and Dunoyer's rejection of the ancient world can be got from their analyses of slavery which will be discussed in more detail below. In Mignet's opinion Comte "... adopted with passion and in a quite absolute way the principles of this science, which appeared to him both as an instrument (of analysis) and the measure of the (degree of) civilisation of a people. He was particularly concerned with the Greeks and Romans who until then had his complete admiration. Their considerable virtues did not pardon their social imperfections. These admirable authors so full of immortal ideas, these pioneers of the human sciences, these incomparable creators of the arts of the spirit, these useful dominators of the world who had given it the unity of civilisation and the wisdom of its best laws were now only in (Comte's) eyes barbarians because they had owned slaves, had not practiced free labour, and had only recognised the processes of force and the industry of conquest." Mignet, "Comte," pp. 274-5.

the most reactionary feudal lords or the aristocracy of the absolute monarchies in their disdain and hatred for "des classes laborieuses."

There is nothing so strange as the favour enjoyed by these proud republicans of antiquity, whose first political principle was that they had to keep in slavery everyone active in *industry*, among the *industrious* classes of our modern societies. Wouldn't these classes be better off getting enthusiastic over the feudal lords of the middle ages? The error would be less glaring, in my opinion. These lords (seigneurs), it is true, were not as beautiful talkers as the noble citizens of Athens at the time of Pericles, or of Rome at the end of the Republic, but perhaps they did not consider themselves to be so much the enemy of the labouring classes (des classes laborieuses), they did not consider them to be quite so lowly and did not disdain their labour quite as much. I do not believe that they had to the same degree the prejudices of barbarism. There are in the Politics of the citizen Aristotle and in the Republic of the philosopher Plato a number of principles which the most determined aristocracy of our most absolute monarchies would not dare express.¹⁴⁶

As he did with Say, Dunoyer concluded that Constant's contribution to industrialism was only a partial one, as he did not return to the important economic questions raised in *Esprit de conquête* in any of his later writings. He claimed that the most serious failing was that Constant did not try to incorporate his insights into industry into his broader political philosophy, preferring instead to stick with the "metaphysical" side of politics (as Dunoyer disparagingly put it). In other words, Constant retained a concern for the traditional preoccupation of the problem of the external form of a political system, which Dunoyer had criticised in the first part of his "Sketch".¹⁴⁷ These criticisms of Constant are somewhat unfair since Constant did discuss "industrial" matters, admittedly briefly, in four other places after his essay on the "Spirit of Conquest" appeared in 1814. References to industry and class occur in a short essay on "De la liberté d'industrie" which appeared in the *Principes de Politique*; in a review of Dunoyer's book of 1825 *De l'Industrie et la morale* in the *Revue encyclopédique* in 1826; in the scattered but nevertheless extremely radical laissez-faire observations in the *Commentaire sur l'ouvrage de Filangieri* (1822) and in the polemical *Mémoires sur les Cent Jours* (1829).¹⁴⁸ One could say that Constant's observations on the class structure, political privileges and influence of the new nobility created under Napoleon are very similar to those

¹⁴⁶ Dunoyer, *L'industrie et la morale*, p. 228, footnote.

¹⁴⁷ Dunoyer, "Esquisse," *Revue encyclopédique*, pp. 373-4.

¹⁴⁸ Constant, "De la liberté d'industrie" in the "Annexes aux principes de politiques," in Gauchet, *Principes de Politique*, pp. 456-70.; Constant's review of Dunoyer's *De l'Industrie et la morale*, in Benjamin Constant, "De M. Dunoyer et de quelques-uns de ses ouvrages," in the collection of articles and essays *Mélanges de littérature et de politique* (1829), originally published as Dunoyer would have known in the *Revue encyclopédique*, février 1826, vol. 2; Constant, *Commentaire sur l'ouvrage de Filangieri* (Paris: P. Dufart, 1822) and Benjamin Constant, *Mémoires sur les Cent Jours* (Paris: Pichon et Didier, 1829).

on political “place-seeking” which Dunoyer was to put forward in 1825. These works by Constant show that he continued his interest in liberal political economy and ably defended deregulation of the economy and legal protection of property rights. However, as Dunoyer pointed out, Constant did not develop a comprehensive theory of "industrialism" which encompassed class analysis, the historical evolution of economic modes of production and prophecies of the coming radical depoliticisation of society, as Dunoyer and Comte did.¹⁴⁹

François Montlosier's history of the French monarchy was the next step in the development of Dunoyer's discovery of industrialism. Along with Constant's theory of the “age of commerce”, Montlosier provided the important historical framework in which Dunoyer's industrialist theory could develop.¹⁵⁰ Montlosier was a strange choice for a founding-father of Dunoyer's theory of industrialism because of his aristocratic inclinations. In his history of the French monarchy which was reviewed in *Le Censeur européen*, he demonstrated a strong prejudice against the rise of the "Third Estate," an historical event which he disliked as it challenged the authority of the crown and upset the traditional balance of power between the classes.¹⁵¹ In spite of Montlosier's political views, Dunoyer was impressed with his class interpretation of French history, in which "the industrious classes liberated themselves and developed" often in opposition to the crown and the nobility.¹⁵² Montlosier argued with some regret that the industrious classes developed as a virtual state within a state. He believed, in a quite Marxian fashion, that the industrious class existed as a social group living in parallel with the traditional noble landed elite, until a point was reached when it was strong enough to challenge the traditional feudal élites for the dominant position

¹⁴⁹ To my knowledge, only Rudolf Herrnstadt has recognised the importance of Constant's ideas on class, set forth rather tentatively in *Mémoires sur les Cent Jours* (1819-20) where he examines the nature of the Bonapartist nobility. Herrnstadt's analysis can be found in *Die Entdeckung der Klassen. Die Geschichte des Begriffs Klasse von der Anfängen bis zum Vorabend der Pariser Julirevolution 1830* (Berlin: Deutscher Verlag der Wissenschaften, 1965), pp. 285-305. On Constant's political thought see *De la Liberté chez les Modernes: Ecrits politiques*, ed. Marcel Gauchet (Paris, 1980); Guy H. Dodge, *Benjamin Constant's Philosophy of Liberalism: A Study in Politics and Religion* (University of North Carolina Press, 1980); Benjamin Constant, *Ecrits et Discours politiques*, ed. O. Pozzo di Borgo (Paris, 1964); Benjamin Constant, *Recueil d'articles: Le Mercure, La Minerve et la Renommé*, ed. Ephraim Harpaz (Geneva, 1972); Benjamin Constant, *Recueil d'articles 1795-1817*, ed. Ephraim Harpaz (Geneva, 1978).

¹⁵⁰ François Montlosier, *De la Monarchie française, depuis son établissement jusqu'à nos jours, ou Recherches sur les anciennes institutions françaises et sur les causes qui ont amené la Révolution et ses diverses phases jusqu'à la déclaration d'empire, avec un supplément sur le gouvernement de Bonaparte... et sur le retour de la Maison de Bourbon* (Paris: Gide et fils, 1814), 3 vols. On Montlosier see P. Cella, "Pouvoir civil' e 'pouvoir politique' nel pensiero di Montlosier," *Il pensiero politico*, 1983, vol. 16, no. 2, pp. 189-214. Dunoyer reviewed it twice in *Le Censeur européen*, once briefly and then a little later in more detail: Brief review of Montlosier, *De la monarchie française*, in *Le Censeur européen*, 1818, vol. 8, pp. 386-88; and in more detail in Review of Montlosier, *De la monarchie française*, in *Le Censeur européen*, 1818, vol. 9, pp. 108-55.

¹⁵¹ Quite unlike Augustin Thierry whose interpretation of the Third Estate was one of near exaltation. See his *Essai sur l'histoire de la formation et des progrès du Tiers État* (Paris: Furne, 1853).

¹⁵² Dunoyer, "Esquisse," *Revue encyclopédique*, p. 372.

within French society. The passages on class analysis which caught Dunoyer's eye and which he quoted so approvingly in his review included the following:

We will see in the middle of the ancient state a new state arise, in the middle of the ancient people a new people will arise. We are going to see a double state, a double people, a double social order which will continue (marcher) for a long time in parallel to each other, then they will attack each other and fight bitterly... Movable property will be in balance with immovable property, money will be in balance with land, the towns with the chateaux. Science will rise up to challenge courage, spirit against honour, commerce and industry against arms. The new people, rising up more and more, will prove themselves to be triumphant everywhere. It will unmake (défait) the ancient forms where they are seized, break all the ancient ranks (rangs) where they occupy them, dominate the towns in the name of the municipalities, the chateaux in the name of the baillages, the spirit in the name of the universities. Soon it will chase the ancient people out of all their places, all their functions, all their posts. It will finish by sitting in the council of the monarch and will from there impose on everything its new spirit, its laws and new institutions.¹⁵³

Dunoyer, of course, rejected Montlosier's aristocratic disdain for the occupations of the industrious classes. There was nothing "vile" about the sciences, commerce and industry in Dunoyer's view and he saw nothing sacred in the traditional rights of birth. What prevented Montlosier from seeing the implications of his "industrial" theory of class and his interpretation of French history was his regret at the decline of the aristocratic class and his corresponding bitterness at the rise of the industrial classes. Had he been able to, as Dunoyer rather naively believed he should, he would have realised that industry was the "natural end" of society and thus used his insights to work towards advancing the cause of the rising industrial classes, something which Comte and Dunoyer now dedicated themselves to doing in their new journalist undertaking *Le Censeur européen*, and their academic work during the 1820s.¹⁵⁴

¹⁵³Montlosier, *De la Monarchie française*, vol. 1, pp. 135-6, 175, quoted in Dunoyer, "Esquisse," *Revue encyclopédique*, p. 372.

¹⁵⁴Dunoyer, "Esquisse," *Revue encyclopédique*, p. 373.

D. THE RETURN TO JOURNALISM: THE CREATION OF *LE CENSEUR EUROPEËN*

The successor to *Le Censeur* first appeared in February 1817 sporting the more cosmopolitan-sounding title of *Le censeur européen* and a new motto - "peace and liberty."¹⁵⁵ Comte and Dunoyer thought the time was propitious to renew their liberal critique of the régime and the stimulus to their return to journalism was provided in 1817 by the ministry of Decazes whom they thought was more attracted to constitutional government than previous prime ministers had been. The content of the new journal reflected their new-found interests which they had cultivated during the nearly eighteen months they had spent away from the hurly-burly of political journalism.¹⁵⁶ The new economic and sociological liberalism forged from the combination of their earlier political liberalism with the new political economy of Say and the class theories of history of Constant and Montlosier provided the ideological framework for their new magazine. Although some of their ideas were similar to the philosophy of "industrialism" being expounded by Saint-Simon, unlike Saint-Simon and his followers Dunoyer and Comte combined the theory of industrialism with their former political liberalism into a new synthesis of economic and political liberalism which Dunoyer came later to call "la liberté du travail." Unfortunately Comte and Dunoyer did not have much time to develop their new form of liberal theory in a comprehensive fashion as they continued to be hounded by the censors, faced two lengthy court cases, and even spent some time in prison. The new magazine only lasted until April 1819 before it finally succumbed to the censors. They would have to wait until a more tranquil period in the late 1820s and early 1830s before they could discuss their ideas in more detail.

In 1817 Comte and Dunoyer came to the attention of the censors twice more, the first for having printed John Murray's edition of Napoleon's (possibly spurious) memoirs¹⁵⁷ transcribed on Saint-Hélène, which resulted in their conviction and imprisonment, and the second for criticism of the behaviour of an army officer who shot a young man in Vitré which

¹⁵⁵*Le Censeur européen* appeared in 12 volumes. The first volume was published on 16 December 1816, although it appeared somewhat later than the date listed, and the last volume on 16 March 1819. From June 1819 until June 1820 it became a daily newspaper. The full title was *Le Censeur européen, ou examen de diverses questions de droit public, et des divers ouvrages littéraires et scientifiques, considérés dans leurs rapports avec le progrès de la civilisation* and had the motto of "Paix et liberté." Harpaz states that between 2,000 and 4,000 copies of each volume were distributed, "Histoire d'un journal industrialiste" part 2, pp 354-5.

¹⁵⁶A clue to their reading in this period can be got from the books which were reviewed in the first couple of issues of the new journal, *Le Censeur européen*. Harpaz gives a comprehensive list in "Histoire d'un journal industrialiste."

¹⁵⁷Harpaz believes the true author to be Frédéric Lullin de Châteauvieux, "Histoire d'un journal industrialiste" part 2, pp. 340.

resulted in a trial at Rennes and the imprisonment of Dunoyer.¹⁵⁸ As happened with the legal action against *La Quotidienne* in 1815, Comte and Dunoyer were accused by the censors for having appeared to support Napoleon. In the former case they were falsely accused of having prepared the way for Napoleon's return from Elba by Comte's legal defence of General Excelmans and comments about the state of the army. In this case they were condemned for having printed a translation of Napoleon's Saint-Hélène memoirs. This was an unfortunate action on the part of the police and one which resulted in some irony, since they had published alongside the offending Napoleonist tract a lengthy refutation of Napoleon's militarism and dictatorship.

All the copies of the third volume of *Le Censeur européen* were seized by the police on 6 June 1817 and Comte and Dunoyer were later brought before judge Reverdin and sent to La Force prison.¹⁵⁹ Bail was refused in spite of the fact that a large number of admittedly liberal guarantors came forward in their defence. The guarantors included such leading liberals as the Duke de Broglie, La Fayette, Destutt de Tracy, Auguste de Staël, Benjamin Constant and Jean-Baptiste Say but, since the censorship was obviously politically motivated, having such guarantors from the liberal opposition would have only proved to the police the wisdom and necessity of their actions in censoring Comte and Dunoyer in the first place.¹⁶⁰ On 19 August Comte and Dunoyer were convicted and each sentenced to twelve months imprisonment, a fine of F3,000, the loss of all civic rights for five years, and they were obliged to be under police supervision for the same period. The trial lasted six months and provoked a storm of controversy over the press laws. Many saw Comte's and Dunoyer's case as a test case against the hated censorship regulations. Their council Vatimesnil offered his services free of charge (a generous offer declined by the very independent-minded Comte and Dunoyer) and a lobby group the "Société des Amis de la Liberté de la Presse" was formed to support them and to carry the debate to a wider public. Not only were legal arguments presented in the court but numerous pamphlets and the transcriptions of the case proceedings were published to highlight what the defendants considered to be a violation of their rights under the Charter.

¹⁵⁸Both episodes are discussed by Harpaz, "Histoire d'un journal industrialiste" part 2, pp. 338-44.

¹⁵⁹Harpaz argues that Comte and Dunoyer's printer Renaudière, who had printed all their journals from the very beginning, had scrupulously satisfied all the requirements of the press laws before publishing volume three. He had registered the volume with the police on 7 May 1817 and had deposited the required five volumes with them. The seizure of the stock and the actual manuscripts from the printer is a good example of the arbitrary nature of the censorship which critics of the restored monarchy faced.

¹⁶⁰Harpaz lists the following liberal luminaries who came forward to act as guarantors for Comte and Dunoyer's bail: le duc de Broglie, Laffitte, Ternaux, La Fayette, Destutt de Tracy, Chaptal fils, Auguste de Staël, Benjamin Constant, d'Argenson, Jean-Baptiste Say, Basterrèche, General Tarayre and "others" unspecified, "Histoire d'un journal industrialiste" part 2, pp. 339, footnote 187.

By November 1817, after a lengthy appeal, the sentence was reduced to three months in prison, a fine of F1,000, and no loss of civic rights. Although the lobbying and press campaign had reduced their sentence they had not been able to change the law and the press restrictions remained in force.

The next legal conflict concerned the sixth volume of *Le Censeur européen*, in which was published a report of the shooting and beating of a sixteen year old youth by an officer in the French army, Deberrue, which had taken place in Vitré on 29 August 1816. The case had caused a stir at the time as the youth had been wearing a red carnation in his lapel, from which many drew the obvious conclusion that the attack had been politically motivated. Furthermore, the incident had been hushed up and the officer had not been tried by the local prosecutor. After the report of the incident had been discussed in *Le Censeur européen*, a local procureur de roi, Béchu, perhaps acting on behalf of parties which wanted to see Comte and Dunoyer finally silenced for their opposition to the régime,¹⁶¹ sued the journal for libel and was able to have the case heard, not in Paris where the alleged crime had occurred, but in the more sympathetic local court at Rennes. The procureur general at the court of Rennes issued warrants for Dunoyer's and Comte's arrest in June 1818 and ordered that they appear in his local court. Comte was able to escape with the assistance of his young wife, the daughter of Jean-Baptiste Say. When the police surprised them at home one morning, Andrienne Comte had the presence of mind and audacity to lock the gendarmes in a room so Comte could escape down some hidden stairs. Although Comte escaped, unfortunately the fate of his courageous wife is not known. One could imagine the fury of the embarrassed gendarmes at being locked in a room by a woman, especially a woman with liberal political views.¹⁶² Dunoyer was not as fortunate as his colleague and had to face the charges.

Under the provisions of the Charter dealing with censorship of the press, laws which Comte and Dunoyer knew intimately as practicing journalists who had run afoul of the law before and as trained lawyers, Dunoyer should have been tried in Paris where the article had been published. Instead he was to be taken by force to Rennes. To add insult to injury he was ordered by the procureur to pay the fare of a public carriage from Paris to Rennes, for himself

¹⁶¹Harpaz believes this is the case, see the discussion in "Histoire d'un journal industrialiste" part 2, p. 343.

¹⁶²Mignet, "Comte," p. 276. There appears to be some confusion about Comte's arrests and imprisonment in 1817. One source says that Comte was forced to spend five months in prison in la Force in 1817 for not having shown sufficient respect to the allied occupation forces. In an article which offended the censors and which I have not been able to find, Comte apparently suggested that there were too many men under arms and not enough school teachers. This appears to conflate the two separate incidents discussed above: a period of imprisonment for printing the Murray edition of Napoleon's "memoirs" and a second episode which did involve criticism of a French officer for shooting a young man but for which Comte was not imprisoned, thanks to the courage of his wife.

as well as for a police escort, or face the prospect of being taken under armed guard and forced to walk to Rennes like a common criminal. A good feeling for Dunoyer's political and legal liberalism can be had from his arrogant and imperious reply to one of the judges:

Taken by naked force to appear before the incorrect judges, will I now agree to pay the costs of this violent act and to be paid to be prosecuted? No, monsieur. You will order whatever appears to you to be the most convenient in this matter. Articles 4 and 12 of the decree of 18 June 1811, relating to the movement of prisoners allows you to have them conducted on foot, by horse, in a public carriage, or in a private carriage (charrette). You choose which method, monsieur. As for me, I prefer none of them. I reject them all equally. By whatever means you take me to Rennes I am taken there by a horrible abuse of power against which I protest with all my might. After that I am in your hands. Dispose of me as you will. You can consider me as a body without a will, *materia circa quam*. May it please god that I reject none of the rigours you will impose on me. The greater they are, the more instructive they will be. We will see by how much you make me suffer how far our criminal laws can be used for private persecutions. Perhaps the excess of evil will be the cause of its own remedy.¹⁶³

In spite of (or perhaps because of) his protestation at the manner of his arrest and the competency of the court to try him, Dunoyer was taken forcibly to Rennes to face trial. Not surprisingly he was found guilty and was sentenced to one year imprisonment. Upon his return to Paris, Dunoyer immediately went to the supreme court to denounce the actions of the Rennes court. Unlike their legal struggle the previous year, this time Comte and Dunoyer were able to have the law changed to protect at least one aspect of the freedom of speech, namely that one could only be tried for a press offence in the place where the offending item was published, not anywhere in France where an offended reader or police official resided. On 8 September 1818 the supreme court overturned the Rennes decision and declared in a binding decision that, in future, writers would be tried by a judge in a court in the locality where the alleged crime occurred. Dunoyer defended his actions in this complicated legal matter by claiming the obligation of all citizens to struggle for the rule of law against arbitrary state power:

I have protested with all the energy which I could muster. I did it because all honest men are obliged to prevent, by all the means which the law puts at their disposal, any criminal act against the guarantees on which depend public security, because those who do not do so appear to me to be a bad citizen whose laxity weakens the common good, finally because it is by doing so that one can put a brake on the licence of power and maintain some order in civil society.¹⁶⁴

¹⁶³Mignet, "Dunoyer," pp. 168-9.

¹⁶⁴In Mignet, "Dunoyer," pp. 169-70. The legal cases in which Comte and Dunoyer were involved resulted in much discussion in their journal as well as the production of numerous pamphlets justifying their actions. The

In spite of these considerable interruptions, *Le Censeur européen* continued to appear from 15 June 1819 until 23 June 1820, but now as a daily newspaper instead of a bulky periodical. It survived with the support of some influential liberal backers such as the Duke de Broglie, the son of Madame de Staël, Auguste de Staël, and the Marquis d'Argenson.¹⁶⁵ What prompted them to turn their journal into a daily newspaper was the coming to power of prime minister Dessolles-Decazes. Decazes won the support of the centre left and moderate centre deputies in the Chamber on condition that he break with the extreme right wing. He was thus able to introduce a certain liberalisation of government policy, in particular a weakening of the illiberal press laws. In the spring of 1819 Comte and Dunoyer seized the opportunity presented by the Decazes ministry to have their journal appear on a daily basis.

Unfortunately the liberalisation of the Decazes ministry did not last long. The final straw which ultimately ended their careers as political journalists was the reaction which followed the assassination of the duc de Berry in February 1820, in particular the reintroduction of strict censorship in March which made their activity impossible even with their connections amongst liberal-leaning aristocrats. In the political climate after 1820, with changes to the laws governing elections, the reestablishment of censorship, and the suspension of individual security from arbitrary arrest, some concerned citizens set up a fund to help those penalised

enormous effort which the writing and publication of the following jointly written works helps explain why Comte and Dunoyer were not able to continue their theoretical work as they would like to have done and why they did not regret too much having to give up their daily journalism and related legal and political battles: *Appel à la cour royale de Paris, chambre des appels de police correctionnelle, du jugement rendu le 19 juillet 1817 par la sixième chambre du tribunal de première instance du département de la Seine, sur une demande de mise en liberté* (Paris: Bureau du Censeur européen, 1817); *Dénonciation d'arrestation et de détention arbitraire* (Paris: Au bureau de Censeur européen, 1817); *Mémoire adressé à la chambre d'accusation de la Cour royale de Paris (sur la saisie du 3e vol. du Censeur)* (Paris: Bureau du Censeur européen, 1817); *Mémoire adressé à la chambre du conseil du tribunal de la Seine, sur la saisie de divers écrits, par les auteurs du Censeur* (Paris: Renaudière, 1817); *Observations soumises au tribunal de police correctionnelle du département de la Seine, précédées de l'analyse des moyens préjudiciels, et présentées à la cour royale, chambre des appels de police correctionnelle* (Paris: Au bureau du Censeur européen, 1817); *Conclusions motivées, présentées à la cour royale de Paris, chambre des appels correctionnels, par François-Charles Comte et Charles-Barthélemy Dunoyer, auteurs du Censeur européen, appelans du jugement rendu contre eux, le 19 août dernier, par la 6e chambre du tribunal de première instance du département de la Seine* (Paris: Renaudière, s.d.); *Dernières conclusions de MM. Comte et Dunoyer, suivies de quelques notes importantes. Étrennes à Leurs Excellences MM. le Baron Pasquier, comte de Cazes... et Mirebel... par M. Furet* (Paris, 1818). Charles Comte also wrote alone *De nouveau projet de loi sur la presse* (Paris: Bureau de Censeur européen, Renaudière, 1817); *Lettre à M. le garde des Sceaux, ministre de la justice* (Paris: Au bureau du Censeur, rue Git-le-Coeur, no. 10, Paris, Fain, 1818); *Réflexions sur le projet de loi relatif aux crimes et délits commis par la voie de la presse ou autre moyen de publication* (Paris: Fain, 1819), an extract from vol. 12 of *Le Censeur européen*. And by Dunoyer alone *Mémoire à consulter. Quel et le lieu où se commet un délit de la presse?* (Signed: Vatar, avocat, Dunoyer, partie) (Rennes: Chausseblanche, 1818?); *Observations préliminaires, présentées à la seconde chambre du tribunal de première instance de Rennes, à l'audience de 30 mai 1818 par M. Dunoyer* (Rennes, 1818); *Conclusions motivées pour le sieur Charles-Barthélemy Dunoyer... appelant du jugement rendu, le 8 juin 1818, par le 2e chambre du tribunal ... de Rennes* (Rennes: Chausseblanche, 1818).

¹⁶⁵A possible reaction to the growing conservative reaction and particularly the press censorship he suffered under was that Charles Dunoyer became involved in radical liberal political activity to have General La Fayette elected to the Chamber of Deputies in the autumn of 1818. Mentioned in Liggio, *Journal of Libertarian Studies*, p. 176, fn 32.

by the new draconian laws to fight their cases in the courts. Comte's career came to an abrupt end when he was arrested for publicising this fund in *Le Censeur européen*, sentenced to two months imprisonment and fined F2,000. Rather than go to prison Comte chose voluntary exile for the five years it would take to prescribe his conviction.

After nearly six years of critical journalism and relentless persecution by the police and too much time spent in court and in prison, Dunoyer and Comte retired from public activity and *Le Censeur européen* was merged with another liberal paper, the *Courrier français*, to which Dunoyer sometimes contributed. At the time of the suspension of *Le Censeur européen* Comte's and Dunoyer's reputation as a liberal political publicists was at a very high level. Hatin described their reputation some forty years after the event as follows:

We have seen what reproaches had been made against the authors of *Le Censeur*, and which as to basics and which as to form; but they have the incontestable merit of having dared first, since the Restoration, to profess with freedom the constitutional principles in all their integrity, and of having constantly sustained them, without ever making any concession to the military spirit or to bonapartism; they have yet the rare merit of having devoted themselves to proving by experience the vices of the legislation which then regulated the press... *Le Censeur*... was the banner of the Stoic school, which wished the complete and immediate application of the principle of political perfectibility, of nearly absolute liberty, without taking enough account of the political difficulties that the Restoration encountered. It was, to tell the truth, a renaissance of the movement of 1789, with that theoretical optimism which took its source in the best intentions, but which did not create in the least any grave perils.¹⁶⁶

A few years later, with the publication of his first major theoretical work, the *Traité de législation* (1826-7), Comte reflected on the years between 1814 and the final closure of their journal. No doubt he also spoke for Dunoyer in seeing their period of journalism and active opposition to the increasingly reactionary régime of the restored Bourbon monarchy as an integral part of their intellectual evolution. As Comte expressed it, this period had been the "applied" or "practical" part of their study which had enabled him and Dunoyer to apply the legal theory they had studied to questions of practical importance such as constitutional freedoms, electoral representation, opposition to arbitrary state power, and especially the censorship of ideas. Interspersed with these journalistic essays of immediate and practical legal concerns were of course a handful of speculative essays in which Comte and Dunoyer continued to pursue their theoretical interests. Comte and Dunoyer entered the thorny field of journalism attracted by the temporary new freedom of publishing in the early years of the Restoration, probably thereby forsaking an academic or legal career which both of them

¹⁶⁶Quoted in Liggio, *Journal of Libertarian Studies*, pp. 163-4.

might have pursued had circumstances been different. Apparently for Comte, the fall of Napoleon and the new liberty of the press promised by the Charter provided him with an opportunity to espouse publicly his liberalism which was too good to turn down. As he put it some six years after the final closure of his journal:

The revolution which brought about in France the fall of the Imperial government, without changing at all the direction of my ideas, forced me to choose a means of publication different from that which I had at first proposed. It seemed to me that in treating in succession questions of politics or legislation which circumstances threw up I would achieve my aim most surely and promptly. Observations applied to those events which one witnesses have greater impact than those observations made from a distance. The freedom to publicly present one's opinions, which the previous government had completely destroyed, was eventually proclaimed and it was imperative to take advantage of it. Because it is the same of liberty and power, one runs the great risk of losing it if one does not seize it the very instant when it appears.¹⁶⁷

But in retrospect Comte concluded that he had been mistaken in believing that by being involved solely in current political controversies he could push forward the frontiers of legislation or the "science of laws." The tumult of journalistic debate, censorship, court trials and imprisonment left little opportunity for the calm and considered reflection needed to see what was theoretically significant from what was of only daily interest. Overall Comte was unhappy with the six years he spent as a journalist from 1814 to 1820 because of the delays to the great project on legislation and property he had set himself to write and which he had begun in the last years of the Empire. He compared his articles in *Le Censeur*, perhaps unfairly to himself, to preliminary sketches an artist makes before embarking on a major picture and his concentration on political and constitutional matters as misplaced.

Thus, after having dealt with a multitude of diverse questions over a period of 6 years and having had them published in the periodical press, I found I had not advanced very far towards the goal I had set myself at the beginning. It would have been just as easy to use these published works in writing a Treatise on Legislation as it would be for an artist to use the anatomical sketches done as a student in the preparation of a picture. Not only would there have been no connection between the ideas, there would have been no proportion between the parts. But what is even worse, it would have required the reproduction of inexact theories and often superficial points of view... If some people still consult what I wrote in *Le Censeur* they are generally the sections concerning the organisation or the distribution of political power, sections which ought to be consulted with the least confidence.¹⁶⁸

¹⁶⁷Charles Comte, "Préface de la première édition," *Traité de législation*, 3rd ed, p. xiii.

¹⁶⁸Charles Comte, "Préface de la première édition," *Traité de législation*, 3rd ed, p. xiv. The last sentence comes from a footnote on the same page.

What he came to value most highly were the new vistas for social analysis opened up by political economy and history, subjects he had discovered with Dunoyer in 1817 but which he had not been able to pursue properly because of the continuing battle with the censors. Thus ironically, in one way, Comte actually welcomed the opportunity provided by the political crackdown in 1820 to retire from public life and work on his academic interests.

IV. THE DEBATE AMONG LIBERAL POLITICAL ECONOMISTS ON THE ECONOMICS OF SLAVERY - SAY, HODGSON AND STORCH¹⁶⁹

The study of slavery became increasingly important to Comte and Dunoyer after the initial discussion in a number of reviews in *Le Censeur européen*. Their original condemnation of slavery had been based upon political and moral grounds but this, under the influence of their study of political economy and class theories of history from 1817 onwards, became more and more economic and, as we might say today, sociological in its focus. Both Comte and Dunoyer placed slavery in the centre of their theories of “legislation” and “industry” respectively. Comte devoted all of Book 5 of his *Traité de législation* (1827) to a discussion of the impact slavery had on evolution of modern societies’ legal and economic structures.¹⁷⁰ In this book he provides a sophisticated and detailed sociological and economic analysis of slave societies in both the ancient world and the contemporary empires of England, Holland, Spain, and the Southern States of the United States of America. The nature of the exploitation of slaves by the unproductive aristocratic class, the way in which the form of plantation production determines the degree of slave exploitation, the relationship between slave owners and the protection of their property by the state, the reasons for the decline of the Roman empire, the nature of obedience to authority, the reasons for the oppressed classes to seek a “usurper” like Marius or, as Comte seems to hint at, Napoleon to overcome their distress and exploitation, and the relative efficiency and profitability of slave labour are questions to which Comte devotes considerable attention. Likewise Dunoyer argued that slavery was one of the main systems of exploitation in the evolution of society through economic stages. Beginning with a substantial chapter in *L’industrie et la morale* (1825) Dunoyer’s discussion of slavery gradually expanded over the years into a more general treatment of free and unfree labour in his magnum opus, *De la liberté du travail* (1845).¹⁷¹ By this date, his interest was less in formal slavery than in the new “slavery” he believed existed in socialist plans to control the economy.

During the Restoration slavery for Comte and Dunoyer typified in so many ways the very opposite of what they were struggling to achieve, that is, to create a legal system which

¹⁶⁹Parts of this chapter were presented as a paper at a meeting of the History of Economic Thought Society of Australasia, July 1989, in Canberra.

¹⁷⁰Charles Comte, *Traité de législation, ou exposition des lois générales suivant lesquelles les peuples prospèrent, dépérissent ou restent stationnaire*, 4 vols (Paris: A. Sautet, 1827).

¹⁷¹Charles Dunoyer, *De la liberté du travail, ou simple exposé des conditions dans lesquelles les force humaines s'exercent avec le plus de puissance* (Paris: Guillaumin, 1845).

protected individual liberty and property and an economic system in which labour was completely free of the restrictions and burdens which had hampered economic development in the ancient and medieval world. The persistence of slave societies in the eighteenth and nineteenth centuries indicated to them the barriers which still remained to the universalisation of the liberal industrial ideal. Furthermore, their historical investigations (like those of the liberal Guizot and the socialist Marx) led them to the conclusion that the development of western European societies could be traced back to the fall of the slave-based Roman Empire. They believed that a large part of the class structure and the political and legal values of the modern European world were the historical result of the evolution of two systems of coerced labour: the institution of slavery in the ancient world and the institution of serfdom which emerged during the feudal period. They believed that the breakdown of the ancient slave economies had exerted a determining influence over what was to follow in European history, in particular with legal theory, political culture and impediments to the emergence of a liberal industrial economic system.

Apart from the historical interest Comte and Dunoyer showed in the slavery problem, it also provided them with a means of defining what they meant by exploitation and productive labour. Slavery in its pure and ancient form was the definitive case of exploited labour, the slave owners that of the parasitic unproductive class. Slaves at the one extreme and independent artisans and entrepreneurs (or the class of "industrials" as they termed it) at the other were the two end-points of the spectrum of exploitation and freedom and these two ideal types were the basic elements in Comte's and Dunoyer's interpretation of history. In Dunoyer's theory of economic evolution slavery and the economic system to which it gave rise formed an important part.¹⁷² Well before Marx formed his own theory of history, Dunoyer was arguing that societies evolved from one stage to another by changes in the mode of production. Beginning with hunter-gatherer societies his schema included nomadism, settled agriculture, slavery, serfdom, the political privileges of mercantilism, and finally the ultimate stage of "industrialism." The different modes of production in each stage of society's evolution also influenced that society's moral and political attitudes and this was as true for slave societies as any other. In the evolution of society from ancient slavery, to tribal conquest, feudalism, and mercantilism the specifics of exploitation might gradually change, becoming quite complex at times, but they were still essentially the same as that which existed between a chattel slave and its master. Modern taxation, tariffs, guild and professional

¹⁷²The earliest complete formulation of Dunoyer's theory of history appears in Charles Dunoyer, *L'Industrie et la morale considérées dans leurs rapports avec la liberté* (Paris: A. Sautet, 1825). Dunoyer's theory of history and industrialism will be discussed in more detail below.

restrictions were all interpreted as complex and refined examples of exploitation which were nothing but unfortunate variations on an ancient theme. The essence of exploitation in Comte's and Dunoyer's view was the systematic violation of property rights of one class by another, usually achieved by means of the coercive taking of the fruits of one's labour either directly, as was the case in ancient slavery, or indirectly by taxation or tariffs in the modern world.

A. THE DEBATE ABOUT THE ECONOMICS AND CLASS STRUCTURE OF SLAVERY IN FRENCH POLITICAL ECONOMY

Before turning to an analysis of Comte's and Dunoyer's later views on slavery, the broader debate about the economic and "moral" effects of slavery which occupied liberal political economists and abolitionists (who were often one and the same people) during the Restoration period needs to be examined. Any reading of Comte's and Dunoyer's works on slavery presupposes an awareness of a debate which had taken place in the early 1820s after Comte and Dunoyer had ended their period of active political journalism but before the appearance of their large printed works. Though important in its own right, this debate about the economic profitability of slave labour compared to free wage labour was also very important in the development of Comte's and Dunoyer's view of slavery. This happened both because it served to confirm their beliefs that something immoral could not be also profitable in the long run and that industry would inevitably prevail over other less economically efficient systems of labour, and because their mentor Say was involved in the dispute. The issue of free and productive versus coerced and unproductive labour was vital to the liberals' belief that a "true fit" existed between economics and morality. The liberal abolitionists in London and Liverpool were convinced that something as immoral and unchristian as slavery could not be profitable and they came up with some ingenious theoretical and historical arguments to argue their case. Say and Comte were impressed by these arguments and the wealth of detailed economic and historical information about conditions in the British and American slave colonies which the British abolitionists published as part of their campaign against slavery.

Adam Smith can be credited for initiating the modern debate among political economists about the relative profitability of free and slave labour. In Book I, chapter viii, paragraph 41 of the *Wealth of Nations*, Adam Smith discusses the problem of the comparative cost of "the wear and tear" of free labourers and slaves. He believed the latter's "wear and tear" was borne directly by the slave master and that this cost was not kept to a minimum because of the bad

management practices of "a negligent master or careless overseer." The "wear and tear" of the former was borne partly by the employer who, by paying subsistence or above subsistence wages, covered some of this cost. However, what tipped the balance in favour of free wage labour over slave labour was the capacity of wage labourers to manage better and hence keep to a minimum the cost of maintaining themselves. In Smith's words "the strict frugality and parsimonious attention of the poor" meant, in the last analysis, "that the work done by freemen comes cheaper in the end than that performed by slaves."¹⁷³ The debate between the British abolitionists and the French political economists had followed the precedent set by Smith in phrasing the question in the following manner: is the labour performed by slaves less costly than the labour performed by free men? This was the question Jean-Baptiste Say (in his writings of the late 1810s and early 1820s), Adam Hodgson and Henri Storch were trying to answer. Comte and Say (in his writings in the late 1820s) rejected this question as too narrowly defined, or "peu philosophique" as Comte put it.¹⁷⁴

The most important figure after Smith was Jean-Baptiste Say whose economic and sociological writings were to influence Comte and Dunoyer so profoundly. In the early editions of the *Traité d'économie politique* Say had argued that slavery, though immoral, was in fact very profitable. Even as late as 1819, when the fourth edition of his *Traité* appeared, Say was arguing that slave labour was considerably cheaper than free labour. In a chapter on the economic consequences of colonies Say discusses the arguments of Steuart, Adam Smith and Turgot (all of whom believed free labour was cheaper and more productive than slave labour), but he ultimately rejects their authority in favour of information he has about the price of slave labour in the Antilles which he believes shows that a slave is F1,300 per annum cheaper than a free labourer.¹⁷⁵ The exception to this rule is the highly skilled labour of clockmakers or tailors, but for simple hand labour slavery appears to be cheaper than free labour. Say explains this phenomenon by the fact that black slaves can survive with only the clothes on their backs, the simplest of food and meanest lodgings, whereas free labourers

¹⁷³Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. R.H. Campbell and A.S. Skinner (The Glasgow Edition of the Works and Correspondence of Adam Smith reprinted Indianapolis: Liberty Classics, 1981), vol. I, pp. 98-99.

¹⁷⁴Comte, *Traité de législation*, p. 415.

¹⁷⁵The information he has on the relative rates of free and slave labour is that the annual cost of upkeep of a black slave in the most humanely run plantations is 300 francs. When this figure is added to the interest on the purchase price (the figures Say use are a purchase price of 2,000 francs and an interest rate of 10%, thus giving an interest cost of 200 francs per annum) a total figure of 500 francs per annum is reached. On the other hand the cost of a free labourer in the Antilles is, according to Say (the source of this price information is not given), between 5 and 7 francs per day, although this can even be higher. Say takes the middle figure of 6 to work his calculation and the number of working days in the year to be 300. The total cost for a free labourer is 1,800 francs per annum, some 1,300 francs higher than the cost of a slave. Jean-Baptiste Say, *Traité d'économie politique* (Paris: Deterville, 1819, 4th edition), Livre 1, chapitre 19, pp. 298-302.

need to earn enough to support their wives and children at a much higher standard of living. Whatever the economic needs and desires of the black slaves may be, it is the master who is able to enforce savings upon them and keep the cost of their labour to a bare minimum. Thus plantations in Santo Domingo are so profitable that they can repay their purchase price in six years, whilst farms in Europe require twenty five or thirty years in which to repay their purchase price. Although, according to Say, slavery is enormously profitable for the plantation owners, it is not because they are industrious or provide a service to the consumers in the metropole. They are profitable because they are exploitative. They exploit the black slaves by forcing them to work for little or no return. They also exploit the consumers in Europe by their monopoly of the home market or high tariffs which artificially raise the price of their goods.¹⁷⁶

Unfortunately for Say's liberalism his assessment of the extraordinary profitability of slave labour led him into an apparent contradiction. On the one hand, he was confident that further economic development in the Americas was unlikely "as long as they were infested with slavery."¹⁷⁷ The southern states might be able to grow cotton profitably but they lacked the industrial spirit which a free work force would provide to process the raw cotton into high value added products, as was done in New York. Thus he thought the slave states were economically "punished" for their immoral system of labour. The contradiction arose because he failed to realise that a system as profitable as he thought slavery to be could afford to send its products elsewhere to be processed. By a division of labour the Southern States and the West Indies could specialise in the production of certain crops grown by slave labour and the industrial cities of the North or England could specialise in the sweatshops and factories which used poorly paid free labour. Just how the plantation owners were "punished" by not having factories and the other aspects of industrial society in their midst is not made clear by Say. The high profits Say thought they had from slave labour provided them with more than enough resources to preserve their way of life, as Hodgson noted in his critique of Say.

¹⁷⁶"But what do these profits prove anyway? That if the labour of a slave is not expensive, the industry of the master is prohibitively expensive. The consumer gains nothing by this. The products are not produced in the best market. One of the producers enriches himself at the expense of another, that is all. Or rather, that is not all. The result of it is a vicious system of production which is opposed to the best development of industry. A slave is a corrupted (*dépravé*) being and his master is not less so. Neither the one or the other can become completely industrious and they corrupt the free man who does not have slaves. Labour cannot be an honourable activity where it is regarded as a dishonour (to work). This violent and unnatural supremacy which is the foundation of slavery can only be maintained by means of an air of indolence and laziness. The inactivity of the spirit is the consequence of (inactivity) of the body. One has dispensed with intelligence when one has a whip in hand." Say, *Traité* 4th edition, pp. 301-2.

¹⁷⁷Say, *Traité*, 4th edition, p. 302.

An explanation for the disagreements between Say and his critics Hodgson and Storch is that there really are two different questions being considered. The first question is whether or not the price of slave labour is higher or lower than the price of free wage labour, which is the argument Say preferred to use at least initially. In other words, how much would it cost for a planter to hire a gang of slaves to do a particular job compared to hiring free labourers to do the same job? The second question concerns the overall economic efficiency of slavery as a labour system, how productive is slave labour in the long run, what incentives do slaves have to work well and efficiently, etc, which is the argument the British abolitionists liked to use. There seems to be little understanding that there are two different arguments involved. The confusion seems to go back to Adam Smith who used both arguments at times. The change which Say and Comte brought to the debate was to reject the former argument as irrelevant and to stress the latter as both more morally sound and more insightful into the exploitative nature of slavery.

B. ADAM HODGSON'S CRITIQUE OF SAY

Four years after the fourth edition of Say's *Traité* appeared, Say's view of the enormous profitability of slavery was subjected to a searching criticism by Adam Hodgson, writing on behalf of the Liverpool branch of the Society for Mitigating and Gradually Abolishing Slavery.¹⁷⁸ Adam Hodgson readily admitted the important contributions Say had made to the liberal cause but regretted Say's belief that slave labour was profitable. This belief, Hodgson remarked, made the activities of the Society that much harder, since one of the Society's main strategies was the campaign to show plantation owners that it was in their best economic interests to abandon slave labour and gradually adopt free wage labour. That one of the leading liberal political economists took the opposite view was a handicap to the abolitionist cause.

Hodgson began his letter with the following remarks:

It is with much concern that I observe, in your excellent and popular work on Political Economy, the sentiments you express on the subject of the comparative expense of free and slave labour. Accustomed to respect you highly, as an enlightened advocate of liberal principles, and to admire the philanthropic spirit which pervades your writings, I cannot but regret deeply, that opinions so much calculated to perpetuate slavery should have

¹⁷⁸Adam Hodgson, *A Letter to M. Jean-Baptiste Say on the Comparative Expense of Slave and Free Labour* (Liverpool: James Smith and London: Hatchard and Son, 1823, second edition). The pamphlet was written as a letter addressed to William Roscoe, President, and to other members of the Liverpool branch of the Society for the Mitigation and Gradual Abolition of Slavery.

the sanction of your authority; and that, while you denounce the slave-system as unjustifiable, you admit that in a pecuniary point of view it may be the most profitable.¹⁷⁹

The key calculation in any assessment of the profitability of slave labour, Hodgson maintained, was the relationship between the annual expenditure needed to maintain the slave and the "annual sum which, in the average term of the productive years of a slave's life, will liquidate the cost of purchase or rearing, and support in old age, if he attain it, with interest..."¹⁸⁰ A similar calculation was possible for free labour, "since the wages paid to free labourers of every kind, must be such as to enable them, one with another, to bring up a family, and continue the race."¹⁸¹ Hodgson rejected Say's main arguments about the profitability of slavery. The first argument Say used was that the high price of free labour in the Antilles could be universalised into an economic principle concerning the relationship between free and slave labour. The second was that the reluctance of the slave owners to free their slaves was proof of the profitability of the slave-system. Hodgson rejected the first argument with the claim that, while in some places free labour might be more expensive than slave labour (in the case of the Antilles there were few free workers and labour was considered to be degrading), the general principle to be kept in mind was:

not, whether at a given time and place, free or slave labour is the highest, but whether both are not higher than labour would be if all the community were free, and the principle of population were allowed to produce its natural effect on the price of labour, by maintaining the supply and competition of free labourers.¹⁸²

The second argument was rejected on the grounds that prejudice and passion blinded the planters' conception of their own true interest. Hodgson was convinced that, once the planters began to view their property in a truly commercial light rather than as a way of life, they would gradually recognise that their true interests would be best served by freeing their slaves and re-employing them as wage labourers.

To support his claim of the unprofitability of slave labour Hodgson draws upon Adam Smith, David Hume, Henri Storch, Brougham, and various memoirs written by slave owners and travellers. In his "Letter to Say" Hodgson developed a series of economic, historical and political arguments to support his case that, in fact, slave labour was vastly inferior to free wage labour in terms of its cost to the plantation owners and general levels of productivity. One of the main economic arguments he used depends upon the incentives and disincentives

¹⁷⁹Hodgson, p.1.

¹⁸⁰Hodgson, p. 2.

¹⁸¹Hodgson, p. 2.

¹⁸²Hodgson, p. 26.

slaves faced to work productively. Citing the experience of a Joshua Steele of Barbados, Hodgson argues that in the cultivation of food crops the slaves have little incentive to be productive. They perform their work negligently and steal whatever they can get away with, which results in an overall rate of productivity which Steele estimates to be about one third the rate of free labourers.¹⁸³

The argument about the economic incentives faced by slave and free labourers is probably the most important argument used by the abolitionists. For this reason Hodgson endeavours to base his case on directly reported experience and concrete examples rather than on pure theory. Some commentators liked to compare the price of sugar and other products produced on plantations which use either slave or free labour. Hodgson draws upon two examples to make his point: Dr Beattie claims that the price of products grown in Cochin China by free labour are lower than the price of the same goods grown by slave labour in the West Indies, an argument to be taken up by Comte in *Traité de législation* (see below); Botham claims that in the Dutch East Indies sugar is produced by free labour (what he calls the "East India mode") more cheaply than in the British colonies. The weakness of this way of arguing is that no attempt is made to separate the various factors which may influence the price in very different localities, such as differences in soil fertility, differences in plant types and so. Hodgson attributes the lower price of the goods in Cochin China and the Dutch East Indies solely to the fact that "free" labour is used. This is understandable given the political purposes of his task, which is to present free labour in the best possible light in order to persuade the slave owners in the Caribbean that it is their economic interests to give up slavery and use free wage labour in its place. Hodgson concludes this part of his case by quoting with approval the Russian political economist Henri Storch, who held the view that slaves are virtual unthinking "machines" who require constant supervision to do even the most menial task. The incompetence of the slaves requires overseers and managers, who in their turn can deliberately exploit the owner or raise costs through their indifference. Thus, in the absence of economic incentives for the slaves to work more productively and with some intelligence, the slave owner must resort to expensive forms of supervision which Hodgson believed was absent when free wage labourers were employed. The British abolitionist Lord Brougham

¹⁸³Other accounts written by slave owners themselves or observers come to similar conclusions. Another commentator Hodgson uses is Dr Beattie, who notes that in the West Indies the same amount of work can be done by half the number of paid free labourers than slaves. In the French colonies an observer (Coulomb) states that slaves can only do one third to one half of the work done by what he admits are reluctant French soldiers and not freely paid wage labourers. These very rough proportions of half to a third are shared by other commentators Hodgson cites in his letter.

concur in this view and adds that slaves without economic incentives to work need the threat of violence or punishment, or as Brougham put it "the perpetual terror of the lash."

Some slave owners and plantation managers had realised this fact and had introduced experiments in order to provide the slaves with some economic incentive to be more productive. Joshua Steele had tried paying his slaves for the work they did in an attempt to mimic the incentive effects of free labour. Steele reported that after four years of trying such an experiment his economic return was increased threefold. Costs of supervision dropped and the care and diligence of the slaves in their work increased. Steele's experiment was very important to the cause of the British abolitionists and they used it repeatedly to drive home the point to slave owners that it was in their economic interests to abandon or at least reform the system of slave labour. In later editions of his *Traité* Say disputed the success of Steele's experiment and its usefulness as a model for other slave owners. Nevertheless, Steele provided an example of what an enlightened slave owner might do to increase the productivity of his slaves. Brougham suggested that it might prove to be a way in which slavery could gradually be done away with. In the transition period before the complete abolition of slavery, slaves might pay a tax or tribute to their master for the right to work on their own account or at market wage rates in his fields. This was also the view of Henri Storch whose work on the Russian serfs provided perhaps the best example of such a halfway house between slavery and free labour. Storch's important analysis will be discussed in more detail below. Hodgson concluded that the transition to free labour might be made via a two stage reform: the first introducing piece work to increase the productivity of slave labour; the second a system of profit sharing with the master via some kind of tax or tribute on their work.¹⁸⁴

Hodgson used another tack in making his case, this time in asking what might happen if slavery were more profitable and productive than free labour. The example of the United States of America was instructive in this regard. With two clearly delineated zones in which slavery and free labour operated, the comparative effects of the two systems of labour could be observed. Hodgson compared the price of land in slave and non-slave regions with the assumption that, if slave labour were more productive, the price of land where slaves were used would be higher than land where free labour was used. The state of Maryland provided the best example with one region permitting slavery and another not. He found no difference in land prices in Maryland or in a comparison between prices in the states of Virginia (slave)

¹⁸⁴Hodgson, p. 22.

and Pennsylvania (free). America also provided advocates of free labour with the example of a rapidly industrialising North using free wage labour and welcoming innovation and entrepreneurial activity and a South which changed very little and which was forced to seek new land as old land was exhausted by the method of cultivation. Many commentators viewed the difference between the North and the South as conclusive proof that the future lay with industrialism based upon free wage labour and not agriculture based upon slaves. Hodgson believed that the days of the South and slavery were numbered for a number of reasons. The South could not compete economically, its real labour costs were high, the workers had no incentive to be productive, innovation was not encouraged and the slave owners lacked an entrepreneurial attitude to production. There was also a political reason for the ultimate failure of the slave South. Nothing, Hodgson thought, could resist the spread of "republicanism," by which he meant the values of "1776" and "1789," in other words respect for the moral and legal equality of the individual, private property, the free market, and democracy. Even if slavery was not doomed for economic reasons it would soon be swept aside by the political imperative of republicanism which was even at that time spreading to Latin America with its waves of wars of liberation.¹⁸⁵

Before concluding his case against slave labour, Hodgson had to explain why slavery had persisted for so long and appeared, at least, to be profitable. The best known example of a slave society which had existed for centuries was the Roman empire. Although it eventually grew "decadent" and declined, the fact that slavery existed for so long needed to be explained. Hodgson does not devote much attention to the case of ancient Roman slavery except to say that it ruined the small private farmer and prospered only as long as fresh sources of cheap slaves were available from the regular wars against non-Roman societies. When the source of cheap slaves dried up it was not long before the pernicious economic effects of slavery were felt. If the success of Roman slavery depended upon constant wars of conquest, the apparent success of slavery in the modern world owed much to the protective system of tariffs and exclusive trading zones. High cost slave labour, Hodgson argued, could only survive because it had a guaranteed market in the metropole where the high costs of production could be passed on to the consumer. Since the consumers of sugar, tobacco, indigo and cotton could not buy from alternative sources, they had to buy from the protected slave plantations. This system could not survive if a policy of free trade put an end to tariffs and exclusive trading zones. Interestingly, it was latter argument which Comte was to use in the *Traité de législation* (1827) and which Say was to adopt in his reformulation of the critique of slave

¹⁸⁵Hodgson, pp. 35 ff.

labour in the *Cours complet* of 1828. Overall, Hodgson was convinced that the examples and arguments he had presented refuted Say's argument of the high profitability of slave labour on the Caribbean plantations. Now surely, Say must agree that not only was slavery immoral but also uneconomic. Hodgson concluded by summarising his case against arguments supporting the profitability of slave labour:

If then, it has appeared that we should be naturally led to infer, from the very constitution of human nature, that slave labour is more expensive than the labour of free men; if it has appeared that such has been the opinion of the most eminent philosophers and enlightened travellers in different ages and countries; if it has appeared that in a state where slavery is allowed, land is most valuable in those districts where the slave system prevails the least, notwithstanding great disadvantages of locality; and that in adjoining states, with precisely the same soil and climate, in the one of which slavery is allowed, and in the other prohibited, land is most valuable in that state in which it is proscribed; if it has appeared that slave labour has never been able to maintain its ground in competition with free labour, except where monopoly has secured high profits, or protecting duties afforded artificial support; if it has appeared that, in every quarter of the globe, in proportion as the planter rendered attention to economy more indispensable, the harsher features of the slave-system have disappeared, and the condition of the slave has been gradually assimilated to that of the free labourer; and if it has been found, by experience, to substitute the alacrity of voluntary labour, for the reluctance of compulsory toil; and that emancipation has rendered the estates on which it has taken place, greatly and rapidly more productive - I need not, I think, adduce additional proofs of the truth of the general proposition, that slave labour is more expensive than the labour of free men.¹⁸⁶

Say responded to Hodgson's argument in a letter to the author, dated Paris 25 March 1823, which was published in the second edition of Hodgson's pamphlet which also appeared in 1823.¹⁸⁷ In the letter Say said he agreed with Hodgson on all the main issues and acknowledged that "You have collected, in a small space, an accumulation of facts and arguments which it appears to me impossible to refute."¹⁸⁸ Say attributed their difference of opinion to the fact that Hodgson most probably had read only the earlier editions of Say's *Traité*. Say claimed that in the later editions he had altered his views concerning the profitability of slave labour "so as to arrive nearly at the same conclusion as you."¹⁸⁹ He also claimed that he was expanding his remarks on slavery in a book on which he was currently working. As Say put it "I approach still nearer to your sentiments in the works I am

¹⁸⁶Hodgson, pp. 25-6.

¹⁸⁷Say states that Hodgson's letter had been passed on to him by the Baron de Staël, one of the leading figures in the Society for Christian Morality, the major abolitionist group in France.

¹⁸⁸*Letter from J.B. Say to the Author*, Paris, 25th March, 1823 in Hodgson, pp. 59-60.

¹⁸⁹Hodgson, p. 60.

preparing." Unfortunately, the precise work Say is referring to is not clear and the exact chronology of Say's change of opinion is very difficult to determine. All that one can say is that sometime between the publication of the fourth edition of Say's *Traité* and his reading of Hodgson's pamphlet Say had come to question the profitability of slavery. Confusion arises because Say could be referring to one of three works with which he was occupied at this time. There are indications of his change of heart in the all three works he published in the early 1820s, most notably his comments in his edition of Henri Storch's *Cours d'économie politique* (1823),¹⁹⁰ the lectures he gave at the Athénée which became the *Cours complet d'économie politique pratique* (1828),¹⁹¹ and the fifth edition of the *Traité*. The sections of these works dealing with slavery and colonies, in conjunction with Say's reply to Hodgson's letter, provide the main source of information on Say's thinking in the early and mid 1820s. However, as of March 1823 when he responded to Hodgson's criticisms, his view of slavery was that it is

incompatible with productive industry, in a state of society moderately advanced. It is already verging towards its termination among all people of European origin; and as the restlessness and intelligence of Europe will ultimately pervade the globe, we may affirm that slavery will one day be extinguished everywhere.¹⁹²

C. HENRI STORCH ON SLAVERY AND SERFDOM IN EASTERN EUROPE

In the same year as Say responded to Hodgson's letter challenging his view of the profitability of slave labour he also had to come to terms with a leading Russian economist's analysis of the economics of serfdom and slavery in Eastern Europe. Henri Storch¹⁹³ was a

¹⁹⁰Henri Storch, *Cours d'économie politique, ou exposition des principes qui déterminent la prospérité des nations. Ouvrage qui a servi à l'instruction de LL. AA. II. les grand -ducs Nicolas et Michel*, by Henri Storch with explicatory and critical notes by Jean-Baptiste Say (Paris: J-P. Aillaud, 1823).

¹⁹¹Jean-Baptiste Say, *Cours complet d'économie politique pratique; ouvrage destiné à mettre sous les yeux des hommes d'état, des propriétaires fonciers et les capitalistes, des savans, des agriculteurs, des manufacturiers, des négocians, et en général de tous les citoyens, l'économie des sociétés*, (Paris: Rapilly, 1828).

¹⁹²Hodgson, p. 60.

¹⁹³Henri-Frédéric Storch (1766-1835), a Russian economist noted for his work on the economics of unfree labour, particularly that of serfdom, was born on 15 February 1766 in Riga and died on 13 November 1835 in Saint Petersburg. Storch studied at the universities of Jena and Heidelberg before returning to Russia where he taught belles-lettres from 1787 in Saint Petersburg and exercised various positions in education and government administration. In 1790 he worked for the office of Count Berborodko, the minister for foreign affairs. In 1796 he was elected a corresponding member of the Saint Petersburg Academy of sciences after the publication of the first volume of *Tableau historique et statistique de l'empire de Russie*. In 1799 he was appointed tutor to the daughters of Tsar Paul I and shortly afterwards Storch was made a councillor of the court and an hereditary noble. He became a state councillor in 1804 and head of the Academy's statistical section. He was also appointed to teach political economy by Alexander I to the grand dukes Nicholas and Michael. In 1828 he was promoted to the rank of private councillor and appointed vice-president of the Academy of Sciences, offices which he held until his death. His major theoretical work was the *Cours d'économie politique* which was based upon the lectures he gave to the grand dukes. Blanqui described Storch's economic theories as eclectic but considered his empirical work of great value. In terms of school affiliation he followed closely the writings of Say and Smith.

member of the St. Petersburg Academy of Sciences and a pioneer in the collection of economic statistics. He was a fairly orthodox member of the Smithian school of political economy and had the dubious pleasure of teaching the grand dukes (one was to become the Tsar) the principles of political economy. His lectures to the dukes were published in 1815 as the *Cours d'économie politique* and contain much of interest on the economics of serfdom and slavery in Russia and Eastern Europe. Jean-Baptiste Say was interested enough to edit a second, apparently unauthorised French edition in 1823 with extensive notes and comments by him. Say was not shy to criticise Storch quite severely, thus stinging Storch into publishing a fifth and supplementary volume to the new French edition in order to respond to some of Say's critical remarks.¹⁹⁴

There is much of interest in Storch's work, but what concerns us here are his detailed discussions of the economics of forced labour, about which Say had nothing but praise, describing him as a "publiciste éclairé" and a "véritable philanthrope." Say concluded with the highest accolade an empirical political economist could bestow on another, that "concerning everything he says on slavery... (he) speaks on that which he has seen (with his own eyes)."¹⁹⁵ As an acute observer of the economic and social conditions in Russia, Henri Storch was well placed to present to the French-speaking world detailed information about the situation of slaves and serfs in Russia. Sometime before he had published a monumental work on economic statistics called the *Tableau historique et statistique de l'empire de Russie*

The main issues which occupied him include the distinction between free and unfree labour, the contribution which unfree serf labour made to the national wealth of the Russian empire, the importance of moral (or rather "human") capital to national wealth, comparative banking, and the greater wealth producing capacity of industry and commerce compared to agriculture. Perhaps his greatest contributions to economics were his analysis of serf labour in Eastern Europe and his theory of "non material production", the latter influencing Dunoyer who used it in his *De la liberté du travail*. The debate between Storch and Say on the issue of immaterial production was conducted in Say's footnotes to the second edition of the *Cours* and in Storch's response *Considérations sur la nature du revenu national* (1824). His major writings include: *Gemälde von St. Petersburg* (Riga, 1793); *Statistische Übersicht der Statthalterschaften des russischen Reiches* (St. Petersburg, 1795); *Tableau historique et statistique de l'empire de Russie à la fin du dix-huitième siècle* (Riga and Leipzig, 1797-1803. French translation 1801, 2 vols); *Cours d'économie politique, ou exposition des principes qui déterminent la prospérité des nations* 6 vols (St. Petersburg: A. Pluchart et comp., 1815) based upon the course he gave to the grand dukes Nicholas and Michael; unauthorised second edition of *Cours d'économie politique* 4 vols. (Paris, 1823) edited by Jean-Baptiste Say with extensive notes and critical commentaries; *Considération sur la nature du revenu national* (Paris, 1824) 5th volume of the *Cours* and a repudiation of Say's unauthorised edition; *Zur Kritik des Begriffs Nationaleinkommens* (St. Petersburg, 1827); *Esquisses, scènes et observations recueillies pendant son voyage en France* (Heidelberg, 1790); *Principes généraux de belles-lettres* (Saint-Petersberg); numerous articles in the *Mémoires* of the Saint Petersburg academy of sciences. Source: article by J.L. in *Nouveau Dictionnaire d'Économie Politique* vol 2, pp. 925-26.

¹⁹⁴Henri Frédéric Storch, *Cours d'économie politique, ou exposition des principes qui déterminent la prospérité des nations. Ouvrage qui a servi à l'instruction de LL. AA. II. les grands-ducs Nicolas et Michel*, ed. J.-B. Say (Paris: J.-P. Aillaud, 1823), 4 vols. Storch's sometimes angry response to Say's editorial comments was published as a fifth volume, *Considérations sur la nature du revenu national* (1824).

¹⁹⁵Storch, *Cours*, vol. 3, Chapter 9 "Influence de l'esclavage sur la civilisation," Say's footnote on pp. 439-90.

à la fin du dix-huitième siècle (1797-1803),¹⁹⁶ the success of which got him appointed head of the statistical section of the St. Petersburg Academy of Sciences. But it was the French edition of the *Cours* which made the situation of the Russian slaves and serfs known to a broader reading public. In Storch's conclusion to volume three Say found a summary of the nature of slavery which he thought to be the best he had ever seen. In a discussion of the ways in which the state could hinder the development of industry and individual prosperity by favouring one class over another, Storch turned to a special case of class privilege, that of slavery:

In other states the law tolerates (the existence) of servitude, that is to say it excludes the greatest number of inhabitants from the protection (of the law) which other citizens enjoy. The members of this class often find themselves exposed not, it is true to say, like savages to the rapacity of all those with whom they live, but to the violence of their masters. And the fear of these violent (acts) alone is sufficient to extinguish in them the wish to work and the desire to accumulate (property), even if they have the leisure and the means to devote to any labour which might be profitable to them.¹⁹⁷

Storch's understanding of slave labour was a complex one. Like Comte and Dunoyer were to do in their works on slavery, Storch viewed it firstly in historical terms, as an important part of the gradual evolution of societies in which chattel slavery played a vital role, to feudal societies in which slavery was moderated in various ways, to the present, in which societies at different levels of development coexisted with different degrees of forced labour. Since he passionately believed in the idea of progress, the highest stage of human historical development was where individual liberty was fully realised and this meant of course a society in which slave labour in any form played no part. The particular historical moment in which he was writing was a crucial one because Europe had paved the way for the liberation of all mankind with the success of the French Revolution. The ideas of English and French liberty were now impossible to contain geographically and it would not be long before the remnants of slavery disappeared in Eastern Europe and Russia. Part of the intention of his *Cours* was to prepare the grand dukes for this happy eventuality, which Storch thought would occur sometime during their lifetime. Storch's confident prediction was that within one hundred years all vestiges of slavery in the European dominated world would have disappeared.

A second way in Storch viewed slavery was in sociological terms, as a form of class exploitation, which the above quotation so admired by Say clearly shows. He believed that

¹⁹⁶Henri Storch, *Tableau historique et statistique de l'empire de Russie à la fin du dix-huitième siècle*, 8 volumes (1797-1803), 8 vols.(Riga and Leipzig)two volumes of which were translated into French in 1801.

¹⁹⁷Storch, *Cours*, tome 3, pp. 504-5.

slavery had a dire effect on population growth and perpetuated an unequal division of property ownership.¹⁹⁸ Storch argued that, in both the ancient world and the modern slave colonies, population growth was hindered by the existence of slavery, which thus created a need for continual injections of new slaves to maintain the labour supply. In comparison with free societies "never has a population made up of slaves ever increased in the same proportion as another population made up of free men."¹⁹⁹ This was also true he thought for European societies in which serfdom still existed. Using his favourite examples of the liberation of the serfs in the Danish king's domains in Holstein and the activities of the reform-minded Polish Count Zamoiski, he compared the rate of population growth before and after the liberation of the serfs and found that population growth took off only after liberation.²⁰⁰ In a poetic analogy Storch compared the growth in population of the freed serfs to the spurt in growth of a young tree after pruning away branches which are impeding its development.²⁰¹

Another sociological consequence of slavery was the lack of development of a middle class or "tiers-état." This had the consequence of preventing the formation of a class of prosperous consumers who could create the demand required for industrialisation to occur. Furthermore, the absence of a middle class meant that the spread of "enlightenment" did not occur, the middle class, Storch believed, being the mechanism by which "enlightenment" was transmitted. Storch shared Say's view of the importance of the middle class to the industrial economy and in turn quoted him with approval:

It is in this middle class, far from the cares and the pleasures of greatness, far from the anguish of misery, it is in this class that one finds honest fortunes, leisure mixed with the habit of work, the free communication of friendship, the taste of reading and travelling. It is in this class I say that enlightenment is born and it is there that it is spread among the great and the (common) people. It is because the great and the (common) people do not have the time to think. They adopt the truth only when it comes to them in the form of axioms no longer needing to be proved.²⁰²

The reason a middle class did not develop in slave societies was because the recruiting mechanism was absent. In free societies the middle class is recruited out of the more ambitious or hardworking lower class. The existing middle class acts as both a teacher and a model to which the lower class can aspire. In a slave society there is no way in which

¹⁹⁸Most of his remarks on the sociological effects of slavery can be found in a chapter called "Influence de l'esclavage sur la civilisation" in *Cours*, vol. 3, chapter 9, pp. 439-66. Storch deals with population on pages 439-50 and with the middle class on pages 450-7.

¹⁹⁹Storch, *Cours*, vol. 3, p. 444.

²⁰⁰Storch, *Cours*, vol. 3, p. 448.

²⁰¹Storch, *Cours*, vol. 3, p. 448.

²⁰²Jean-Baptiste Say quoted by Storch but no reference is given, *Cours*, vol. 3, p. 451.

ambitious or hardworking slaves can leave their legally determined class position and "rise" into the class above. Also, if a slave society does have a middle class it is likely to be very rudimentary and weak, thus not strong enough to transform society as Storch and Say would like. In fact in slave societies the social forces act in the opposite way. Instead of influencing both "les grands" and "le peuple" with their industrious habits and their enlightenment, the middle class is attracted upwards to the nobility (or slave owners). Storch described this phenomenon as a "mania" for the trappings of the aristocracy, which existed to the detriment of industry and enlightenment in slave societies and in Europe of the ancien régime.²⁰³ Instead of growing as it should and influencing society, the middle class tries to steer their children into careers which will ennoble them and divert their wealth (which should be invested in industrial enterprises) into investments in land and buildings in an attempt to ape the behaviour of the aristocracy. Thus the reproduction of the middle class and its "industrious" values does not occur and the society remains in a state of economic underdevelopment.²⁰⁴ A further consequence of the lack of a middle class in slave societies was the domination of the "civil functions" of the state by the aristocracy, who were hostile to industry and who very much favoured the military. It was dangerous, Storch believed, to allow the military-minded aristocracy to monopolise the positions in law, politics, internal administration of the state, science, and the arts. Only a strong middle class, which believed in the usefulness of what Storch called "the division of non-material labour" (la division du travail immatériel) and devoted themselves to it as a lifetime career, could fulfil these tasks adequately.²⁰⁵

The third dimension to slavery was a moral one, dealing with the corruption of morals of both the slave owner and the slave. This is an aspect which Say did not pick up to the same extent as Comte and Dunoyer, who were to make it a central concern of their analyses of slavery in their respective *Traité de législation* and *L'Industrie et la Morale*. Thus it is more likely that Comte and Dunoyer were influenced by Storch than by Say in the matter of the moral corruption of slavery on both the slave and the slave-owner. This moral problem of slavery was the topic of the third part of Storch's chapter on the influence of slavery on

²⁰³Storch, *Cours*, vol. 3, p. 454 on the "manie nobilitaire" for political privileges rather than for the fruits of "industry." Compare Storch's view with Dunoyer's discussion of the stage of economic development known as "privilege" below.

²⁰⁴Storch, *Cours*, vol. 3, pp. 452-3.

²⁰⁵Storch quotes Robertson's *History of Charles V* on the danger of the feudalisation of the state, *Cours*, vol. 3, pp. 454-5.

"civilisation."²⁰⁶ Storch begins by making the point that, without any security with which to enjoy their liberty or any property they might acquire, slaves naturally become "lazy, insouciant, (prone to) theft, dissipated, drunk."²⁰⁷ Behind this shiftless exterior lies a deeply felt hatred towards the master, "a heart ulcerated by the injustice of its situation," which leads the slave when circumstances permit to rebellion, revenge and violence, as was the case with the slave uprising in Santo Domingo. The social consequences of slavery also impinge upon the family and public security. Like individual slaves, slave families cannot enjoy the security necessary to bring up children and to plan for the future. It is in the family that the slave's hatred for the master is strengthened and it is this underlying hatred which places the public security in jeopardy.²⁰⁸ The feelings of hostility between master and slave mean that the master, being so outnumbered by his slaves, lives in a state of constant fear of an uprising.²⁰⁹ Historically there had been many examples of isolated outbreaks of disgruntled slaves and serfs, ranging from Spartacus to Pugachev to Santo Domingo. Storch implies that unless the situation of the slaves is improved through amelioration schemes or abolition itself, the state will always face the prospect of recurring rebellion on the part of the slave population.

The fourth level of his analysis is economic and it is the aspect of slavery in which Say was most interested, as it was most directly relevant to his debates with Hodgson on the profitability of slave labour. Storch's contribution was unusual and perhaps quite original in that he stressed the modifications and ameliorations which slave labour had undergone in different parts of the world. Not all slaves were treated like the chattel slaves of antiquity or the Caribbean. He thought it was a mistake to base any economic analysis of slave labour on only these two extreme forms, without taking into account the more moderate slave systems of the Middle Ages and the eastern parts of Europe. Even within the Caribbean system of slavery there were important distinctions to be made between the relatively "unproductive" domestic slaves who waited at table for the master's personal benefit and the "productive" slaves who toiled in the fields growing sugar for the export market.²¹⁰

²⁰⁶"Influence de l'esclavage sur la civilisation" in *Cours*, vol. 3, chapter 9, pp. 457-66.

²⁰⁷Storch, *Cours*, vol. 3, p. 457.

²⁰⁸Storch, *Cours*, vol. 3, pp. 458-9.

²⁰⁹Ancient authors such as Aristotle recommended that slave owners try to forestall disturbances by breaking down communication between their slaves. This could be achieved by purchasing slaves from a variety of sources in order to make sure that the slaves had as little as possible in common between themselves. Nevertheless slave owners often talked of being murdered by their slaves and Storch quotes Catherine II from her *Instruction pour le code des lois* on the need to understand the underlying social and economic causes of serf revolts since it was impossible to prevent them through legislation alone. Storch, *Cours*, vol. 3, pp. 462-3, footnote a).

²¹⁰Storch, *Cours*, tome 3, chapter 8 "Continuation: De l'esclave à corvées," p. 141.

As an expert on economic conditions in Russia, Storch was in a position of authority to discuss the variation in slavery which existed there. In particular, he focused upon two special types of forced labour - the modification of slavery which allowed the individual serf to work for himself, free of direct supervision by the master in return for a payment known as the "obroc," and the special class of serfs known as the "peasants of the royal domain" or "crown peasants." In both these cases Storch believed the Russian experience showed both the complexity of the nature of slave labour and a means of gradually abolishing its stricter forms in the Caribbean by following the Russian example of obroc or the institution of crown peasants. It will become clear that his scheme for improving the condition of the black slaves is similar to the experiments of "humane" slave owners which were much admired by Clarkson, Hodgson and other abolitionists and rejected by Say as not suited to the tropics.

In a "Note" in the fourth volume of his *Cours*,²¹¹ Storch gave a detailed description of the class system in Russia, in which he described the different types of servitude. Of the three kinds of productive labouring classes two were coerced, the serfs and the slaves, and a third group was free. The "free class, (which) engaged in industrial work," included those nobles who worked their land for the purposes of agriculture, mining, forestry, fishing or manufacturing; "merchants of the three guilds," who engaged in commerce; the bourgeois or free artisans, who lived in towns (numbering 3,000,000 according to the census of 1782); and free agricultural workers. Included in the latter category were military colonists and the new class of "free cultivators" created by Tsar Alexander in 1803, who numbered only about 13,000 in 1810 and who had been liberated by being bought from their masters. Under the class of serfs Storch included all "crown peasants," who numbered some 4,675,000 males in 1782. The crown peasants could be divided into two groups, a small group of peasants used in the crown's mines and factories and a much larger group of peasants tied to the glebe. The crown peasants tied to the glebe provided Storch with the example of a "halfway house" between slavery and free labour. They were allowed to pay a tax ("cens" or obroc) to the crown, which was determined by the fertility of the soil and to which Storch likened to a form of land rent. Like the other peasants, the crown peasants were also obliged to pay the poll tax and to serve in the military, but what interested Storch most was that these serfs were allowed to keep whatever surplus they produced after having paid their taxes. Furthermore, they enjoyed the protection of the law and the property they were able to acquire could not be repossessed by their lord. Crown peasants had the right to leave their village upon receiving a passport which was valid for one, two or three years and, with the permission of the

²¹¹Storch, Note XIX, "Sur la condition des serfs et des esclaves en Russie," *Cours*, vol. 4, pp. 248-58.

commune in which they lived, could move to a free town and engage in free labour there. Although they enjoyed some freedoms and perhaps could be classified as a free labourer, Storch preferred to classify the crown peasants as a kind of serf, since the crown could still force them to work in the mines or the government factories, to rent them out to others, or even to sell them. Storch quite correctly says these powers over their future meant they continued to behave economically more like slaves than free labourers. The third class were the slaves proper who were the peasants owned by individual members of the nobility and they numbered some 6,678,000 in the 1782 census. In law their situation appeared to be worse than it actually was in practice, according to Storch, since a combination of a softening in attitudes and the economic self-interest of the masters meant they were better treated than previously. Slaves owned by nobles could be rented out to others, forced to labour in the master's own fields, workshops or house, or they could be charged the obroc with the right to work elsewhere. In the latter case, the economics of their situation was similar to the more fortunate crown peasants.

According to Storch, any assessment of the economic efficiency of slave labour had to include all aspects of the slave system not just those slaves working in the fields. The use of domestic slaves by the plantation owner was just as much a part of the slave system as those of prime working age whose labour was usually compared to that of free wage labourers. Storch considered slaves as just another part of the master's total wealth which could be used for consumption or for productive purposes. Those slaves used for domestic purposes, as cooks and valets and housekeepers, Storch believed, were part of the master's expenditure on consumption.²¹² As one might expect, Storch takes a dim view of the usefulness of the "unproductive" domestic slave as he calls them. Whereas a wealthy merchant or capitalist might have two or three domestic servants in Europe, in the colonies the slave owner indulged in half a dozen, the upkeep of which sorely taxed the overall productivity of the plantation. But whereas the industrial capitalist or merchant had acquired his wealth through hard work, economising and the careful supervision of his assets and could thus keep his indulgence in servants to a rational limit, the plantation owner did not have these industrious habits and was thus in a very weak position when tempted by the luxury or the "vice très grave" of plentiful slave servants. The unproductive use of potentially productive domestic servants, Storch concluded, had a deleterious effect on the overall productivity and efficiency of slave labour.²¹³ The other slaves who worked to produce saleable crops were part of the

²¹²He termed it "fonds de consommation." Storch, *Cours*, tome 3, p. 141.

²¹³Storch, *Cours*, tome 3, pp. 141-2.

master's capital stock. Both types of slaves had to be assessed for their economic productivity in order to assess the overall efficiency of the slave system.

Storch, however, was more interested in the use of slaves as a capital asset which could be used to bring in revenue to the owner. He distinguished between three ways in which slave labour could be used: firstly, he could employ them himself on his plantation; secondly, he could rent them out to other plantation owners; and thirdly, he could "rent them out to themselves" (les louer à eux-mêmes) by charging them a "cens" or tax for the privilege of working for themselves. The first two methods of disposing of slaves as a capital asset involved supervised and forced labour or "corvées," whereas the latter method had more in common with free labour that was taxed. The third form of slave labour was common in Russia and Storch considered this to be the least oppressive system for the slaves and the most productive and economically efficient form of slavery.²¹⁴ When considered as a form of fixed capital, a kind of "human machine" which could earn a rent, it became possible to compare the returns of slave labour with more traditional income earning capital assets. For example, the annual rent from slave labour (irrespective of which of the three different ways a slave could be used) had to cover the interest on the purchase price or the amount spent to raise and train a slave to work; the cost of daily maintenance; the cost of capital depreciation over the slave's working life; the cost of life insurance premiums; and the costs of supervising the slave while he worked.²¹⁵ The rent earned by the slave's labour must be sufficient to cover these capital costs, otherwise the slave owner is faced with a capital loss rather than a profit. Each slave owner must be able to calculate these amounts and compare them with the market price for free labour, which is determined purely by the forces of supply and demand for labour in each locality. In Storch's view, the answer to the question, which form of labour was the most profitable, free or slave labour? could only be found by comparing the rent earned by a slave with the wages of a free worker.²¹⁶

Storch's comparison of the costs of free and slave labour revealed that, in some areas of Russia slave labour was cheaper than free labour, in some cases the costs were the same (for example the cost of paying for food or raising a family), but that in most areas the reverse held true. On the demand side the forces acting to set the level of rent for slaves or wages for free labourers should have been the same, but Storch believes that this was not so. The free worker has to sell his labour, whereas the slave owner is not forced to rent out his slaves for

²¹⁴Storch, *Cours*, tome 3, p. 142.

²¹⁵Storch, *Cours*, tome 3, pp. 143-4.

²¹⁶Storch, *Cours*, tome 3, p.144.

hire. They could instead work on the owner's plantation. In addition, whereas anyone with sufficient funds could hire a free labourer, not just anyone could hire a slave gang. In many slave societies there were restrictions on who was entitled to use slave labour. It was usually reserved for a particular and rather small class of privileged individuals. Thus Storch concluded that slave owners exercised a kind of monopoly over the supply of labour which inevitably raised its price in comparison to free labour. The only exception to this rule were societies in which a sufficiently large number of free labourers existed side-by-side with slaves to compete with them and thus drive the price of labour down to a common level. This latter situation certainly did not exist in the Caribbean colonies (from which most of the English abolitionists and Say also got their historical examples) where the dominant form of labour was slave labour, but it did exist in the interior of Russia. In the provincial capitals of the Russian Empire the competition between slave and free labour was intense, unlike in the hinterland where slave labour had a virtual monopoly and where the cost of labour was much higher than in the towns. Storch cites the example, perhaps from personal experience, of the reluctance of rural slaves who came to work as labourers or domestics in St. Petersburg to accept the lower rates of pay brought about by the competition of crown serfs and free labourers. The cheaper cost of labour in the cities meant that it was here that industrialists preferred to set up new factories rather than in the countryside (as in England).²¹⁷ What made the difference between the two forms of labour were the economic incentives which existed to encourage efficient, productive and intelligent work. Basically, the costs of maintaining a slave in good health were higher than the equivalent costs of maintaining a free labourer. This was because the free labourer looked after himself and his family directly and had an obvious incentive to do this as economically and efficiently as possible. Slaves, on the other hand, were more likely to be poorly supervised and looked after, either because the master was distracted by his sumptuous existence or because he had delegated this responsibility to a negligent overseer. A second incentive which made slave labour less useful than free labour was the attitude of the slaves to their work. Slaves were more likely than free labourers to steal, to waste or damage materials and to be generally less than economical in their activity. Since the slave had no direct incentive to work well (other than to avoid punishment), he naturally did not.²¹⁸

²¹⁷Storch, *Cours*, tome 3, pp. 147-8, footnote.

²¹⁸Storch cites an example from antiquity in order to demonstrate that complaints about the negligence and untrustworthiness of slaves is as ancient as slavery itself. Columella's complaints apparently sounded much like the grumblings of modern slave owners whom Storch personally had heard: "I have heard a thousands times the

This unproductive attitude raised the level of rent which was required for the slave owner to break even on his investment. Slave labour was less productive because slaves both produced less in terms of quantity and what they did produce was of lower quality than free labourers. Storch described slave workers as "une mauvaise machine" which was stubborn and very difficult to operate.²¹⁹ Greater skill or dexterity was not rewarded, slaves felt no shame in doing a job poorly, they had no feeling of security that what extra they might be able to produce they would be allowed to keep, and the threat of physical punishment made them even less likely to cooperate. Perhaps the most damning criticism of the productivity of slavery Storch was able to come up with was the Smithian argument about the absence of incentives to innovate. Under the threat of force and with the insecurity of property they felt, slaves had no reason to think about how they might improve their work practices or to think up new methods of doing things. It is for this reason, the lack of incentives in slave labour, that Storch believed the economy of the ancient world had stagnated and was unable to begin the process of industrialisation.²²⁰ Say, in one of his many critical notes to Storch's work, agreed with his assessment about the lack of industrial progress in the ancient world, but attributed it to reasons other than purely the existence of slave labour. Say believed the single most important handicap for industrial development in the ancient world was the prevalence of warfare. Like Benjamin Constant, Say argued that the political and economic structure of the ancient world was militaristic in nature. Military service was the most highly respected occupation and the accumulation of capital was made almost impossible with the constant "wars of extermination." What capital the Romans had been able to accumulate was the booty taken from those they had conquered.²²¹

Not only is industry hit hard by the existence of slave labour, but also capital accumulation is hindered. This was a topic close to Storch's heart and a source of conflict with Say. One of Storch's main concerns was to discuss the problem of "national income," what was it composed of and how could it be maximised.²²² The difficulty with slave labour was that it did not encourage the slaves to contribute to the accumulation of "national income."²²³ They

same complaints from the mouths of landowners in Livonia as one hears repeated in the Antilles, in Hungary, and in the interior of Russia." Storch, *Cours*, tome 3, p. 146, footnote.

²¹⁹Storch, *Cours*, tome 3, pp. 150, 156.

²²⁰Storch, *Cours*, tome 3, pp. 153-4.

²²¹Say's note in Storch, *Cours*, tome 3, pp. 154-5.

²²²His dispute with Say led him to publish a supplementary volume to the second French edition of the *Cours*, entitled *Considérations sur la nature du revenu national* (1824), which dealt with this thorny issue.

²²³By "national income" Storch did not mean the wealth of a few enormously wealthy individuals or the well-being of a particular class within the national economy. He was concerned with the problem of trying to assign a

had no interest or incentive to accumulate anything and what little they did have was held very insecurely since their master or his overseers could take it with impunity. This was another "cost" of the slave system when compared with the free labour system. Storch asks how slaves could contribute to the important task of adding to the national wealth when their security of possession was subject to the whim of their master, who could at any time deprive them of the fruits of their labour. He concludes, of course, that they cannot.²²⁴ Thus Storch thought it was a mistake to view the ancient Romans as a wealthy nation, since only a very small group of land and slave owners controlled most of society's wealth, whilst the vast bulk of the population, the "nation," was in dire poverty. Storch considered this to be another severe criticism of the slave system, that it perpetuated such an unequal share of wealth.²²⁵

The innovation Storch brought to the debate on the economics of slavery was the discussion of what he called the "esclaves censitaires" or slaves who engage in freely paid work with the permission of their masters, on payment of a fee or "cens."²²⁶ In addition to establishing a fixed fee or tax for the right of the slave to work independently of the master, the slave owner could also allow the slave to use part of his land, or he might provide the slave with some capital to begin a small business in manufacturing or commerce. In the latter cases there would also be a charge for rent or interest in addition to the fee or tax paid by the slave to his master. Storch was interested in this more moderate form of slavery, partly because of its widespread use in Russia, partly because he considered it to be an efficient way of ameliorating the worst economic consequences of forced labour, and partly because he thought it could be the best method of gradually abolishing slavery throughout the Western world.

Storch had four reasons why the "esclave censitaire" was a better and more efficient worker than the chattel slave. Firstly, the slave's labour is not as closely supervised and thus the slave's attitudes and behaviour more closely approach that of a free labourer or "at least creates in him the illusion" of being a free labourer.²²⁷ Secondly, the esclave censitaire is able to engage in free labour, that is, he is able to choose his work and to carry it out according to his own interests. With the incentive of self interest now operating the slave can work hard and be inventive. Thirdly, now that the slave is in control of his work he has the incentive and

value to every component of the economy from landowners and slave owners down to serfs, slaves and hand workers.

²²⁴Storch, *Cours*, tome 3, pp. 155-6.

²²⁵Storch, *Cours*, vol. 3, p. 185.

²²⁶Storch, *Cours*, vol. 3, book 8, chapter 10, "Des esclaves censitaires et des serfs," pp. 163-69.

²²⁷Storch, *Cours*, vol. 3, p. 164.

the means to economise or cut costs and thus improve the efficiency of labour. Fourthly, in societies where there are few free labourers, such as Russia or the Caribbean colonies, the censitaire system provides an important source of labour for manufacturing or commercial enterprises which could not be done by chattel slaves. One of the assumptions behind Storch's advocacy of the censitaire slave system is that the rights and obligations of both parties must be recognised in law in order to protect the property produced by the slave from arbitrary seizure by the master. With some guarantee of security for the slave's property enough incentives are in place for the slave to begin the slow economic process of self-improvement.²²⁸

The situation of these kind of slaves in Russia was often better than that of many crown serfs, which lead some commentators to argue that perhaps it was better to be a slave than to be a serf. Storch explained this anomalous situation in terms of the economic incentives created by the various types of coerced labour which existed in Russia. Although nominally slaves of large landed proprietors, many "esclaves censitaires" lived a reasonably prosperous life in towns and villages pursuing their own trades. This arrangement was very good for the slave owner who benefited considerably from the "taxes" being paid by the slaves as a result of their relative economic freedom. By managing his slave's payments carefully he could maximise his return. On the other hand, the crown owned millions of serfs who were theoretically better off than many other serfs in Russia. However, Storch argued, they were exploited in a quite arbitrary way by petty government officials. Since the Tsar could not personally manage his slaves as many landowners could and did, the crown serfs were illegally at the mercy of the government officials put in charge of their welfare but who tricked and robbed the serfs of their rightful earnings.²²⁹ But in those parts of Russia where the law protected the property rights of the censitaire slaves and where the depredations of government officials could be kept to a minimum, Storch believed the economic benefits of liberty, even within the institution of slavery, were to be seen.²³⁰

²²⁸Storch, *Cours*, Vol. 3, p. 166.

²²⁹Storch, *Cours*, vol. 3, pp. 166-7.

²³⁰Apart from his own research and experience Storch relied upon the work of a M. Jacob who won a prize from the Economic Society of Saint Petersburg (no date given) on the following question: "By an exact calculation of time, quality and price of labour, determine which one of the two methods of cultivating the land is the most profitable for the landowner - that which is undertaken by slaves or that which employs free labourers?" Storch believed this work proved definitively that forced labour of various kinds was less productive than free labour. Another source was the work of Young who was invited in 1807 by the Moscow government (at the request of the Tsar) to write a report on Russian agriculture for the minister of the interior. See the footnote on pp. 174-5 of *Cours*, vol. 3.

Turning to the situation in other parts of Europe, Storch was convinced of the superiority of free labour over slave labour. Russia was not a special case even though its variety of forms of slavery and coerced labour was greater than in any other country. Storch assembled a large number of examples of reforms which moderated the institution of slavery or serfdom and thus led to improvements in agricultural output as a result.²³¹ After having established to his satisfaction the inefficiency of slave labour in agriculture, Storch then turned to show how much more inefficient slave labour was in the area of manufacturing. Basically, Storch accused slavery of preventing the proper development of the division of labour which was so necessary, as Smith and Say argued, for the emergence of manufacturing. Some slave owners may introduce a rudimentary division of labour on the plantation and the result, Storch believed, might be a "feeble" increase in productivity. However this was impossible to achieve in industry because, unlike agriculture which to some extent was a result of the work of nature, industry was almost entirely the result of human ingenuity. Any improvements in industrial production had to come from the application of human intelligence and hard work, which Storch thought was entirely lacking in slave systems. He believed that free wage labourers showed their superiority over slaves most clearly in the modern industrial system and thus as industrialisation proceeded this difference would gradually become more obvious to all.²³²

Proof of this claim was provided by comparing the sophistication of the modern economy with that of slave societies, in particular the economies of the ancient world. This, of course, is an unfair comparison since the absence of various consumer goods such as clocks, glasses, paper and books or the high price of woven fabrics is not due to the existence of slavery as Storch argued. Yet it is important to his attack on slavery to maintain that the ancient Roman economy was backward or underdeveloped precisely because the existence of slavery prevented the division of labour from going past a certain primitive level and prevented the formation of a prosperous middle class to buy the goods made in the factories.²³³ Storch dismissed the supposed wealth of the ancient world by claiming that a comfortably well-off inhabitant of a European town in the 1820s was much better off than most in the ancient

²³¹ He discusses the case of Count Bernstorff who freed his peasants and witnessed an improvement in agricultural output. Storch cites *Landliches Denkmal dem Grafen von Bernstorff von seinen Bauern errichtet* (Kopenhagen, 1734), *Cours*, vol. 3, p. 173. William Coxe discusses Count Zamoiski in Poland who did the same and saw a tripling of output. *Travels through Poland, Russia, etc by William Coxe*, cited by Storch, *Cours*, vol. 3, p. 173. The example of the royal domain in Denmark, when in 1765 in Holstein the royal lands were sold off, some to freed peasants. Storch cites Thearup, *Statistik der Dan. Monarch*, in *Cours*, vol. 3, p. 174.

²³²Storch, *Cours*, vol. 3, p. 176.

²³³Storch, *Cours*, vol. 3, pp. 178-9.

world, bar the richest of the aristocrats. Whereas the wealth of modern Europe was the result of trade and industry, the narrowly based wealth of the Roman empire was less the result of industry than the product of war, the pillaging that war made possible, and of course slave labour. Not only were the benefits of industry beyond the reach of the Romans, but also commerce, and for much the same reasons. Expressing a critical attitude to the ancient world very similar to that of other liberals such as Comte, Dunoyer, Say and Constant, Storch believed that the ancient world should be condemned for stifling economic development for the benefit of a small minority of aristocratic slave owners. He argued that if war had not been so profitable the ancient Romans would have remained an impoverished nation, since they lacked "les arts industriels" which were making modern European nations and America so prosperous.²³⁴

Storch's philosophy of history placed great importance on the relationship between the decline of slavery and the rise of economic activity. In the feudal period the reasons for poor economic activity were similar to the problems faced by the ancient Romans. It was not until the "affranchissement des esclaves," as he termed it, that the economic situation of the average person began to improve.²³⁵ The great take-off in European economic development did not occur until the complete abolition of serfdom and slavery. Storch described this as a "grande et bienfaisante révolution," as the "dawn" of all the great inventions and economic developments which have made life easier and more tolerable for all. The destructive effects of slavery were no longer widespread, but limited to only a few places such as the colonies in America and Eastern Europe. Like Say, Storch was optimistic for the future since he believed that the proximity of free societies would gradually undermine the stability of the few remaining slave societies. Already he thought slavery was less harsh and slaves in some societies had some, although certainly inadequate, legal protection from the arbitrary actions of their masters. But the greatest threat to slave societies was the much greater productive power of free labour in free societies. In comparing the relative economic strength of a selection of free and slave societies, Storch came to the not surprising conclusion that, compared to the United States and Ireland (a curious choice if we recall Dunoyer's attack on British policy towards the Irish peasants mentioned above), the economies of Russia, Poland, Hungary and Denmark had made feeble progress in industrial development. In all the

²³⁴Storch, *Cours*, vol. 3, pp. 178-9.

²³⁵Storch based his view on the work of Robertson, in particular his *History of Charles the Fifth* and quoted him at some length. Robertson's views on the incentives of free labour and the rise of a middle class were very close to Storch's views on the problem of slave labour in the colonies and serfdom in Russia. See the lengthy quote from Robertson in Storch, *Cours*, vol 3, pp. 179-80.

economic categories he chose Storch found the slave/serf societies wanting, in population growth, level of exports, and per capita wealth.²³⁶ He was particularly scathing about the lack of progress in Russia in spite of nearly one hundred and fifty years of state support and assistance. He found the level of the division of labour, investment in tools and equipment, and the quality of manufactured goods quite inadequate and he laid the blame at the feet of the slave system, concluding in fact that a sophisticated division of labour was incompatible with slave labour.²³⁷ Storch had a high opinion of the potential of the Russian people and predicted great things for the Russian economy if slavery could be finally abolished.

The solution to the problem of slavery, Storch believed, could be found in the study of European history over the previous two or three centuries. Europe, according to the philosophy of history developed by Robertson and Smith, had evolved from a slave society into one based upon serfdom, and from there into a relatively free society in which labour was freely paid for. As discussed above, Storch believed that the "revolution" which had liberated the "tiers-état" in Europe could be repeated elsewhere, in Russia or in the Caribbean, without bloodshed. Storch called his chapter on the end of slavery "Comment l'esclavage s'abolit insensiblement dans l'Europe occidentale" and the key word in the title is "insensiblement." By this he meant the abolition of slavery and serfdom without too much disruption to life, liberty and property. It was possible, he thought, to persuade the more open-minded slave owners that it was in their interest to introduce free labour for the greater productivity this would create. However, this would be possible only if those slave owners were also convinced that abolition would take place in such a way that their situation and their fortune were left intact and their personal security was not harmed. It was in order to persuade the open-minded slave owner (one must include the two crown princes to whom Storch was teaching economics, with their vast land holdings which included serfs and slaves, in this group) that Storch used his historical example of the peaceful transition to free labour which he observed in western European history since the middle ages.²³⁸

Although historically "this great revolution"²³⁹ had been restricted to the western part of Europe, Storch was optimistic that it could and would be extended to the Americas and to

²³⁶Storch, *Cours*, vol. 3, pp. 182-3.

²³⁷Storch, *Cours*, vol. 3, p 184.

²³⁸Storch, *Cours*, vol. 3, book 2, chapter 10, "Comment l'esclavage s'abolit insensiblement dans l'Europe occidentale," pp. 466-80.

²³⁹"... this great revolution, the most important which has occurred in the course of all the centuries, that which gives a particular character to the civilisation of Europe and from which is dated the surprising progress which this part of the world has made in everything which ennobles the existence of mankind and in everything which makes it agreeable." Storch, *Cours*, vol. 3, p. 478. This quote brings to mind François Guizot's concept of

eastern Europe. Storch is supremely confident that this will inevitably happen as individual liberty becomes entrenched in European and North American society and exerts its inexorable and irresistible influence on neighbouring and less economically developed societies. He confidently predicted that

... the causes which have accelerated the extension of individual liberty in western Europe will not fail to produce sooner or later the same effect in the countries where slavery still exists. The ties which the barbarity of past centuries have created will be dissolved gradually by the natural progress of prosperity and the march of liberty, although slow, will be no less certain.²⁴⁰

To support his optimistic perception of the future Storch gives a long list of reforms of labour practices in Europe and America since the end of the eighteenth century. Slavery had been practically abolished in most of the provinces of the Austrian monarchy, the royal domains of Holstein and Denmark, Swedish Pomerania, the Prussian states, and the Grand Duchy of Warsaw. Slavery had been limited and manumission made easier in Hungary, Denmark, and Russia. The slave trade had been prohibited or restricted by the Spanish, Danish, Swedish, American, and British governments. Storch was impressed that so much progress had been made in such a short time and confidently predicted that by the end of the nineteenth century slavery would have disappeared entirely from the continent of Europe and the societies settled by Europeans.²⁴¹ Furthermore, in the societies just mentioned the process of abolition had not caused serious disruption to the social fabric, but had in fact led to all the salutary results of liberty: increase in population, industry, wealth and individual well-being. Storch concluded his lecture on slavery to the grand dukes by saying:

The evidence provided by the experience of our own time and by a quite large number of countries, in favour of the cause of humanity and justice ought to be sufficient to reassure the landowners and to assuage their fears. No aspect of public order will be troubled by even the immediate and general abolition of servitude. No part of the landowners' pecuniary interests will be damaged. In fact, their revenue will be increased, all the troubles and problems which are inseparable from the administration of

"civilisation" by which is meant the belief that Europe has uniquely developed an understanding of individual and economic freedom which has raised it above all other societies, past or present. See Pierre Rosanvallon, *Le moment Guizot* (Paris: Gallimard, 1985) and Guizot's *Histoire de la civilisation en Europe* (Paris: Hachette, 1985), ed. Pierre Rosanvallon for a discussion of this extreme Eurocentric view.

²⁴⁰Storch, *Cours*, vol. 3, p. 479.

²⁴¹Storch, *Cours*, vol. 3, pp. 479-80. Storch repeated his prediction in the detailed appendix "Sur les progrès de la liberté individuelle en Europe et dans les colonies européennes depuis le milieu du dix-huitième siècle, Note XXIV, *Cours*, vol. 4, pp. 288-96. After discussing the legal reforms in Denmark, Austria, Prussia, Germany, Sweden, the Grand Duchy of Warsaw, Russia, the United States of America, the Danish, English, Spanish and French colonies he concluded the Note with "Thus the empire of humanity and of justice is spread from year to year. When one reflects that the progress of personal liberty which we have just enumerated only dates from 50 years ago in total, isn't it permitted to hope that a period of double this time will be sufficient to see slavery and serfdom disappear not only in Europe but in all the countries of the world where its legislation and civilisation are felt." p. 296.

slaves will come to an end, and they will be transformed from being fearful masters into respected masters.²⁴²

D. SAY'S RESPONSE TO CRITICISM

Under the influence of his debate with Adam Hodgson and Storch's extensive analysis of Russian serfdom Say rewrote the section dealing with the profitability of slave labour, doubling it in size from four to eight pages. His rewriting reveals how much of the arguments of Storch and Hodgson he had accepted and how much he had rejected. Interestingly, he continues to concentrate on the narrower argument about the level of payments for free and slave labour (using the example of the Antilles with the total cost of F500 as the annual cost to the owner of keeping a slave) rather than the systemic approach of Storch. But his reading of the literature of the "Society for Mitigating and Gradually Abolishing the State of Slavery" had led to doubts about the overall profitability of slave plantations. Whereas earlier he had confidently asserted that plantations in Santo Domingo were so profitable that they repaid their cost price within six years, he now argued that "thus it is probable that the profits from a sugar plantation have been somewhat exaggerated."²⁴³

But the greatest change in Say's thought was his outright dismissal of the Smithian argument about the profitability of slave labour as the most important factor working to protect or weaken the slave system in the colonies. Other external economic and moral factors intruded to undermine the viability of slavery. As he put it "everything has been altered"²⁴⁴ and to discuss the morality and economic efficiency of slave labour in the colonies was less relevant than he had thought in his earlier editions of the *Traité*. He still condemned the morality of owning slaves, the way in which slavery depraved both the owner and the slave, and corrupted the virtues of "véritable industrie," but he now expanded an economic argument which he had used only sketchily in previous editions of the *Traité*. He now believed the most compelling fact was that the French slave colonies could not compete economically with other sugar producers in a state of free trade. If it were not for the protection offered by the almost exclusive monopoly the French sugar producers enjoyed in the metropolitan market, slavery would collapse regardless of the comparative profitability of

²⁴²Storch, *Cours*, vol. 3, p. 480.

²⁴³Jean-Baptiste Say, *Traité d'économie politique, ou simple exposition de la manière dont se forment, se distribuent et se consomment les richesses; Cinquième Edition, augmenté d'un volume, et à laquelle se trouvent joints un Épitome des principes fondamentaux de l'économie politique, et un index raisonné des matières* (Paris: Rapilly, 1826), p. 359.

²⁴⁴Say, *Traité* 5th edition, p. 360.

slave labour compared to free labour.²⁴⁵ Say did not discuss an obvious counter-argument to his change of emphasis in discussing the slave question. Even if the accounts of the profitability of slave labour were exaggerated, the profits (or political rents) might be high enough to enable the plantation owners to mount a formidable political campaign within metropolitan France to maintain the extensive system of tariff protection which alone made slave-produced sugar competitive with other suppliers.

Say also scoffed at the experiments made by "humanitarian" planters, such as Steele and Nottingham and touted by the "Society for Mitigating and Gradually Abolishing the State of Slavery" (as in Hodgson's Letter to Say), to improve the profitability of slavery by introducing some form of wage labour. Say argued that Steele's experiments were short-lived and not universally adopted and that the British slave colonies also faced formidable economic competition. Like their French counterparts, the British plantation owners also needed tariff protection to survive. Their behaviour in Parliament to maintain this protection was proof to Say of the economic vulnerability of slave-produced colonial products.

The argument used by Hodgson and Storch of the gradual evolution in Europe away from serf labour towards paid free labour was rejected by Say because he thought the European experience was not applicable in the tropics. The climate was too harsh and the cultivation of sugar too back-breaking to enable free European labour to flourish. Black workers, on the other hand, were not ambitious enough and had too few "needs" to be satisfied to make freely paid labour viable. The example of free black labour in Haiti suggested to Say that there were serious problems to be faced by emancipation. Labour continued to be forced in Haiti even after abolition, with blacks required by law to be supervised and severe penalties for poor work were imposed. The result was that the production of sugar in Haiti cost more than in neighbouring islands, the proof of which was the extensive smuggling that went on because of the disparities in prices for these commodities.²⁴⁶

Ultimately however, Say reverts to moral and political arguments with which to condemn slavery, thus side-stepping to some extent the debate begun by Hodgson about the economics of slave labour vis-à-vis free wage labour. He thought it was more important to discuss another question concerning the longer-term moral and political consequences of slavery (or as he phrased it "at what price can one make a man work without harming justice and

²⁴⁵Say, *Traité*, 5th edition, pp. 360-1.

²⁴⁶Say, *Traité*, 5th edition, p. 362.

humanity"), than to debate the issue raised by Hodgson.²⁴⁷ Perhaps recognising the fact that Hodgson had, to all intents and purposes, won the debate, Say was forced into general moral protestations about slavery which no liberal or abolitionist would have contested. Rather feebly himself, he accused his opponents of being "faibles calculateurs" for placing so much emphasis on force rather than on the issue of equity. However, it can be seen that Hodgson and Storch had had some effect on Say's thinking, forcing him to confront the problem of the economics of slave labour, to reject his simplistic approach of using only the case of very high prices for free labour in the French Antilles upon which to base his entire argument, to force him to resort to the quite powerful "external" argument about the necessity of slave societies of relying upon tariff protection to maintain their markets in the metropole, and to develop the sociological distinction between the two quite different methods of acquiring wealth (by force or by trade) which Comte and Dunoyer were to take up as a major plank of their social theory in the mid and late 1820s. On the one hand, there was the wealth produced by industrious activity through the market which Say described as the sole legitimate means of wealth acquisition.²⁴⁸ On the other hand, there was the acquisition of wealth by force, whether by enslavement, feudal obligations, taxation or tariffs. With respect to the acquisition of wealth by means of slave labour, Say concluded his discussion by likening slave owners to a band of Bedouin robbers who seize a caravan of goods with little cost to themselves. This was a comparison which Comte was to adopt as the central issue in his analysis of slavery in the *Traité de législation*, where Comte was to repeat Say almost word for word in his rejection of the traditional Smithian formulation of the problem of slave labour.²⁴⁹

²⁴⁷Say, *Traité*, 5th ed., p. 363.

²⁴⁸Say, *Traité*, 5th ed., pp. 363-4.

²⁴⁹Comte, *Traité de législation*, p. 415. See discussion of this below.

V. CHARLES DUNOYER AND THE THEORY OF INDUSTRIALISM

A. DUNOYER'S CAREER FROM THE CLOSURE OF *LE CENSEUR EUROPÉEN* TO THE PUBLICATION OF *L'INDUSTRIE ET LA MORALE* (1825)

Whilst Comte was forced into exile to escape paying a hefty fine and serving a prison sentence for his violation of the censorship laws, Dunoyer also had to give up his career as an opposition journalist and seek an alternative occupation. The path he chose was strikingly similar to that chosen by Comte and even after they went their separate ways after 1820 their lives were very much in parallel. Whilst Comte was teaching law in Lausanne Dunoyer lectured on moral philosophy and industry in Paris. Later, they both held a variety of legal and political posts under the July Monarchy and, in the case of Dunoyer who survived into the Second Empire, also under Napoleon III. Both became disillusioned with political office and resigned or retired. Both were appointed members of the Academy of Moral and Political Sciences when it was revived by Guizot during the July Monarchy and both continued to work on their magna opera. Yet, in addition to their scholarly activity, they both continued to write pamphlets on matters of current political concern. For a while in the early 1820s Dunoyer continued to be active in liberal political circles (which included La Fayette, the duc de Broglie and Auguste de Staël), writing pamphlets to the restricted electorate on the need for them to return liberal deputies to the Chamber²⁵⁰ and agitating for the abolition of slavery. However, he was soon diverted from this activity by the opportunity to take up an academic career.

While Comte was working on his project on legislation and property (in which much thought was given to questions of class, the mode of production, and historical development), Dunoyer was at work on a slightly different task - the creation of a liberal theory of "industrialism" which was the name he gave to his theory of class and the evolution of different modes of production throughout history. After the closure of the daily paper, *Le Censeur européen* in June 1820, Dunoyer was most fortunate to be able to secure a teaching post at the Athénée Saint-Germain in Paris. In the winter of 1825 he gave a series of lectures on a topic he had been formulating ever since he had first come into contact with Jean-Baptiste Say's economic theories, namely the theory of industrialism. These lectures set down the basic framework of his class analysis which Dunoyer retained for the rest of his life and

²⁵⁰Charles Dunoyer, *Lettre à un électeur de département...* (Paris: A. Corréard, 1822). Second edition in 1822. Charles Dunoyer, *Du droit de pétition à l'occasion des élections* (Paris: Chez les marchands des nouveautés, 1824).

which was elaborated in increasing levels of detail in three important books published in 1825, 1830 and 1845.²⁵¹ It was appropriate that Dunoyer gave his lectures at the Athénée because it was at this institution that both Say and Constant previously had given their lectures on political economy and political thought respectively.²⁵² In his lectures Dunoyer presented a schema of economic evolution from one stage of production to another, each stage having a peculiar class structure and method of exploitation which depended upon the mode of production specific to that society. His analysis began with the state of savagery, then progressed through nomadism, slavery, the system of political privilege under feudalism and mercantilism under the old regime, what Dunoyer called the system of political "place-seeking" under the Revolution and the Napoleonic Empire, and which ended with the ultimate stage of industrialism. Although the content of Dunoyer's lectures mainly concerns the sociological structure of the emerging industrial society and the various historical forms it has assumed in its trajectory into the present, Dunoyer admits that the hidden agenda for his work is the much broader problem of the nature of individual liberty, neatly summed up in the motto appended to the title-page: "We can only become *free* by becoming *industrious* and *moral*." Another concern, as the full title of the book suggests, is the "morals" or political culture which arises from each different mode of production. Dunoyer believed that the mode of production which existed at any given time had a profound effect on the intellectual, religious, cultural and moral development of individuals and that much of human behaviour could be explained or understood by a close examination of the economic forces which were at work in every society. At least twenty years before Marx made a similar attempt it will become clear that liberal writers were exploring much the same territory, albeit with a vastly different purpose in mind.

²⁵¹Charles Dunoyer, *L'Industrie et la morale considérées dans leurs rapports avec la liberté*, (Paris: A. Sautélet, 1825). The title gives little indication of the contents of the book which began with some chapters on the nature of liberty and its relationship with race and culture before dealing with the twin issue of the evolution of different modes of production and the nature of class in each of the main economic stages. Dunoyer realised the book was only a preliminary statement on the question of class and economic evolution as he promised to devote a separate volume to the nature of a purely industrial society of the future. Dunoyer successively expanded his work over the next twenty years, reworking the basic theme and treating the various historical stages in greater detail. Charles Dunoyer, *Nouveau traité d'économie sociale, ou simple exposition des causes sous l'influence desquelles les hommes parviennent à user de leurs forces avec le plus de LIBERTÉ, c'est-à-dire avec le plus FACILITÉ et de PUISSANCE* (Paris: Sautélet, 1830) 2 vols; and *De la liberté du travail* (Paris: 1845). I have used the edition published by his son in 1886, *Oeuvres de Charles Dunoyer* (Paris: Guillaumin, 1886) 3 vols. Volumes one and two contain *De la liberté du travail*.

²⁵²Leonard Liggio, "Charles Dunoyer and French Classical Liberalism," *Journal of Libertarian Studies*, 1977, vol. 1, no. 3, p. 164. On the propagation of liberal political economy in France at this time see Lucette Le Van-Lemesle, "La promotion de l'économie politique en France au XIXe siècle jusqu'à son introduction dans les facultés (1815-1881)," *Revue d'histoire moderne et contemporaine*, 27 April 1980, pp. 270-94 and Alain Alcouffe, "The Institutionalization of Political Economy in French Universities: 1819-1896," *History of Political Economy*, Summer 1989, vol. 21, no. 2, pp. 313-44.

B. THE INTELLECTUAL ORIGINS OF LIBERAL STAGE THEORIES OF HISTORY AND CLASS ANALYSIS

Before discussing Dunoyer's liberal version of the theory of industrialism and the debate it engendered both within and without liberal circles, it is necessary to give a brief outline of the intellectual origins of his liberal theory of class and the evolution of society through stages, culminating in the pure liberal society of "industrialism." It should be noted that there were at least five schools of thought which contributed in some way to Comte's and Dunoyer's theory of class and industry, although the precise degree of influence is often difficult to gauge in some instances.²⁵³ These schools of thought include the seventeenth century theorists of natural law Hugo Grotius and Samuel Pufendorf, the Physiocrats, the Scottish Enlightenment, the philosophes, and the Idéologues who bridged the gap between the eighteenth and nineteenth centuries.

Having been trained as lawyers in the early years of the nineteenth century Comte and Dunoyer no doubt read the works of Hugo Grotius and Samuel von Pufendorf on natural law. The scattered though quite numerous references to their work clearly indicates that the impact of Grotius and Pufendorf was one which lasted well beyond their years as law students. The influence of these seventeenth century philosophers on early nineteenth century French attitudes to legal theory, property rights, social and economic structure and evolution has yet to be determined. Comte and Dunoyer, in addition to their own legal training, may have indirectly come across the Grotian tradition either by reading the works of Condorcet or by their personal contact with radical liberals in the Condorcet camp. For example, one historian who has written on Condorcet believes that Grotius and Pufendorf influenced Condorcet's social theory, perhaps via Montesquieu, and provided him with grounds for rejecting the Hobbesian and Rousseauian tradition of natural jurisprudence.²⁵⁴ More direct evidence of an influence of Grotius on Comte comes from occasional direct references to Grotius and other members of the school of natural law in his magnum opus, the *Traité de législation*, in which

²⁵³For some stimulating comments on the source of Comte and Dunoyer's theory of industrialism and liberal class theory in general see Leonard P. Liggio, "Charles Dunoyer and French Classical Liberalism," *Journal of Libertarian Studies*, 1977, vol. 1, no. 3, pp. 153-78.

²⁵⁴Franck Alengry, *Condorcet: Guide de la Révolution Française. Théoricien du Droit constitutionnel et Précurseur de la Science sociale* (Paris: V. Giard et E. Brière, 1904), pp. 372-76. On Condorcet see Keith Michael Baker, *Condorcet: From Natural Philosophy to Social Mathematics* (University of Chicago Press, 1975); Rolf Reichardt, *Reform und Revolution bei Condorcet: Ein Beitrag zur späten Aufklärung in Frankreich* (Bonn: Ludwig Röhrscheid, 1973); Léon Cahen, *Condorcet et la Révolution Française* (Paris: Félix Alcan, 1904).

Comte explicitly mentions Wolff, Burlamanqui, Guillaume Pestel, and Grotius.²⁵⁵ In part two of his magnum opus, the *Traité de la propriété*, Comte also directly cites Pufendorf and Blackstone in his discussion on the origin of property. Overall, Comte prefers the approach of Bentham to "les juriconsultes" in legislation but nevertheless his concept of natural law and property owes something to the Grotian tradition.²⁵⁶ For Dunoyer, Pufendorf and the natural law theory of property and social development contributed to the elaboration of his grand theory of "industrialism" which will be discussed in more detail below. Dunoyer's contribution was to update and modernise the final stage of the traditional four stage theory of history from "commerce" to "industry" in order to make the theory more relevant to the changes which had occurred during the upheavals of the Revolutionary and Napoleonic periods.²⁵⁷

A more direct source of influence on Comte and Dunoyer's idea of class than the school of natural jurisprudence are the Physiocrats. There is a striking similarity between the industrialist distinction between the productive class of the "industrials" and the unproductive, exploitative class of the politically privileged and the Physiocratic notion of the productive and sterile classes. Quesnay and Mirabeau developed the view that agriculturalists comprised a "classe productive" whilst all other participants in the market economy (manufacturers, merchants, and all those making up the secondary and service sectors) comprised the "classe sterile".²⁵⁸ If one replaced the word "industry" with "agriculture" Dunoyer's claim that "industry is the vital principle and ought to be the end of the activity of

²⁵⁵Charles Comte, *Traité de législation*, (Bruxelles: Hauman, Cattoir et comp., 2nd ed. 1837), book 1, chapter 14, pp. 59-65.

²⁵⁶On the Grotian tradition of natural law see Peter Stein, *Legal Evolution: The Story of an Idea* (Cambridge University Press, 1980); Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge University Press, 1979); Franco Venturi, *Utopia and Reform in the Enlightenment* (Cambridge University Press, 1971); *The Politics of Johannes Althusius* (London: Eyre and Spottiswoode, 1964), trans. Frederick S. Carney; John Neville Figgis, *Political Thought from Gerson to Grotius* (Cambridge University Press, 1956); and Otto Gierke, *The Development of Political Theory* (New York: Bernard Freyd, 1939).

²⁵⁷See Istvan Hont, "The Language of Sociability and Commerce: Samuel Pufendorf and the Theoretical Foundations of the 'Four Stages Theory'," in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge University Press, 1990), pp. 253-76 for the important contribution of Pufendorf to the development of stage theories of history.

²⁵⁸*François Quesnay et la Physiocratie*, 2 vols (Paris: Institut national d'études démographiques, 1958); Gustave Schelle, "Physiocrates," in *Nouveau dictionnaire d'économie politique*, ed. Léon Say and Joseph Cailley, 2 volumes (Paris, 1891-92), pp. 476-86; Gustave Schelle, *Du Pont de Nemours et l'école physiocrate* (Paris, 1888); Elisabeth Fox-Genovese, *The Origins of Physiocracy: Economic Revolution and Social Order in Eighteenth Century France* (Cornell University Press, 1976); and the series of volumes by Georges Weulersse, *Le mouvement physiocratique en France de 1756 à 1770* (Paris, 1910); *La Physiocratie à la fin du règne de Louis XV, 1770-1774* (Paris: 1959); *La Physiocratie sous les ministères de Turgot et de Necker, 1774-1781* (Paris, 1950); and *La Physiocratie à l'aube de la Révolution, 1781-1792*, ed. Corinne Beutler (Paris: Éditions de l'école des hautes études en sciences sociales, 1985).

society"²⁵⁹ could have been the slogan of the Physiocrats. Like the nineteenth-century liberal political economists the Physiocrats advocated minimal government interference in the economy, even coining the term "laissez-faire," and realised the central importance of the leading economic sector, agriculture, to the structure of government. They differed from the early nineteenth-century theorists of "industrialism" in two essential areas: their one-sided view of the importance of agriculture at the expense of the manufacturing and tertiary sectors, and their belief (perhaps tactical and understandable given the nature of ancien régime society) in enlightened despotism. In spite of the common ground between Comte and Dunoyer and the Physiocratic school on so many issues such as laissez-faire, the importance of the mode of production to political structure, class analysis (productive class versus the sterile class) neither Comte nor Dunoyer claimed them as intellectual forebears. The Physiocrats are notable for their absence in Dunoyer's essay on the history of the industrialist ideal. The most likely reason for this might be that Dunoyer's discovery of economics via the writings of Jean-Baptiste Say and perhaps Adam Smith who believed that economic science had moved beyond the limited horizons of Physiocracy. Under the influence of Jean-Baptiste Say's economic writings Comte and Dunoyer realised the importance and productivity of the new manufacturers, entrepreneurs, and technologists (engineers) yet their definition of the productive class has much in common with that of the Physiocrats. One might say that their view is merely an enlarged form of the Physiocratic notion only slightly modified to include manufacturers and members of the "service" class of intellectuals, professionals and engineers as members of the productive class. Some of the Physiocrats tried to apply their class theory to an analysis of French history in an attempt to understand the origins of the problems in the French economy. One of the more interesting attempts at a physiocratic interpretation of history is provided by G-F Letrosne who deals with the class nature of feudalism in a *Dissertation sur la féodalité* which appeared in 1779. Mackrell describes Letronse's three stage account of the history of feudalism beginning with its usefulness as a means of administration in an era when military service to the king was required. In the second stage feudalism became corrupted when fiefs took on a life of their own independent of the crown. In the third stage feudalism no longer served any political function but was merely a mechanism for economic exploitation of one class by another. Mackrell also discusses the writings of S.N.H. Linguet on the origins of class society in the conquest of

²⁵⁹Dunoyer, "Esquisse," *Revue encyclopédique*, p. 369.

agriculturalists by hunters.²⁶⁰ There are aspects of this class analysis which are similar to that of Augustin Thierry's history of the middle ages and the third estate, which is very suggestive since Thierry was a collaborator on *Le Censeur européen*, for which he wrote a number of seminal articles on medieval French history.

A figure closer to Comte and Dunoyer's view of the productiveness of industry and the service industry is Turgot who challenged the physiocratic theory of the sterility of industry and commerce from within the physiocratic movement itself. He and his mentor Vincent de Gournay attacked the orthodox view of Quesnay and Mirabeau and argued that all endeavours which satisfied the needs of consumers were "productive," a view which is much closer to that of Say and his followers.²⁶¹ Turgot also contributed to the formation of the so-called "four stage theory" of social evolution which more than likely contributed to the development of Dunoyer's more elaborate six-stage theory culminating in "industrial" society.²⁶² Dunoyer's stages were savagery, nomadism, slavery, political privilege, place-seeking, and pure industrialism. Although there is an interesting similarity between the physiocratic notion of class and that of Comte and Dunoyer there is little direct evidence to link the two groups. It is possible that they might have absorbed some Physiocratic ideas indirectly through Say but this is difficult to establish. The Physiocrats were not rediscovered until some scholars associated with the Society of Political Economy, the *Journal des Économistes* and the publishing firm Guillaumin began to republish the works of Du Pont de Nemours, Turgot and others with lengthy introductions in the 1840s, a little late to have influenced Comte and Dunoyer. Nevertheless the similarities between the two schools are so great that one suspects some influence even if it is not yet possible to prove it directly.²⁶³

The Scottish Enlightenment is probably a more fruitful direction in which to look to find direct influences on Comte and Dunoyer's theory of class and the stage theory of history.

²⁶⁰See Letrosne's *Dissertation sur la féodalité* published with *De l'Administration provinciale, et de la réforme de l'impôt* (Paris: Duplain, 1779) and Linguet's *Théorie des lois civiles, ou principes fondamentaux de la société* (London: 1767) discussed in J.Q.C. Mackrell, *The Attack on 'Feudalism' in Eighteenth-Century France* (London: Routledge and Kegan Paul, 1973), pp. 35-6.

²⁶¹G. Schelle, "Gournay," and "Turgot" in *Nouveau dictionnaire, op cit.*, pp. 1105-8, 1122-35; G. Schelle, *Vincent de Gournay* (Paris, 1897); G. Schelle, *Turgot* (Paris, 1909). On Turgot, Steven L. Kaplan, *Bread, Politics and Political Economy in the Reign of Louis XV* (The Hague: Martinus Nijhoff, 1976).

²⁶²On the intellectual history of the four-stage theory see Ronald L. Meek, *Social Science and the Ignoble Savage* (Cambridge University Press, 1976).

²⁶³*Oeuvres de Turgot, nouvelle édition classée par ordre de matières avec les notes de Dupont de Nemours, augmentée de lettres inédites, des questions sur le commerce, et d'observations et de notes nouvelles par MM. Eugène Daire et Hyppolyte Dussard et précédée d'une notice sur la vie et les ouvrages de Turgot par M. Eugène Daire*, 2 vols (Paris: Guillaumin, 1844); *Physiocrates. Quesnay, Dupont de Nemours, Mercier de la Rivière, l'Abbé Baudeau, Le Trosne, avec une introduction sur la doctrine des physiocrates, des commentaires et des notices historiques, par M. Eugène Daire* (Paris: Guillaumin, 1846).

Both referred to William Robertson's *History of America* (1777) for their knowledge of the social and economic structure of the North American Indians and the early European settlers in North and Central America. They also occasionally referred to his *History of the Reign of the Emperor Charles V, with a view of the progress of society in Europe* (1769) on more general matters dealing with the emergence of modern economic and political institutions. Other members of the Scottish Enlightenment they directly used in their works include Adam Ferguson, especially his *Essay on the History of Civil Society* (1767) and Adam Smith's *Wealth of Nations* (1776). What is perhaps more important than any single member of the Scottish Enlightenment is the general social, economic and historical perspective absorbed by reading the main works of the Scots. Scottish notions of "class" and the recognition of the significance of the newly emerging commercial or even industrial society were absorbed by Comte and Dunoyer in a general way without them having to cite any particular author as a source.²⁶⁴ If a more direct link is required it may be provided by Benjamin Constant who spent some time in Scotland studying at the University of Edinburgh during 1783-4 before returning to France to make his enormous contribution to the development of liberal political and social theory in the late Imperial and early Restoration periods. Dunoyer and Comte both explicitly acknowledged their intellectual debt to Constant and it is possibly through reading him that they were introduced to the work of David Hume, Adam Smith, Adam Ferguson and William Robertson.²⁶⁵

Another important source of Comte and Dunoyer's theory of class and historical development is the Philosophe tradition and its carry-over into the Revolutionary and Imperial period - the school of thought known as *Idéologie*. It is quite possible that Diderot, Volny, Raynal and Condorcet, to mention only the most important, influenced Comte and Dunoyer. In particular Diderot and Raynal's work on slavery in the colonies; Volny's histories of the middle east, and Condorcet's optimistic picture of the future contributed to Comte's and Dunoyer's concept of historical change, their hostility to slavery and their view of the

²⁶⁴On the sociology of the Scottish Enlightenment see, R. Meek, "The Scottish Contribution to Marxist Sociology," in *Economics, Ideology and Other Essays* (London, 1967); W. C. Lehmann, *Adam Ferguson and the Beginnings of Modern Sociology* (New York, 1930); A. Swingewood, "Origins of Sociology: The Case of the Scottish Enlightenment," *British Journal of Sociology*, 21, 1970, pp. 64-80; W. C. Lehmann, *John Millar of Glasgow, 1735, 1801, his life and thought, and his contribution to sociological analysis* (Cambridge, 1960); D. Reisman, *Adam Smith's Sociological Economics* (London, 1976); A. Skinner, "Economics and History: The Scottish Enlightenment," *Scottish Journal of Political Economy*, 12, 1965, pp. 1-22; Donald Winch, *Adam Smith's Politics: An Essay in Historiographic revision* (Cambridge University Press, 1979); *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. Istvan Hont and Michael Ignatieff (Cambridge University Press, 1983).

²⁶⁵Stephen Holmes notes the influence of these four Scottish thinkers on Constant in the Chapter "A Liberal Theory of Progress" in *Benjamin Constant and the Making of Modern Liberalism* (New Haven: Yale University Press, 1984), p. 183.

future liberal society.²⁶⁶ In a negative sense so much of what Rousseau wrote and thought repelled Comte and Dunoyer and this means that he too is important as a source. Other philosophes who might have influenced Comte and Dunoyer include Barnave and Sieyès.²⁶⁷ But it is Condorcet whose views require the closest attention for their possible impact on Comte and Dunoyer. Although Condorcet's theory of progress has a number of substantial differences with that of Dunoyer there are also a number of interesting convergences. The most important difference between the two is Condorcet's insistence that the motor of progress is mental or psychological, viz. the increasing capacity of the human mind to understand the world and in turn to improve it.²⁶⁸ Thus the invention of printing is for Condorcet one of the great moments in the development of man's reason and freedom. This should be contrasted with Dunoyer's very different conception of historical progress which is thoroughly grounded in economics. For Dunoyer the motor of progress is the increasing capacity of humans to transform themselves and their world through economic production, through trade and industry. Once again the importance of the liberal political economy of Say should be noted in the transformation of Dunoyer's liberalism.

In spite of this fundamental difference in conception Dunoyer did seem to have a number of things in common with Condorcet and late eighteenth century liberal notions of progress and historical development. Perhaps most apparent is what Keith Michael Baker correctly calls the "rhapsodic picture of the future age."²⁶⁹ Condorcet's "Tenth Epoch," when reason and liberty have achieved a state of near perfection, could be compared to the equally "rhapsodic" stage of "industrialism" in Dunoyer's theory. As will be shown in more detail below, Dunoyer's stage of industry was one where the purely voluntary activity of the free market has completely replaced the interventionism and regulation of the state, thus bringing to an end the power of any group to impose its class domination on others. In addition to sharing this "rhapsodic" view of historical development Condorcet and Dunoyer also share a class theory of history. Dunoyer closely tied his theory of the ruling or exploiting class to the

²⁶⁶Michèle Duchet, *Anthropologie et histoire au siècle des lumières: Buffon, Voltaire, Rousseau, Helvétius, Diderot* (Paris: Flammarion, 1977); Yves Benot, *Diderot: De l'athéisme à l'anticolonialisme* (Paris: François Maspero, 1981); G. Th. Raynal, *Histoire philosophique et politique des Deux Indes*, ed. Yves Benot (Paris: François Maspero, 1981); Condorcet, *Esquisse d'un tableau historique des progrès de l'esprit humain*, ed. O.H. Prior (Paris: Boivin, 1933).

²⁶⁷*Power, Property, and History: Barnave's Introduction to the French Revolution and Other Writings*, ed. Emanuel Chill (New York: Harper and Row, 1971); Jean-Jacques Chevallier, *Barnave ou les deux faces de la Révolution* (Presses Universitaires de Grenoble, 1979); Emmanuel Sieyès, *Qu'est-ce que le Tiers état?*, ed. Roberto Zapperi (Genève: Droz, 1970).

²⁶⁸Keith Michael Baker, "The Esquisse: History and Social Science" in *Condorcet: From Natural Philosophy to Social Mathematics*, p. 349.

²⁶⁹Baker, *Condorcet*, p. 348.

particular stage of economic development a society had entered - thus slave owners were the ruling elite during the slave stage of economic development. Condorcet's class theory was less one of economic exploitation than political power made possible by the perpetuation of intellectual error. According to the theory elaborated in the "Esquisse" the credulity of "the dupes" was matched by the cunning of "the imposters" who used the power of "prejudice" to maintain their power. As an anti-clerical philosophe Condorcet naturally concentrated most attention on the class of the "priesthood" in earlier societies as the example par excellence of his conception of a ruling class.²⁷⁰ As Keith Michael Baker ironically notes, Condorcet's conviction that the sacerdotal elite had engineered a conscious conspiracy to hinder the spread of enlightenment in order to maintain their "sinister interests" prevented him from turning his theory of class into a more general theory of history.

Condorcet was here on the verge of real (if crude) historical insight in suggesting an explanation of religious development and the growing power of the sacerdotal elite in terms of the gradual evolution of language systems... Condorcet was too concerned to insist upon the sinister interests of the sacerdotal elite to be satisfied with an explanation of the double-truth doctrine in such historicist terms. While he later took a grim pleasure in showing the priests caught in the trap of their own making - forgetting the truth behind their symbols and becoming the dupes of their own myths - he was never willing to relinquish the idea of the conscious conspiracy of the sacerdotal elite to pervert the truth in their own interests. He was never able to take the step that Saint-Simon unambiguously took when he reformulated the *Tableau historique*: that of viewing history as a natural sequence of social systems, each dominated by a particular intellectual elite and organised on the basis of an idea-system appropriately expressing the relative development of the human mind at a given moment of its progress.

Here, as elsewhere, Condorcet's rabid anticlericalism remained a barrier to true historical understanding.²⁷¹

Baker is correct to see Saint-Simon's stage theory of history as a continuation of Condorcet's theory of "intellectual elites" but he seems to be unaware of the use Dunoyer was able to make of it. With the economic underpinning provided by Say Dunoyer was able to universalise Condorcet's idea of class, replacing the notion of political and religious domination with a more general idea of economic exploitation by one group of another.

The Idéologues too are important for providing the link between the eighteenth century Philosophes and the early nineteenth century liberals. I agree with Cheryl Welch's conclusion that "(i)n the *Censeur européen* (published from 1817 to 1819) and in separate works published in the 1820s, Dunoyer and Comte directly continued the ideas of the

²⁷⁰Baker, *Condorcet*, p. 359.

²⁷¹Baker, *Condorcet*, p. 363.

Idéologues.”²⁷² We have already seen how important Jean-Baptiste Say was to the development of Comte and Dunoyer's economic ideas and Say was linked directly to the Idéologues through his participation in the journal *La Décade*. Destutt de Tracy is also important in this regard, furnishing another example of the linkages which bind the different generations of liberals in the Napoleonic and post-Napoleonic periods. Each group admired the work and activity of the other. Tracy apparently read the issues of *Le Censeur européen* with considerable interest and joined in the organised liberal protest at the time of Comte's and Dunoyer's imprisonment for violating the censorship laws in August 1817. Tracy even offered to post bail for their release from custody.²⁷³ The “naive” admiration of Dunoyer for Tracy and Dunoyer's earnestness and humourlessness is documented by Stendhal and has been quoted in an earlier chapter.²⁷⁴ What the editors of *Le Censeur européen* admired about the work of the Idéologues, most notably Say's *Treatise on Political Economy* and Destutt de Tracy's *Commentary and Review of Montesquieu's Spirit of Laws* (1811) (which was glowingly reviewed by Augustin Thierry in 1818), was that the laws of political economy and the evolution of society provided a non-revolutionary means to achieve liberal ends. This meant that it was no longer necessary for liberals to seize control of the state through revolution. The inexorable laws of the market would push governments of all political stripes towards deregulation and the fostering of “industry.” Thierry believed (a belief certainly shared by Comte and Dunoyer at this time) that the great contribution of Say and Tracy was to show how this could be achieved - to provide a defence of “liberty without violence, as the specious doctrines of the past century led us to violence without liberty.”²⁷⁵ As Welch rightly concludes her section dealing with the impact of the Idéologies on later liberals like Comte and Dunoyer

... through the school of the *Censeur*, the theories of the Idéologues began to be fused with some of the new strands of historical thinking. Charles Comte looked at European history from the beginnings of the city of Rome to the nineteenth century as a gradual unfolding of the true principles of industry. Augustin Thierry also approached history with the preconceptions of an Idéologue, desiring to follow Daunou's advice on the study of history through “facts.” Above all, he wanted to explore the struggle between idlers and workers - oppressors and oppressed - in its historical dimension.

²⁷²Cheryl B. Welch, *Liberty and Utility: The French Idéologues and the Transformation of Liberalism* (New York: Columbia University Press, 1984), p. 157.

²⁷³Welch, *Liberty and Utility*, p. 157.

²⁷⁴See also Emmet Kennedy, *A Philosophe in the Age of Revolution: Destutt de Tracy and the Origins of “Ideology”* (Philadelphia: American Philosophical Society, 1978), p. 272.

²⁷⁵Welch, *Liberty and Utility*, p. 157.

The theories of the Idéologues, then, helped to inform the militant economic liberalism that emerged in France in the 1820s.²⁷⁶

C. THE EMERGENCE OF AN INDUSTRIALIST THEORY OF CLASS AND HISTORY IN *LE CENSEUR EUROPÉEN*

Comte and Dunoyer were very much part of the “militant economic liberalism” of the late 1810s and early 1820s, a liberalism which drew from numerous currents of late eighteenth and early nineteenth century thought as the above discussion indicates. The more immediate early nineteenth century influences on Comte and Dunoyer's theory of class and history, namely Jean-Baptiste Say, Benjamin Constant and François Montlosier,²⁷⁷ have already been discussed in an earlier chapter. These and a number of other works were reviewed in their journal *Le Censeur européen* and, along with the important article by Dunoyer written some ten years after his initial discovery of Say, provide evidence of the sources of his theory of industrialism. In the 1827 article he explicitly acknowledged some intellectual debts but strangely avoided any mention of the contribution of Augustin Thierry. This is surprising because Thierry had been an editor and major contributor to *Le Censeur européen* after his split with Saint-Simon and had written path-breaking essays on an "industrialist" interpretation of history for Comte's and Dunoyer's magazine. Dunoyer must have been aware of Thierry's important essay "Des nations et de leurs rapports mutuels," one of the first explicit liberal accounts of an industrial interpretation of history.²⁷⁸ Another author whose work Dunoyer might have mentioned as a source of his ideas but did not is Pierre-Louis Roederer.²⁷⁹ Thus, any assessment of the origin of Comte's and Dunoyer's social theory must

²⁷⁶Welch, *Liberty and Utility*, p. 158.

²⁷⁷Charles Dunoyer, "Esquisse des doctrines auxquelles on a donné le nom d'*industrialisme*, c'est-à-dire, des doctrines qui fondent la société sur l'*industrie*," *Revue encyclopédique*, février 1827, vol. 33, pp. 368-94. In addition to the works of Say already mentioned, Dunoyer refers directly to François Montlosier, *De la Monarchie française depuis son établissement jusqu'à nos jours* (Paris, 1814); Benjamin Constant, "De l'esprit de conquête et de l'usurpation" (1814) in *De la liberté chez les modernes: Écrits politiques*, ed. Marcel Gauchet (Paris: Livre de poche, 1980). Dunoyer described the years from 1814 to 1817 when Say, Montlosier, and Constant's works appeared as "l'époque où paraissaient ces précieuses productions." Dunoyer, "Esquisse," *Revue encyclopédique*, p. 372.

²⁷⁸Augustin Thierry, "Des nations et de leurs rapports mutuels; ce que ces rapports ont été aux diverse époques de la civilisation; ce qu'ils sont aujourd'hui, et quels principes de conduite en dérivent," *Seconde partie: Politique*, vol. 1, pp. 19-127 of Saint-Simon's *L'Industrie ou discussions politiques, morales et philosophiques dans l'intérêt de tous les hommes livrés à des travaux utiles et indépendants* (Mai, 1817), reprinted in *Oeuvres de Claude-Henri de Saint-Simon* (Paris: Editions anthropos, 1966), vol. 1.

²⁷⁹On Roederer see Pierre-Louis Roederer, "Mémoires sur quelques points d'économie politique," in *Oeuvres du Comte P.-L. Roederer*, ed. A.-M. Roederer (Paris, 1859); Michael James, "Pierre-Louis Roederer, Jean-Baptiste Say, and the concept of *industrie*," *History of Political Economy*, 1977, vol. 9, no. 4, pp. 455-75; Edgar Allix, "La rivalité entre la propriété foncière et la fortune mobilière sous la Révolution," *Revue d'histoire économique et sociale*, 6, 1913.

take into account the explicitly acknowledged intellectual debts, as well as others, who influenced Comte and Dunoyer but, for whatever reason, did not receive due recognition by them.

There are two possible explanations for Dunoyer's neglect of Thierry. Perhaps it was a deliberate slight on the part of Dunoyer as Thierry was well known to him and had in fact collaborated in editing *Le Censeur européen*. Or perhaps Thierry's work was written too late to have had the same impact as Montlosier's book published in 1814. Nevertheless Thierry may well have been as important as Montlosier in providing Dunoyer with an historical perspective on the rise of the industrial class and its conflicts with the state. Eventually Thierry became one of the leading exponents of liberal class analysis in the study of history, especially in his multi-volume studies of the Norman Conquest, the English Revolution, and the rise of the Third Estate most of which originated as essays in *Le Censeur européen*. In Thierry's histories the productive "industrial" class is identified with the "third estate" and its gradual emergence in the twelfth century and its struggle for liberation from exploitation by the unproductive "feudal" class is the key event in modern European history. Thus Thierry's attempts to develop a liberal theory of class and history which appeared for the first time in Comte's and Dunoyer's journal must have had some influence on the development of their theory of class and history, although they did not acknowledge this openly.²⁸⁰

Whatever the exact influences on Dunoyer might have been, in his 1827 essay on the origins of his theory of industrialism he described the effect of his reading as a veritable personal intellectual "revolution." Having avidly absorbed a number of ideas from these diverse writers, Comte and Dunoyer proceeded to apply these ideas in a series of articles in

²⁸⁰On Thierry see Robert Fossaert, "La théorie des classes chez Guizot et Thierry," *La Pensée*, January-February 1955, no. 59, pp. 59-69; Dietrich Gerhard, "Guizot, Augustin Thierry und die Rolle des Tiers État in der französische Geschichte," *Historische Zeitschrift*, 1960, pp. 290-310; Ephraïm Harpaz, "Sur un écrit de jeunesse d'Augustin Thierry," *Revue littéraire de la France*, 1959, no. 59, pp. 342-64; Stanley Mellon, *The Political Uses of History: A Study of Historians in the French Restoration* (Stanford University Press, 1958); Charles Rearick, "Thierry's New History," *Beyond the Enlightenment: Historians and Folklore in Nineteenth Century France* (Bloomington, Indiana: Indiana University Press, 1974); Kieran Joseph Carroll, *Some Aspects of the Historical Thought of Augustin Thierry (1795-1856)* (Washington, D.C.: The Catholic University of America Press, 1951); Rulon Nephi Smithson, *Augustin Thierry: Social and Political Consciousness in the Evolution of a Historical Method* (Genève: Droz, 1972), in particular on Thierry's relationship with Comte and Dunoyer see chapter 3 "With the *Censeur Européen* (1817-1819)," pp. 51-62 and chapter 4 "With the *Censeur Européen* Daily (1819-1820)," pp. 63-75. Most of Thierry's articles which were first published in *Le Censeur européen* between 1817-1820 were later republished in Augustin Thierry, *Dix ans d'études historique* (Paris: Just Tessier, 1842, first published 1835), a full list of Thierry's articles in Comte and Dunoyer's journal can be found on pp. 308-9 of Smithson; his other major works are *Essai sur l'histoire de la formation et des progrès du Tiers État* (Paris: Furne, 1853); *Histoire de la Conquête de l'Angleterre par les Normands* (Paris: Didot, 1825); *Lettres sur l'histoire de France* (Paris: Sautet, 1827). Thierry's important articles in Comte and Dunoyer's journal include Augustin Thierry, "Vues des révolutions Angleterre," in *Le Censeur européen*, vols. IV-XI, 1817; and "Des nations et de leurs rapports mutuels: ce que ces rapports ont été aux diverses époques de la civilisation; ce qu'ils sont; quels principes de conduites en dérivent," *Le Censeur européen*, 1817, vol. 2, pp. 222-245.

Le Censeur européen. One historian has accurately described their journal as "un journal industrialiste," where the new theory was tested for its explanatory power against the political events of the late 1810s and as a theory of history in numerous speculative and interpretative articles dealing with French, British, and European history.²⁸¹ The issue which particularly concerned them was the very nature of liberalism itself and the strategy of the liberal opposition in the Restoration period. They asked themselves whether or not the liberal opposition had in fact a clear conception of what it was trying to achieve. The main aim of the liberals, under the influence of Constant, had been to create a version of British constitutional monarchism in France with Constant's Constitutional Charter of 1814 being the means to achieve this. This was good as far as it went, but Comte and Dunoyer now believed that political and constitutional reform was not enough to bring about the kind of liberal society they wanted. There were more powerful and important forces at work, such as the exploitation of one class by another, the class structure to which this exploitation gave rise, and the relationship between the mode of production and the political ideas and culture of a society, which traditional liberal theory did not fully appreciate. Unless liberalism could come to terms with these forces, it would be impossible to change French society in a lasting manner. What good would it be to change the constitution if the underlying mode of production (at the time of the late 1810s it was the stage of "political place-seeking" according to Dunoyer's theory of class) created a class structure and a political culture which was illiberal? No amount of mere paper reforms would alter this fact. Until there was a large class of "industrials," who were interested in limiting the power of the state and in ending the privileges of the political class of "place-seekers," and upon whom a new political culture could be based, there could be no permanent change in the nature of French politics and society. As Dunoyer reflected on the dilemma which he believed French liberalism faced in the early years of the Restoration:

These writers (himself and Comte) had been forced by the reaction of 1815 to suspend their publications. This violent interruption to their work, which lasted for a number of years, allowed them to examine at their leisure the direction they had taken up until that moment. They asked themselves whether the liberal opposition and their policy of constitutionalism had a well determined objective and, without denying that these efforts to establish certain (political) institutions had a high degree of utility, they (Comte and Dunoyer) were forced to admit that in general it didn't and even that (the members of the liberal opposition) did not ask themselves where

²⁸¹Ephraïm Harpaz, "Le Censeur européen: Histoire d'un journal industrialiste," *Revue d'histoire économique et sociale*, 37, 1959, pp. 185-218.

society ought to be heading or for what general object society should be constituted.²⁸²

Thus, in the light of these serious deficiencies in liberal theory, Dunoyer and Comte came to the unhappy conclusion that liberalism, with its stress on constitutionalism and the outward form of political institutions, had very little idea of its ultimate aims, in what direction French society ought to be moving, how French society ought to be arranged in order to achieve this goal, and the powerful social structures and culture which lay in its path. After reading Benjamin Constant, François Montlosier and Jean-Baptiste Say, Comte and Dunoyer came to the conclusion that the liberal program was useless if it did not understand the political culture and class structure to which exploitation gave rise, both historically and at the present time. Only when the nature of the forces which were opposed to liberal reform were understood and when the present stage of economic evolution had been determined for its proximity to the final stage of "industrialism," could the chances for liberal reform be assessed. The task they set themselves was to develop the political implications of the theory of industrialism, as Dunoyer put it, to "an infinitely more scientific and elevated degree"²⁸³ than anything hitherto expressed in the work of the three pioneers of industrialism. This was to be the guiding spirit of the new magazine, *Le Censeur européen* and which would continue over into their theoretical writings in the 1820s.

Comte, Dunoyer and Thierry began to develop the new liberal social theory in a series of important articles in *Le Censeur européen*.²⁸⁴ In the second volume of their newly relaunched journal Comte began the task of writing a magisterial interpretation of European development from the ancient Greeks to post-revolutionary society in an article called "De l'organisation sociale considérée dans ses rapports avec les moyens de subsistance des peuples."²⁸⁵ Comte began his essay with an obvious borrowing from Say. He distinguished between three different ways in which wealth could be acquired: either one could use the fruits of nature, one could steal from one's fellows, or one could produce one's own goods by industry. Comte

²⁸²Dunoyer, "Esquisse," *Revue encyclopédique*, p. 374.

²⁸³Dunoyer, "Esquisse," *Revue encyclopédique*, p. 375.

²⁸⁴The earliest attempt at a "industrial" interpretation of history was presented in articles in *Le Censeur européen*. See Comte, "Considérations sur l'état moral de la nation française, et sur les causes de l'instabilité de ses institutions," *Le censeur européen*, 1817, vol. 1, pp. 1-92; and "De l'organisation sociale considérée dans ses rapports avec les moyens de subsistance des peuples," *Le Censeur européen*, 1817, vol. 2, pp. 1-66; and Dunoyer, "Considérations sur l'état présent de l'Europe, sur les dangers de cet état, et sur les moyens d'en sortir," *Le censeur européen*, 1817, vol. 2, pp. 67-106. The differences between these essays and the theory of industrialism which emerged in Dunoyer's 1825 book *L'industrie et la morale* would make an interesting study.

²⁸⁵Charles Comte, "De l'organisation sociale considérée dans ses rapports avec les moyens de subsistance des peuples," *Le Censeur européen*, 1817, vol. 2, pp. 1-66. It is not too difficult to see the first part of Comte's magnum opus, the *Traité de législation ou exposition des lois générales suivant lesquelles les peuples prospèrent, dépérissent, ou restent stationnaires* (Paris, 1827) as an elaboration of this early essay.

then proceeded to analyse European development, using a modified four stage theory which had been used by Turgot and Millar in the previous century.²⁸⁶ Unlike Marxian theories of societal development based upon a single mode of production, Comte readily admitted that a mixture of these three modes could exist side by side. What he did observe, and which was the prime aim of his work, was to identify the gradual transformation of the economy from various class dominated and unproductive societies to one where pure industry predominated. The main stages in this transformation from warrior and slave society to pure industrial society were warrior tribal societies, the ancient slave societies of Greece and Rome, feudalism which had existed up until the French Revolution, and the post-revolutionary "age of peace and industry." In all these societies bar the last, there existed a conflict between what he termed "la classe oisive et dévorante" and "la classe industrielle." The precise nature of the productive work which the industrious class did is not important - whether agriculture, manufacturing or services. The vital aspect was that the products of their labour was coercively exploited by those who did not so labour. The following is only one of many examples one could select from Comte's essay to illustrate this interpretation of class conflict and exploitation:

It was natural that the Franks, who were incapable of existing other than by exploiting the industrious men which they had enslaved, despised those amongst themselves who turned to industrial activity. Those who abandoned the trade of pillage in order to become an industrious man renounced the state of barbarism and entered the state of civilisation. He abdicated his title of conqueror by joining the conquered class. This was called in the original French "déroger." On the other hand, a man was ennobled when he left the class of industrious or civilised men to enter the idle and parasitic class (dévorant) in other words the class of barbarians. A social organisation as vicious as the Frank's carries within itself the seed of its own destruction. As soon as men who do not belong to the dominant caste discover the secret of creating wealth by their own industry, and as soon as nobles have lost the power to get wealth other than by giving something of equal value in return, the former who are accustomed to order, to work and to economy increase constantly in numbers, whilst the latter group, not knowing how to produce anything and basing their glory on magnificent consumption, will be reduced in a short time to complete decadence.²⁸⁷

There are many surprising parallels between Comte's view and the Marxist idea of economic development of class societies through stages. There is the insight that the mode or modes of production had a decisive influence on culture and politics. One can also find the

²⁸⁶On the history of this conception of development see Ronald L. Meek, *Social Science and the Ignoble Savage* (Cambridge University Press, 1976).

²⁸⁷Comte, "De l'organisation sociale," p. 24-25.

idea that contradictions within each mode of production leads to a crisis and the transformation of that mode of production into a mode closer to that of pure industry. This theory of class and conquest was taken up most notably by Augustin Thierry, and to a lesser extent by Guizot, in their histories of the Norman Conquest, the emergence of the Third Estate, and the rise of European civilisation.²⁸⁸ Neither Thierry nor Guizot developed an economic theory to explain the forces at work in the historical evolution of European society, the absence of which made their work less compelling and powerful than Comte's and Dunoyer's, or even Marx's.

Dunoyer too made an early effort to develop the theory of industrialism in a handful of essays in *Le Censeur européen*. In one essay in which class analysis played a particularly important rôle, "De l'influence qu'exercent sur le gouvernement les salaires attachés à l'exercice des fonctions publiques," Dunoyer combined a public choice analysis of state employees with an historical analysis of the expansion of the state before, during and after the revolution, showing its seemingly inexorable rise under all manner of régimes.²⁸⁹ Once again, class analysis was the guiding principle in his analysis and the experience of the revolution and Napoleon suggested a veritable war between the contending classes for control of the state.

It is impossible for a government to levy taxes and distribute large amounts of money without by that very process creating large numbers of enemies of its authority and those jealous of its power. The government creates large numbers of enemies because it becomes terribly onerous for those who pay the taxes. It creates many who are jealous of its power because it becomes extraordinarily profitable to those who receive the money from the state. The government thus creates a state of unavoidable hostility between those groups who eagerly covet the benefits which the state provides and the richer members of the public who try with all their power to avoid the burdens which are placed on them. In order to prevent any weakening of its power or to prevent power passing into someone else's hands, the government is forced to surround itself with spies, to fill the

²⁸⁸On Augustin Thierry, *Essai sur l'histoire de la formation et des progrès du Tiers État* (Paris: Furne, 1853); *Histoire de la Conquête de l'Angleterre par les Normands* (Paris: Didot, 1925; and *Dix Ans d'études historiques* (Paris: Tessier, 1835). François Guizot, *Histoire de la révolution d'Angleterre, depuis l'avènement de Charles Ie jusqu'à la restauration de Charles II* (1826); *Histoire des origines du gouvernement représentatif en Europe* (1851); and *Histoire de la civilisation en Europe depuis la chute de l'Empire romain jusqu'à la Révolution française* (Paris: Hachette, 1985). Alexis de Tocqueville also used some aspects of this economic and class analysis in his history of the Ancien Régime which may also be described as an analysis of the state before and after the Revolution. Alexis de Tocqueville, *L'ancien régime et la révolution*, ed. J.-P. Mayer (Paris: Gallimard, 1967).

²⁸⁹Dunoyer, "De l'influence qu'exercent sur le gouvernement les salaires attachés à l'exercice des fonctions publiques," *Le Censeur européen*, 1819, no. 11, pp. 105-28.

state's prisons with its political adversaries, to erect scaffolds for hanging, and to arm itself with a thousand instruments of oppression and terror.²⁹⁰

Scattered and partial statements like the above were quite common in articles by Comte and Dunoyer in *Le Censeur européen* but it would not be developed into a complete theory of industrialism and liberal class analysis until some years later. The first full-length treatment of their new social theory was Dunoyer's 1825 book *L'industrie et la morale*.

D. THE THEORY OF INDUSTRIALISM IN DUNOYER'S *L'INDUSTRIE ET LA MORALE* (1825)

One of the key concepts in Dunoyer's theory of industrialism was the idea of economic evolution through stages, culminating in an optimistic or "rhapsodic" (to use Baker's rather deprecating term) vision of a pure "industrial" society in which all human relations were voluntary. All social and individual needs would be provided through the market and thus the state would either disappear entirely or be broken down into little more than radically decentralised "municipal" structures. Dunoyer's modification of the traditional eighteenth-century four stage theory of economic development is extremely interesting and worthy of detailed analysis. According to Dunoyer the economic stages through which European society had evolved were the following:

1. savagery based upon hunting and gathering
2. nomadic life based upon primitive herding
3. slave society based upon slave labour in the household and in the fields
4. the society of political privileges based upon rigid legal privileges beginning with feudalism and extending up to the mercantilism of the ancien regime during the pre-revolutionary period
5. the system of political place-getting (under Revolution, the Napoleonic Empire and the Restoration) which was based upon fierce competition to secure government posts and other privileges
6. and the final stage of industry (not yet achieved in Europe but whose possibilities were being demonstrated in the young United States of America) which was exclusively based upon production for the market.

The contribution made by Dunoyer was to introduce two new stages to add to the traditional four stages of hunting, pasturing, agriculture and commerce through which

²⁹⁰*Le Censeur européen*, 1819, 11, p. 112.

European society had passed. The fifth stage had been created by the destruction of feudalism and the ancien régime by the French Revolution. Occupations and political office were now open to all but society was dominated by an excessive desire to seek political office ("places" as Dunoyer called them). The sixth and final stage was that of "industrialism" - a stage where the potentialities of extensive manufacturing and the commercialisation of all avenues of life were recognised and in which politics would be virtually done away with. The first four stages of Dunoyer's theory of historical development will be discussed in the remainder of this chapter. The last two stages constituting Dunoyer's most original contribution to the development of a stage theory of history will be discussed in the following chapter, along with a discussion of the debate his work inspired and a comparison with the better known Saint-Simonian theory of industrialism.

1. The Stage of Savagery²⁹¹

Dunoyer had a very bleak and unforgiving view of life in what he called "the first stage of social life,"²⁹² which no doubt reflects the bias of the sources he used²⁹³ as well as the optimism with which he viewed the advent of industrial and "civilised" society. To Dunoyer, life in the "savage" state was violent, brutal, uncaring and short-sighted and he vigorously attacked those writers like the Abbé Raynal and Jean-Jacques Rousseau who had a more positive view of savage life. It was incredible to Dunoyer that writers like Rousseau, whom he called "the detractor of civilised life", had glorified the existence of the savage and denigrated the "civilised" life of urban living and industry. Much of the chapter on the savage life is an attack on those who sentimentalised a pre-industrial existence by emphasising the supposed high standard of living of tribes people compared to Frenchman of the late eighteenth and early nineteenth centuries. Their idealisation of life in the savage state ignored the brutality, poverty and oppression which Dunoyer thought was endemic to "savagery."²⁹⁴ Dunoyer disputed their claims that civilised and industrial life caused man's physical strength and moral state to degenerate; that living conditions and mortality rates had become steadily

²⁹¹IV. Du degré de liberté qui est compatible avec la vie des peuples sauvages," Dunoyer, *L'Industrie et la morale*, pp. 119-54.

²⁹²Dunoyer, *L'Industrie et la morale*, p. 119.

²⁹³Dunoyer based his account of "savage" life on the writings of Péron, *Voyage de découvertes aux terres australes*; James Cook, *Second Voyage*; Robertson, *History of America*; Alexander von Humboldt, *Essai politique sur la Nouvelle-Espagne*; Thomas Malthus, *Principles of Population*; John Heckwelder, *Histoires des moeurs et coutumes des six nations*; Franklin, *Oeuvres moraux*; Bouger, *Voyage en Pérou*.

²⁹⁴Dunoyer frequently quoted Rousseau's *Contrat social* and *Discours sur l'origine de l'inégalité* and Raynal, *Histoire philosophique et politique de deux Indes* as the two best representatives of the pro-savage and anti-industry school of the Enlightenment. He also described the Rousseauists as "the detractors of the civilised life," *L'Industrie et la morale*, p. 125.

worse as civilisation progressed; and that in general savages were nobler, healthier, more vigorous, and freer than their modern counterparts. The only positive aspect of savagery Dunoyer could find was the absence of a state, but without the opportunities made possible by industry he could not imagine how one could take full advantage of this early form of anarchism.

The brutality, disregard for human life and oppression which Dunoyer thought existed in savage life was partly due to the economic fact that the struggle to survive was a difficult one. Simple hunting and gathering did not provide a guaranteed subsistence which made charity and tolerance towards other people possible. Another reason Dunoyer gave to account for the brutality of savage life was a moral weakness, the inability of savages to control their passions in their relations with other people, even their closest family members.²⁹⁵ The result of this economic and moral pressure was that those who were physically weak (such as the sick, the old, the young and, of course, women) were likely to be very poorly treated by the tribe because they were a burden to its survival. Unwanted children and sick or elderly people might be abandoned to the elements, while women were universally exploited as beasts of burden by their husbands or fathers simply because they were unable to resist the physical strength of the males. In an interesting passage, Dunoyer discusses the position of women in savage society (the example he uses is Péron's description of aboriginal women in New South Wales), likening them to the slaves or the "working class" of this stage of economic development who did most of the useful work for the tribe and who were beaten for their trouble as well.²⁹⁶ Dunoyer continues his attack on the condition of women in tribal society in a lengthy footnote, where he explicitly states that it is the violent submission of women to a form of slavery which is an important aspect of the class structure of the savage stage of economic development. It is worth quoting at length in order to appreciate the radical nature of Dunoyer's analysis of the class structure and the system of exploitation which exists even in the earliest stages of economic development.

Women are the slaves of the savage life. They form the working class (la classe ouvrière) of this state. They carry out almost all the useful labour. Everywhere where there is the beginnings of agriculture they are the ones who ordinarily work the land, sow the seed, harvest the grain, grind it, and cook it... The women dry the meat, prepare the skins, and collect the roots

²⁹⁵Quoting the Scottish writer Adam Ferguson's *An Essay on the History of Civil Society*, Dunoyer asserted that "The moral conduct of the savage towards others is no better than his personal moral conduct. He appears to conduct himself in relations towards other only according to his passions, as he governs himself by his own appetites. And he abandons himself in his affections as he does in his appetites, as Ferguson remarks, without the slightest concern in the world for the consequences of his acts." Dunoyer, *L'Industrie et la morale*, p. 144-5.

²⁹⁶Dunoyer, *L'Industrie et la morale*, p. 146.

to dye them... In addition they go fishing for their husbands... When they travel about they carry the youngest children, the tools and all the mobile property... Everything they produce is the property of their husband... The women do not even have a share in the fruit of their labour...²⁹⁷

If within the tribe women provided the equivalent of a slave or working class for the benefit of the senior males, then outside the tribe other tribal groups provided an additional source of exploitation for subsistence as well as booty for the male warriors. Since at this stage of economic development cultivation of the soil was unknown, the tribe had to live from the fruits of hunting and gathering which, Dunoyer thought, was a most inadequate way of providing for the needs of the tribe. In times of need neighbouring tribes would be attacked and their food and other possessions pillaged and their members slaughtered in order that the attacking tribe might survive. Dunoyer believed that "savage" society was too primitive even for the existence of slavery, which at least spared the lives of those who were attacked in war, since tribal people had no concept of the economic importance of forced labour apart from their own women. Slavery or the forced economic use of another human being could only exist in a more economically developed state where there already existed the idea of working for another for wages or board.²⁹⁸ Since the mode of production in the savage stage was not very productive, men were often forced to resort to violent means of acquiring the wealth they needed to survive. Thus, far from being a period of peace and well-being, Dunoyer thought the life of a savage was the least secure for life and property of any stage of human economic development.

In spite of his denunciation of savage life, Dunoyer believes that there were some admirable features of tribal society at the hunter-gatherer stage of production, even if they were only "elements" of a truly free and industrious life. If a tribe was not engaged in war or raiding parties against other tribes, it was most likely engaged in "peaceful and productive labour"²⁹⁹ (or rather the women were so engaged), such as building a shelter, shaping some simple tools and furniture, cultivating a small area around the hut, and exchanging these things with others. These simple economic activities had a profound affect on the attitudes and behaviour of the individuals involved. To the extent that they engaged in these activities, the members of the tribe became more thoughtful and inventive, their passions became more moderate, the hardships of making a living became less, and the need to be violent to one's

²⁹⁷Dunoyer, *L'Industrie et la morale*, footnote 2, pp. 146-7. This passage was written some sixty years before Friedrich Engels made similar remarks about the condition of women in *The Origin of the Family, Private Property and the State in the Light of the Researches of Lewis H. Morgan* (1884).

²⁹⁸Dunoyer, *L'Industrie et la morale*, p. 148.

²⁹⁹Dunoyer, *L'Industrie et la morale*, p. 152.

neighbours or one's own family became much less. In other words, life became more peaceful, productive and free as industrious activity replaced war and famine, and all these good moral virtues Dunoyer believed were the direct result of the mode of production, that is of production and trade.³⁰⁰

There is also Dunoyer's admiration for the spirit of independence shown by many savages. He believes their mode of production endows them with what he calls "an impatience of all artificial superiority and all unjust domination," a "passion for individual independence" and a "disposition to resist" unjust authority.³⁰¹ In places Dunoyer seems to view some aspects of savage life, especially in its peaceful, productive and fiercely independent aspects, as a type of "primitive anarchism." What authority is submitted to, such as a chief, is often voluntary in nature. Submission is voluntarily given to a widely respected chief who is skilled in warfare or leading the hunt undertaken in common or who is particularly wise in solving disputes. This is quite unlike the submission given to a mere individual who wishes to exert power over others for his own personal ends, such as a warrior chief or a priest. This latter kind of submission is rejected by the savage. Authority which is not voluntarily submitted to is strongly resented and the skill learnt in hunting and warfare can easily be used to resist an unwanted authority. Dunoyer was impressed with the resistance shown by some North American Indian tribes to the conquest by the Spanish, some choosing suicide rather than submit to the authority of the conqueror and give up their independence.³⁰² Similarly, Jean-Baptiste Say was also sympathetic to aspects of savage and nomadic life. For example, he sympathised with those who wished to escape the clutches of the states of Europe by fleeing to join the anarchistic Indians in North America. Say reasoned that, although such a refugee from the state would give up much of value which organised society had to offer, sometimes the price of living in a highly regulated and restrictive society was too high to pay.³⁰³

Dunoyer's view of the "savage" stage of economic development is important because he establishes the beginning of class domination by males in a combined process of subjection of women, as "beasts of burden" and a virtual "working class," and the violent subjection of other tribes by the warriors. Yet he also identifies the beginnings of productive, peaceful industrial activity, probably by women at first, but also including the non-warrior male members of the tribe. This productive activity begins to alter the political culture or "morals"

³⁰⁰Dunoyer, *L'Industrie et la morale*, pp. 152-3.

³⁰¹Dunoyer, *L'Industrie et la morale*, p. 153.

³⁰²Dunoyer, *L'Industrie et la morale*, p.154.

³⁰³Jean-Baptiste Say, Section one, "Organes essentiels," of "Tableau général de l'économie des sociétés" in *Cours complet*, vol. 2, p. 334.

of savage tribal society and initiates the long process of "civilisation" and humanisation of society which culminates in the pacifism and anarchism of industrialism.

2. The Stage of Nomadism³⁰⁴

When it came to discussing the next stage of economic development, the subjects of Dunoyer's attack on defenders of nomadism were Montesquieu's *De l'esprit des lois*, Mably's *Observations sur l'histoire de France*, and Ferguson's *History of Civil Society* and the societies studied included the Tartars, the Bedouin Arabs and the ancient Germans. He accused them of making the same mistake as Rousseau and Raynal had made with the stage of savagery, namely believing nomadic society to be an essentially free society because nomads could exercise what Dunoyer dismissively described as "cette triste faculté de fuir."³⁰⁵ Montesquieu, like Rousseau, argued that because nomads like the Tartars had a ready means of escape from would be oppressors they were in some sense free.

Dunoyer rejected this interpretation of nomadic life for two reasons. Firstly, because it conflicted with his theory of what true liberty consisted. In his view liberty consisted in the ever increasing capacity to do more complex things, including in this case the capacity to come and go as one pleased.³⁰⁶ Dunoyer's second reason for rejecting the traditional account of nomadic societies was that it fundamentally misunderstood the defining characteristic of nomadism which was not the "mobility" of nomads so much as their distinctive mode of production, namely pasturing.³⁰⁷ Dunoyer believed that the greater economic surpluses available to nomadic people compared to "savages" meant that nomads were slightly "freer" than savages, although the greater wealth led them into the classic Malthusian trap of increasing population pressure on food supplies. Since herding required different skills than those needed by hunters, in particular less emphasis on stalking and killing prey, nomads were less warlike than savages, although they remained quite violent compared to the pacific industrials or those who produced exclusively for the market in a modern industrial society. Nomads also had a greater appreciation of other individuals as economically valuable entities and were, to use Dunoyer's expression, more "calculating" in their relations towards others. One aspect of this "calculating" economic attitude meant that the enslavement of others become conceivable. Curiously, Dunoyer believed this was an important stage on the road

³⁰⁴V. Du degré de liberté qui est compatible avec la vie des peuples nomades," Dunoyer, *L'Industrie et la morale*, pp. 155-88.

³⁰⁵Dunoyer, *L'Industrie et la morale*, p. 158.

³⁰⁶"La liberté ne consiste pas à pouvoir fuir quand on voudrait rester; mais à pouvoir rester ou partir suivant qu'on le désire." Dunoyer, *L'Industrie et la morale*, p. 158.

³⁰⁷Dunoyer, *L'Industrie et la morale*, p. 163.

towards liberty and industry, primarily because he believed it resulted in a crucial amelioration in the conduct of war, replacing the massacre of those defeated in a conflict by their enslavement and use as forced labourers.³⁰⁸ Although nomadic life provided a greater degree of freedom and wealth than savagery it was still dominated by a class of powerful warrior males, aided by a new class of priests, over a subject class made up of women, children and a few domestic slaves. The relationships between individuals in nomadic society remained "un tissu d'horrible violences."³⁰⁹ Women in particular remain the backbone of the nomad economy, living "dans un profond état de dépendance et d'avilissement,"³¹⁰ where they are rigidly controlled in marriage and do most of the domestic work, thereby filling "the office of a slave," as Dunoyer put it.³¹¹

However, what distinguishes the pastoral or nomadic mode of production from all others, including surprisingly the highest stage of industrialism, is the relative ease with which a surplus can be acquired. Hunting and agriculture require considerable effort, whereas Dunoyer believes tending a flock or herd is less fatiguing (one assumes he had no personal experience of either hunting or shepherding). Unfortunately, nomadic society cannot long enjoy their easily produced surpluses before the Malthusian population trap is sprung upon them.³¹² The pressure of population growth on the limited productive capacity of their herds forces the nomads to resort periodically to brigandage and the conquest of others to stave off famine and crisis. They form "entreprises guerrières"³¹³ of the excess population to raid or conquer their neighbours in order to survive. The economic and demographic need to hive off the excess population and raid or conquer others gives rise to a different but still potent form of the warlike spirit which affected the "morals" of the savage stage of economic development. Perhaps borrowing Benjamin Constant's expression, which he used to denounce Napoleon's militarisation of France and conquest of Europe, Dunoyer describes the morals of

³⁰⁸Dunoyer, *L'Industrie et la morale*, p. 166. This optimism about the gradual realisation of the unprofitability of war and hence its gradual disappearance is an important component of 19th century French economic liberalism. This attitude has been well discussed by Edmund Silberner, *La guerre dans la pensée économique du XVIe au XVIIIe siècle* (Paris: Sirey, 1939) and Edmund Silberner, *The Problem of War in Nineteenth Century Economic Thought*, trans. Alexander H. Krappe (Princeton University Press, 1946).

³⁰⁹Dunoyer, *L'Industrie et la morale*, p. 176. "Voilà donc chez les peuples pasteurs plusieurs classes de personnes, les femmes, les enfans, les esclaves, qui vivent sous l'empire absolu de la violence et de la force." Dunoyer, *L'Industrie et la morale*, p. 178.

³¹⁰Dunoyer, *L'Industrie et la morale*, p. 176.

³¹¹Dunoyer, *L'Industrie et la morale*, pp. 176-7. Dunoyer bases his argument on Malthus' *Essay on the Principle of Population* and Aristotle.

³¹²Dunoyer, *L'Industrie et la morale*, p. 182.

³¹³Dunoyer, *L'Industrie et la morale*, p. 183.

the nomadic society as dominated by "cet esprit de conquête et d'émigration"³¹⁴ which, along with the economic pressures of famine, push nomadic societies irresistibly towards "brigandage, war and invasions."³¹⁵ These waves of conquest and invasions continue until such time as there is no more land available or until a stronger neighbour is met who can resist the nomadic invaders. Along with Malthus, Dunoyer believes this underlying economic analysis of nomadic society adequately explains the barbarian invasion of the Roman Empire and the end of the period of Norman invasions during the eighth, ninth and tenth centuries. When faced with such a barrier to expansion nomadic tribes are either forced to inhabit peripheral barren desert or arctic areas or to gradually adopt more peaceful and productive pursuits such as agriculture. As long as they continue to follow a nomadic pastoral way of life the class structure and morals of a warrior society will always be present among them. Dunoyer concludes that "war is thus the inevitable consequence of the imperfect means of subsistence adopted by pasturing people."

3. The Stage of Slavery³¹⁶

We have already seen in a previous chapter the importance slavery played in the development of Comte's and Dunoyer's liberalism in particular and French political economy in general. Although Dunoyer did not take part directly in the debate about the economics of slave labour, he wrote about it at some length in *Le Censeur européen* and his books, and had considerable influence on the liberals who came after him.³¹⁷ For both Comte and Dunoyer slavery was important, both as the diametric opposite of what they were striving for in Restoration France and as an integral part of their social theory. In Dunoyer's case (as for Karl Marx) the slave mode of production provided the important link and foundation stone for the evolution of the modern industrial economy.

³¹⁴Dunoyer, *L'Industrie et la morale*, p. 183.

³¹⁵Dunoyer, *L'Industrie et la morale*, p. 185.

³¹⁶"VI. Du degré de liberté qui est compatible avec la vie des peuples sédentaires qui se font entretenir par des esclaves," Dunoyer, *L'Industrie et la morale*, pp. 189-237.

³¹⁷The great influence Comte and Dunoyer had in the development of French liberal political economy in the first half of the nineteenth century can be seen from the recognition they received from the authoritative *Dictionnaire de l'économie politique* in 1852. The author of the article dealing with slavery, Gustave de Molinari, who was later to become the editor of the *Journal des économistes* and the doyen of the French liberal political economists in the last half of the nineteenth century, duly acknowledged Comte and Dunoyer's pioneering contribution to the debate. Gustave de Molinari, "Esclavage," *Dictionnaire de l'économie politique, contenant l'exposition des principes de la science, l'opinion des écrivains qu'ont le plus contribué à sa fondation et à ses progrès, la bibliographie générale de l'économie politique par noms d'auteurs et par ordre de matières avec des notices biographiques et une appréciation raisonnée des principaux ouvrages*, eds. Charles Coquelin and Guillaumin (Paris: Guillaumin, 1852), vol. 1, pp. 712-731.

The transition from one mode of production to another was a slow and difficult process, as the historical example of the evolution from hunting wild animals and gathering fruit and vegetables, to the use of milk and meat from domesticated animals, to the harvesting of planted crops, showed. At each stage the mode of production determined the need of that society for slaves, the "guerrier sauvage" having no need of them, the "guerrier nomade" needing only enough to sell or to guard his flocks and perhaps tend his garden. However, once the stage of settled agriculture had been reached, the need for slaves by "agricultural warriors" was considerable, as the amount of labour required by the mode of production was much greater than in previous stages. Dunoyer believed that as long as the supply of captives from wars remained high there would always be a ready market for slaves in agricultural societies and that some individuals' wealth would be reckoned almost entirely in the number of slaves they had working the land.³¹⁸ The use of slaves for agricultural labour was a universal phenomenon and Dunoyer could not think of a society which had not made the transition from nomadism to agriculture without going through this stage. It was certainly the case in ancient Greece and Rome, which Dunoyer claimed had known no other mode of production, in contemporary Russia and Poland, as well as the colonies in America and the Caribbean.³¹⁹

The degree of civilisation and liberty had been increased in the slave mode of production because of a number of factors, including the much greater productivity of agriculture over hunting and gathering and pasturing, the increase in the division of labour, and the reduction in violence and the destructiveness of war. The latter claim may sound surprising, but Dunoyer took the traditional view that savages and nomads took no prisoners and destroyed as much property as they could in war, whereas in slave societies property in the form of booty and captives was highly prized and kept for later enjoyment.³²⁰ The greater surpluses made available by agriculture and the spoils of war were used to create a higher level of civilisation than had existed before. Monuments and public buildings were erected, the slave owning class had time to cultivate art, literature, and philosophy, and some of the surplus was ploughed back into production in order to improve its output.

As impressive as some aspects of Greek and Roman civilisation no doubt were, Dunoyer took great pains to argue against those who, like Rousseau in the *Contrat Social*, believed that

³¹⁸Dunoyer, *L'industrie et la morale*, p. 190.

³¹⁹Dunoyer, *L'industrie et la morale*, pp. 190-1.

³²⁰Dunoyer based his assessment of the destructiveness of nomadic societies on Voltaire's comments in *Essai sur les moeurs* about Ghengis Khan, Dunoyer, *L'industrie et la morale*, p. 196-7.

the ancient world under slavery had reached a pinnacle of culture and political liberty.³²¹ Neither Comte nor Dunoyer could forget nor forgive that ancient society rested upon the exploitation of slave labour by a small class of owners and that any achievements of the Greek and Roman ruling élite had to be weighed against the fact that slave labour had made this possible.³²² His praise was reserved instead for the slave labourers of Rome who had built the monuments and public buildings and without whom the ancient economy would have ground to a halt. Several virulently anti-classical outbursts in this chapter reveals much about Dunoyer's attitudes towards the classical world, industry and the common people who carried out "industrial" activities. A typical passage which shows the strength of Dunoyer's venom towards the classical world is the following:

... it appears that it would be more appropriate to attribute glory to the slaves rather than to (Roman citizens). Did the Roman people build these numerous architectural monuments, these sewers, these roads, these aqueducts which are attributed to Roman civilisation? No. It was for the most part the captives, the slaves and not the Roman people. It was with the industry and capital of the conquered nations that the Romans carried out their magnificent works. Under the Empire, there was practically nothing truly useful which was not carried out by enslaved men. The law of Romulus had forbidden any industrial profession to a Roman citizen. The liberal arts were under the same proscription for a long time. It was the slaves who practised medicine. Grammar, rhetoric, philosophy were taught by slaves. Everything which belonged to true civilisation, everything which was able to escape (Roman) violence was relegated to beyond the pale (*hors de l'état*). Roman industry was war, its work was pillage and massacre. The monuments which it left behind were ruins, impoverishment and depopulation of the known world. Perhaps without the Romans we would probably not have had the debris of the Parthenon or the Colosseum, but who knows what the free and productive industry of the conquered nations who constructed these fabulous buildings would have left to posterity. There is every reason to believe that without these people (the Romans) western civilisation would have been better placed to defend itself against the barbarians when the errant hordes of northern Europe inflicted their terrible devastation on southern Europe. One could justly attribute to the brigandage of the Romans the long halt to the progress of the human species brought about by the other brigands.³²³

³²¹Dunoyer, *L'industrie et la morale*, p. 194.

³²²Dunoyer, *L'industrie et la morale*, p. 198.

³²³Dunoyer, *L'industrie et la morale*, p. 198-200. Compare Dunoyer with the first half of Brecht's poem "Fragen eines lesenden Arbeiters": "Wer baute das siebentorige Theben? In den Büchern stehen die Namen von Königen. Haben die Könige die Felsbrocken herbeigeschleppt? Und das mehrmals zerstörte Babylon, Wer baute es so viele Male auf? In welchen Häusern Des goldstrahlend Lima wohnten die Bauleute? Wohin gingen an dem Abend, wo die chinesische Mauer fertig war, Die Maurer? Das große Rom Ist voll von Triumphbögen. Über wen Triumphierten die Cäsaren? Hatte das vielbesungene Byzanz Nur Paläste für seine Bewohner? Selbst in dem sagenhaften Atlantis Brüllten doch in der Nacht, wo das Meer es verschlang, Die Ersaufenden nach ihren Sklaven..." Bertolt Brecht, *Kalendergeschichten* (Hamburg: Rowolt, 1953, 1978), p. 74.

As an ardent admirer of "industry," it was not difficult for Dunoyer to point up the weaknesses of the ancient Roman economy. It lacked scientific knowledge and engineering skills, its agriculture was less productive than modern French methods, Roman buildings lacked glass windows, chimneys, there was no post office, printing and so on. Dunoyer's conclusion was that, for all the vaunted greatness of the ancient world, "the simplest inhabitant (bourgeois) of London or Paris" in the nineteenth century should be thankful for the benefits of "progress" such as science, technology, modern agriculture and the much higher standard of living these things made possible, which most Romans had entirely lacked.³²⁴ Perhaps worse, in Dunoyer's view, was the continued practice of the wars of expansion and the concomitant capture of slaves which condemned the ancient world in his eyes, thus leading him to declare that the ancient Romans had less "true civilisation" and less "true liberty" than defenders of the classics would care to admit.³²⁵

War was certainly the sticking point in the development of Roman industry. It could not develop any further than it had because of the rôle war and the slave mode of production played in Roman society.³²⁶ Economically, slavery was the mainstay of the ancient economy and this in turn depended upon "une guerre perpétuelle," in order to maintain the supply of labour, and the disdain the aristocratic class showed to all "professions industrielles." As Livy noted, in the 700 years between Numa and Augustus the gates of the temple of Janus had only been closed twice for peace. Socially, Rome was a militaristic society with a social structure of tribes, curies, and decuries which were based upon military models. Patronage and deference to military leaders resulted in a social form of military subordination, and the function of the censors was to maintain numbers in the army and respect for discipline and moral behaviour. Discipline in the military was so strict that a refusal to serve in the army (which any self-respecting industrial would do) resulted in the deprivation of one's possessions, a beating and possibly being sold into slavery.³²⁷ The inevitable consequence of this social and economic dependence on war, military "morals" and slavery was a political constitution and institutions suited to warriors.

The desire to be militarily strong and the willingness to structure the legal, social and economic arrangements of Roman society to achieve this military strength made it impossible, in Dunoyer's opinion, for the Romans to be truly politically and economically

³²⁴Dunoyer, *L'industrie et la morale*, p. 202-3.

³²⁵Dunoyer, *L'industrie et la morale*, p. 204.

³²⁶Dunoyer, *L'industrie et la morale*, p. 204.

³²⁷Dunoyer, *L'industrie et la morale*, p. 207.

free at the same time. "The more they wanted to be strong in order to dominate others, the less they were able to have liberty." The irony was that their desire to reduce others to servitude led the Romans to become subservient themselves to the regimentation and control, "the necessity of discipline" which a military state required to function effectively. In the name of war and the security of the empire, individual liberty, freedom of speech and property were often sacrificed. Thus the Romans in effect "enslaved themselves." It was no accident, Dunoyer believed, that the much touted Roman liberties ended in the tyranny of the absolute emperors.³²⁸

Dunoyer took issue with historians of Roman republicanism like as Montesquieu, who thought that many Roman institutions such as the agrarian laws, censorship and ostracism were essential aspects of republicanism per se. For Dunoyer, these had little to do with the theory or practice of republicanism, rather they were the natural and inevitable consequence of a warrior people attempting to forge institutions suitable for this way of life. Other writers such as Condorcet, Sismondi and Benjamin Constant interpreted these laws and institutions as the result of the Romans' ardent love for citizenship, for which they would readily sacrifice their own privacy and independence. Dunoyer rejected this line of argument as well. He could not accept that the Romans would suffer such restrictions on their liberty for the sake of being a republic or participating in the exercise of collective power. Once again, he maintained that these harsh laws were adhered to because they conformed to the needs of a warrior life. Civic discipline and the strong control of individuals was necessary to ensure discipline and success in the field. The only critic who fully appreciated the underlying militarism of Roman society and the effect this had on their institutions and culture was, not surprisingly, his colleague Charles Comte.³²⁹

Dunoyer next turns to the issue of luxury and its corrupting effect on Roman morals. The claim that "luxury" had damaging effects on a nation's morals was a powerful argument in the anti-industrialist campaign. The pursuit and enjoyment of luxury was claimed to detract from one's attention to civic duty, to encourage selfishness in both private and public life and to foster corruption. Bernard Mandeville's argument that the private pursuit of vice (of which luxury was only one) could have beneficial public benefits was unconvincing to those who saw something wrong in the possession of wealth itself, in particular the kind of wealth made

³²⁸Dunoyer, *L'industrie et la morale*, p. 218.

³²⁹Dunoyer makes these comments in a lengthy footnote in *L'industrie et la morale*, p. 208-10. Comte's article which Dunoyer was referring to was Charles Comte, "De l'organisation sociale considérée dans ses rapports avec les moyens de subsistance des peuples," *Le Censeur européen*, 1817, vol. 2, pp. 1-66.

possible by the industrial system.³³⁰ Dunoyer turned this old debate on its head by arguing along two lines. Firstly, that the only truly moral society was an industrial one. In fact Dunoyer went so far as to argue that the degree to which a society accepted and practiced industrial values determined the degree to which it was moral, civilised, progressive, peaceful and free. The second line of argument was that the defenders of the argument that luxury was corrupting had made a fundamental error in not inquiring how that wealth or luxury had been acquired. Those who had acquired their wealth through peaceful trade or industriousness also acquired important moral virtues, such as thrift, hard work, the habit of offering one value for another, respect for others and so on. Dunoyer claimed that men only enjoy in moderation that wealth which has been acquired with honour, or in other words by peaceful and voluntary exchange. Those who acquired their wealth by war and pillage, like the Romans, naturally did not. The morals of the warrior were carried over into peace-time and wealth was enjoyed as a warrior would enjoy it, "shamefully." Thus Dunoyer argues for an intimate connection between the corrupting effects of wealth and the means by which it was acquired and dismisses the traditional debate about luxury as ill-conceived and somewhat beside the point.³³¹

The class structure of slave society also came under Dunoyer's scrutiny. The aristocracy and the upper levels of the army ruthlessly exploited their position of power to control the distribution of war booty for their own benefit, whilst the vast bulk of the enlisted men and the nominally non-slave population, the proletariat, received scarcely enough to survive. Dunoyer argued that

... by submitting themselves to this harsh regime the bulk of the army drew practically no benefit. In this (system of) domination, as in all, the lower levels (les agens subalternes) only obtained a very small part of the wealth and authority. The booty from the conquered enemies was distributed like all taxes (contributions) levied on the people: the largest portions went to the generals of the army, to the consuls, the senate, the patricians. The people and the soldiers received scarcely enough to live on. One would have been justified in worrying that in enriching themselves in this manner they would have weakened this useful love of conquest and pillage on which depended the fortune of the upper classes (des classes élevées). Never has an aristocracy based its ascendancy on such a harsh, iniquitous and haughty basis as the Roman aristocracy.³³²

³³⁰Bernard Mandeville, *The Fable of the Bees*, ed. Phillip Harth (Harmondsworth, 1970) and Thomas A. Horne, *The Social Thought of Bernard Mandeville: Virtue and Commerce in Early Eighteenth Century England* (New York: Columbia University Press, 1978).

³³¹Dunoyer, *L'industrie et la morale*, pp. 216-17.

³³²Dunoyer, *L'industrie et la morale*, p. 220.

Social distinctions between noble and commoner were strong and marks of deference and respect were enforced. But the two greatest class differences lay between slave and non-slave, and land-owners and the propertyless "proletariat," who formed "deux classes d'ennemis."³³³ Dunoyer maintained that class warfare always lay just beneath the surface of Roman society. The threats to social order came from both within and without, within from the threat of slave rebellions and food riots from the urban proletariat, and from without by the threat of non-Roman enemies. The former problem was kept within bounds by harsh laws and a system of legal terror to maintain the slaves in submission. The latter was solved by constant warfare, which had the added bonus of also providing booty which could be used to subsidise the grain needed to feed the urban proletariat. The urban proletariat was a special problem because it is this class which could have risen out of its poverty by means of "industry" if land ownership had been more equitable and if slave labour had not undercut them economically.³³⁴ This was one of the great tragedies of Roman civilisation. In Dunoyer's view, the system based on war and slave labour prevented the emergence of industry and the progress in job opportunities and living standards which it would have brought to the poorest classes in the Roman Empire.

Although Dunoyer devotes most of his attention to slavery in the ancient world, primarily because he believes it is literally the classic case of a society dependent on slave labour, he also examines in less detail the modern slave societies in America and the Caribbean. The basic difference he finds is that the slave owners are not warriors with warrior "morals," but planters who are to some extent "entrepreneurs d'industrie" who therefore have some of the moral qualities of an industrial.³³⁵ Although the American slave owners did not personally make war to get their slaves, and thus escaped the corrupting influence of war on their morals, they nevertheless still suffered from other sources of corruption, such as the exercise of arbitrary power over another human being, the refusal to permit the education or training of slaves for more skilled industrial jobs, the use of violence to control slave labour, and the persistence of anti-industrial attitudes among the planter class. "In sum, ignorance, incapacity, softness, luxury, iniquity, violence, this is what slavery naturally produces in populations who make it their (primary) resource."³³⁶

Dunoyer's overall assessment of slavery in the course of human history is that it was an improvement on what had gone before. He called it "une innovation heureuse" principally

³³³Dunoyer, *L'industrie et la morale*, p. 225.

³³⁴Dunoyer, *L'industrie et la morale*, p. 223-4.

³³⁵Dunoyer, *L'industrie et la morale*, p. 229.

³³⁶Dunoyer, *L'industrie et la morale*, p. 233.

because it ended the practice of killing prisoners of war and, however indirectly, encouraged the development of industry.³³⁷ Thanks to slavery, which Dunoyer maintained was an important and perhaps inevitable stage of development between the stage of nomadism and settled agriculture, men were given useful occupations and the long and slow process of accumulation of property could begin. Dunoyer was optimistic that once this process had begun it was inevitable that the worst aspects of slavery would gradually disappear and that both slave owners and slaves would learn the benefits of both working for their own reward. Whereas Comte rejected Storch's idea of a "half-way house" between slave and free labour, Dunoyer apparently sided with Storch in the matter of how best slavery could be brought to an end. Dunoyer argued that in the process of economic evolution from one mode of production to another, the granting of economic incentives to the slaves would be a small step on the way towards the eventual liberation of the entire society, first through serfdom, then citizens of free communes, then the third estate and finally a free society.

These slaves who originally only worked for the benefit of another will one day work for themselves. They are now weak but they will become strong. They are at the very beginning of life, enlightenment, wealth and power -it is only necessary to inspire them with the desire to take them and the masters themselves will one day feel the need to inspire them in this desire. Wishing to stimulate the activity (of their slaves) the masters will relax their chains a little. They will leave their slaves a part of the wealth which they will create. The slaves will be able to keep this meagre product which they will increase by work and saving, and one day the fruits (of their labour) slowly accumulated through their economy will overwhelm (étoufferont) (the fruits) of violence and usurpation. The slaves of antiquity, the men of industry will become no more than serfs in the middle ages, then they will become the freed men of the communes, then the third estate, then all of society.

It is here, among the people maintained by slaves, in the very heart of slavery itself that really begins industrial life, the only life (as we will see in a moment) where men are able to give flight to their faculties, acquire good moral habits, prosper without doing themselves mutual harm, the only way of life, therefore, where they can become truly free.³³⁸

4. The Stage of Political Privilege under Feudalism and Mercantilism³³⁹

The transition to the next stage of economic development came about with the military and economic collapse of the Roman Empire. Without wars of conquest to keep up the supply of cheap slaves, or in the case of the eighteenth and nineteenth century Caribbean planters, when

³³⁷Dunoyer, *L'industrie et la morale*, p. 235.

³³⁸Dunoyer, *L'industrie et la morale*, pp. 236-7. I have not been able to find any direct comment by Dunoyer on Comte's rejection of the idea of a "half-way house" between slave and free labour as suggested by Storch.

³³⁹"VII. Du degré de liberté qui est compatible avec la vie des peuples qui n'ont pas d'esclaves, mais chez qui tout se fait par privilège," Dunoyer, *L'Industrie et la morale*, pp. 238-77.

the price of slaves went up, land owners were forced by economic necessity to treat their increasingly scarce slaves better.³⁴⁰ Dunoyer is adamant that the reason for the improvement in the slave's condition is a result of ineluctable economic forces and not the benign influence of Christianity or the greater generosity of the Germanic invaders for example. The influence of Christianity was dismissed as a philosophy which could be used to justify any kind of iniquity and which had been used by slave owners and priests to justify slavery for centuries. Rather, in Dunoyer's view it was the change in political culture ("morale") brought about by industry which had "purified" Christianity of its barbaric practices and beliefs.³⁴¹

The earliest period of the feudal stage was a form of "demi-servitude" in which some of the practices and burdens of slavery continued. However, as the slaves became more closely tied to the land and as more and more obligations were imposed on the land owner, eventually they became serfs rather than slaves and the form of exploitation was gradually lessened to a form of tribute or taxation. This amelioration process eventually brought an end to the slave mode of production and a new mode of production emerged in the twelfth century. Dunoyer calls this new mode of production the "régime of privilèges," by which he means the creation of an artificial hierarchy of orders, membership of which determined one's occupation and one's legal rights and duties. The crisis which brought about "this great revolution"³⁴² was the restlessness and confidence which a small increase in prosperity and security created in the "working classes" (classes laborieuses).³⁴³ This greater confidence in themselves led the working classes to seek protection from their exploiters in civic, community and professional associations and unions. There is a striking similarity between Dunoyer's view of the transition from slavery to a limited form of freedom in the twelfth century and that presented by Augustin Thierry in the *Essai sur l'histoire de la formation et des progrès du Tiers État* (1853). As was mentioned above, Thierry contributed important historical articles to *Le Censeur européen* on French history and it is quite likely that Thierry was an important influence in the formation of Dunoyer's ideas on the amelioration of slavery and the emergence of the third estate in the feudal period. Interestingly, Thierry also talks about "the slave who had reached a sort of half liberty" in his description of the transition from slave to free labour in this period, thus linking Dunoyer and Thierry to the Storch camp in the debate

³⁴⁰Dunoyer, *L'industrie et la morale*, p. 240.

³⁴¹See the long footnote on the connection between religion and slavery in Dunoyer, *L'industrie et la morale*, pp. 241-2.

³⁴²Dunoyer, *L'industrie et la morale*, p. 246.

³⁴³Dunoyer, *L'industrie et la morale*, p. 244.

about the profitability of slave labour and the best means of bringing slavery to end.³⁴⁴ The reaction of other classes to this positive and bold action on the part of the "working classes" was also to form themselves into corporations and associations. The warrior class reacted by forming the estate of the nobility, the church officials by forming the clergy, and the lawyers, justice officials and merchants formed the third estate.³⁴⁵ Within these orders were also formed numerous smaller associations or corporations which gave this stage of economic development its distinctive characteristic, namely the "artificial" ("factice" i.e., state imposed) monopoly of occupations according to social class. Dunoyer considered that the creation of bodies with the monopoly of certain occupations resulted in "artificial hierarchies" riven by mutual dislike, rivalry and attempts to seek "odious privileges" and "unjust preferences" at the expense of others.³⁴⁶ In the scramble for these legal monopolies (or what Dunoyer also called the "universal spirit of exclusion") the monarch saw a useful form of power and revenue in the sale of offices and rights of monopoly.

However, in spite of the considerable injustices and violations of natural rights which Dunoyer observed in this stage of economic development, he also detected a few positive aspects. In all his economic stages Dunoyer believed that each successive stage was more productive, closer to the industrial ideal, less brutal and oppressive, and ultimately freer than each of the previous modes of production. In "the stage of political privileges" for example, the ancient ruling class had become much less warlike and had begun to develop their skills in new directions, whilst the ancient oppressed classes were now able to work for themselves and thus worked harder and were able to gain and keep some surplus. But the most important development of this stage was the creation in some numbers of what would become the industrial class properly called.³⁴⁷ Unfortunately the full development of the industrial and productive capacities of society is impossible under a régime of privilege, because of several vital obstacles which must be reformed before the industrial system proper could be established. One of the very great weaknesses of the economic system of the pre-revolutionary period is the sheer economic waste and inefficiency of such political privileges and monopolies. For instance, the monopoly some groups had to exclude outsiders from employment in a particular occupation and to reserve it for one's sons led to the waste of capacities and skills in the population so excluded. Without the right of free entry into

³⁴⁴Augustin Thierry, *The Formation and Progress of the Tiers État or Third Estate in France*, trans. Francis B. Webb (London: Henry G. Bohn, 1859), p. 23.

³⁴⁵Dunoyer, *L'industrie et la morale*, p. 246.

³⁴⁶Dunoyer, *L'industrie et la morale*, p. 247.

³⁴⁷Dunoyer, *L'industrie et la morale*, pp. 251-2.

occupations which the free market made possible, there was a misallocation of talent and skill which seriously weakened the productivity of the economy.³⁴⁸ Another important source of economic waste was the chronic underemployment of the lowest classes, caused by the closing off of many avenues of trade and industry by the monopoly corporations in order to restrict competition and thus push up the wages of those with privileged jobs. Dunoyer believed this was probably the main reason for the impoverishment of the mass of the working class. Even for those with access to a well-paid job, the political costs of getting and maintaining that job dissipated into unproductive areas the surpluses which that job created. One had to pay a hefty entry price to the state or the existing members of the corporation for the privilege of practicing that trade. There were high costs involved in the lengthy period of training or apprenticeship designed to exclude many applicants. And finally, one needed the support of the police powers of the state in order to prevent non-members of the exclusive corporation from practising the trade illicitly, and this support often cost much in terms of donations to the political powers as well the payment of taxes, loans and so on. In all, much needed capital and energy, which could have been used to expand production and thus employ more individuals, was frittered away in unproductive political activities which were essential for the maintenance of their privileges.³⁴⁹

A very serious structural weakness in this stage of economic development were the impediments to the development of science and technology. On the one hand, any inventions made outside the corporate monopoly were unlikely to be taken up, whilst those made by members of the corporation were often viewed as "innovations dangereuses" which would upset the status quo.³⁵⁰ Generally, without freedom of speech and free trade the development of science and technology is badly curtailed. The church with its monopoly of education is hostile to science and technical training and does its best to prevent it, with harmful affects on the economy and people's standard of living. Dunoyer noted that the development of industry in the new factories occurred in small towns in the provinces, such as Manchester, Birmingham and Liverpool, precisely because this was where the stifling influence of the guilds and corporations was weakest. The same was true for the city of Paris, where industrial

³⁴⁸Dunoyer, *L'industrie et la morale*, p. 257.

³⁴⁹Dunoyer, *L'industrie et la morale*, p. 259.

³⁵⁰Dunoyer quotes Say's *Traité* on this matter of inventions and also refers to Colbert's attempts to prevent some workers working more productively than their colleagues in ordinances published in August 1669. Dunoyer, *L'industrie et la morale*, p. 260.

expansion occurred in those parts of the city where the guilds could not exercise their monopolies.³⁵¹

Not only did the régime of privileges harm the development of technology but also the improvement of morals. For the ruling class the most damaging privileges to their moral development were the ban on the nobility from pursuing industrial activities, the law of primogeniture which made it unnecessary for the eldest son to need to learn industrial skills, the law which protected landed property from confiscation by debtors thus enabling inefficient noble landowners to pass their debts onto subsequent generations, and the privileged access of the nobles to the crown which encouraged them to seek favours and monopolies and to waste their capital in the purchase of office and other monopolies. Dunoyer took issue with Montesquieu's claim that the nobility had traditionally refused to be involved in commerce and industry because these pursuits were contrary to the spirit of monarchy.

Montesquieu, who sees correctly on all things concerning the form of government, says that (the nobility) does not engage in commerce because it would be contrary to the *spirit of monarchy*. This is not the case. The nobility does not engage in commerce for the same reason as the Greeks, the Romans, the Germans and the Turks do not: because it is not in the spirit of military races, because it is repugnant to barbarism, because it weakens the penchant for war and love of domination. The reason for (the nobility's) morals lies in its origin...³⁵²

A better explanation for the reluctance of the nobility to engage in industrial activities lay in their origins as a military class who believed that peaceful trade and commerce would reduce their capacity to wage war and exercise domination over others. Since Dunoyer believed that there were only two ways in which one could acquire wealth, either by peaceful production and trade with one's fellows or by theft, war, taxation and legal monopoly, if one refused to engage in industry, as the European nobility did, then the only avenue for wealth making which was open to them was unjust confiscation and parasitism on the working classes. Also, since Dunoyer linked the "morals" of a class to its method of producing wealth, with productive industry leading to tolerance, peacefulness, cultivation of culture and science, and with theft and parasitism leading to the opposite, it is not surprising that he thought the "morals" of the ruling class in pre-revolutionary Europe to be severely lacking.³⁵³

³⁵¹Dunoyer, *L'industrie et la morale*, pp. 262-3.

³⁵²Dunoyer, *L'industrie et la morale*, p. 264.

³⁵³Dunoyer, *L'industrie et la morale*, p. 266.

The tragedy for Dunoyer was that not only did the restrictions of industry and political privileges have a corrupting effect on the ruling class of nobles, but it also penetrated deeply into the lower and middle classes. The most numerous lower class was degraded and corrupted by the lack of employment opportunities caused by the monopoly of occupations held by the guilds and corporations and the general inefficiencies of a restricted economy. The net result was that many were forced to beg, to attach themselves to the privileged and wealthy for what little they could get, and to fritter away their lives with the boredom of underemployment. As for the middle class their morals were corrupted because it was impossible for them to earn a living by purely industrial means. Because of the widespread nature of the system of legal privileges and monopolies all their economic activity was inevitably a mixture of the fruits of their own labour and peaceful exchange, and the illegitimate profits gained from legal monopolies, restrictions on free trade and other appeals to the state. In such a state of confusion, Dunoyer believed, it was impossible for the industrial middle class to develop the "morals" appropriate to a purely industrial class. The nature of their work thus created a mixture of aristocratic and industrial morals and clearly shows the moral ambiguity Dunoyer considered the industrial class suffered under when working in an aristocratic and privileged society.³⁵⁴ Even in more enlightened and "industrial" societies such as Restoration France Dunoyer believed that the pervasiveness of political privileges tainted much voluntary economic activity which could only be "purified" by a policy of total laissez-faire and free trade.

Even in the most civilised countries of Europe what class of men does not profit, directly or indirectly, from some privilege, some monopoly, some unjust prohibition? Who can deny that violence contributes nothing to the revenue of their productively invested funds? That would only be possible in a society where nothing limited competition, and we are surely a long way away from such a state.³⁵⁵

As in the previous stage of slavery, in the stage of privilege a perpetual state of war existed between the classes. The most obvious conflict took place between those who were members of the corporations with a monopoly of certain occupations and those who were outside this privileged community. The latter resented the former for taking away what they considered their right to practice whatever occupation towards which their own skills and interests inclined them, resulting in what Dunoyer called "a veritable state of war, and of universal war."³⁵⁶ Even within the system of orders and privileged corporations there was fierce

³⁵⁴Dunoyer, *L'industrie et la morale*, pp. 267-8.

³⁵⁵Dunoyer, *L'Industrie et la morale*, p. 322, footnote.

³⁵⁶Dunoyer, *L'industrie et la morale*, p. 269.

conflict and rivalry over power, money, privilege and access to the crown. The class war within the privileged guilds, orders and corporations is not a war which leads to deaths, the spilling of blood and physical injury and the weapons used are not swords, muskets or cannons of traditional warfare. Instead the war is waged with weapons created by the state, such as the power of the police and the courts. Normally the desire of the lower orders for power and privilege is contained by the authority and strength of the higher orders, such as the nobility, the clergy and the superior courts. However, ambition being what it is, it is able to find "legal" avenues to pursue its quest for monopoly and the exclusion of competitors. For example, the guilds of the tailors and second-hand clothing dealers do "mutual violence" to each other in their legal challenges to each other's monopolies of trade, in what one might call a kind of union demarcation dispute.³⁵⁷ If the legal challenge fails to achieve their purpose the lower guilds and corporations then appeal to the higher bodies of the state to outlaw their competitors entirely, in exchange for which they will gladly pay taxes, accept some onerous government regulation or other restriction on free trade which they will be able to recoup by passing the added costs onto the consumers of their goods. The final result of these appeals to the state for monopolies is to increase government interference and control in the economy and thus to decrease the overall amount of liberty.³⁵⁸ Dunoyer is very concerned with the growth in authority of the central state as the final adjudicator of all these special interests. As the power with the final say in who gets what, it is able to play off the special interests against each other and all groups end up exploiting each other and, most importantly, becoming tributaries of the state.³⁵⁹

The group which benefits most from the system of privileges is not the lower orders, as we have already seen, but those at the very top. Although the "ordres supérieures" suffer to some extent from the privileges of the lower orders of the guilds and corporations, the benefits they in turn receive from their privileges far outweigh these costs. The profits from seigneurial rights, the exemption from taxation, honours and gifts from the court, and the monopoly of higher jobs in government mean that the nobility is most anxious to maintain the status quo for as long as possible in order to go on enjoying their privileges. For as long as the lower classes are obliged to remain in private occupations of industry and commerce, the nobility is assured of its continuing monopoly of government office and all the financial rewards which

³⁵⁷Dunoyer, *L'industrie et la morale*, p. 270.

³⁵⁸Dunoyer, *L'industrie et la morale*, pp. 270-1.

³⁵⁹Dunoyer, *L'industrie et la morale*, p. 273.

this brings.³⁶⁰ Yet there is a sort of dialectic at work here, as Dunoyer observes, because the greater the power and privileges of the nobility the greater is the envy of the lower classes for the political power which makes this possible. The nobility, clergy and judiciary are therefore increasingly subject to "l'universelle animadversion" of the lower orders as they increase in wealth, confidence, and knowledge. This, of course, is the origin of the rivalry between the nobility and the clergy on the one hand, and the third estate on the other, on the eve of the French Revolution. What might appear on the surface to be order and stability actually hides "une profonde anarchie" in which, from the lowest to the highest order, no one is satisfied with their appointed place, where men are divided because they resent their "arbitrary" and "artificial" classification, where jealousies break out because one's well-being depends so much on political favour rather than on merit, and where the lower ranks despise the higher ranks because the latter have "the means to be unjust towards the lower ranks (subalternes)."³⁶¹

The fourth stage of "political privilege" which emerged during the feudal and mercantilist periods came to an end with the French Revolution which smashed the social, economic, and political structures of the old regime. Dunoyer reacted to the very changed circumstances created by the Revolution and Napoleon's Empire by adding two new stages to complete the path of evolution of the modern world. A new fifth stage of "place-seeking" emerged during the Revolution as the scramble for political power by new social groups became intense. This stage continued in the immediate post-Napoleonic period as the restored monarch and his supporters sought to turn the clock back as much as possible to the accepted practices of the old regime. The stage of political "place-seeking" was to be followed sometime in the near future, Dunoyer hoped, by the sixth and final stage of "industrialism." The last two stages of Dunoyer's theory of history and its impact on his contemporaries is the subject of the next chapter.

5. The Stage of Place-seeking During and After the Revolution³⁶²

The Revolution of 1789 destroyed the system of privileges which had grown up under the ancien régime. It brought to an end to all distinctions based upon membership of an order or a guild, in other words all 'artificial hierarchies,' and thus the need to seek the support of the state in inter-corporate class conflict. Dunoyer greatly admired the Revolution for what it had

³⁶⁰Dunoyer, *L'industrie et la morale*, p. 274.

³⁶¹Dunoyer, *L'industrie et la morale*, p. 276.

³⁶²"VIII. Du degré de liberté qui est compatible avec la vie des peuples qui n'ont pas de privilèges, mais chez qui tout le monde est emporté vers la recherche des places," Dunoyer, *L'Industrie et la morale*, pp. 278-320.

achieved in destroying the ancien régime and was keen to defend it from its critics for being a social and political levelling process. The "great revolution" in Dunoyer's view, far from destroying what he called "natural inequalities,"³⁶³ in fact made it possible for these inequalities to flourish by sweeping away the ancien régime and all the "artificial inequalities" which impeded industry. The true levellers in his view were the defenders of the system of political privilege of the ancien régime, who classified and forced vastly different individuals into guilds and other corporate associations regardless of their talents and interests. The aim of the revolution had been to destroy the system of privilege, "this absurd and compulsory equalisation," and to open up all occupations to anybody regardless of social class. In other words, Dunoyer considered the Revolution to be profoundly liberating.

It is against this absurd and compulsory equalisation that the revolution was directed. It smashed the oppression which kept the masses in their lowly position, and, without claiming to assign a rank to anyone, (the revolution) wanted each person to be able to become all that they legitimately could become, something they were never able to do under the law but would be able to do in reality. To achieve this, it was decided simply that no one could be constrained in the uncoercive (inoffensive) use of their natural faculties; that all legitimate professions, all (forms of) work, all services would be opened to universal competition. This was the new order which the revolution proclaimed.³⁶⁴

The revolution had partly succeeded in this task of liberation and the degree of liberty and industrial expansion which the revolution made possible was considerable. Dunoyer believed that the progress which the abolition of corporations and political privileges made possible was "incalculable" and that the ending of a major source of violence and injustice was a considerable improvement for the average person.³⁶⁵

Thus the Revolution had created the legal and perhaps material conditions for a purely industrial society to emerge, but for the absence of one crucial factor which prevented it from occurring: the presence of the appropriate industrial political culture or "morals" among the people. True liberty existed "virtuellement" to allow the unlimited development of all human faculties, including the industrial faculties, the progress of morals, the growth of enlightenment and material well-being, and the end to all violence and political privilege.

³⁶³Compare this view with Comte's distinction between natural and artificial aristocracy in chapter three. Dunoyer returns to the discussion of inequality in chapter 10 "Des obstacles qui s'opposent encore à la liberté dans le régime industriel, ou des bornes qu'elle rencontre dans la nature des choses," Dunoyer, *L'Industrie et la morale*, pp. 369-96, in which he makes the point that although an industrial society will have much less extreme inequalities of wealth than say the ancien régime it will nevertheless encourage inequalities based on talent and hard work: "L'effet du régime industriel est de détruire les inégalités factices; mais c'est pour mieux faire ressortir les inégalités naturelles," p. 372.

³⁶⁴Dunoyer, *L'Industrie et la morale*, pp. 279-80.

³⁶⁵Dunoyer, *L'Industrie et la morale*, p. 290. See also p. 291.

Unfortunately, this liberty did not emerge in reality because of the nearly universal "amour des places" or in other words the desire to seek fame and fortune through state appointments rather than through industry. This factor alone, thought Dunoyer, had turned the revolution sour and had prevented the industrial stage of society from appearing at this time.³⁶⁶ The desire by so many to prefer public employment to that of private industry led to the corruption of the new order and its ultimate failure, as the forces of reaction were able to harness the public mania for government posts in order to ultimately undo the benefits of the Revolution. This was possible because the new class of political place-seekers were trying to emulate the behaviour of the nobility of the ancien régime in treating government posts as a source of personal betterment, as a "resource" to be exploited for profit and fame. Exploitation by political place-seeking, or "le vice politique" as Dunoyer termed it, was present when one had the personal disposition to live at taxpayers' expense, when one willingly accepted positions in the government without being sure of their social or economic usefulness, and when one accepted payment from the state for services which in the free market would not be needed or which would be supplied at much lower prices.³⁶⁷ Dunoyer believed that this desire for political place-seeking was so widespread that it became the foundation for a new economic mode of production.³⁶⁸

The reasons for the public's desire for government posts were economic, social and political. Although the condition of the working classes had improved with the changes brought about by the Revolution, the economic and social position of the "classes gouvernantes" still remained incomparably better and it was this surer path to wealth that attracted many of those who previously been excluded from government service to seek jobs there.³⁶⁹ It was obviously unjust that a particular social class or family reserved for itself the right to serve in the government and it was understandable, though perhaps an overreaction, for the newly liberated classes under the revolution to seek to replace the much despised old class in government service. The mistake they made, Dunoyer thought, was to ignore reason, which should have told them that the size and scope of government should be as small as possible, rather than to see it, as the new doctrine of democracy often portrayed it, as something which all had a right to participate in at the expense of others.³⁷⁰ Unscrupulous politicians took advantage of this popular desire for government posts to amass power for

³⁶⁶Dunoyer, *L'Industrie et la morale*, pp. 280-1.

³⁶⁷Dunoyer, *L'Industrie et la morale*, pp. 282, footnote.

³⁶⁸Dunoyer, *L'Industrie et la morale*, pp. 282.

³⁶⁹Dunoyer, *L'Industrie et la morale*, p. 283.

³⁷⁰Dunoyer, *L'Industrie et la morale*, pp. 285-6.

themselves and to further the centralisation of state power. Dunoyer draws upon Alexander de Laborde's *De l'esprit d'association* (1818) to argue, much like Alexis de Tocqueville was to in *L'Ancien régime et la Révolution* in 1856, that the first of these centralising politicians was not Napoleon, as many believed, and that this practice had not stopped with the end of the Empire.³⁷¹ Tocqueville's argument was that the centralising tendency of French governments since the revolution had not been a direct result of the revolution, but had roots deep within French history. One of the purposes of *L'Ancien régime et la Révolution* was to show how little the revolution had in fact changed French politics. Thus, Dunoyer was making similar arguments about the process of political centralisation some thirty years before Tocqueville.³⁷² Even conservative liberal politicians of the Restoration period, such as Decazes and Guizot, argued that the enormous increase in the size and cost of the bureaucracy could be partly justified on the grounds that political equality demanded it.³⁷³ Dunoyer scoffed at the suggestion that one could have an expanded and costly state and be free at the same time.³⁷⁴

One of the differences between the class system of the ancien régime and that created by political place-seeking was that the class of beneficiaries had become much more unified and concentrated around one institution. In the ancien régime the privileged orders, guilds and corporations were scattered and often competed against each other. In the new stage which followed the revolution these scattered bodies had been destroyed and replaced by a more centralised state, "une administration gigantesque," which was now the sole dispensary of

³⁷¹Alexandre comte de Laborde, *De l'esprit d'association dans tous les intérêts de la communauté; ou essai sur le complément du bien-être et de la richesse en France par le complément des institutions* (Paris: Gide, 1818). Laborde's important book was reviewed by an anonymous reviewer in *Le Censeur européen*, 1818, vol. 10, pp. 101-55.

³⁷²See Alexis de Tocqueville, *L'ancien régime et la Révolution*, ed. J.-P. Mayer (Paris: Gallimard, 1967); Jack Lively, *The Social and Political Thought of Alexis de Tocqueville* (Oxford: Clarendon Press, 1962), "Centralisation," pp. 127-82; Seymour Drescher, *Tocqueville and England* (Harvard University Press, 1964) "England 1835 - Centralisation and Liberty," pp. 74-104. Other liberals in the mid-nineteenth century were also concerned with the question of centralisation of state power. Although it was primarily a French matter, John Stuart Mill took an interest in a review essay of some recent French works on the subject: John Stuart Mill, "Centralisation," *Edinburgh Review*, April 1862, vol. CXV, pp. 323-58. An interesting discussion from a French liberal political economist on the dangers of centralised power is: Charles Coquelin, "Centralisation," *Dictionnaire de l'économie politique*, ed. Coquelin et Guillaumin (Paris: Guillaumin, 1852), vol. 1, pp. 291-300. Dunoyer returned to the issue later in his magnum opus where he devoted a chapter to it and an essay in the *Journal des Économistes*: Charles Dunoyer, *De la liberté du travail* (1845), where the chapter on place-seeking became "Liberté compatible avec le degré de culture des peuples chez qui les privilèges des ordres et des corporations ont été remplacés par une extension exagérée des pouvoirs de l'autorité centrale," vol. 1, pp. 252-300; and Charles Dunoyer, "Du système de la centralisation, de sa nature, de son influence, de ses limites et des réductions utiles qu'il est destiné à subir," *Journal des Économistes*, 1842, vol. 1, pp. 353-89.

³⁷³Dunoyer quotes the discussion of Decazes on the budget in *Le Moniteur*, June 1819 and Guizot's *Des moyens de gouvernement et d'opposition* in Dunoyer, *L'Industrie et la morale*, pp. 287-8.

³⁷⁴Dunoyer, *L'Industrie et la morale*, p. 289.

privileges.³⁷⁵ Entirely new areas of public control and administration had become available for those who were ambitious for careers in the state public service. With some horror Dunoyer lists the areas of expanded state activity which he considered had infiltrated every part of life since the revolution and Napoleon's empire:

(Political) power has gradually expanded its sphere to the same extent as ambition (*les passions ambitieuses*) has drawn more men towards power. It has multiplied not only employment but also administration. It is difficult to count the number of public enterprises (*régies*) which have been created in order to open up markets for the ever increasing multitude of zealous and of course disinterested men who wish to devote themselves to the public interest: public enterprises in tobacco, salt, gambling, theatres, schools, commerce, manufacturing, etc. Little by little it has extended its action to everything. It has interfered in all (forms of) work with the pretension of regulating and guiding them. One no longer finds on one's journey the syndics of the corporations but the agents of authorities. In the fields, in the woods, in the mines, on the highways, at the frontiers of the state, at the outskirts of the towns, at the heart of all the professions, at the entry point of all careers, one comes across them everywhere. The prime effect of the "passion for places" has been to multiply them beyond all measure: this passion has driven the central authority to an unlimited development.³⁷⁶

One indicator of the increase in the size of government and its scope of activities was the size of the budget between 1802 and the early 1820s.³⁷⁷ Dunoyer concluded from these figures that the same impulse to seek government jobs existed under Napoleon as it did under the restored monarchy, thus confirming in his mind the view that it was the result of the underlying mode of production rather than a result of the outward form of the political structure or constitution. He concluded that, at a time when the costs of government should have been falling as the benefits of peace and industry spread, the increase in costs of government could only be due to several related factors such as the desire (as Dunoyer phrased it "*au penchant dépravé*") for more people to work for the state, the stupidity of the

³⁷⁵What Dunoyer particularly has in mind is education which was once the preserve of numerous private colleges and institutions but which was now the preserve of state "functionaries." Dunoyer, *L'Industrie et la morale*, p. 294 and footnote.

³⁷⁶Dunoyer, *L'Industrie et la morale*, pp. 294-5.

³⁷⁷The budget papers showed clearly that the high levels of expenditure of the war years had been maintained in peace-time under two very different forms of government - Napoleon's military Empire and the Restored Monarchy. Dunoyer begins with the year 1802 when the budget was F500 million and shows how it increased year by year until in 1813 it had reached the "colossal" sum of F1,150 million. After a temporary reduction to F791 million in the first year of the Restoration, by 1818 it reached the level of the last year of Napoleon's rule, some F1,100 million. After another temporary reduction in 1819, due to the withdrawal of foreign troops on French soil and the subsequent savings in expenditure, by the early 1820s the amount was again pushing the F1,000 million mark. Dunoyer stressed two things to note with these figures. The first was that the expenditure of over F1,000 million was significant because it had been first reached in 1811-1812, when France was at the height of its Empire and had 600,000 men under arms. It seemed extraordinary to him that this level could again have been reached in peace time, unless something had changed in the nature of the state or the economy. The second thing to note was that the tendency to increase government expenditure did not depend on the type of government in power.

remaining taxpayers to continue funding their parasitic compatriots, the capacity of the old corrupt government to take advantage of the confusion following the defeat of Napoleon, and finally the present corrupt morals which allowed some of the practices of the ancien régime to return.³⁷⁸ The parallel increase in national debt was another mechanism by which to measure the results of political place-seeking. Dunoyer thought that debt financing was a particularly evil method of increasing the spoils of office for the new political ruling class. He thought one political effect of increased government expenditure and debt was the corruption of many important institutions. The more the state became a milking cow for the political class, the more it became despotic, and therefore the more it engaged in electoral fraud, and imposed restrictions on the freedom of parliament, censorship, the weakening of jury trials, and other institutions which attempted to place some limit on the power of the state.³⁷⁹

One can't help seeing in this observation the reason for Comte's and Dunoyer's search for a more fundamental explanation for the difficulties of establishing constitutional limits on the power of the restored Bourbon monarchy in the early years of the Restoration. The reason why the very liberal provisions of the Charter of 1814 and the constitution which evolved from it did little to actually create a liberal society in the years after 1815 lay in the underlying mode of production which carried over from the last years of the Empire. The industrial class was too weak and the class of political "place-seekers" too strong to permit a winding back of state privileges and a freeing of the economy to take place. The policies of the Restored monarchy against certain political freedoms, such as freedom of speech and trial by jury, and any broader economic freedoms are now seen as the inevitable consequence of the consolidation of a new mode of production based upon political place-seeking by the classes liberated by the revolution and the continuation of some of the practices of the ancien régime. It is not surprising that the liberal constitutionalism of Constant was inadequate to oppose this phenomenon. Before the power of the class of political "place-seekers" could be challenged, its structure, origins, and political culture (or morals) had to be explored and understood.

The morals to which the mode of production of the political "place-seekers" gives rise are, from Dunoyer's liberal perspective, to be regretted. At the highest level of government the prevailing spirit is one of "solicitation" for power and position. Throughout the political hierarchy, from the restricted number of privileged voters to their elected deputies and even senators, the prevailing spirit is that of a political "client" who owes allegiance to powerful

³⁷⁸Dunoyer, *L'Industrie et la morale*, p. 298, footnote.

³⁷⁹Dunoyer, *L'Industrie et la morale*, pp. 299-300.

faction leaders in the government. One side of the coin is ambition for office and power, the other side is servility towards those with power.³⁸⁰ Dunoyer compared the behaviour of government officials in the system of place-seeking with that of the royal courts of the ancien régime. In the competition for a restricted number of places, those who behaved most like the courtiers of a previous century, those who could best play the game of intrigue and flatter or lie to their ministerial superiors would be most successful.³⁸¹ Naturally, the "spirit of ambition" for political office is not conducive to the cultivation of industrial morals. It destroys the spirit of invention, enterprise, activity, emulation, courage and patience, all of which are values prized by the "spirit of industry." A considerable danger, Dunoyer thought, lay in seeing talented men abandoning industry for the more lucrative area of government jobs. The loss of these men to the government led to three problems for the economy. Firstly, skills and intelligence which might have been used to make French industry more competitive were syphoned off into non-productive government work. Secondly, in order to pay their salaries, taxes have to be raised or the level of debt increased, both of which place an added burden on the economy. Thirdly, and perhaps more importantly, these same men were employed to control and restrict industry, further adding to the problems of industry and hampering its growth and development.³⁸² A similar problem existed with capital which could be invested either in productive private industry or invested in government loans and bonds. Once more, the latter course leads to a double loss to the economy. Productive capital is not only lost to industry but is used by the state to increase its control and regulation of it.³⁸³

The society of place-seeking was not without its class conflict, its "intestine" or "homicidal struggle"³⁸⁴ When it began in earnest during the Empire, when place-seeking had become a "veritable national industry," the struggle for position and power led to a "war for (political) places," with well-defined parties jostling for the spoils of government. Since even the bitterest political enemies share the same desire to use their position for their own

³⁸⁰Dunoyer, *L'Industrie et la morale*, p. 302.

³⁸¹Dunoyer, *L'Industrie et la morale*, pp. 308-9.

³⁸²Dunoyer, *L'Industrie et la morale*, pp. 305-6.

³⁸³Dunoyer, *L'Industrie et la morale*, pp. 306-7. Clearly Dunoyer's argument makes little sense unless one shares his view that government is essentially a parasitic institution which produces little of value, but which depends on the wealth drawn from society by means of taxes. Thus the transfer of men and capital from private industry to the state is seen by Dunoyer as a net loss to the productivity of the economy. Although he was unwilling to begin the laborious task of making such a calculation of the number of men lost to the government each year, the amount of capital invested in state loans, and an estimate of the financial cost to the economy of the activities of these new government officials, he was willing to make a broad estimate in very round figures of this net drain on the economy. Dunoyer believed that, without exaggeration, the total loss of productivity in the economy due to the "passion" for place-seeking was at least one half of everything that was produced. Dunoyer, *L'Industrie et la morale*, p. 308.

³⁸⁴Dunoyer, *L'Industrie et la morale*, pp. 311, 313.

betterment, the effect on the taxpaying public is to unite them against the political class in order to defend their property from further abuse. If they can find allies in industry or commerce who are not part of the scramble for government posts, they will unite in common cause with these groups as well, thus dividing the nation into two clearly defined classes - those who benefit from government jobs or favours and those who do not. Dunoyer was quite clear on the inevitability of the division of society into two competing classes with opposing interests as the following remarks indicate:

... and thus we have the war for government positions. The inevitable effect of this shameful vice which I denounce (especially when it has become widespread as I hypothesise) is to give rise to parties which bitterly dispute amongst themselves over (political) power. And since each of these parties only seek (power) in order to exercise it for profit, another effect of the same passion is to make the public equally discontented with all the parties which seize power and to incline (the public) to make common cause with all those who do not have (power) against all those who do possess it.³⁸⁵

Historically, another feature of this régime was to seek additional sources of exploitation above and beyond the domestic taxpayers of France. The struggle for places was so fierce during the Empire that Dunoyer believed it gave rise to Napoleon's wars of conquest throughout Europe. Everywhere he went Napoleon established states with huge opportunities for place-seekers to find employment at the expense of the indigenous people. For Dunoyer, the internal and external manifestation of exploitation under Napoleon was inextricably linked to the underlying mode of production. The logic of place-seeking was both internal and external domination.

Finally, the passions for government positions can still further increase the area of discord to which it gives rise and from intestine struggle comes external war. The mother of despotic governments, (the passion for places) also gives rise to conquering governments. This is what derailed our revolution from its purpose, which has caused a war for liberty and independence to degenerate into wars of invasion, which has furnished Napoleon with instruments for the conquest and despoiling of Europe, just as it furnished him (instruments) for pillaging and enslaving France. All it requires is that in each country he increases the number of ambitious men far above the number of government positions. This gives each government which goes along with him a powerful interest in extending its domination, thus becoming a very active cause of dissension and war among the people (of Europe).³⁸⁶

The situation in France when Dunoyer was writing *L'industrie et la morale* (1825) was a crucial turning point in the history of industrialism. Either it could return to the régime of

³⁸⁵Dunoyer, *L'Industrie et la morale*, p. 311.

³⁸⁶Dunoyer, *L'Industrie et la morale*, pp. 311-12.

privileges, in which political control and economic exploitation would once more be the exclusive preserve of a single social class, or it could move on to the next and ultimate stage of the régime of industry, in which class exploitation would cease and the state would become a true public good ("travail public"), controlled by all men at a very reasonable price to taxpayers. Since as early as 1815, but especially since 1820, Dunoyer argued that the path taken by France had been the former. The Restoration did not attempt to cut government spending, reduce the budget and cut the size of the public service to the level it was before the Revolution, but instead took steps to ensure that the government was once again "the exclusive and unchangeable property of the classes which had previously held power."³⁸⁷ Signs of their success were the oppressive measures taken in 1820 to restrict civic rights which had been granted under the Charter and the way in which the large landed nobility were able to exploit the treasury to the tune of F300 million, or F60 for every F1 they paid into the treasury.³⁸⁸

In spite of the prospect of a return to some form of régime of privilege under the Restoration, Dunoyer had not completely lost hope that the second path could still be taken by France even at this late stage, but in most respects he was merely clutching at straws. He thought there were encouraging signs that the changes brought about by the Restoration might actually improve the prospects for industry. One of these was the closing off of government jobs to the middle class, who were thereby forced to seek alternative employment in industry. It was also possible that their disillusionment with government jobs might lead them to rediscover the nobility of industrial labour, a possibility which Dunoyer accurately described as a revolution in morals after twenty five years of corruption under the régime of political place-seeking.³⁸⁹ He thought he could see some tangible change in the attitudes and behaviour of the new political class towards the development of industry which, when combined with their disillusionment with power, would lead them to become champions of the industrial system. Furthermore, the prospects of the counter-revolution being able to defeat the revolution were slim since Dunoyer confidently asserted that the revolution and its benefits were "inherent in human nature," which no change of government could alter.³⁹⁰ The underlying forces which were all heading towards industrialism were "invincible," he thought, and this meant that in spite of its intentions the counter-revolution would be forced

³⁸⁷Dunoyer, *L'Industrie et la morale*, p. 314.

³⁸⁸Dunoyer took his figures from a speech in the Chamber of Deputies by M. de Pompières on 13 July 1821. Dunoyer, *L'Industrie et la morale*, p. 314, footnote.

³⁸⁹Dunoyer, *L'Industrie et la morale*, p. 315.

³⁹⁰Dunoyer, *L'Industrie et la morale*, p. 316.

to tolerate and eventually encourage the development of industry.³⁹¹ Industry was becoming stronger each day, the policy prescriptions of political economy were rapidly establishing themselves as a new orthodoxy, the existence of the United States of America and the new republics of South America, the willingness of the British government to adopt liberal economic reforms, and the persistence of expectations ignited by the revolution, were all reasons for Dunoyer's rather excessive and misplaced optimism about the prospects of the régime of industry in the near future.

6. The Stage of Industry or Industrialism³⁹²

Dunoyer defined the economic stage of industry as follows:

... a state where the right (of enriching oneself by the exercise of political domination) would be the privilege of no one, where neither a few men nor many men would be able to make their fortune by pillaging the rest of the population, where work (travail) would be the common means of enrichment (ressource) and government a public work (travail public), which the community would award (like all work of this nature) to men of its choice for a reasonable and publicly debated cost.³⁹³

The main characteristics of the régime of industry become clear from this passage: it is a society in which all must work by peaceful production and exchange, where there is no ruling class who exploit the labour of others, where government provides a small number of public services such as protection of personal liberty and property at minimal cost to the taxpayers, and where the government is freely chosen by election. Since Dunoyer readily admits that productive industrial activity has taken place in all societies from the state of savagery onwards, what makes an entire society "industrial" is the absence of an exploiting ruling class and the adoption by the productive "industrial" class of appropriate "industrial" values or morals. To the extent that a society has an organised class which lives by exploiting the labour of others and to the extent that the industrious classes are kept in a condition of dependence, to that extent the society is feudal, despotic, or in some other way unfree.³⁹⁴ A similar situation exists with Dunoyer's definition of an "industrious or industrial people." All societies must have an industrious class to some extent in order to produce the surpluses upon which the ruling class live. After all, a parasite cannot live independently of the host's body. But an entire people become "industrious" only when they have won a political victory over

³⁹¹Dunoyer, *L'Industrie et la morale*, p. 317.

³⁹²"IX. Du degré de liberté qui est compatible avec la vie des peuples purement industriels," *L'Industrie et la morale*, pp. 321-68.

³⁹³Dunoyer, *L'Industrie et la morale*, pp. 313-4.

³⁹⁴Dunoyer, *L'Industrie et la morale*, pp. 322-3.

their erstwhile rulers, either by forcing them to give up their unproductive ways and to "dissolve themselves" into the working classes (a highly unlikely prospect) or by acquiring a political ascendancy over them, thus rendering them powerless to continue exploiting others.³⁹⁵

According to Dunoyer there were a number of countries which were poised ready to enter the industrial stage of society in the near future or which had already reached it. They were Scotland, the new republics of South America following the revolutions of 1820 and the United States of America. Dunoyer became quite excited about the beneficent effects industry had had or was about to have in Scotland in the late eighteenth century and the newly independent South American republics. Scotland in the mid-eighteenth century had been a semi-barbarous nation, but in less than eighty years had become one of the most advanced industrial nations. This showed, Dunoyer thought, what might happen when pillaging and murder had come to an end as it had done in 1745. He was also confident about the prospects of the Latin American nations, which after independence had cut taxes, removed restrictions on the economy and reduced the number of government posts. The result confirmed Dunoyer's faith in what industrial values could be achieved and he described the progress of these nations as "progrès si singulier, si hors de proportion avec ce qu'on voit dans d'autres quartiers du globe."³⁹⁶ He was less sanguine about the prospects for Europe, which he believed would require a miracle to break away from its anti-industrial traditions. The country which most closely approached Dunoyer's ideal of a truly industrial society was the United States of America, which he considered "of all the countries of the world this is the one which most closely approaches the mode of production (existence) of which I speak."³⁹⁷ Dunoyer argued that the United States was a society founded on industry and which had organised its social, political and legal institutions around this fact.³⁹⁸ The American government was suitably small, ill-paying and relatively inactive, thus making it undesirable to place-seekers wanting to make their fortunes and their career in it. Within American society the "spirit of domination" was so weak that it seemed likely that the Americans had been able to break the cycle of domination and class exploitation which had dogged human history for millenia. What was lacking, in Dunoyer's view, to make the United States the perfect industrial society

³⁹⁵Dunoyer, *L'Industrie et la morale*, p. 323.

³⁹⁶Dunoyer, *L'Industrie et la morale*, p. 337.

³⁹⁷Dunoyer, *L'Industrie et la morale*, p. 371, footnote.

³⁹⁸Dunoyer was struck by article 36 from the Constitution of Pennsylvania, which stated that "Toute homme qui ne possède pas une propriété suffisante, doit avoir quelque profession, métier, commerce ou ferme qui le fasse subsister honnêtement" and assumed, falsely or not, that this was a typical statement of American "industrial" sentiment. Dunoyer, *L'Industrie et la morale*, p. 324.

was an explicitly recognised and publicly acknowledged set of industrial morals. It seemed that the material conditions in America had somehow run ahead of the public morals and the public did not therefore understand the reasons for their freedom, prosperity and absence of class domination. Dunoyer noted some oddly anti-industrial behaviour, such as the legislators in the state of Georgia turning to the authority of the ancient Greeks and Romans to justify slavery; taking the name of the Capitol building and the institution of the Senate from ancient Rome; the teaching of young men the Greek and Latin languages; and the adulation of a military hero such as Washington instead of a purely civil hero such as Benjamin Franklin. All of this suggested to him that the pernicious influence of the militaristic and tyrannical ancient world was still potent even in the most industrial nation the world had yet seen and that the United States still had some way to go before its morals matched its industrial economy.³⁹⁹ Even if the United States had not yet reached the stage of pure industrialism, Dunoyer was certain that he knew what such a society would look like. He knew that it would allow for the maximum of individual liberty and the unlimited development of all human faculties (not just the monetary or economic ones), that it was the only society in which science and technology could be developed to their greatest extent, and that it would allow for the first time the emergence of a set of values in which peace, tolerance, hard work and respect for others would be predominant. Concerning class conflict, Dunoyer believed that internally and externally industrial society was essentially peaceful and that only in such a society could inter-class and international conflict be eliminated for good. All this was possible because, for the first time in human history since the formation of the state, the aggression of the state would be eliminated forever by the drastic curtailment of its functions and perhaps even by its ultimate elimination altogether.

A result of the drastic reduction or even elimination of the powers of the state would be the abolition of class conflict. This would be achieved by two means. Firstly, there is the dismantling of the system of political power and privilege which makes exploitation possible in the first place. Without a state to enforce tariffs and trade restrictions or grant monopoly rights to favoured manufacturers or to provide lucrative jobs for the political place-seekers, there is no more institutional violence and therefore no ruling class which needs this violence to maintain its position of power.⁴⁰⁰ The second means is the assumption common to nineteenth century economic liberals, that in the absence of political privilege there exists a

³⁹⁹Dunoyer, *L'Industrie et la morale*, p. 327, footnote.

⁴⁰⁰Dunoyer, *L'Industrie et la morale*, p. 342.

harmony of interests between individuals in the free market.⁴⁰¹ In other words, the belief that there is no antagonism inherent in the nature of market relations between such actors as employer and employee, shop owner and customer and so on. The liberal theory of the harmony of interests is vital for the success of Dunoyer's concept of industrialism. Without it one of the corner stones of the industrial system, the absence of class conflict, is missing. Thus it was important for Dunoyer to challenge the view expressed by writers as diverse as de Bonald, Montaigne, Rousseau and contemporary conservative journalists that market relations were inherently antagonistic.⁴⁰² In one respect only did Dunoyer agree with those who, like Bonald, argued that commerce was just another form of warfare between states. In the mercantilist system which existed in the seventeenth and eighteenth centuries and which in part still persisted into the nineteenth century, it was very true that a situation very close to war often existed between trade rivals such as France and England. But, Dunoyer insisted, this was due to the coercion and violence of the system of economic privileges which lay at the heart of mercantilism, than with the nature of trade itself.⁴⁰³ The opposition of interests between contemporary English and French cotton spinners, for example, was the result of the political support and protection which the less skilled and less efficient French cotton spinners were able to get. The interests of the mass of the French consumers were definitely not in opposition with the English producers, who could supply them with cheaper cotton products than their French compatriots. The "unjust favours" which the French producers got made them just as much an "enemy" of their own people as of the English producers. The solution to this clash of interests was for the French to open completely their borders to free trade, to compete head on with the English and, if they found they could not do so, then they were obliged to learn English techniques of production by studying in England or working for English factories in France. The final result would be the reduction of political tensions, an

⁴⁰¹The best known exponent of this view in the mid-nineteenth century was the free trade activist, member of the Chamber of Deputies and anti-socialist, Frédéric Bastiat, whose incomplete collection of popular essays appropriately named *Economic Harmonies* appeared posthumously in 1850. Frédéric Bastiat, *Economic Harmonies*, trans W. Hayden Boyers, ed. George B. de Huszar (Irvington-on-Hudson, New York: Foundation for Economic Freedom, 1968).

⁴⁰²For example, the conservative theorist Bonald argued that "(l)e malheur d'un état commerçant est d'être condamné à faire la guerre" in de Bonald, *Réflexions sur l'intérêt général de l'Europe* quoted in Dunoyer, *L'Industrie et la morale*, p. 328; Montaigne, who devoted one of his essays to the idea that the profit of one necessarily requires the loss of another; Michel de Montaigne, *Complete Essays*, ed. Donald Frame (Stanford University Press, 1958), from Book 1, ch. 21; Rousseau, who put forward a similar argument to Montaigne, in Jean-Jacques Rousseau, *Discours sur l'origine de l'inégalité*, trans. Maurice Cranston (Harmondsworth: Penguin, 1984), note I, pp. 146-54, especially pp. 147-8; and more recently, an essay in the *Journal des Débats* in 1820.

⁴⁰³Dunoyer, *L'Industrie et la morale*, p. 351, footnote.

increase in the level of skill of French workers, and the greatest possible diffusion of high technology to the benefit of all.⁴⁰⁴

To Dunoyer the idea of the necessary opposition of individual interests was an important component in the ancien régime and monarchist justification for the division of society into orders and corporations, the basis for this being that only such rigid institutions could prevent these inevitable conflicts from causing too much damage to society.⁴⁰⁵ Dunoyer was particularly scathing about the monarchists' claim that only a system of privilege and state created hierarchy, from which they benefited enormously financially and socially, could bring peace to opposed social and economic groups. As we have seen above, it is this system of privileges and hierarchy which Dunoyer believed was the source of so much conflict under the ancien régime and so, not surprisingly, Dunoyer dismissed the arguments of the monarchists as the self-interested special pleading of a declining ruling class threatened with the loss of its old privileges.⁴⁰⁶

A group of theorists from whom Dunoyer might have hoped to find support in the debate about the "harmony of interests" in the free market was the liberal school of constitutionalism of the Restoration period. Although they shared his view that individual interests are not necessarily opposed in the free market, their solution to the problem of class exploitation and political privilege was much less radical than Dunoyer's. Whereas he welcomed the revolutions in America, which eliminated much of the ancien régime in one blow, the other liberals preferred the much slower constitutionalist and evolutionist approach to reform, as for example Benjamin Constant did in his efforts to write a liberal constitution in the last moments of the Empire and the early days of the Restoration. Dunoyer dismissed the liberals' fascination with fine-tuning the form of government in an effort to "neutralise" the conflict between the politically privileged and the industrialist working classes as mere political "alchemy." Dunoyer believed that these "constitutional" liberals did not push their distrust of political power and privilege far enough.

(the liberals) do not argue that there are in society many unjust claims and many men who wish to gain fortunes by bad means, but they think that a clever organisation of power could neutralise all these vices and make things function as if they did not exist.⁴⁰⁷

⁴⁰⁴Dunoyer, *L'Industrie et la morale*, p. 353, footnote.

⁴⁰⁵Dunoyer, *L'Industrie et la morale*, p. 329, footnote.

⁴⁰⁶Dunoyer, *L'Industrie et la morale*, pp. 342-3.

⁴⁰⁷Dunoyer, *L'Industrie et la morale*, p. 344. See also Dunoyer's remarks about the inadequacies of traditional political philosophy in the early Restoration due to the neglect of the new science of political economy in "Esquisse," *Revue encyclopédique*.

The problem with the liberal constitutionalists was that they were prepared to accept unjust and immoral means of acquiring wealth, even in an institutional form, for the sake of order and for what Dunoyer called a superficial form of social peace. Dunoyer parted company with them in his insistence that peace and an end to class conflict was only possible with the complete removal of all institutionalised injustice, whether slavery, feudalism, the tariffs and other controls of the mercantilist system, or the scramble for positions in the government and the state bureaucracy.

Elsewhere the alchemists have been greatly mocked. Couldn't one also mock a little those political philosophers (politiques) who claim to be able to establish peace by creating a (particular) form of government? Have the alchemists offered a more insoluble problem than the political philosophers? Is it more difficult to turn base metal into gold than to attempt to make (by I know not what arrangements) peace out of slavery, out of privilege or out of any other iniquitous method of enriching oneself?⁴⁰⁸

Dunoyer laid much of the blame for the weakness of a liberalism which concentrated so much of its attention on legal, constitutional and political matters, and which ignored the more fundamental issues of power, class rule and the economy, at the feet of Montesquieu. He believed that Montesquieu's theory of the division and balance of political powers had distracted attention away from the underlying economic reasons for peace and prosperity. It was a serious error, he thought, to attribute English freedom to the separation of power between the crown and the legislature ("by whatever artifices") when the real reason was the economic system and the absence of violence in the means of production.⁴⁰⁹ Dunoyer admitted that the arrangement of political power was important but denied that it was of primary importance. Rather what was of primary importance in determining the degree of liberty and the amount of class conflict in any given society, as Dunoyer had argued throughout *L'industrie et la morale*, was the means of production and the class structure which emerged at each stage of the evolution of society.⁴¹⁰ So long as slavery, political privilege and monopoly existed, along with the political culture which these abuses produced, there was no possibility for lasting peace between the classes, no matter what political form the government took, or how liberal the constitution might be. Only in a society where each individual lived off the fruits of their own labour in a completely laissez-faire economy, Dunoyer asserted, could a true harmony of interests exist.

⁴⁰⁸Dunoyer, *L'Industrie et la morale*, p. 344.

⁴⁰⁹Dunoyer, *L'Industrie et la morale*, p. 345.

⁴¹⁰Dunoyer, *L'Industrie et la morale*, p. 347.

In a long passage Dunoyer summarised his views on the harmony of interests in a purely industrial society. It was his opinion that only when every individual produced and traded their goods and services in a free market could the solution to the problem of political privilege, class conflict and exploitation be achieved. What is notable for its absence in this quotation is any discussion of constitutional freedoms, the balance of power between branches of the government, or the extent of the franchise. These classical problems of the constitutional liberals are irrelevant to Dunoyer and his "socially informed" liberalism, in which class structure, exploitation and mode of production hold the key to peace and freedom.⁴¹¹

To take full advantage of the benefits which the industrial system has to offer in greater productivity and prosperity, individuals will need to form a variety of voluntary associations to achieve their ends. Whereas in earlier modes of production men formed associations in order to make war or go on raiding parties, in the industrial mode of production there will be much greater need as well as greater opportunity to form private associations to achieve common goals. However, the object will no longer be war or war booty but peaceful production in such areas of activity as agriculture, construction, manufacturing, canal building, insurance and so on. Another similarity with earlier modes of production is that there will be a degree of ranking in industrial associations with large numbers of participants, with a leader, rank and file workers, and "officers" such as engineers and accountants.⁴¹² Whatever the structural similarities might be with warrior bands or medieval guilds and corporations, the new industrial mode of production requires a quite different method of operation for its associations. Associations in previous modes of production sought to oppress their fellows, to restrict competition, to seize a monopoly of government posts, to get subsidies and other benefits from taxpayers' money. Under the régime of industry, Dunoyer argued, association would have as its purpose voluntary cooperation in order to transform physical resources into products for sale, not to deprive others of their property. It would help individuals to protect their liberty and property and would not be a cause of aggression against others. In all, industrial associations, Dunoyer optimistically believed, would add to the strength, prosperity and unity of the entire world.⁴¹³

Having discussed how important associations are for the achievement of a diverse array of economic and social ends, Dunoyer turns to an analysis of associations of a purely political

⁴¹¹Dunoyer, *L'Industrie et la morale*, pp. 348-9.

⁴¹²Dunoyer, *L'Industrie et la morale*, pp. 355-6.

⁴¹³Dunoyer, *L'Industrie et la morale*, p. 357.

nature. And as happened on several occasions in the history of nineteenth century liberalism, extreme anti-statism and faith in the cooperative free market were pushed into a form of liberal anarchism along the lines developed later by Gustave de Molinari, Thomas Hodgskin and Herbert Spencer. Dunoyer concluded that the associations created for specific political purposes would gradually give up their monopolistic and coercive attributes and assume the structure and behaviour of private market associations. Like any other corporation or voluntary association, government associations would have to sell their products on a voluntary basis to customers who could not be coerced into purchasing the product. Their special powers of coercively taxing their customers to cover costs and their monopoly powers, which prevented customers seeking an alternative supply of the good or service, would no longer exist as all associations in the industrial era would be competitive. The state in the industrial mode of production would be nothing more than a voluntary association like any other, “a commercial company”⁴¹⁴ or “an industrial enterprise”⁴¹⁵ like thousands of others, but charged by the public only with the responsibility of maintaining peace and order. It would not be aggressive, it would not be the private preserve of a particular social class. Those who were in its employ could not behave like political masters. They could not exercise domination over others and could not use taxes as a form of private tribute.⁴¹⁶ Dunoyer had already hinted at this idea in an essay in *Le Censeur européen*. In this essay Dunoyer argued that the ultimate industrial state would be at most a nightwatchman state and at best non-existent:

Man's concern is not with government; he should look on government as no more than a very secondary thing - we might almost say a very minor thing. His goal is industry, labour and the production of everything needed for his happiness. In a well-ordered state, the government must only be an adjunct of production, an agency charged by the producers, who pay for it, with protecting their persons and their goods while they work. In a well-ordered state, the largest number of persons must work, and the smallest number must govern. The work of perfection would be reached if all the world worked and no one governed.⁴¹⁷

In other words, although the commercial company would be charged with maintaining public order, it would have exactly the same rights which every other citizen or private voluntary association has. It would only have the right to act against criminals who had committed acts against private property and public order. The life, liberty and property of

⁴¹⁴Dunoyer, *L'Industrie et la morale*, p. 358.

⁴¹⁵Dunoyer, *L'Industrie et la morale*, p. 323.

⁴¹⁶Dunoyer, *L'Industrie et la morale*, p. 358.

⁴¹⁷Dunoyer, *Le Censeur européen*, vol. 2, p.102.

citizens who have not acted in a criminal manner towards their fellows must not ever be interfered with by the officers of the company. In other words, Dunoyer believes that the public does not cede any of its rights concerning its liberty or property to the company in exchange for protection. It makes no compact with the state, as the Lockean tradition would have it, to give up some of its rights for public security.⁴¹⁸ The industrial state would behave differently to other states in previous modes of production in that it would no longer be an avenue for the ambitious to pursue a career. Strict controls on any increase in taxes or in the number of personnel would be placed upon it by a public jealous of its liberties. Only the barest minimum of money and man-power would be granted to the state to carry out its very limited functions and even this nominal amount of capital would be regretted. Resources would be reluctantly diverted from productive industrial use because of the unfortunate necessity to protect life and property from attack by those few unscrupulous individuals who lacked productive employment or who maintained pre-industrial morals. Much like Herbert Spencer, Dunoyer expected that as industrial morals became more widespread and as the prosperity of the industrial mode of production became increasingly apparent to all, then even this modest size of the state could be further decreased.⁴¹⁹

Concerning the possibilities of gradually reducing the size, scope, and cost of government as societies industrialised, Dunoyer took issue with the conservative Friedrich Gentz who argued the very opposite, that the costs of government would necessarily rise as civilisation progressed.⁴²⁰ Dunoyer's confident prediction about the future costs of the government could be compared to the early works of Herbert Spencer, who predicted the elimination of the state on much the same grounds as Dunoyer did. Spencer believed the world was evolving from "militant" to "industrial" forms of organisation in which there would be little for the state to do, apart from protect property rights. He even granted that individuals had the "right to ignore the state" if they themselves were law-abiding. However, as he got older and the prospects for "industrial" society became worse, Spencer gave up his liberal anarchist beliefs and admitted that a long "transitional" stage, during which the state was necessary, was required.⁴²¹ Although there are striking similarities between Dunoyer's theory of industrialism

⁴¹⁸Dunoyer, *L'Industrie et la morale*, p. 359.

⁴¹⁹Dunoyer, *L'Industrie et la morale*, pp. 359-60.

⁴²⁰Dunoyer, *L'industrie et la morale*, p. 297-8, footnote.

⁴²¹Herbert Spencer, *Social Statics: The Conditions essential to Human Happiness specified, and the first of them developed* (New York: Robert Schalkenbach Foundation, 1970), chapter XIX, "The Right to Ignore the State", pp. 185-94 which Spencer left out in later editions of *Social Statics*. David Wiltshire, *The Social and Political Thought of Herbert Spencer* (Oxford University Press, 1978), chapter 6, "The Limits of State Intervention", pp. 135-64. J.D.Y. Peel, *Herbert Spencer: The Evolution of a Sociologist* (London: Heinemann, 1971), "Anti-

and Spencer's idea of a militant and industrial types of societies, there is no evidence that Spencer was aware of Dunoyer's work. It appears that Dunoyer came to the anarchist position as a result of his belief in the harmony of economic interests and his liberal theory of class and history.

The same forces which were acting to reduce the need for the state in domestic matters were at work in the relations between states. As more people gradually turned to industrial activities, the impulses to wage war against other nations (such as the desire of monarchs to seize neighbouring territory, or to create exclusive trading zones for privileged domestic producers) would also gradually disappear. Each nation would come to realise that its own best interests would be served by having prosperous and civilised neighbours with whom one could trade and visit. The military forces of an industrial state would be used solely for defence and even then only with considerable regret and reluctance. As with the costs of internal policing, the costs of defence are regretted because it drains off capital which could be used to increase production. Even in a just, defensive war the industrial state would be most reluctant to use its military forces as it would realise how disastrous the consequences of any war are. The "passion of industrious people for peace" would be so strong that they could not wait for the moment when industrial values had spread sufficiently for them to disarm completely, to abandon all their armed fortresses, to cut military spending, and to see all resources entirely directed to productive industrial activity.⁴²² Once again it was the United States which Dunoyer used to show what was in store for European nations that took the path towards an industrial society. Internally its economic system resulted in an absence of a ruling class and externally it posed no threat to other nations by invasion or the conquest of colonies. Each state's militia and armed forces were subordinated to the federal government with the purely industrial purpose of self defence. The only reservation Dunoyer had about the size and cost of the American military was that it was still higher than it would be if European nations too were industrial. The major reason why the United States did not altogether abolish its military was the threat posed by aggressive European states, who still clung to pre-industrial modes of behaviour. In fact, he thought that it was only because of the threat posed by "the dominating spirit of the governments of Europe" that the American states felt the need to form a federation and have a national defence force in the first place. Dunoyer confidently predicted that as soon as the major European nations entered the industrial stage of economic evolution America would no longer be forced to maintain even this low level of

Politics of the 1840s" pp. 56-81. Spencer develops his arguments about industrial types of society in Herbert Spencer, *Principles of Sociology*, ed. Stanislaw Andreski (Hamden, Connecticut: Archon Books, 1969).

⁴²²Dunoyer, *L'Industrie et la morale*, pp. 361-2.

defence spending and could therefore introduce the necessary cuts in military spending, which would make it a truly pacifist and industrial nation.⁴²³

What then can we conclude about Dunoyer's attitude concerning the role of the state in the future industrial society? There are three possibilities all of which he advocated at various places in *L'Industrie et la morale* - the liberal anarchist position where the state gradually withers away to the point where only voluntary private associations of free individuals existed; a more liberal constitutionalist position of a severely limited state whose only functions would be the protection of individual liberty and property by the police and armed forces; and a position part way between free market anarchism and limited government where nation states are broken up and the world is "municipalised" into small communities based upon economic and cultural ties.

Occasionally Dunoyer seems to go as far as Molinari was to in 1849 with his startling proposal to view the defence and police functions of the state as just another business venture which would charge for its services to individual customers.⁴²⁴ His use of the description of the state as only "a commercial company" or "an industrial enterprise" seems to support this interpretation but, like Spencer, he offers no detailed plan as to how commercial associations could provide the essential functions of law and order and national defence without collapsing into chaos. On the other hand, there are times when Dunoyer appears more conventional in his advocacy of a strictly limited state, limited to protecting individuals and their property from the aggression of others. If Dunoyer is a defender of the limited state he is so reluctantly, because he is aware of the state's inner momentum to always expand its sphere of operation, to increase the burden of its taxes and charges, to increase the number of those who are employed by it, and to favour certain individuals and even entire industries with special legal and economic privileges. What little power and funding Dunoyer might grant the state is done so very reluctantly and very cautiously.

Perhaps a more accurate interpretation of Dunoyer's theory of the rôle of the state in a future industrial society lies somewhere between these two views. While not a consistent liberal anarchist, as say Molinari, he also should not be seen as just another defender of the traditional "night-watchman" state which, though small, still had a monopoly of political power in a given geographical area. Dunoyer's solution to the problem of the state was to so

⁴²³Dunoyer, *L'Industrie et la morale*, pp. 365-6.

⁴²⁴Gustave de Molinari, "De la production de la sécurité," *Journal des Économistes*, 1849, vol. 22, pp. 277-290, and a little later in *Les soirées de la rue Saint-Lazare: entretiens sur les lois économique et défense de la propriété* (Paris: Guillaumin, 1849), "Onzième soirée," pp. 303-337.

radically decentralise its power that the entire world would be literally "municipalised." He was so convinced of the benefits of small-scale voluntary associations and the evils of political society that he thought that industry would gradually dissolve most large-scale political associations in a process which would result in what one might call the "municipalisation of the world." What Dunoyer meant by municipalisation was the gradual break up of the nation state into more logical economic units which were united cooperatively by cultural and economic exchanges. He thought there was no logical reason why ten, twenty or thirty million people should be forced to associate within the boundaries of a nation state. Rather, Dunoyer predicted that borders would gradually become invisible and towns and cities hitherto separated by artificial barriers would form their own economic and cultural units voluntarily. This vision of a decentralised industrial world more closely approximated the communitarian anarchism of Gustave de Molinari in his later writings, once he had abandoned his more extreme free market anarchism of private police and defence companies. Molinari later modified his views, under the double pressure of isolation and criticism by his liberal colleagues, to a position in which competition would not be between private companies within a city or town for protection services, but between proprietary communities competing for citizens.⁴²⁵

Dunoyer explained in a lengthy footnote towards the end of chapter nine of *L'Industrie et la morale* that his model nation, the United States of America, had been forced into a large-scale political union because of the threat posed by the "dominating spirit" of the various European governments. Without the external threat of hostile European states the United States of America, he thought, would have more naturally evolved into a less structured and centralised political system, more in keeping with his own hopes for a future purely industrial society, rather than a clumsy federation. It is worth quoting this lengthy footnote in full since it provides the best summary of Dunoyer's "industrial" political theory - a society so much under the influence of the market that there is no role for the nation state at all. All public goods would be provided by "industrial enterprises" or small-scale "municipal" governments which would act much like their private counterparts. Borders would dissolve much like that envisaged for the internal borders of the European Community after January 1, 1993.

There are absolutely no forces at work in the industrial system which require such vast associations of people. There are no enterprises which require the union of ten, twenty or thirty million people. It is the spirit of domination which has created these monstrous aggregations or which has

⁴²⁵The evolution of Molinari's views are discussed in David M. Hart, "Molinari, Gustave de and the Anti-statist Liberal Tradition: Part I," *Journal of Libertarian Studies*, Summer 1981, vol. V, no. 3, pp. 263-290.

made them necessary. It is the spirit of industry which will dissolve them - one of its last, greatest and most salutary effects will be the "municipalisation of the world." Under the influence of industry people will begin to govern themselves more naturally. One will no longer see twenty different groups, foreign to each other, sometimes scattered to the four corners of the globe, often separated more by language and customs than by distance, united under the same political domination. People will draw closer together, will form associations among themselves according to what they really have in common and according to their true interests. Thus these people, once formed out of more homogeneous elements, will be infinitely less antagonistic towards each other. No longer having to fear each other, no longer tending to isolate themselves, they will no longer be drawn so strongly towards their political centres and be so violently repelled from their borderlands. Their frontiers will cease to be dotted with fortresses. They will no longer be bordered by a double or triple line of customs officials and soldiers. Some interests will continue still to unite the members of the same association of people - a community of an especially similar language or closely shared customs, or regions which are habituated to drawing their ideas, laws, fashion, and behaviour from the adjacent capital cities. But the shared interests of these groups will continue to distinguish them from other groups without being a source of enmity. One day, in each country, the time will arrive when the inhabitants closest to the frontiers will have more communication with their foreign neighbours than with their further removed compatriots. Thus there will occur a continual fusion of the inhabitants of one country with those of other countries. Each individual will employ their capital and labour wherever they might see the best means of increasing it. In this way, the same economic practices (arts) will be adopted with equal success among all people; the same ideas will circulate in all countries; differences in customs and language will tend in the long run to disappear. At the same time, a multitude of localities will acquire greater importance and will feel much less need to be closely tied to their capital cities. They will become in their turn administrative centres (chef-lieux). Centres of activity will be multiplied. Finally, even the largest countries will reach a point where they will be able to present to the world a single people, composed of an infinite number of uniform associations (aggregations), among which will be established without confusion and without violence the most complicated relations. At the same time, these relations will be the easiest, the most peaceful and the most profitable (imaginable).⁴²⁶

Using the experience of the United States as an historical case study and his theory of industrialism as a guide for the future evolution of modern society, Dunoyer endeavoured to predict what his ideal industrial society of the future might be like. Since the "spirit of domination" had created vast nation states or "agrégations monstreuses," the spirit of industry would inevitably break them down into smaller communities in a process of "municipalisation" of the entire world. Associations among people would now follow the "natural" inclination encouraged by language, religion, shared political values, or trade and

⁴²⁶Dunoyer, *L'Industrie et la morale*, p. 366-7, fn 1.

armed frontiers would dissolve as individuals moved about the globe trading with each other. Without the need to enforce trading monopolies and protect privileged political classes, there would no longer be any need for customs officials or soldiers. Capital, goods and people would then be free to travel wherever they wanted. By a process of the fusion of people brought together by the free market and a process of the break up of the centralised nation state, the world would now approach the ideal of myriads of trading communities bound together only by economic self-interest and culture and no longer by military, political or religious compulsion.

E. THE ORIGINALITY OF DUNOYER'S THEORY OF INDUSTRIALISM

The most obvious innovations Dunoyer introduced into the debate about the evolution of society through stages are in two main areas. Firstly, he altered the determining features of the third and fourth stages by focusing less on the economic means of production and more on the means of economic exploitation. Thus Dunoyer introduced a political dimension to what had been previously primarily an economic category. The first two stages of savagery and nomadism, being "pre-political," were very similar to traditional accounts. The change occurred with the emergence of settled agriculture. The new productive possibilities of agriculture also permitted new possibilities of regular exploitation of those engaged in more regular productive activity. The result was the creation of slave societies where slavery was used in both the personal households and in the fields for the benefit of the new class of slave owning lords. In the work of both Comte and Dunoyer slavery and the class structure of slave societies were to play a very large role because it was the beginning of modern forms of regular exploitation, giving rise to political structures which permitted the slave-owning elite to maintain a position of privilege over the mass of productive individuals who were engaged in "industrial" activity. The more recent stages through which society evolved were seen as variations on the system of exploitation first established in slave society and which continued to hamper the economic development of nations in the revolutionary and post-revolutionary world. Similar changes of emphasis were made to the fourth stage of economic development. Instead of categorising it as the stage of "commerce" as members of the Scottish and French enlightenment had done, Dunoyer continued to recognise the important role of agriculture and trade in agricultural products but insisted that the economic system had been "high jacked" by a complex system of state regulation of the economy and political privilege beginning in the feudal period and continuing up to the eve of the French Revolution. What made Dunoyer's stage theory different from what had gone before was the interaction between the stage of

economic development and the political structures of exploitation which benefited one class at the expense of the many. To focus on “agriculture” or “commerce” without taking into account the class structures and the means of economic exploitation to which these forms of production gave rise was to misunderstand the motor of history as it had evolved over the last two thousand odd years.

Dunoyer’s second innovation was to increase the number of stages through which society evolved from four to six. In doing this Dunoyer took into account the fundamental changes brought about by the impact of the French and the Industrial Revolutions. The stage of “political place-seeking” was created in order to account for the rise of the modern nation state with its vastly increased bureaucracy and war-making powers. Dunoyer believed that the modern bureaucratic state created an entirely new means of redistributing wealth by means of taxation, requisitioning labour and resources, and regulation of the economy, and also gave rise to a new class of individuals who benefited from this redistribution, typified by the new elites who rose to prominence under Napoleon. Likewise the stage of industry was created in recognition of the fact that agriculture and commerce, while still powerful economic forces, had been surpassed by the new possibilities opened up by the industrial revolution for dramatic increases in individual wealth. Whereas earlier advocates of the four stage theory generally believed that societies had already entered the final “commercial” stage Dunoyer believed that the industrial stage still lay somewhere in the future. The only possible exception was the United States of America which came closest of all the modern states to being an “industrial” one. Although it had a minimal state apparatus, minimal national army, and an open economy Dunoyer still believed it lacked the political culture (morals) fully appropriate to an industrial society. After the Latin American revolutions of 1820 had further weakened the power of the conservative European powers in the American hemisphere Dunoyer was optimistic, even “rhapsodic” about the possibilities of industrialism taking root first in America and then in Europe. To turn John Locke’s dictum on its head, Dunoyer believed that “In the end all the World will be *America*.”

A brief comparison of Dunoyer’s views with a selection of pre-nineteenth century authors with whom Dunoyer was probably most familiar will show more clearly his innovations. Hugo Grotius’ *The Law of War and Peace* (1625), as Ronald Meek has noted, is of ‘special significance’ in the development of the stage theory because of the discussion of the gradual and successive emergence of more complex forms of private property and the connection

between different forms of property and the species of “industry” which existed.⁴²⁷ However, Grotius did not see the connection between the mode of production (or subsistence) and the institutions and culture of society as a whole. Nor did he see the connection between the mode of production and the forms of class exploitation which it made possible. Whereas Adam Smith in the *Lectures on Jurisprudence* (1766) stressed the dependence of property and the form of civil government (“property and civil government very much depend on one another”)⁴²⁸ Dunoyer placed his stress slightly differently, thus revealing the concerns of a liberal living in the post-revolutionary and post-Napoleonic period. He noted the dependence of property and the form of class exploitation in each stage of economic development, which in many cases was related to the form of government but which need not be identical.

Pufendorf in *The Law of Nature and Nations* (1672) continued to develop Grotius’ great insight that things “passed into proprietorship” gradually and successively and strongly suggested (but did not state in so many words) that the progression was from the stage of hunting and fishing, to herding, and then to agriculture. One of the great contributions Pufendorf made, and one which Dunoyer was to adopt, was the idea that the desire to satisfy economic needs provided the spur to trade and thus enter into voluntary associations with others. Cooperation (or sociability) was necessary for economic advancement and could take place outside the coercive structure of the formally organised political community. As Istvan Hont has observed:

Having thus established, or re-established, the concept of society as an organisational form independent of the *civitas*, Pufendorf was now in a position to offer a coherent explanation of the central category of his jurisprudence, *socialitas*, sociability. He had no desire to argue, as against Hobbes, that the consequences of man’s paradoxical nature needed no regulation through a system of obligations. But these ‘plain’ obligations now had their own separate foundation in men’s sociability, rather than in state power founded upon contract.⁴²⁹

Hont’s remarks also suggest another area in which Dunoyer’s analysis was original. Although he shared Pufendorf’s faith in the inherent sociability of humans through commerce and thus independent of the political community, Dunoyer went much further in his divorce of the political from the economic. The emergence of the state and organised politics was for Dunoyer an interference in the natural sociability of man. State power led to slavery, political

⁴²⁷Meek, *Social Science and the Ignoble Savage*, p. 14.

⁴²⁸Adam Smith, *Lectures on Jurisprudence*, ed. R.L. Meek et al. (Indianapolis: Liberty Classics, 1982), p. 401.

⁴²⁹Istvan Hont, “The Language of Sociability and Commerce: Samuel Pufendorf and the Theoretical Foundations of the ‘Four-Stages Theory’,” in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge University Press, 1990), p. 265.

privilege and class rule. His answer was to radically de-politicise society (or to “municipalise” it in his terminology) in order to allow the sociability of industry (i.e. the free market) to tie mankind together in networks of voluntary association for mutual benefit. Like Pufendorf, but going far beyond his formulation of the outcome, Dunoyer recognised what Hont has described as

the craving for refinement and a more commodious life demanded ever further increasing extensions of the system... Society based on the mechanisms of sociability depended on the extension of the market. The introduction of money and foreign trade followed logically and inevitably...

With the introduction of foreign trade... commercial sociability was perfectly capable of creating ‘society’ without its agents uniting under ‘the same Government and Constitution.’⁴³⁰

It is interesting to compare Hont’s suggestive analysis of Pufendorf with the sentiments expressed by Dunoyer on the nature of co-operation or sociability in the industrial stage which I quoted above. Whereas Pufendorf suggested an alternative to the *civitas* to explain the rise of modern society, Dunoyer wanted to dispense with the *civitas* altogether in keeping with his radical liberal anti-statism.

A comparison of Dunoyer and Rousseau shows up very clearly a number of significant differences between the optimistic liberal theory of social evolution and what one might call the pessimistic anti-liberal theory initiated by Rousseau. Although Rousseau cannot claim to be an advocate of a true four stage theory, many of his observations in the *Discourse on the Origin of Inequality* (1755) assume a theory of social evolution which can be contrasted with Dunoyer’s. The most striking difference in the two theories is of course the location of the “golden age.” For the pessimistic Rousseau it was the age of barbarism (or savagery as Dunoyer termed it) which was “the happiest epoch and the most lasting”⁴³¹ before the “fatal accidents” of the division of labour and the cultivation of agriculture introduced inequality, private property, the necessity to work, slavery, and misery. Rousseau then came to his famous conclusion that all subsequent “progress” has been in vain:

The more we reflect on it, the more we realise that this state was the least subject to revolutions, and the best for man; and that man can have left it only as the result of some fatal accident, which, for the common good, ought never to have happened. The example of savages, who have almost always been found at this point of development, appears to confirm that the human race was made to remain there always; to confirm that this state was the true youth of the world, and that all subsequent progress has been so

⁴³⁰Hont, “The Language of Sociability and Commerce,” p. 274.

⁴³¹Jean-Jacques Rousseau, *A Discourse on Inequality*, trans. Maurice Cranston (Harmondsworth: Penguin, 1984), p. 115.

many steps in appearance towards the improvement of mankind, but so many steps in reality towards the decrepitude of the species.⁴³²

A more contrasting view of economic progress to Dunoyer's could scarcely be bettered. It was to counter such positive and romantic accounts of the "true youth of the world" that Dunoyer took such pains to describe the brutality and oppressiveness of the "savage" stage of life, especially towards the women whom he described starkly as "the slaves of the savage life," a group for whom the anti-feminist Rousseau never showed much concern. As the above discussion of Dunoyer's theory shows, the discovery of the "fatal accidents" of the division of labour and the cultivation of agriculture did introduce inequality, private property, and the necessity to work, but with consequences different to those lamented by Rousseau. The slavery and misery which Rousseau identified exclusively with economic progress came about, according to Dunoyer, through the independent and parallel development of coercion and political privilege which protected exploitation for some through the power of the state. Once freed from state protected exploitation (whether slavery, feudalism, or mercantilism) the productive class of "industrials" would then be free to enjoy the peace and prosperity of the free market and thus fulfil the promise of Dunoyer's golden age of the future - "industrialism."

Surprisingly, given their diametrically opposed views about economic development, there are some areas where Dunoyer is in agreement with Rousseau, most notably concerning the exploiting power of the state. They share a concern about what Rousseau called "the violence of powerful men and the oppression of the weak" but differ in their understanding of the source of this power and exploitation.⁴³³ According to Rousseau and most anti-liberals who came after him, "weakness or strength go by the names of poverty or riches" with the natural conclusion that the mere possession of property bestows exploitative power on the owner.⁴³⁴ In contrast, for Dunoyer it was not the ownership of property per se which was the source of exploitation but access to political power and privilege by some property owners. In some passages Rousseau seems to lean towards Dunoyer's radical liberal interpretation with its focus on violence rather than on ownership, such as in the following passage:

I hear it constantly repeated that the stronger will oppress the weak, but I would like someone to explain to me what is meant by the word 'oppression.' Does it mean some men dominating with violence, and others

⁴³²Jean-Jacques Rousseau, *A Discourse on Inequality*, p. 115.

⁴³³Jean-Jacques Rousseau, *A Discourse on Inequality*, p. 71.

⁴³⁴Jean-Jacques Rousseau, *A Discourse on Inequality*, p. 71.

groaning in slavish submission to their whims? Such is precisely what I observe among us...⁴³⁵

Elsewhere Rousseau also adopts the radical liberal dichotomy between force (or usurpation) and industry in the acquisition of property⁴³⁶ and a theory of the origin of the state (or body politic) which Dunoyer would share. According to Rousseau, it was a conspiracy of a group of large property owners which led to the formation of “nascent government” with the aim of protecting or even expanding their property and power. Those with access to the state would make it “useful” to their needs and “injurious” to the mass of the people who would pay the taxes and suffer the burdens of oppressive legislation.⁴³⁷ Dunoyer would no doubt have agreed with Rousseau’s concluding balance sheet of oppressions suffered by those subject to the state. But, whereas Rousseau saw all the advantages on the side of the state of nature and decried the continuing advance of economic development, Dunoyer saw the solution lying in the dismantling of the state and the liberation of the forces of industry:

However, these details alone would provide the material for a substantial work, in which the advantages and disadvantages of any government would be weighed in relation to the rights of the state of nature, and where one would strip all the different masks behind which inequality has hidden itself up to the present time and may do so in centuries to come, according to the nature of governments and the revolutions which time will necessarily produce in them. One would see oppression increase continually without the oppressed ever being able to know where it would end, not what legitimate means remained for them to halt it. One would see the rights of citizens and the freedom of nations extinguished little by little, and the protests of the weak treated as seditious noises. One would see politics confer on a mercenary section of the people the honour of defending the common cause; one would see arising from this the necessity of taxation, and the disheartened farmer quitting his fields even in peacetime, abandoning his plough to buckle on the sword. One would see the defenders of the fatherland become sooner or later its enemies, holding forever a drawn dagger over their fellow citizens, soldiers who in time would be heard to say to the oppressors of their country: “If you command me to sink my sword into my brother’s breast, or in my father’s throat, or even in the womb of my pregnant wife, I shall do it all, despite my repugnance, with my own right hand.(Lucan)”⁴³⁸

The fundamental difference between Rousseau and Dunoyer lies in their different explanation for the cause of exploitation and human misery. Rousseau blamed all on the invention of private property and the progress of industry. Dunoyer believed that only the spread of private property and the development of industry to its fullest extent could bring an

⁴³⁵Jean-Jacques Rousseau, *A Discourse on Inequality*, p. 106.

⁴³⁶Jean-Jacques Rousseau, *A Discourse on Inequality*, pp. 120-21.

⁴³⁷Jean-Jacques Rousseau, *A Discourse on Inequality*, p.124.

⁴³⁸Jean-Jacques Rousseau, *A Discourse on Inequality*, pp. 133-4.

end to poverty, political privilege and misery. These two mutually incompatible answers would echo throughout the nineteenth and twentieth centuries in the clash between the socialist heirs of the Rousseauian tradition and classical liberalism of which Dunoyer was a part.

A final point of comparison needs to be made between Dunoyer and the views of Adam Smith (and later Benjamin Constant) on the evolution of society. Strange as it may seem in the case of Smith, one of the founders of classical liberal political economy, the main difference between Dunoyer and Smith and Constant is the former's focus on the mode of production and the form of economic exploitation and the latter pair's focus on the structure of government. A number of commentators have noted the fact that Smith did not develop his four stage theory in his famous volume dealing with economics (*The Wealth of Nations*) but in his earlier volume dealing with the science of politics (*Lectures on Jurisprudence*). Smith seems to be interested in the stage theory of history only in so far as it would help him explain and account for what his colleague William Leechman described as "the origin of government, and compare the different forms of it."⁴³⁹ Associated with Smith's interest in civil government is a corresponding interest in property, rights to which Smith sees as an "acquired right" which was dependent upon the prior formation of civil government. In this sense Constant follows Smith quite closely. Both argue that property is not a fundamental natural right which exists prior to the formation of government but a socially created right as the following statement by Constant suggests:

Many of those who have defended property by abstract reasoning seem to me to have fallen into grave error. They have presented property as something mysterious, as anterior to society, or independent of it. None of these assertions is true. Property is not anterior to society because without association, which guarantees property, it would only be the right of the first occupier. In other words, the right of force, i.e. a right which is not a right. Property is not at all independent of society because a social state - indeed a very miserable one - can be conceived of without property whereas one cannot imagine property without a social state.

Property exists by means of society...⁴⁴⁰

Winch surmises that the reason for Smith's treatment of the relationship between the origin of civil government and property in the context of a discussion of the four stage theory is to undermine the Lockean theory of voluntary contract and tacit consent and to affirm a

⁴³⁹Quoted in Donald Winch, *Adam Smith's Politics: An Essay in Historiographic Revision* (Cambridge University Press, 1979), p. 47.

⁴⁴⁰Benjamin Constant, *Principes de Politique* in *De la liberté chez les Modernes. Écrits politiques*, ed. Marcel Gauchet (Paris: le livre de poche, 1980), Chapter XV "De l'inviolabilité des propriétés," p. 375.

duty of obligation to obey the sovereign power of the British monarchy.⁴⁴¹ If Smith could prove that government

arose, not as some writers imagine from any consent of agreement of a number of persons to submit themselves to such or such regulations, but from the natural progress which men make in society⁴⁴²

and if he could associate the emergence and protection of property to this same “naturally” evolved government then he could better weaken the Lockean inspired right to resist unjust political authority.

Dunoyer’s purpose was quite different to Smith’s. By providing his detailed account of the economic evolution of society Dunoyer wanted to show how private property and market relations existed prior to the emergence of the state and, following on from this, how the state evolved out of the organised exploitation by a privilege elite of a productive working class. Far from evolving “naturally” (i.e. non-coercively) in order to better guarantee property rights the state according to Dunoyer was the greatest violator of property rights and the source of political privilege and exploitation. Whereas Smith’s sceptical Whiggism inclined him to favour the “civilised monarchies” which had been made more favourable to liberty through the “polishing” effect of commerce, Dunoyer’s post-revolutionary radical liberalism inclined him to see the state in general and the so-called “civilised monarchies” in particular as the enemy of liberty and industry. Like his colleague on *Le Censeur européen*, Augustin Thierry, Dunoyer believed that history showed the struggle of the class of the industrials (the communes or the tiers état) to be free of various forms of centralised state control. Furthermore, as the French Revolution and Napoleon’s Empire showed incontrovertibly, the monarchies were far from becoming more “civilised” but were in fact becoming more of a threat to the industrial class with their increased powers of economic regulation and military conscription. This was a view only partially shared by Constant who could see the grave threat to liberty and industry posed by the conqueror and usurper Napoleon but who could not see the great difficulty (perhaps impossibility) in getting a restored monarchy to “civilise itself” by means of a Charter or a constitution. For a brief period following the 1830 revolution Comte and Dunoyer believed that Louis Philippe might become the head of such a monarchy but they resigned not long after in disgust at the traditional corruption and self-promotion which were part of all states in the stage of political “place-seeking.” The age of industrialism still appeared to be a very long way off.

⁴⁴¹Donald Winch, *Adam Smith’s Politics*, pp. 51-2.

⁴⁴²Adam Smith, *Lectures on Jurisprudence*, p. 207.

F. SAINT-SIMONIAN VS LIBERAL THEORIES OF INDUSTRIALISM

When Dunoyer's book appeared in 1825 it sparked off a heated debate amongst liberals and Saint-Simonians, a debate which included the novelist Stendhal who satirised claims that the industrial class were worthier than other classes,⁴⁴³ Benjamin Constant who critically reviewed Dunoyer's book,⁴⁴⁴ and Saint-Simonians from journals such as *La Globe* and *Le Producteur* who disputed the claims of the liberal interpreters of industrialism.⁴⁴⁵ Dunoyer's 1827 essay on the origins of industrialist theory needs to be seen in the light of this debate and criticism. The debate over the intellectual origins of "industrialism" which Dunoyer began, unfortunately has not shed much light on the problem.⁴⁴⁶ A careful analysis of the debate is required in order to separate the various threads, since quite different theories were described by the participants to the original debate as "industrial." The basic issue which was not always clearly seen by the participants was over ends and means - the Saint-Simonians identifying industrialism with the ultimate end of rule by an élite industrial class broadly defined, whilst the liberals Comte and Dunoyer understood industrialism in a very different sense. The latter viewed industrialism as the result of a process of radically depoliticised economic activity by the productive industrial class. The actual end would be the social and economic predominance of the industrial class, but not rule by them in the political sense. In fact, as discussed earlier in this chapter, Dunoyer's picture of an industrial future had no room for a state at all, as all public functions had either been privatised and provided on the free

⁴⁴³Stendhal, *D'un nouveau complot contre les industriels*, ed. P. Chartier et al. (Paris: Flammarion, 1972). See also Fernand Rudé, *Stendhal et la pensée sociale de son temps* (Brionne: Monfort, 1983), "La querelle des industriels (1825)," pp. 101-180.

⁴⁴⁴Benjamin Constant, "De M. Dunoyer et de quelques-uns de ses ouvrages," originally appeared in *Revue encyclopédique*, February 1826, vol. 29 and republished in *Mélanges de littérature et de politique* (1829) and in *De la liberté chez les modernes*, ed. Marcel Gauchet (Paris: Livre de poche, 1980), pp. 543-62.

⁴⁴⁵The theory of industrialism and the contribution of the liberals to its formation has been discussed by Michael James, "Pierre-Louis Roederer, Jean-Baptiste Say, and the concept of *industrie*," *History of Political Economy*, 9, 1977; Leonard P. Liggio, "Charles Dunoyer and French Classical Liberalism," 1977, vol. 9, no. 4, pp. 455-75; Mark Weinburg, "The Social Analysis of three early nineteenth century French liberals: Say, Comte, and Dunoyer," *Journal of Libertarian Studies*, 1978, vol. 2, no. 1, pp. 45-63; Henri Gouhier, *La jeunesse d'Auguste Comte et la formation du positivisme*, tome III, *Auguste Comte et Saint-Simon* (Paris: Librairie philosophique J. Vrin, 1941); and Elie Halévy, "Saint-Simonian Economic Doctrine," *The Era Of Tyrannies: Essays on Socialism and War*, trans. R.K. Webb (London: Allen Lane, 1967), pp. 17-81; and *Henri Saint-Simon, 1760-1825: Selected Writings on Science, Industry and Social Organization*, ed. Keith Taylor (London: Croom Helm, 1975); Edgar Allix, "La rivalité entre la propriété foncière et la fortune mobilière sous la Révolution," *Revue d'histoire économique et sociale*, 6, 1913; Edgar Allix, "J-B Say et les origines de l'industrialisme," *Revue d'économie politique*, 1910, vol. XXIV, pp. 303-13, 341-63; Shirley M. Gruner, "Forerunners of Industrialism," *Economic Materialism and Social Moralism: A Study in the History of Ideas in France from the latter part of the 18th century to the middle of the 19th century* (The Hague, 1973).

⁴⁴⁶On the debate over the origins of industrialism see, Gaston Richard, "Le philosophie et l'individualisme économique: l'école positiviste. Ses origines," *Le question sociale et le mouvement philosophique au XIXe siècle* (Paris, 1914), pp. 97-119; René Gonnard, "L'individualisme: J.-B. Say," and "Dunoyer," in *Histoire des doctrines économiques* (Paris, 1922), vol. II, pp. 252-64, 278-83.

market or devolved into small municipalities which had almost no political power. Yet in spite of the differences which Dunoyer claimed separated the Saint-Simonians from the radical liberals over the theory of industrialism and the industrial theory of history, there were in fact quite striking congruencies which have been noted repeatedly by historians. As Shirley Gruner observes, the theory of industrialism appeared “almost simultaneously” in 1817 from two separate loci: the journal, *Le Censeur européen*, edited by Comte and Dunoyer, and the more explicitly named journal *L’Industrie* edited by Augustin Thierry and Saint-Simon.⁴⁴⁷ Both journals were published by the same house in Paris and Thierry was soon to defect from the ranks of Saint-Simon to join the more sedate and scholarly editors of *Le Censeur européen*. Gruner concludes that the similarity in thinking between the Comte/Dunoyer camp and the Thierry/Saint-Simon camp is a reflection of their common reading (Say’s *Treatise on Political Economy*, Montlosier’s *De la monarchie française*, and Constant’s *De l’esprit de conquête*) undertaken when both groups had to endure a period of “enforced leisure” due to the censors closure of *Le Censeur* and Saint-Simon’s loss of his job as librarian of the Arsenal.⁴⁴⁸

Initially the two groups pursued roughly similar views which were to diverge only later after 1820. In Saint-Simon’s journal *L’Industrie* Thierry published a path-breaking essay “Des Nations” in which he presented a rough draft of the liberal theory of class and economic development which has been closely examined in this dissertation on Comte and Dunoyer.⁴⁴⁹ Like Constant, Thierry divided history into two epochs, one dominated by war and militarism, the other dominated by the liberation of the productive class. Constant located the dividing point between the two epochs at the defeat of Napoleon. The more historically-minded Thierry placed it in the twelfth century with the enfranchisement of the communes, thus revealing the interest in French medieval history which was to dominate the rest of his academic life. Crucial to this historical interpretation, also taken up by Comte in a number of articles in *Le Censeur européen*, is the clash of two opposed classes throughout history: the productive industrial class and the parasitic class of exploiters who dominated the state. Thierry was able to pursue these themes in the pages of *Le Censeur européen* when he left Saint-Simon in late 1817. The reasons for him leaving Saint-Simon are unclear - possibly due

⁴⁴⁷Shirley M. Gruner, “Political Historiography in Restoration France,” *History and Theory*, 1969, vol. VIII, no. 3, p. 351.

⁴⁴⁸Shirley M. Gruner, “Political Historiography in Restoration France,” p. 351.

⁴⁴⁹Henri Gouhier argues convincingly that the first explicit enunciation of the theory of industrialism was by Thierry in the essay “L’Industrie.” Henri Gouhier, *La jeunesse d’Auguste Comte et la formation du positivisme. Vol. III Auguste Comte et Saint-Simon* (Paris: J. Vrin, 1941), p. 155.

to the claustrophobia induced by being Saint-Simon's "adopted son" (also later experienced by Auguste Comte), possibly because he perceived Comte's and Dunoyer's journal to be a more financially secure and more scholarly organ in which to develop an industrial theory of history. Ideological differences seem not to have played a part in the "divorce."

Only later, in the new journal which Saint-Simon established after the failure of *L'Industrie* (1816-1818), in the less liberal sounding *L'Organisateur* (1819-1820), did an ever widening fissure emerge to separate the liberal from the Saint-Simonian theories of industrialism. Following the assassination of the duc de Berry in 1820 both Comte and Dunoyer, and Saint-Simon, suffered at the hands of the police and censors. Comte's and Dunoyer's journal was closed down yet again, whilst Saint-Simon was put on trial for publishing his famous parable which ridiculed the unproductivity of the ruling elite of restored aristocrats and the monarchy, thereby suggesting to the hyper-imaginative authorities that Saint-Simon must have been "one of the moral instigators of the crime" as Manuel cuttingly puts it.⁴⁵⁰ At this stage he was still a liberal and had much in common with Comte and Dunoyer.⁴⁵¹ In the "political parable" Saint-Simon poses the quite revolutionary question, what would happen if France suddenly lost three thousand of its best scientists, artists, artisans, bankers and so on? His answer is economic chaos and collapse, "the nation would become a lifeless corpse." On the other hand, if France lost thirty thousand from the royal family, cabinet officials, ministers, marshals, clergy, noble landowners and so on, "it would not result in any political harm to the state."⁴⁵² This was certainly a sentiment Comte, Dunoyer and Thierry shared then and in their later writings. For example, in his lengthy analysis of slavery in the *Traité de législation* (1826) Comte asked much the same question about the economic consequences of the sudden removal of the entire class of slave owners. In Comte's view, paralleling Saint-Simon's in 1820, the entire class of slave owners were a parasitic class whose miraculous disappearance would leave the total industrial capacity of the world untouched. As Charles posed the problem in very Saint-Simonian terms:

For example, if by some catastrophe the race of masters were to suddenly disappear from a country in which slavery is practised, no branch of labour would be suspended, and no wealth whose loss one would lament would disappear. Labour would take a direction much more useful to the human

⁴⁵⁰Frank E. Manuel, *The Prophets of Paris: Turgot, Condorcet, Saint-Simon, Fourier, Comte* (New York: Harper Torchbook, 1965), p. 112.

⁴⁵¹Shirley M. Gruner, "Political Historiography in Restoration France," p. 359.

⁴⁵²Saint-Simon, "A Political Parable: Premier extrait de *L'Organisateur*," in *Henri Saint-Simon: Selected Writings in Science, Industry and Social Organisation*, ed. Keith Taylor (London: Croom Helm, 1975), pp. 194-5. See also Frank E. Manuel, *The New World of Henri Saint-Simon* (Cambridge, Mass.: Harvard University Press, 1956), "The Trial," p. 211-2.

race. Periods of rest would be better managed, whilst the labour (of the slaves) would gain an energy and direction much greater than the loss due to the reduction in the work day.⁴⁵³

However, after Saint-Simon's trial in 1820 Gruner argues that he became increasingly anti-liberal and pro-Bourbon.⁴⁵⁴ Gouhier reminds us that Saint-Simon himself regarded his greatest contribution to social thought to be a rediscovery of the conservative truths established by Bonald, de Maistre, and La Mennais and a synthesis of industrial insights and this conservative "système."⁴⁵⁵ In their newly established journal Saint-Simon and Auguste Comte pursued two avenues of thought which separated their theory from the radical liberal one. Firstly, as Gruner argues, Saint-Simon introduced an "ideological" element to the essentially social and economic basis which industrialism had established up until that point. Saint-Simon is justly notorious for his eclecticism and it is clear that in the early 1820s he returned to some ideas of his rationalist *Idéologue* past to add to the theory of industrialism. Most importantly he argued (if that is the right word to describe his writings) that the evolution of the means of production from one epoch to the next depended upon a corresponding evolution (or revolution) in ideas in the Church, in science, and in the communes or commons. In this aspect his idea of social evolution is more like Condorcet's conception of intellectual progress through the overcoming of intellectual error⁴⁵⁶ and a forerunner of Auguste Comte's idea of "organic," "critical" and "positivist" eras than the economically based industrial theory of history developed by Comte, Dunoyer, and Thierry.

The second area of divergence concerns the role of the intellectual elite in this revolutionary process. In Dunoyer's theory there is scarcely any mention of intellectuals other than those who ally themselves to the state in order to justify the political privileges of the current ruling elite. They play very much a back seat role to the more powerful economic forces of history which determine the relative balance of powers between the productive industrial class and the ruling elite. Saint-Simon, Auguste Comte, and the assorted group of Saint-Simonians and Positivists who followed after them had a much more exalted role for the intellectual, religious, scientific, financial, and industrial elite. They were to intervene actively in the process of history in order to guide the directionless, industrial masses. They were to "seize control" of the state in order to hasten the slow evolution of history, to act as a "vanguard" (to use an anachronistic term) in the name of the industrial masses in the struggle

⁴⁵³Comte, *Traité de législation*, pp. 372.

⁴⁵⁴Shirley M. Gruner, "Political Historiography in Restoration France," p. 362.

⁴⁵⁵Henri Gouhier, *La jeunesse d'Auguste Comte*, p. 156.

⁴⁵⁶Frank E. Manuel, *The Prophets of Paris*, p. 115. See also Jean-François Suter, "Du libéralisme au saint-simonisme," *Économies et Sociétés*, 1970, vol. IV, no. 6, p. 1097.

against the intellectual, political, economic and social old order. Dunoyer was aware of this source of divergence between the two schools of industrialist thought. Two years after the appearance of *L'industrie et la morale* Dunoyer published a scathing attack on the Saint-Simonian theorists of industry in a vain effort to distinguish his and Comte's liberal and almost anarchistic theory from the technocratic Saint-Simonian doctrine. In the "Sketch of the doctrines to which one has given the name 'industrialism,' that is to say the doctrines which base society on 'industry,'"⁴⁵⁷ to give his essay its full pedantic title, Dunoyer discusses what he considers to be the basic difference between the two different forms of industrialism. Fundamentally, the liberal theory was based upon industrialism as a mode of production with a liberal legal and political system designed to protect individual rights to property and liberty, whilst the Saint-Simonian form of industrialism sought the rise of three new classes (scientists, artists and industrialists) to the highest level of political control. These new classes would replace the traditional ruling elites and run industrial society from the top down, in other words a form of industrialism without any liberal underpinning. As a liberal, Dunoyer rejected this new form of class rule which would be just as hostile to freedom of speech and laissez-faire as the traditional elites of the feudal period and the ancien régime had been. Saint-Simon was correct to see the importance of the new industrial and intellectual classes but he made the mistake, Dunoyer argued, of wanting to replace the personnel of the old ruling elite with this new group, rather than wanting to abolish class rule altogether as Comte and Dunoyer sought.

Dunoyer was by no means hostile to technology and the educated elite who would one day transform the economy by apply their technological knowledge to engineering and scientific problems. Dunoyer believed that the highest level of freedom would be reached when the level of technology and economic production is such that it permits the unlimited development of all faculties. In order to reach the highest level of productivity industry requires the most enlightened, the most skilled, and the most intelligent managers, researchers and workers that it is possible to have. Thus Dunoyer believes the industrial system will encourage the development of these skills and will want them spread as broadly as possible, there being no need for "victims" or "dominateurs et ses satellites" in industrialism.⁴⁵⁸ The needs of industrial society mean that there must be a close collaboration between science and technology in order that the discoveries of science can be made available to industry and thus

⁴⁵⁷Dunoyer, "Esquisse historique des doctrines auxquelles on a donné le nom industrialisme, c'est-à-dire, des doctrines qui fondent la société sur l'Industrie," *Revue encyclopédique*, février 1827, vol. 33, pp. 368-94. Reprinted in *Notices d'économie politique*, vol. 2 of *Oeuvres*, pp. 173-199.

⁴⁵⁸Dunoyer, *L'Industrie et la morale*, p. 332.

passed on to the public in the form of new goods and cheaper industrial processes. Technological improvements over the past hundred years or so had made it possible to extend the division of labour almost indefinitely and thus dramatically increase production for the benefit of the mass of the people. Therefore engineers had to have the same respect as pure scientists, and the traditional practice of viewing science as a kind of genteel hobby with no practical use, should be replaced with the attitude that science was a “a serious activity (travail) of men who live quite steadily from the conquest of nature and who search diligently to learn nature’s laws in order to apply them to the service of humanity.”⁴⁵⁹

Where Dunoyer differed from the Saint-Simonians and Positivists on the matter of the role of technologists and technology in creating an industrial society lay in their access to the state. As radical liberals Comte and Dunoyer believed that industrial innovation by technologists should be organised voluntarily by the market. Saint-Simon and the Positivists who came to dominate French industrial life during the Second Empire preferred a state directed approach to industrial innovation. Planning by the enlightened banking and technological elite would take place in a government bureaucracy which would then “encourage” or “direct” industry to adopt its plans. Like his counterparts during the 1848 Revolution Saint-Simon adopted Talleyrand’s notion of society as one large national workshop⁴⁶⁰ which could be organised “rationally” without regard to the demands of market prices or the preferences of individual property owners. Thus after 1820 Saint-Simon’s views gradually drifted away from the liberal camp and drew closer to the conservatives like de Bonald who advocated the merits of a “constituted” vs an “unconstituted” society produced by the free market. As Friedrich von Hayek has argued economic planners like Saint-Simon see social organisation as a technocratic or engineering problem which can be solved by the coming to power of suitably enlightened and informed individuals. John Stuart Mill met Saint-Simon in 1821 at the house of Jean-Baptiste Say and after a brief flirtation with Saint-Simonism and Positivism came to criticise the Saint-Simonians for their “inordinate demand for ‘unity’ and ‘systematisation’” and for their un-liberal “frenzy for regulation.”⁴⁶¹ The classical liberal tradition (which includes Comte and Dunoyer) sees social organisation as an economic problem of scarce resources being put to their most efficient use, determined by the signals of freely determined prices. Since Saint-Simon did not appreciate the economic

⁴⁵⁹Dunoyer, *L'Industrie et la morale*, pp. 334-5.

⁴⁶⁰Frank E. Manuel, *The Prophets of Paris*, p. 133.

⁴⁶¹Quoted by Friedrich Hayek, *The Counter-Revolution of Science: Studies on the Abuse of Reason* (Indianapolis: Liberty Press, 1979), p. 352. See also Frank E. Manuel, *The Prophets of Paris*, p. 249.

problem of scarcity he could see no reason why a new technocratic elite could not plan and organise a better society from their bureaux.

G. DUNOYER'S CAREER FROM 1825 TO THE 1830 REVOLUTION

Charles Dunoyer, like Comte, continued to be active in politics in spite of his "retirement" from journalism and beginning an academic career at the Athénée. Dunoyer involved himself in liberal electoral politics in the early 1820s by writing a number of pamphlets addressed to electors and written in the vain hope of swinging them more towards the liberal position.⁴⁶² Not having been forced into exile like Comte, Dunoyer was able to remain in Paris throughout the 1820s and to continue his ties with important members of the liberal opposition such as Lafayette, the Duc de Broglie and Auguste de Staël. In fact his association was quite explicit as he and Comte were members of a liberal political group known as "la Société des sciences morales et politiques," which they had joined in February 1826. The group took its lead from the ideas of Benjamin Constant and included among its members Barrot, Mérilhou, Mauguin, the duc de Broglie, Auguste de Staël and Guizot. The society was the forerunner of a more influential group, the society "Aide-toi et le Ciel t'aidera" which was to be instrumental in the 1830 Revolution. Leonard Liggio has described quite accurately Charles Dunoyer's importance to the liberal movement of the Restoration as an ideological leader, strategist and gadfly of the régime with his numerous trials over censorship:

Dunoyer's political role during the Restoration can best be described as that of ideological leadership and of strategist and adviser, rather than political leadership *per se*, despite the prominence he achieved from his several political trials in the courts and his well-publicised political imprisonments... But, the center of Dunoyer's intellectual contribution was the continuity and organization of the ideas, especially *Industrialisme*, which had been conceived and developed in the *Censeur* and the *Censeur européen*.⁴⁶³

Just as Comte had struggled to have the two parts of his magnum opus published together but was thwarted by the outbreak of the 1830 revolution, political events also interrupted Dunoyer's publishing plans. In the years between first giving his lectures in 1825 and 1830 he had expanded his "science of society" into a book nearly twice as long as *L'industrie at la morale*. By the time the revolution broke out Dunoyer had copies of a new work printed, a

⁴⁶²The first pamphlet, *Lettre à un électeur de département...* (Paris: A. Corréard, 1822) appeared during the election of 1822 and the second pamphlet, *Du droit de pétition à l'occasion des élections* (Paris: Chez les marchands des nouveautés, 1824), was written at the time of the election of 1824, which saw the Chamber of Deputies up for re-election.

⁴⁶³Liggio, *Journal of Libertarian Studies*, p. 164.

Nouveau traité d'économie sociale, but they had not yet been distributed to the bookshops and were sitting in his publisher's warehouse. Having been named prefect under the new régime, Dunoyer postponed the publication of his work, perhaps thinking, like Comte, that it was somehow inappropriate for a serving state official to publish a work of theory. Or perhaps it was out of fear that an academic work would not be taken seriously by the reviewers if it was seen to be written by someone with partisan interests. Whatever the reason may be, Dunoyer did not allow his publisher to release the book and sometime later a fire swept through the warehouse destroying almost all copies of the *Nouveau traité*.⁴⁶⁴ Only a handful survived, probably copies given to the author by the publisher for private distribution to friends and members of the Academy of Moral and Political Sciences.⁴⁶⁵ The complete and final version of his work, the magnum opus *De la liberté du travail*, did not appear for another fifteen years.

H. DUNOYER'S VIEWS ON INDUSTRIAL SOCIETY IN THE *NOUVEAU TRAITÉ D'ÉCONOMIE SOCIALE* (1830)

Dunoyer expanded his analysis of industrialism in *L'Industrie et la morale* (1825) from one 500 page volume with eleven chapters to two 500 page volumes with 19 chapters. The first volume of the *Nouveau traité* (1830) was largely a reprint of the earlier book with a new chapter on a new stage of economic development devoted to serfdom. The second volume contained new material which extended his analysis to include much more detail on the nature of the productive classes which made an industrial society possible, the different sectors of an industrial economy (commerce, manufacturing, agriculture), the impact of

⁴⁶⁴Concerning this setback Charles Dunoyer himself says: "Cinq ans plus tard, j'avais entrepris l'impression de l'ouvrage entier, sous le titre de *Nouveau Traité d'économie sociale*, etc., et deux volumes étaient déjà imprimés quand éclata la Révolution de 1830, qui m'obligea de tout ajourner. Plus tard l'ouvrage, qui n'avait point été mis en vente, se trouva compris dans l'incendie de la rue du Pot-de-Fer, et fut consumé sans avoir été rendu public. Un petit nombre d'exemplaires seulement en avait été par moi distribué aux membres de l'Académie des sciences morales et politiques et à quelques amis. Ce n'est donc qu'aujourd'hui (January 1845), et pour la première fois, qu'il paraît entier." Charles Dunoyer, "Préface de l'auteur," *Oeuvres*, vol. 1, p. 12, footnote. 1.

⁴⁶⁵In a hand written note on the title page of one of the few copies of the *Nouveau traité* to survive and which is held by the Goldsmiths' Library of Economic Literature at the University of London, Dunoyer explains the circumstances of the fire, the loss of his work and his hope to republish it in the future: "This work ...(word illegible) in the fire at the Rue du Pot de Fer has been burned before having been published. Only about fifty copies were distributed, mainly by myself at the time of my election and first presentation to the Institute (of Moral and Political Sciences) towards the end of 1832. There no longer exist any copies for sale. The printing of the third and final volume, which has already appeared in fragments in various reviews, had been begun in 1830 when I was appointed Prefect of Allier. I hope to ...(illegible) publish the complete work in the future..." Translated and deciphered with the help of the librarian at the Goldsmiths' Library. Charles Dunoyer, *Nouveau traité d'économie social, ou simple exposition des causes sous l'influence desquelles les hommes parviennent à user de leurs forces avec le plus de LIBERTÉ, c'est-à-dire avec le plus FACILITÉ et de PUISSANCE* (Paris: Sautet, 1830), 2 vols.

industry on the physical and moral capacities of individuals, and the productive role of education in creating the preconditions for an industrial society. In a revealing introduction Dunoyer explained his reasons for adding the new material. It seems he wanted to counter the argument that the transition to an industrial society was purely a political problem which required a change in the form of government in order to be effected. Dunoyer continued to argue that government regulation of the economy and the system of patronage and privilege which it dispensed were severe impediments to the creation of a free market, industrial society. However, he wanted to show that the reform of the government was a necessary but not sufficient condition for this to occur. Dunoyer now believed that ordinary individuals were also to blame for impeding the creation of an industrial society through their “moral” deficiencies such as the persistence of antiquated beliefs and political habits.⁴⁶⁶ Dunoyer’s new interest in the problem of “human capital” (the productive expenditure on the technical training of scientists, engineers, and entrepreneurs as well as the education of ordinary people so they could understand the beneficial operations of the market and to appreciate the need to respect individual property) is explained by this realisation. It now seemed that a precondition for an industrial society was an intellectual and moral revolution to act in parallel with an economic and political revolution. An important conclusion which Dunoyer drew from this approach was that a revolution from above could not reform society unless the mass of society voluntarily consented to adopt the new industrial values and institutions. With some irony Dunoyer perhaps unknowingly presages his own disillusionment with working for the more liberal July Monarchy after the Revolution of 1830 in the following passage:

... in politics, reforms can only take place when the thoughts of the publicist have become the common thought of the public, or at least of a very considerable section of the public. Until this situation has been reached one can only make rather weak attempts (at reform). It is possible that a well-meaning government (*pouvoir*) might undertake to introduce reforms but it would not make any lasting changes. It is also possible that reform might be attempted without this power by a (political) party which overturns the government and replaces it. But the happiest insurrection would not have any more effect than the most well-meaning concessions. Reform will only be established in the long term to the degree that it passes into the ideas and habits of the majority.⁴⁶⁷

The “publicist” like Dunoyer would thus need to play a role alongside the forces of history and economic change by explaining the significance of what was happening. Just as “industry” in the thirteenth and fourteenth centuries “liberated the communes from the

⁴⁶⁶Dunoyer, *Nouveau traité*, vol. 1, pp. 3-4.

⁴⁶⁷Dunoyer, *Nouveau traité*, vol. 1, p. 9.

encroachments of the royal power” Dunoyer believed that industry in the present would “sooner or later” deliver the French people from “the most concentrated despotism of the courts and the domination of the capital cities.”⁴⁶⁸

Dunoyer also made a number of refinements to his analysis of the stage of industrialism which he thought the Spaniards in the coastal towns and the business and enlightened classes of Greece were beginning to achieve alongside the Americans and the French commercial and manufacturing towns. He still continued to define industry as the economic stage

where one no longer sees masters or slaves, the privileged or the solicitors (of privilege), where there is only work (travail) and exchanges, and where the government itself is only a (form of) labour done by a small part of society in the name of and for the benefit of all of society.⁴⁶⁹

With the minor change of adding the stage of serfdom (servage) Dunoyer still believed in the transition “in their natural order” (as he put it) from one “mode of existence” to another: savagery, nomadism, settled agriculture with slavery, medieval serfdom, the regime of privilege, the system of “place-seeking,” and industrialism. In a series of new chapters Dunoyer wanted to explore the industrial stage in much more detail, especially the groups which made up the productive and “useful” class of “industrials.” The problem was to define exactly who made productive (i.e. useful) contributions to society.⁴⁷⁰ After reviewing the contributions of the liberal political economists Smith, de Tracy, Sismondi, Malthus and James Mill, Dunoyer is unhappy with their assessment of who is productive and useful. Dunoyer again acknowledges Say’s path breaking contribution in his discussion of the entrepreneur and the production of “immaterial” goods and for the first time recognises the Russian economist Henri Storch as an important contributor to the debate. The conclusion Dunoyer reaches is that where once in the 18th century it was a mistake to label the trader or the manufacturer as unproductive, so too it was incorrect to label the magistrate or the professor in the 19th century as unproductive.⁴⁷¹ In “the real industrial society” Dunoyer was confident that the productive contributions of all would be recognised, including especially “all professions, from the lowliest artisan to the highest magistrate.”⁴⁷² In an only partly legible hand-written note in his signed copy of the *Nouveau traité* Charles Comte expressed

⁴⁶⁸Dunoyer, *Nouveau traité*, vol. 1, p. 12.

⁴⁶⁹Dunoyer, *Nouveau traité*, vol. 1, p. 13.

⁴⁷⁰Dunoyer, *Nouveau traité*, vol. 2, p. 3.

⁴⁷¹Dunoyer, *Nouveau traité*, vol. 2, p. 30.

⁴⁷²Dunoyer, *Nouveau traité*, vol. 2, p. 36.

his agreement with Dunoyer's enlargement of the productive class to include what we would call the service sector of judges, lawyers, and teachers.⁴⁷³

Another of the changes Dunoyer made in his expanded treatment of industrialism was to make much clearer and more explicit the distinction between productive and unproductive labour done by the same individual or economic actor in different circumstances, a distinction which was implied in the 1825 work but whose implications for liberal class analysis were not spelled out. He asks the pertinent question, are "professionals" or other members of the industrial class productive "whatever use henceforth they might make of their skills."⁴⁷⁴ He then cites a number of examples, some of which are drawn from the Greek War of Independence fought during the 1820s and which was supported by many French liberals, of the capitalist who lends money to an "unjust enterprise" such as funding a "guerre inique," the shipbuilder who rents his armed ships to take troops to Chios to exterminate the inhabitants, the Genoan merchants in Constantinople who betray their Turkish hosts, or the peasant who uses his plough blade to murder.⁴⁷⁵ To remove these actions from the rubric of "productive and useful" Dunoyer argues that truly productive and industrial activity must be both useful and conducted in a non-coercive fashion. Thus, a capitalist lending money to fund an enterprise may or may not be productive and useful depending on the circumstances. The action is an "industrial" one if it results in a factory selling goods wanted by consumers without the use of force or fraud. The action is not "industrial" if the money is used to fund aggressive military action where property or liberty is transgressed against. Therefore there are, according to Dunoyer, two different types of "industrial" whose actions are contradictory and mutually exclusive - the "man of industry" and the "chevalier of industry." The actions of each on the surface might be seen to be productive, but in reality they give rise to very different relations to the state and quite different class interests:

A factory owner is a "man of industry" when he employs his intelligence to improve his workshops or his machines, and a "chevalier of industry" when he uses his talent to obtain from the (political) authorities an exemption from the competition which he fears and the power to force consumers to buy from him at a high price what they could buy elsewhere more cheaply.⁴⁷⁶

He makes a similar distinction with the actions of state officials. When the legislator, the prince or the magistrate protect individual liberty and private property they are "industrials of

⁴⁷³Dunoyer, *Nouveau traité*, vol. 2, p. 39.

⁴⁷⁴Dunoyer, *Nouveau traité*, vol. 2, p. 31.

⁴⁷⁵Dunoyer, *Nouveau traité*, vol. 2, p. 32.

⁴⁷⁶Dunoyer, *Nouveau traité*, vol. 2, p. 33.

the first order,” however when they use their political power to use force for their own benefit or even commit crimes of their own, they are “malefactors of the purest kind,”⁴⁷⁷ “hommes d’exaction,” “agents of tyranny (and) destroyers of utility.”⁴⁷⁸ Dunoyer here seems to be suggesting a way in which the possibilities opened up by changes in property ownership brought about by the French Revolution, by expanded world trade and by the industrial revolution might be subverted away from the creation of a truly industrial society towards a new regime of “exploitation” (spoliatrices).⁴⁷⁹ Once again, it seems Dunoyer was unwittingly establishing the foundations for a radical liberal critique of the soon to be created July Monarchy with its privileges for favoured members of the bourgeoisie. I will conclude this section with a long and interesting quote in which Dunoyer uses the class analysis he originally developed to expose the inequities of slavery, privilege and political “place-seeking” to the new stage of industry as it was emerging in 1830:

In short, the factory owner, the banker, the judge, the soldier, men of all the professions, can be men of industry since they are able to direct their abilities to activities which are very useful, very productive, and very suited to increasing the faculties of such or such a race. But if the soldier puts his sword in the service of despotism, if the judge sells his conscience to it, if the banker lends it his money, if the factory owner buys unjust privileges from it, it is clear that they ought to be given another name. Likewise, one cannot call a “man of industry” the man from Nantes who engages in the black slave trade, or the man from Tripoli who trades in whites, or the munitions manufacturer (armateur) who rents his ships to the murderers of the Greeks, or the imperial officer who assists them with his sword, or the money trader who offers his services to all solvent tyrannies, or the man of state who deals (traffiques) with his advisers. In whatever manner one participates in a harmful action, one is not a “man of industry” if one takes part. I am not saying that there is always virtue in producing. What I do say is that crime is never productive. I say that as a result of a bad action there is destruction or displacement of wealth but never an increase in the world’s total wealth. In one word I say that brigandage, by whatever instruments it employs or whatever way it uses them, ought always to be distinguished very carefully from industry.⁴⁸⁰

⁴⁷⁷Dunoyer, *Nouveau traité*, vol. 2, p. 33.

⁴⁷⁸Dunoyer, *Nouveau traité*, vol. 2, p. 34.

⁴⁷⁹Dunoyer, *Nouveau traité*, vol. 2, p. 33.

⁴⁸⁰Dunoyer, *Nouveau traité*, vol. 2, pp. 34-5.

VI. CHARLES COMTE'S THEORY OF LEGISLATION AND SLAVERY

A. COMTE'S LIFE AND WORK AFTER THE CLOSURE OF *LE CENSEUR EUROPEËN* (1820)

In the political repression which followed the assassination of the duc de Berry in February 1820 Charles Comte's career as a journalist came to an end with his conviction for offences against the press laws and the forced closure of *Le Censeur européen*. Comte went into exile rather than face his conviction so he and his wife fled to Geneva and then Lausanne, spending a total of five years in exile first in Switzerland and then in England. Comte first went to Geneva where he spent fifteen happy and profitable months working on his treatise on legislation. He found Geneva, the city which had been home to Benjamin Constant and Madame de Staël, more conducive to his work and more accepting of his liberal views than the conservative régime in Paris. After the difficulties he had faced in Paris Geneva must have seemed like a breath of fresh air. Comte described Geneva as

a town where all men can devote themselves to useful study, and is assured of finding resources of all kinds; where (given its size) one can meet more educated men and find more intellectual activity than in any other town in the world; where party spirit is almost without influence in discussions and where I could flatter myself to have a number of friends...⁴⁸¹

In Geneva Comte got to know Étienne Dumont, the editor and translator of Bentham, Simonde de Sismondi, who had just finished writing his mammoth history of the Italian republics, and the scientist Candolle. After fifteen months in Geneva, Comte was approached by the government of the canton of Vaud with an offer to assume the post of Professor of Natural Law and to teach a course on legislation at the University of Lausanne. Although he was reluctant to leave Geneva he decided to accept the offer in 1821 and he spent the next two years in Lausanne teaching and working on his *Traité*.

But the long arm of the conservative régime in Paris was not content to allow a liberal like Comte, who had been such a thorn in its side in the early years of the Restoration, to live and work unmolested in Switzerland. Once more he was forced to leave his home and occupation in order to seek refuge in a foreign country, this time in England. The reason for Comte

⁴⁸¹Charles Comte, *Traité de législation, ou exposition des lois générales suivant lesquelles les peuples prospèrent, dépérissent ou restent stationnaire*, 4 vols. (Paris: A. Sautet et Cie, 1827), 3rd ed., p. xiv. A second revised edition was published in 1835 by Chamerot, Ducollet of Paris in 4 vols. to coincide with the publication of its sequel, the *Traité de la propriété*. A revised and corrected third edition was published in 1837 by Hauman, Cattoir et Cie of Brussels.

having to leave Switzerland was the invasion of Spain by a French army in April 1823 to support Ferdinand VII against the liberal revolution. Part of the French government's campaign to assist Ferdinand was the exertion of diplomatic pressure by the French ambassador on Switzerland to expel the French and Spanish emigrés who were sympathetic to the Spanish liberal cause. Comte was a close supporter of the liberal cause in Spain and had reported on their activities in *Le Censeur* and *Le Censeur européen*.⁴⁸² Comte feared that if his Swiss hosts did not submit to the French diplomatic pressure they might face more than just threats from the French government. The French ambassador endeavoured to have him extradited, although the Lausanne council rejected its application. Nevertheless Comte felt obliged to resign in 1823 in order to spare his hosts any embarrassment and perhaps even danger from French retribution for their obstinacy. Writing to the cantonal officials, Comte thanked his hosts for entrusting their law students to his hands and stated that under no circumstances would he allow himself to be the cause of an act of French hostility towards the Swiss people.⁴⁸³ Thus to spare the Swiss government any embarrassment Comte reluctantly handed in his resignation and decided to leave for England of his own accord. Comte described his reasons for leaving Switzerland in the following words:

The aggression which was directed at that time against the constitutional government of Spain was a great shock to all those governments whose existence was founded upon the consent of the people and not on divine right. The diplomatic notes addressed (in this instance) to the various governments of Switzerland concerning foreigners living on their territory, appeared to be the prelude to a more serious attack. Knowing how easy it is for power to cover the gravest crimes (attendants) under the most frivolous and even most ridiculous pretexts, I resigned my position and withdrew to England.⁴⁸⁴

After leaving Switzerland Comte spent three years in England from 1823-26 where he continued to work on his book on legislation. Not a lot is known about Comte's stay in England, although it is clear that he had some contact with the Benthamites (perhaps even

⁴⁸²Harpaz and Liggio have discussed Comte's support for the Spanish liberals. Leonard P. Liggio, "International Relations in 1814-1815: Anglophobia, Counter-Revolution and the Congress of Vienna," and the series of articles by Éphraïm Harpaz on Comte and Dunoyer's journalism: "*Le Censeur*, Histoire d'un journal libéral," *Revue des sciences humaines*, Octobre-Décembre 1958, 92, pp. 483-511; "*Le Censeur européen*, histoire d'un journal industrialiste," *Revue d'histoire économique et sociale*, 1959, vol. 37, no. 2, pp. 185-218 and vol. 37, no. 3, pp. 328-57; "*Le Censeur européen*: histoire d'un journal quotidien," *Revue des sciences humaines*, 1964, pp. 113-116, pp. 137-259. A good survey of liberal attitudes to questions of foreign policy, in particular the movements for national independence, is given by Éphraïm Harpaz, "Politique mondiale," *L'école libérale sous la restauration: le "Mercure" et la "Minerve" 1817-1820* (Genève: Droz, 1968), pp. 175-222.

⁴⁸³Quoted in Molinari, "Comte (François-Charles-Louis)," *Dictionnaire de l'économie politique*, ed. Charles Coquelin and Guillaumin (Paris: Librairie Guillaumin, 1852), vol. 1, p. 446. See also Mignet, *Notice historique sur la vie et les travaux de M. Ch. Comte* (1846) read at a meeting of the Academy of Moral and Political Sciences, 30 May 1846 and published in *Journal des économistes*, June 1846. vol. XIV, p. 277.

⁴⁸⁴Charles Comte, "Préface de la première édition," *Traité de législation*, 3rd ed, p. xv.

meeting Bentham himself) and the liberals associated with the *Edinburgh Review*. It is quite possible that Comte also met the young John Stuart Mill either on a trip to England or perhaps when Mill was visiting France, as Mill's two letters to Comte in 1828 tantalisingly suggest.⁴⁸⁵ Although Comte enjoyed the more liberal atmosphere he found in both Switzerland and England, he was keen to return to France to continue the struggle for liberal constitutionalism and the free market. This time, though, it would be in a less activist and more scholarly fashion than in the first years of the Restoration. Sometime in 1826, as soon as he was legally able to, he returned to France. This was possible since his conviction and fine from his brush with the censors in 1820 expired after five years. One of his first acts was to attempt to get his name back on the list of advocates, but he was still considered to be an undesirable radical by the government and his application was turned down. As a career in journalism or law was now impossible for him, Comte turned to more scholarly pursuits in order to occupy himself.

B. COMTE'S *TRAITÉ DE LÉGISLATION* (1826)

Soon after his return to France the first part of his long-awaited magnum opus, the *Traité de législation*, finally appeared in print and was well received by the reading public, winning the prestigious Montyon Grand Prize in 1828 from the French Academy for the best work on moral philosophy.⁴⁸⁶ Comte's *Traité de législation* was to have a considerable impact in liberal circles during the last years of the Restoration and the early years of the July Monarchy. It was still highly regarded by the editors and contributors of the *Dictionnaire de l'économie politique*, the pre-eminent laissez-faire liberal encyclopaedia, when it appeared in the early 1850s. Gustave de Molinari, who later in the century became one of the most influential liberal political economists in France as editor of the *Journal des Économistes*, was part of the generation of liberals in France who imbibed their liberalism from reading the works of Comte and Dunoyer. In a biographical article on Comte for the *Dictionnaire de l'économie politique* Molinari described Comte's *Traité de législation* as a “a veritable scientific monument” which well deserved the Academy's prize.⁴⁸⁷ The economist Blanqui had equally high praise for Comte's work, describing it in the same article as “a veritable

⁴⁸⁵There are two letters to Comte written by Mill in French in *The Earlier Letters of John Stuart Mill, 1812-1848*, ed. Francis E. Mineka (University of Toronto Press, 1963), vol. 1, Letter no. 19, London, 25th January 1828, pp. 21-2 and letter 22, London, 27 June 1828, p. 24-5.

⁴⁸⁶The first volume of the four volume *Traité de législation* appeared in 1826, the remaining three appeared the following year in 1827.

⁴⁸⁷Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 446.

treatise of social economy” giving particular praise to the section on slavery, which he thought was the best thing ever written on the subject.⁴⁸⁸ The free trade advocate and politician Frédéric Bastiat confessed that he too owed Comte much in the formulation of his liberal ideas. He relates a story about one liberal, at least, who said that it was the one book he would take with him if he were ever stranded on a desert island or imprisoned in solitary confinement!

I know of no other book which makes one think more, which reveals more new and productive insights or which produces to the same degree the feeling of evidence. Without unjustly abandoning the opinion I developed of this magnificent monument of genius when I was a studious youth, perhaps I would not have had the courage to make this pronouncement, knowing how much I ought to be on my guard in these matters, if I couldn't seek the support of two authorities: that of the Academy which awarded a prize to the work of Comte, and that of a man of the highest merit, to whom I put the question bibliophiles often ask themselves: if you were condemned to solitary confinement and you were only permitted one modern book, what would you choose? “Comte's *Treatise on Legislation*,” he answered, “because, if it isn't the book which says the most about things, it is the book which makes one think the most.”⁴⁸⁹

The enthusiasm for Comte's book of this unnamed liberal is only unusual for its intensity. Most of the liberals of the July Monarchy period seemed to share it to some extent. In the preface to the first edition of the *Traité de législation*, written in Paris 28 May 1826, Charles

⁴⁸⁸Quoted in Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 447.

⁴⁸⁹Quoted from Bastiat's free trade journal, *Le Libre-Échange*, 11 July, 1847 by Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 447. The influence of Comte and Dunoyer on the generation of liberals who came to prominence in the mid-nineteenth century was considerable, no more so than for Frédéric Bastiat a leading journalist and free trade activist in the 1840s. In Bastiat's published correspondence there are scattered references to Comte and Dunoyer, in particular the latter with whom Bastiat met often at meetings of the free trade association and the Society for Political Economy, or came across his articles in the *Journal des Économistes*. See letters in *Oeuvres complètes de Frédéric Bastiat*, vol. 1 "Correspondance. Mélanges" (Paris: Guillaumin, 1862), pp. 67, 69, 71, 127, 209. Bastiat expresses his profound intellectual debt to the work of Comte and Dunoyer in a couple of letters to his life long friend Félix Courdroy. In a letter of 8 January 1825 Bastiat confesses that he is not well read in the literature of political economy but rather based his ideas on the work of four leading liberals: Adam Smith, Jean-Baptiste Say, Destutt de Tracy, and the essays of Comte and Dunoyer in *Le Censeur*, Bastiat, *Oeuvres*, vol. 1, p. 16. In another letter to Courdroy dated 9 April 1827 Bastiat discusses Dunoyer's essay on the origin of the idea of industrialism which appeared in the *Revue encyclopédique* and cites with apparent approval Dunoyer's expanded use of the term industry to include not just agriculture, commerce, manufacturing and banking, but also lawyers and intellectuals. Bastiat, *Oeuvres*, vol. 1, pp. 18-19. He acknowledges the influence of Dunoyer in a letter to Horace Say (the son of Jean-Baptiste Say) of 24 November 1844, in which Bastiat congratulates Say for having an article of his well thought of by Dunoyer and then proceeds to reminisce about the liberal movement in Say's father's day and Dunoyer's prescience in his opposition to socialism at that time: "Parmi les écrivains de l'école de votre père que la mort a respecté, il en est un surtout dont l'assentiment a pour moi une valeur inappréciable, quoique je n'eusse pas osé le provoquer. Je veux parler de M. Ch. Dunoyer. Ses deux premiers articles du *Censeur européen* (De l'équilibre des nations) ainsi que ceux de M. Comte qui les précèdent, décidèrent, il y a déjà bien longtemps, de la direction de mes idées et même de ma conduite politique." Frédéric Bastiat, *Oeuvres complètes*, vol. 7 "Essais, Ébauches, Correspondance," (Paris: Guillaumin, 1864), p.378. In 1845 when Dunoyer published his magnum opus *De la liberté du travail* he sent Bastiat a copy to which Bastiat replied with a touching letter of thanks on 7 March 1845. Bastiat pays Dunoyer the compliment that he has so completely absorbed Dunoyer's ideas that he is no longer able to distinguish them from his own, Bastiat, *Oeuvres*, vol. 7, p. 372.

Comte explained the circumstances which led to the *Traité de législation* being written over a period of nearly fifteen years and in three different countries. He began work on it during the last few years of Napoleon's reign, his aim being to combine in one work a theoretical and a practical study of jurisprudence based upon the methodology of the empirical sciences.

Devoted at quite a young age to the study and practice of jurisprudence, but at the same time led by an irresistible desire towards philosophical study, I had busied myself for a number of years on a "*Treatise on Legislation*" when the Imperial government was overthrown. The double aim I had set myself was to apply to the study of law the method followed in the other sciences and to carry over into the judgement of legislative theory the knowledge which had been acquired in practice. This way of verifying one thing by another (two things which had almost always been treated separately) pleased me all the more as it was the only way I had to reconcile a profession which I had taken up by choice with a taste (for philosophy) which had become a passion.⁴⁹⁰

In this much acclaimed but now largely forgotten work Comte wanted to show how natural laws governed the development of society and what impediments existed to impede its progress. He tried to adopt an "empirical" approach, based upon the example of Jeremy Bentham in the field of legislation and the political economists in the area of economics and social change, rather than the more customary "theoretical" approach used by most authors of similar universal natural histories of the world. As he expressed it in the long title to his work, the study of these natural laws revealed the forces which governed the way in which people prospered, declined or remained in equilibrium, a kind of legal and sociological equivalent to Adam Smith's "wealth of nations."⁴⁹¹ These laws or forces could be discovered, Comte believed, by observing human nature and the milieu in which they lived. This explains why Comte devoted so much attention to a study of the diversity of human civilisation, in both a geographic and temporal sense, over hundreds of pages in the *Traité de législation*. As he clearly stated in the introduction to the second edition of the work published in 1837 his aim was to demonstrate:

that, in all locations and in all stages of their life, men of all races obey the same law. This truth seems to me to be beyond any shadow of a doubt.

By seeking to determine the influence on social organisation and on the laws which depend on it, of the means of existence used by diverse classes into which the majority of nations are divided, another question presents itself. It is this: to discover what are the circumstances which determine the choice of these means (of existence).⁴⁹²

⁴⁹⁰Charles Comte, "Préface de la première édition," *Traité de législation*, 3rd ed, p. xiii.

⁴⁹¹Charles Comte, *Traité de législation, ou exposition des lois générales suivant lesquelles les peuples prospèrent, dépérissent ou restent stationnaire*, 4 vols. (Paris: A. Sautet et Cie, 1827).

⁴⁹²Comte, "Avant-propos," *Traité de législation*, p. vi.

It was in an effort to answer this question that Comte wrote the two treatises on legislation and property over a lengthy period spanning the late empire, the turmoil of the Restoration, his exile and then return to Paris.

Comte's book of some 500 very dense pages with two closely printed columns per page is divided up into five "livres" the first of which deals with the proper method of analysing legislation and "morals" (or what I have translated as political culture), and a discussion of the varying theoretical underpinnings which scholars have devised for law, namely the natural law tradition, the social contract, religion, and utility. Book two deals with the nature of law, the power of the legislator, Comte's distinction between the "arbitrary régime" and the "legal régime", a critique of Bentham's view of the principle of pleasure and pain, and the limits of the law. Book three concerns the extraordinary diversity of human development, a study of the various human races and their varying degrees of success in "perfecting" or improving themselves. It also includes an interesting example of Comte's class analysis where he examines the rise of a "military aristocracy" in Egypt and North Africa to a position of domination over a conquered people. Book four deals with theories of climate, its influence on civilisation, and a discussion of the origins of slavery (including a criticism of Rousseau on the origin of inequality). Book five deals almost exclusively with slavery, its origin, its influence on political culture and the economy, Comte's reaction to the debate among the political economist on the economics of slave labour, and the prospects for its abolition.

Given the limits of space and the specific concerns of this dissertation I propose to discuss briefly the first two books of Comte's treatise, which deal with his view of law, legislation and the legislator. The third and fourth books on race and climate are less interesting and will not be discussed. Although modern readers might find Comte's discussion of these topics somewhat antiquated and irrelevant, they were an important part of his agenda to show the universal nature of his liberal economic and legal ideas across races, physical geography and time. I will focus most attention on the fifth book on slavery for reasons which have arisen repeatedly throughout this dissertation, namely the continuing fascination of Restoration liberals in the problems raised by slavery, the stimulus the study of slavery gave to liberal ideas of class analysis and economic exploitation, the place of slavery in the historical development of the modern world, the impact of slavery on modern French society and law, and the prospects for the evolution of post-revolutionary societies towards a liberal industrial ideal.

At the centre of Comte's view of the world was the idea that there existed an observable "natural order" in both the physical and moral realms which operated according to "invariable

laws”.⁴⁹³ The science of legislation was a study of these “invariable laws” as they applied to relationships between individuals or groups of individuals within society, and which governed the relationship between individuals and physical things or property. An interesting twist to Comte’s formulation of the study of legislation was the emphasis he gave to “disturbances” in this natural order caused by the use of violence by one group of individuals against another group of individuals. This “disturbance” could take the form of war, conquest, various forms of economic exploitation, or, as we will see, one of Comte’s prime interests - slavery. Comte states quite forthrightly that the

The science of legislation has as its object knowledge of the natural relationships which exist between the various members or the various groups which make up each society, as well as those between men and the things destined to provide for their existence or their preservation. Therefore it ought to make us aware of the nature of these relationships, the various ways in which they can be disturbed (*troublés*) or broken (*rompus*), the causes and consequences of the perturbations that they undergo, the various means by which human societies maintain and extend them...⁴⁹⁴

The method of analysis which Comte believed was appropriate to the study of political culture (*morale*) and legislation was the “analytic method” of utilitarianism, by which he meant “the description of the good and bad effects which result from human customs and institutions and to make use of (this information)” in order to improve the human condition.⁴⁹⁵ He wanted to show the chain of cause and effect (what Comte defined as “natural law”)⁴⁹⁶ of individual action and human institutions, especially the destabilising effects of government intervention in the “natural order” created by voluntary individual activity and private property. Comte sprang to the defence of Jeremy Bentham who had been accused by writers like Benjamin Constant (in the introduction to his work on religion) of peddling a dangerous doctrine which threatened all established authority by holding it up to examination in order to determine its “utility”. Comte argued that, on the contrary, what was dangerous was to allow harmful (*vicieux*) government practices to continue:

If the application of the analytical method to the study of political culture and legislation has no other purpose but to bring to our attention the causes and effects of human actions and institutions, one cannot say that it is dangerous, unless one is claiming that good customs (*moeurs*) and good laws are inseparable from ignorance and error and that men will cease to

⁴⁹³Comte, *Traité de législation*, Book I, p. 7.

⁴⁹⁴Comte, *Traité de législation*, Book I, p. 7.

⁴⁹⁵Comte, *Traité de législation*, Book I, p. 11.

⁴⁹⁶Comte, *Traité de législation*, Book I, p. 29.

conduct and govern themselves well as soon as they learn about the damage caused by harmful (vicieux) legislation and conduct.⁴⁹⁷

Although Comte was impressed with Bentham's principle of utility he firmly opposed Bentham's rejection of the idea of natural law. Comte agreed with Bentham that the theory that there were innate ideas common to all mankind or that men left an historical state of nature at some undetermined time in the past were very insecure grounds upon which to build a theory of natural law. But unlike Bentham, Comte did not therefore reject the idea of natural law itself but argued that it required a different theoretical foundation, i.e. a detailed historical and sociological analysis of human civilisation based upon a proper understanding of liberal political economy together would reveal the invariable and universal links between cause and effect. Furthermore, Comte rejected Bentham's claim that the idea of natural law was in its turn "anarchic" and highly dangerous because it encouraged the revolutionary overthrow of governments.⁴⁹⁸ The radical liberal Comte suggested that Bentham had really very little to fear from excessive revolution as the true danger to society was the too ready willingness of most people to submit to political authority. Perhaps thinking of the willingness of the French people to submit to the Restored Bourbon monarchy Comte wrote:

Far from fearing resistance to good laws one should rather fear a too facile submission to harmful laws. For every people who resist good institutions one could find ten who submit to institutions which are and which are known to be bad. The fear that a government feels of harming the nation's idea of justice or morality and of driving them to resistance ought to produce in the end more good than bad, since there is as much enlightenment and morality among the people as in the government and because there is a greater and more immediate interest in being subject only to good laws.⁴⁹⁹

What Comte understood by "good laws" were those laws "inherent in human nature", namely those laws which protected the individual's right to life, liberty and property (to put it in its Jeffersonian formula). He rejected as the source of "bad laws" the political traditions of Rousseau and the social contract, the theocrats who saw God and the Church as the foundation of temporal law, and the strict Benthamites who judged all law according to its utility irrespective of whether or not a moral claim was "inherent in human nature" or not. Comte reserved some of his most acerbic comments to those governments, like that of the Jacobins during the revolution, which viewed social reform as a matter of the legislature

⁴⁹⁷Comte, *Traité de législation*, Book I, p. 12. See also pp. 61-2 for references to Constant.

⁴⁹⁸Jeremy Bentham, "Anarchical Fallacies: Being an Examination of the Declaration of Rights issued during the French Revolution (1796)," in *The Works of Jeremy Bentham*, ed. Bowring (Edinburgh: William Tait, 1843), vol. 2, pp. 491-534.

⁴⁹⁹Comte, *Traité de législation*, Book I, p. 32.

expressing its will in so many laws. Montesquieu, Rousseau and the early modern jurists were all equally criticised for ascribing too much power and authority to the minds of the legislators and perpetuating the ancient Roman myth that the people should conform to the laws rather than the laws conform to human nature. As he so often did Comte viewed this disagreement over the source of just law in terms of the relationship between the slave and the slave master. A legislator who made laws in violation of human nature was no better than a slave master; citizens who obeyed such laws were no better than slaves.

This system (of legislation) is only that of slavery reduced to the simplest expression and taken to its furthest extreme. The most abject form of slavery, that which is endowed with the most flexible organisation, could not be made more complete than by becoming the expression of the master's thought, and the most despotic slave master could not demand anything more from the most submissive slave. It is very true that this system is only that of unlimited slavery, which only requires that the word "master" be substituted for that of "legislator" in order to realise the difference. This substitution changes nothing of substance since the two words equally describe the same man. This system has been able to arise and develop only in those nations formed originally by slavery, where the words appropriate to servitude have been abandoned but where the customs of slavery have been preserved. It is natural among such people that one group aspires to be masters and proclaim the maxims of despotism under the name of legislators, and another group see in their own persons only slaves under the name of subjects or citizens.⁵⁰⁰

Even those modern states where the rule of law either prevailed or was sought after by liberal reformers were attacked by Comte. The mere rule of law, even if equally applied to all citizens in a non-arbitrary fashion (as the contemporary liberal bureaucratic reformers wished to do in creating the *Rechtstaat*), did not qualify a state to be classified as a "régime légal" as opposed to a "régime arbitraire".⁵⁰¹ Returning to his criticism of Constant's liberal constitutionalism Comte reaffirmed that the form or structure of the government was less important than the kind of laws which it enforced. A state which openly declared the law and applied it impartially by independent judges might not have created a society where true individual liberty might be enjoyed, but a society in which oppression and "extortion" was equally shared by the subject class. So long as one class benefited from political power at the expense of those without power, so long as legislation (more properly termed "ordonnances") maintained a system based upon taxation, regulation, and slavery, then so long would "arbitrary" government which violated the prosperity and rights of the people exist.⁵⁰² Comte

⁵⁰⁰Comte, *Traité de législation*, Book II, pp. 84-5.

⁵⁰¹Comte, *Traité de législation*, Book II, p. 88.

⁵⁰²Comte, *Traité de législation*, Book II, p. 88.

summed up his understanding of the nature of true law and mere decrees of power, of arbitrary and legal government in the following passage:

By (“régime légal”) is meant exclusively the state of a people who only obey the laws of their own nature, those laws which contribute to their own development and prosperity. By (“régime arbitraire”) is meant the state of all people who are subject to a harmful power no matter how this power is exercised. It is evident that a government falls into arbitrariness the moment it commands or forbids actions which are not required or prohibited by the laws of our nature. It is of little importance whether these orders or prohibitions are written or not written, and whether they are or are not observed in all cases where they apply. These circumstances do not make arbitrariness disappear. The name “law” ought to be exclusively reserved for those powers which are part of the nature of man or the nature of things, and which are not in the power of any individual to alter. The orders or prohibitions of government are more properly called “ordonnances” and have been so called for centuries.⁵⁰³

The only true “régime légal” was a laissez-faire liberal one, according to Comte, where an ultra-minimalist state interfered as little as possible in the lives of the citizens, intervening only to protect property and liberty in an impartial manner. By strictly limiting the power of the state Comte hoped to maximise what he called the “forces naturelles” stemming from the exercise of all individuals’ “inherent” rights, and to minimise or eliminate entirely what he called the “forces artificielles” which the government exercised for the benefit of the ruling elite.⁵⁰⁴ He concluded that the less the government acted the greater would be the prosperity of the people.⁵⁰⁵

I would like to conclude this brief discussion of Comte’s view of legislation with an interesting analysis he provides of the utilitarian foundation for a liberal class analysis of society which was to underpin his own elaborate analysis of slavery. Comte uses a very Benthamite interpretation of the individual’s basic desire to seek pleasure and avoid pain to create a theory of class according to the principle of methodological individualism. Comte argues that the pleasure-pain principle applies to relations between individuals and groups of individuals as much as it does to an individual’s own personal actions and choices. The desire to avoid the “pain” of physical labour but still to be able to enjoy the “pleasure” of labour’s rewards is the origin of class and the struggle between classes throughout history. Comte elevates his insight to the status of one of his natural laws which govern the conduct of human affairs. The following passage is striking for the phrasing Comte uses to describe the origin of

⁵⁰³Comte, *Traité de législation*, Book II, p. 88.

⁵⁰⁴Comte, *Traité de législation*, Book II, p. 114.

⁵⁰⁵Comte, *Traité de législation*, Book II, p. 109.

class struggle and the fundamental position such analysis has in his theory of history. One might even be reading a liberal Marx who turned Bentham rather than Hegel on his head:

If we observe the factors which cause one part of the human species to act upon other parts we find among the principle causes the desire to obtain physical enjoyments and the desire to avoid pain of the same kind. It is in order to avoid the pain of labour (travail) and to obtain plentiful subsistence, agreeable clothing and spacious accommodation that some men come to possess other men called slaves. It is to achieve the same end that, in all nations, one part of the population dominates or seeks to dominate the others, and it is to avoid the more or less burdensome physical evils that the group of men called the governed, subjects or slaves obey or attempt to avoid the action imposed upon them. The history of the human species is comprised, in one word, of struggles (luttres) which have arisen from the desire to seize the physical enjoyments of the entire species and to impose upon others all the pain of the same kind.⁵⁰⁶

The “class struggles” which arise inevitably from Comte’s theory of human nature and historical observation are universal and adaptable because he believes human nature is universal. In all times and at all places some individuals will attempt to live off the labour of others, thus giving rise to a ruling class and an exploited class of labourers. In the absence of an established and organised state the exploitation will be sporadic and disorganised. Once a state has been established the exploitation of one class by another will become regular and entrenched through custom, ideology, legislation, and force. One of the clearest case studies Comte provides of such class struggle and economic exploitation is that of slavery.

C. COMTE'S VIEWS ON SLAVERY IN THE *TRAITÉ DE LÉGISLATION* (1826-7)

One of the topics which later liberals most admired in Comte’s *Treatise* was that of slavery. As was shown above in the case of Dunoyer, both Comte and Dunoyer returned to the issue of slavery in their major published works of the mid and late 1820s at a time when they both had academic posts (Comte in exile in Lausanne, Switzerland and Dunoyer at the Athénée Saint-Germain in Paris) and were able to develop the ideas they had first put forward as essays and reviews in *Le Censeur européen*, before they were forced to shut it down. It is apparent that the years Comte spent completing the *Traité de législation* were the years when the debate amongst abolitionists and political economists on the economics of slave labour was at its peak in the early and mid-1820s. A quick perusal of Comte's footnotes reveals the names of the main protagonists of this contemporary debate (Say, Sismondi, Storch and the many pamphlets of the Society for Mitigating and Gradually Abolishing Slavery) scattered

⁵⁰⁶ Comte, *Traité de législation*, Book II, p. 91.

among the more traditional authorities on ancient and modern slave societies such as the Roman historians, Montesquieu, Volney, Robertson, Alexander von Humboldt and so on. In the *Traité de législation* Comte not only made an important contribution to this debate about the economics of slave labour and the class structure of slave societies but also developed important insights into the nature of class society in general in a similar direction to Dunoyer in *L'Industrie et la morale* (1825).⁵⁰⁷ Comte's discussion of slavery in the *Traité de législation* was highly influential and was regarded by many French liberals as path breaking. For example, the economist and historian Simonde de Sismondi stated that

Indeed, we regard this (excellent book) as the most complete, the most knowledgable and the most philosophic treatise which has ever been written on the subject of slavery and its disastrous effects.⁵⁰⁸

Probably the most important influence on the development of Comte's view of slavery was Jean-Baptiste Say and the dispute which his work provoked in abolitionist and political economy circles. Comte readily accepted Say's arguments about the inappropriateness of a narrowly based comparison between the costs of slave and free wage labourers. As Say suspected and asserted but did not elaborate upon, Comte developed at some length the idea that the slave system could only survive economically because it had the protection of tariffs in the home market and subsidies from the home government funded by the metropolitan taxpayers. If it had to compete in a fully free market, slavery's economic inefficiencies would be quickly exposed and the system would collapse, thus rendering the argument about the relative cost of slave labour versus free wage labour irrelevant. Comte developed Say's insights on the economics of slavery and combined them with his own ideas on the social, class and legal structure of slavery in the *Traité de législation* which appeared in late 1826 and 1827.

In Book Five of the *Traité de législation* Comte distinguished between two historical forms of slavery which have existed since the earliest stages of human development.

⁵⁰⁷The chapters dealing with the economics of slavery are the following: V "De l'influence de l'esclavage sur les facultés industrielle des maîtres et des esclaves," pp. 370-76; VI "De l'influence de l'esclavage sur la partie de la population qui tient le milieu entre les maîtres et les esclaves," pp. 376-79; XV "De l'influence de l'esclavage domestique sur la production et l'accroissement des richesses," pp. 415-18; XVI "De l'influence de l'esclavage sur les arts industriels et sur le prix de la manoeuvre - suite du précédent," pp. 418-25; XVII "De l'influence de l'esclavage sur la distribution des richesses entre les diverse classes de la population," pp. 425-28; XXVI "De l'influence qu'exercent, sur l'industrie et le commerce des nations libres, les privilèges commerciaux qu'elles accordent à des possesseurs d'esclaves - Du système colonial," pp. 462-68; XXVII "Des privilèges commerciaux accordés aux possesseurs d'esclaves des colonies - Suite du précédent," pp. 468-72.

⁵⁰⁸Simonde de Sismondi "Des effets de l'esclavage sur la race humaine," *Études sur l'économie politique*, vol. 2 (Paris: Treuttel et Würtz, 1837), p. 382. Likewise Gustave de Molinari believed Comte's work on slavery was a key text. Molinari, Gustave de, "Esclavage," *Dictionnaire de l'économie politique...*, eds. Charles Coquelin and Guillaumin (Paris: Guillaumin, 1852), vol. 1, pp. 712-731.

"Political slavery" was the first form and arose when an organised band of warriors invaded a land peopled by an "industrious population," then settled among them after subduing them by force and exploited them in common as a subject race, much like the "conquest theory" of class which Augustin Thierry developed in his histories of France at this time.⁵⁰⁹ Comte's analysis of political slavery appears to owe a great deal to Thierry's conquest theory of history, in which the origin of class itself was thought to come from the conquest of one "nation" or racial group by another. The prime example of this, and one which Thierry wrote on at some length in *Le Censeur européen* before expanding his analysis into a book-length history, was the Norman conquest of England. Another example which was a favourite of Thierry was the relationship between the Gauls and the Franks in French history. According to Thierry's view of class, post-conquest society was one divided into "two castes," with the conquering class having a monopoly of political power and ownership of land and the other more populous "working class" being forced to labour for the former in carefully controlled occupations which would not allow them any chance of enriching themselves or liberating themselves from their oppressors. The similarity of Comte's theory can be seen from the following passage:

Thus we have been led to observe the nature, the causes and the effects of political slavery. We have seen armies of barbarians organise themselves to invade countries occupied by industrious populations, to divide among themselves after the victory the lands and those conquered, to exploit them in common, to live in abundance and luxury, to abandon themselves to laziness or to devote themselves entirely to exercises designed to perpetuate their domination, to leave to the conquered peoples only that which is absolutely necessary for them to work and to forbid them any occupation which could facilitate their liberation (affranchissement).

Everywhere two people are found like this on the same soil they remain divided into two castes even when eventually share a common language. The conquerors seize the monopoly of power and at the same time possession of the soil. The conquered people, condemned to work for the profit of the latter, have become the working class (la classes ouvrière) and make up the bulk of the population.⁵¹⁰

What distinguishes political slavery from the second form of "domestic slavery," in Comte's view, is the manner in which the slave labour is exploited. In the former, it is as a conquered people who are exploited "en masse" as a group and who are forced to provide food, taxes and other goods to the ruling class. In the latter form of slavery, the slaves are

⁵⁰⁹See Augustin Thierry, "Vues des révolutions d'Angleterre," *Le Censeur européen*, in three parts, vol. 5, 1817, pp. 1-80; vol. 8, 1818, pp. 1-106; vol. 11, 1819, pp. 1-74; Augustin Thierry, *Histoire de la conquête de l'Angleterre par les Normands* (Paris: Didot, 1825); Augustin Thierry, *Lettres sur l'histoire de France* (Paris: Sautélet, 1827).

⁵¹⁰Comte, *Traité de législation*, p. 359.

divided up and owned and exploited individually and are forced to work for their individual master (in his household, so to speak) by means of "active and continuous" control and supervision.⁵¹¹ If the method of exploitation has changed for "domestic slaves" then so too has the nature of the ruling class. In a society based upon the forced labour of domestic slaves, Comte argues, the owners of the slaves form an "aristocracy" or an "aristocratic class" as he chose to call it. Aristocracy was a term which Comte chose deliberately and defined carefully. By it he meant a class of people, usually family based, who possessed a monopoly of political power which had been seized by force and who treated their position as a form of personal property, even to the extent of being able to pass it on to their heirs. Comte contrasted this form of aristocracy, which he believed was a central aspect of all slave societies, with "les classes supérieures" with which it was often confused. The latter, Comte believed, was the "natural" result of any peaceable human endeavour and arose because of the inherent differences in skills, knowledge, and application between individuals.⁵¹² But whatever the particular form of slavery, whether "political" or "domestic," according to Comte there were three features all forms of slavery shared: it was a way of exploiting the labour of some for the material benefit of a few, it gave rise to a definite class structure of the few exploiters and the many exploited, and resulted in a legal system which classified men as either property owners or the property of someone else. The former enjoyed the full protection of the law, whilst Comte likened the latter, the slaves, to "a piece of furniture" with all the legal rights of such a physical object.⁵¹³

Comte did allow for the existence of a third or "middle" class in his scheme. The middle class varied in size from country to country and, where it was substantial, there was an inevitable and bitter conflict or struggle ("lutte") with the aristocratic class. However, the middle class was not of uniform composition and did not have a single class interest (as Marx might phrase it) since it was made up of at least three sub-groups: those who lived in the privileged medieval towns; those who enriched themselves in service to the aristocracy; and those who were the true "industrials," who rose up from the working class by dint of hard work. According to Comte, since the second and third factions of the middle class acquired their wealth in quite different ways, they would by necessity have very different and opposed class interests.⁵¹⁴

⁵¹¹Comte, *Traité de législation*, p. 359-60.

⁵¹²Comte, *Traité de législation*, pp. 359-60, footnote.

⁵¹³Comte, *Traité de législation*, p. 361.

⁵¹⁴Comte, *Traité de législation*, p. 360.

A considerable proportion of Book Five of the *Traité de législation* is devoted to an exhaustive historical and sociological analysis of the three great periods of slavery: ancient Rome up to the fall of the Empire; the feudal period; and the establishment of European colonies in the New World. Comte's interest extends to the effect of slavery on a variety of aspects of the various classes which make up slave societies, including physical characteristics, intellectual achievements, "morals,"⁵¹⁵ personal security, interclass relationships, the nature of government, nationalism, religion, as well as the economic issues raised by the debate begun by Say on the profitability of slave labour and the slave system which was discussed in a previous chapter. The first purely economic problem Comte turns to is the effect slavery has on what he calls "les facultés industrielles" of the three classes which make up slave societies, namely the slave owners, the slaves, and the middle class, in the three great periods of slavery (ancient Greece and Rome, the feudal period, and modern European colonies).⁵¹⁶ Since the slave owners are able to avoid all productive labour whatsoever, an inevitable consequence is that the slave owning class comes to disdain such work and this attitude is expressed in works of political philosophy (such as Aristotle and Plato) and history (such as Plutarch and Dionysius of Halicarnassus). The underlying purpose of the disdain for useful labour, according to Comte, is an economic one. The aristocratic class had amassed vast tracks of land and used slave labour to cultivate it and to engage in commerce and industry on their behalf. By encouraging the view that productive labour was somehow beneath the dignity of a truly free man and only the province of a slave, Comte believed the aristocratic class was merely trying to establish a monopoly of these economic activities, especially that of the sale of grain.⁵¹⁷

Nevertheless, there are three exceptions to this general rule of aristocratic disdain for labour. The aristocratic class considers only two occupations to be worthy of nobles, that of the warrior and that of the statesman, with a possible third occupation which Comte sarcastically discusses, that of buying and selling slaves. The first two occupations were acceptable to slave owners because they did not involve the voluntary exchange of one value for another, which was the hallmark of any productive activity as defined by Jean-Baptiste Say and as adopted by Comte and Dunoyer in their social theory. Citing Plutarch's "Life of

⁵¹⁵By the term "morals" both Comte and Dunoyer mean a combination of moral attitudes as well as political culture.

⁵¹⁶See V "De l'influence de l'esclavage sur les facultés industrielle des maîtres et des esclaves," pp. 370-76; VI "De l'influence de l'esclavage sur la partie de la population qui tient le milieu entre les maîtres et les esclaves," pp. 376-79 in Comte, *Traité de législation*.

⁵¹⁷Comte, *Traité de législation*, p. 371. See also footnote p. 378.

Cato," Comte makes the following biting remarks which also reveal his continuing strong anti-classical position:

There is however one industry which (in the system of) slavery was not considered debasing in the eyes of the members of the aristocracy: it is the industry which consisted in raising, renting, buying and selling human beings. The very same person who feared being debased by using his noble hands in the cultivation of a field or in the exercise of a profession felt no fear of having his dignity affronted (*déroger*) in raising his slaves himself to carry out activities which he judged the most vile, even that of the gladiators. A citizen would have been dishonoured if he had busied himself in the renting out of horses, but a senator or a consul could be a renter of human beings without tarnishing his dignity. It is said that one of the ancestors of Octavius sullied his reputation by being a banker, but Cato bought and sold human beings. He specialised in selling old people who brought him only a small profit and who could become useless, and Cato was the guardian of morals (*moeurs*).⁵¹⁸

Referring to the period of European feudalism Comte asserted that the warrior made a living by means of violent pillage, whilst the public official or statesman lived off forced contributions such as taxes, tithes and requisitions. What was significant to Comte was that these occupations were attractive to the aristocratic class precisely because they were not industrial occupations, but in fact the very opposite.⁵¹⁹

The ultimate economic consequences of slavery was economic collapse and "decadence." This came about because whatever talents the aristocratic class had they were not used in improving the methods of production and the occupations they did follow, such as war, public service, and slave owning, were a net drain on productive activity. In fact, Comte considered the class of slave owners to be a parasitic class whose miraculous disappearance would leave the total industrial capacity of the world untouched, much like Saint-Simon's famous political parable of 1819 which might well have been known to Comte. Concerning slavery, Comte posed a very similar question to that of Saint-Simon:

If, by some great catastrophe, the race of masters suddenly disappeared from a country where slavery was practised not a single type of work would be suspended and no wealth lost whose going would be regretted. Work in general would take a direction more useful to human kind and periods of rest would be better managed. But labour would gain in energy and in intelligence to the extent that it was diminished in duration.⁵²⁰

The slave class had no economic incentive to work hard, preferring to do the barest minimum of labour required to avoid physical punishment from their masters. The slave

⁵¹⁸Comte, *Traité de législation*, pp. 371-2.

⁵¹⁹Comte, *Traité de législation*, pp. 372.

⁵²⁰Comte, *Traité de législation*, pp. 372.

owners had a vested interest in keeping their slaves as ignorant as possible (with the unfortunate economic side-effect of keeping their labour unskilled) in order to prevent rebellion. The middle class in slave societies finds itself in a similar situation to that of the slaves. Middle class artisans and farmers have to compete with the slaves doing the same kind of work, but they lack the capital resources of the slave owners. If they can get regular work, it is poorly paid and lacks the dignity which free labour should have because of the stigma attached to productive work by the aristocratic class. In ancient Rome, Comte argues, free industrial workers were reduced to a state of indigence and free farmers virtually driven off the land. In the slave states of the United States Comte observed a polarisation of class structure as the free workers "deserted" the south to find employment in the North. In both cases, the existence of slavery made it almost impossible for free labour to exist side-by-side. Comte concluded that, unless all members of a society are active in productive industrial occupations, the necessary skills for economic improvement are gradually lost and the burdens on what productive activity there is become so great that economic decline is an inevitable consequence of slavery.⁵²¹

The economic decline brought about by slavery also has an effect on cultural activities. Comte expresses surprise that traditional explanations of the decadence of ancient Roman technology, taste, morals and language by writers as diverse as Machiavelli, Montesquieu, and Rousseau did not attribute it to the pernicious influence of slavery. These political philosophers preferred to develop elaborate theories about the life-cycle of all states, which went through a progression from childhood, manhood, old age and then death. They thus missed the most important cause, namely the anti-industrial economic effects of using slave labour on a wide scale.⁵²²

Comte then turns to the central question of the profitability of slave labour in three important chapters.⁵²³ Perhaps the most startling conclusion Comte comes to, after having read Adam Smith and the debate between Say, Hodgson, Storch and Sismondi on the profitability of slave labour, is that the very question first asked by Smith in *The Wealth of Nations* is mistaken. When the question is phrased in the way Smith chose to, namely to place oneself in the shoes of the slave owner and ask whether the costs of labour ("wear and tear"

⁵²¹Comte, *Traité de législation*, pp. 374.

⁵²²Comte, *Traité de législation*, pp. 374, footnote.

⁵²³XV "De l'influence de l'esclavage domestique sur la production et l'accroissement des richesses," pp. 415-18; XVI "De l'influence de l'esclavage sur les arts industriels et sur le prix de la manoeuvre - suite du précédent," pp. 418-25; XVII "De l'influence de l'esclavage sur la distribution des richesses entre les diverses classes de la population, pp. 425-28 in Comte, *Traité de législation*.

as Smith called them) were more or less for free or slave labour, Comte believed the unspoken assumption behind the question was that individual labourers, whether slave or free, were nothing more than machines whose movement could be arbitrarily directed, accelerated or slowed down. Comte rejected this approach as not one which a true philosophe, a true moralist, or a true legislator should take since it was partisan. It took the perspective of the slave owner at the literal expense of the slave labourer. By not asking about the morality and justice of slave labour in the first place, economists who argued purely about the relative costs of the two different forms of labour were like the pirates or highway robbers who weighed up the costs and benefits of a new raid against travellers. With evident approval Comte cites a passage from Say's fifth edition of the *Traité d'économie politique* (1826) in which Say describes as "feeble calculators" those economists who consider that force counts for everything and justice for nothing when adding up the costs and benefits of a given distribution of property.

Those who count force for everything and equity for nothing are weak calculators. (That (kind of analysis) leads to the system of exploitation of the Bedouin Arabs who stop a caravan, seize the merchandise which it is carrying and believe that it costs them nothing more than a few days of ambushing and some powder for their guns. There is only one long-lasting and certain way of producing things legitimately and there is only one legitimate way to do this and that is where the advantages of one party are not acquired at the expense of the other.

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Comte expressed the same idea and laid the blame for the prevalence of naked economic calculation over moral questions of property and justice at the feet of Adam Smith.

I concede that pirates and highway robbers discuss amongst themselves whether the benefits they receive in ransoming travellers cost them more than the benefits they might get in carrying out some other branch of industry. As far as they are concerned the issue could not be clearer and they have no desire to discuss they matter either as moralists or legislators. But to raise an analogous question among civilised (policés) people and to treat it as a science is, it seems to me, to renounce that impartiality which must preside over all scientific research and to return us to barbarism. Adam Smith, whose spirit elsewhere was so just, has put the question badly and it has led into error almost all those who have discussed the matter since.⁵²⁵

A more honest and indeed more scientific way of expressing the same question, Comte thought, was:

... to ask if the labour which one man obtains from a large number of other men by tearing the skin off their backs with the blows of a whip, costs

⁵²⁴Comte quotes Say's *Traité*, fifth edition, book 1, chapter 19 in Comte, *Traité de législation*, p. 416, footnote.

⁵²⁵Comte, *Traité de législation*, p. 415.

him more dearly than the labour that he would get from them by paying them a just wage.⁵²⁶

Not surprisingly few if any of the political economists contributing to the debate expressed the question in this way, even though most of them would have agreed with Comte's sentiments. To Comte the phrasing of the question in the way made popular by Smith was "unscientific" because it was so value-laden and was therefore not likely to lead to a "good solution" to the problem. It seemed to view the problem exclusively from the perspective of the slave owner, who asked himself how he could minimise his labour costs. In fact, Comte surmised that the way the question was phrased suggested that the first writers on the subject must have been slave owners and that it was to further their own interests that they investigated the problem of the economics of slave labour. A fairer and more general question would be to ask all parties to the transaction for an assessment of their perception of the costs and benefits involved. And this, of course, would involve the slaves as participants rather than as objects or "machines." Comte asks rhetorically why the slaves' costs have never been included in any economic calculation:

It would never have occurred to enslaved men to ask themselves whether the meagre subsistence which they obtain as the price of their labour costs them less in suffering and fatigue than that which costs free workers for the wages they obtain for their labour. However this question is the same as the preceding one. There is no difference between the one and the other except that in the former it is the masters who consider whether it is convenient for them to pay their workers with lashes of the whip or hard cash, whilst in the latter it is the slaves who ask themselves which of the two methods of payment is more convenient.⁵²⁷

A valid scientific inquiry into the problem had to be impartial and could not assume the position of one of the parties at the expense of the other. Thus Comte refused to take the perspective of either master or slave, king or subject, citizen or foreigner in what he wanted and expected to be a scientific analysis of the problem of slavery.⁵²⁸

Of course Comte knew very well that, by rejecting the traditional Smithian approach to the problem and introducing the issue of the perception of costs and benefits of the slave, he was going to the heart of the contradiction and injustice of slavery, namely that a human being could be a form of property and thus be the mute object of a transaction. Comte granted that many slave owners behaved exactly like this, treating their slaves like so many English post-horses whose owners drove to death, since it was cheaper to replace them with fresh horses

⁵²⁶Comte, *Traité de législation*, p. 415.

⁵²⁷Comte, *Traité de législation*, p. 415-16.

⁵²⁸Comte, *Traité de législation*, p. 415.

than to care for them in the long term. In a discussion of the Dutch colony in Guyana Comte concluded pessimistically that

Owners (maîtres) of the English post find that it is more economical to exhaust a good horse over a few years and to replace it than to demand a moderate amount of work and to feed it well over a long period of time. This is the calculation that owners of human beings do in the colonies.⁵²⁹

Interestingly, Dunoyer had a different explanation for the brutal treatment of slaves by their masters. He argued that the owner of a horse will treat it "humanely" because he has no fear of it rising up in revolt against him. He will treat a slave harshly precisely because he is a fellow human being who might do what a horse will not. Thus the slave needs to be kept in a constant state of submission.⁵³⁰

Comte argued that a slave owner or a pirate might be able and willing to make a calculation such as Smith had in mind, but the independent thinking social theorist was not in such a position. As he put it with considerable passion:

... but we, who have no table of values (tarif) to determine the value of our fellow human beings; we, who do not know what is the legitimate price for which one buys the power to commit violence against men, children and women; we, who do not admit that the largest part of the human race has been created for the pleasure of the members of the aristocracy; we, who can see in the relationship between master and slave only the action of force and brutality on weakness and ignorance; we, in whose eyes slaves are human beings just like the masters, and who ought to calculate the cost of a product, not to such and such men, but to the entire human race; and finally we, who cannot count for nothing the violence and the misery to which the (slave) populations are subjected for the benefit of a more or less numerous aristocracy; we ought to reason differently to the owners of slaves.⁵³¹

But this moral outburst, for all its truth and feeling, did not mean that Comte was not interested in the economic consequences of slavery. His concern, like Henri Storch's, was the overall economic, moral, religious, social and political consequences of slavery. Comte's interest in slavery was a systemic one (or the perspective of "the entire human race" as he put it) rather than an interest in the peculiar problems of the slave owner in balancing his plantation account books by weighing the economic pros and cons of using slaves or free wage labourers. However unlike Storch, Comte was unwilling to countenance the possibility of paying slaves for their labour as a kind of half-way house between slavery and free labour. The moral imperatives of abolition were too strong for him to accept any form of coerced labour as coolly as Storch, perhaps more realistically, was able to do. Nevertheless, Comte's

⁵²⁹Comte, *Traité de législation*, p. 389, footnote.

⁵³⁰Dunoyer, *L'industrie et la morale*, pp. 232-3, footnote.

⁵³¹Comte, *Traité de législation*, p. 416.

interest in slavery as a system of organising labour led to the asking of a set of economic questions similar to those put forward by Hodgson and Storch, about how slavery affected the total amount of wealth created in society, how it affected the way in which that wealth was distributed and consumed, and how it affected the costs of producing that wealth.⁵³²

We have already mentioned Comte's answer to the first question: he believed that societies dependent on slave labour stagnated economically and, like the fall of the Roman Empire, became both economically and politically "decadent." Furthermore, slave societies lacked the incentives for innovation and technical improvements. Comte argued that what distinguished the modern economy from the ancient world and made economic progress possible was the twin introduction of machines and the division of labour. In systems of slave labour there were unbreachable barriers to both innovations.⁵³³ Yet, although Comte rejected the traditional Smithian formulation of the question about the profitability of slave labour as one designed to take the side of the slave owners, much of his analysis, as was Say's and Storch's, was still taken from Smith. One need only compare Comte's discussion of the use of machinery and the division of labour with the following passage from Smith's *Wealth of Nations* concerning the use of slaves in ancient Athens and Rome to see this.

Slaves, however, are very seldom inventive; and all the most important improvements, either in machinery, or in the arrangement and distribution of work which facilitate and abridge labour, have been the discoveries of freemen. Should a slave propose any improvement of this kind, his master would be very apt to consider the proposal as the suggestion of laziness, and a desire to save his own labour at the master's expense. The poor slave, instead of a reward, would probably meet with much abuse, perhaps with some punishment.⁵³⁴

The slave owners disdained all industrial activity, whilst the slaves were not encouraged to improve their skills or develop new methods of production as they were not rewarded for their effort and had no security of person or property. As far as the contribution of the slave owners to national wealth, Comte dismisses their activity as "completely lost to the production of wealth."⁵³⁵ Lacking technical innovators and an ever increasing division of labour, slave economies remained locked into agriculture as their sole means of wealth production. One of Comte's observations which most attracted Say's attention in editions of his *Traité d'économie politique* after 1827 was that a considerable number of plantation

⁵³²Comte, *Traité de législation*, p. 417.

⁵³³Comte, *Traité de législation*, p. 424.

⁵³⁴Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of nations*, ed. R.H. Campbell and A.S. Skinner (The Glasgow Edition of the Works and Correspondence of Adam Smith reprinted Indianapolis: Liberty Classics, 1981), vol. II, pp. 684.

⁵³⁵Comte, *Traité de législation*, p. 417.

owners were highly indebted. In spite of their exploitation of slave labour and the tariffs which guaranteed a market for their produce in their home countries, many plantation owners in the British and French colonies were close to bankruptcy, thus prompting a considerable pamphlet literature on their predicament.⁵³⁶ In other sectors of the economy slave societies were extremely backward and impoverished. Comte cites the examples given by French travellers' accounts in the United States of supposedly wealthy slave societies being unable to exploit local resources, such as forests, because of the lack of skilled labour. Without local masons, carpenters, market gardeners and ship-builders, plantation owners had to spend vast sums purchasing material from the northern cities or even from as far away as England.⁵³⁷ Comte blamed the slave system for preventing the natural development of job skills and the division of labour and thus hampering growth in an important part of the southern economy. If the economy was lacking on the supply side, it was also lacking on the demand side. Without a prosperous and free working and middle class there was no market for the services of masons, carpenters and market gardeners, even if they had existed.⁵³⁸

As for the second question, Comte seemed to borrow Storch's concept of "national wealth" and concluded that slave economies made little contribution to any increase in overall national wealth. However, Comte's innovation was to go beyond Storch and to inquire into the redistribution of wealth from one class to another within slave societies. He observed that slave owners were very successful at redistributing existing wealth away from the slaves and the consumers and taxpayers of the metropole. In fact, the slave owners were consummate exploiters, directly exploiting their slave workers by forcing them to work in their plantations and homes, and indirectly exploiting the consumers and taxpayers of the metropole by their exclusive access to the home market by means of tariffs and other protective measures.

To extort the capital of the rich by violence is not to increase the (total) sum of wealth but to transfer (*déplacer*) wealth which has already been produced. Furthermore, to extort the labour of a poor person by blows with the whip or by analogous means is not to reduce the costs of production but to deprive (*ravir*) the mass of the population of its means of existence in order to fatten up the members of the aristocracy. What is true for comparisons between individuals is true for comparisons between nations. There is no difference between the former case and the latter except that, in the latter brigandage is established on a much larger basis and produces more disastrous consequences.⁵³⁹

⁵³⁶Comte, *Traité de législation*, p. 420.

⁵³⁷Michaux, *Voyage à l'ouest des monts Alleghany*s and Larochefoucauld, *Voyage aux États-Unis* cited in Comte, *Traité de législation*, p. 421.

⁵³⁸Comte, *Traité de législation*, p. 422.

⁵³⁹Comte, *Traité de législation*, p. 416.

Therefore, an important social consequence of slavery was the concentration of wealth in the hands of a few wealthy slave owners. Comte describes the development of a highly unequal class structure in ancient Rome, Attica and contemporary British and French colonies in some detail. He concluded that the vast bulk of property and wealth was concentrated in a small number of British plantation owners, perhaps as few as seventeen or eighteen hundred by Comte's estimate, who controlled the lives and fate of more than 800,000 slaves.⁵⁴⁰ A similar calculation put the number of French sugar plantation owners at about thirteen hundred and the number of slaves at approximately 284,400.⁵⁴¹

The other important source of exploitation for the slave owning "aristocracy" were the consumers and taxpayers of the metropole. This is an argument which Say had made in the third and fourth editions of his *Traité* before his contact with Hodgson and Storch, but which he had not developed at any length. What had been an off-the-cuff remark by Say was now turned into the lynch-pin of Comte's analysis of the entire modern slave system. Whereas in the ancient world slavery was made possible by the supply of cheap slaves made possible by war, in the modern world Comte believed that without the financial "support" provided by the metropole the slave system would sink into bankruptcy and economic collapse. In both cases the economic inefficiencies of slave labour were kept hidden by actions of the state. A clear example of this was provided by the British planters in the Caribbean who, each year it seemed, appealed to Parliament to relieve their economic "distress" by maintaining the lucrative monopoly for their goods in the British market. The monopoly profits which they derived from this exclusive access to the British market made up a considerable proportion of their income over and above the profits they were able to extort from their slaves' labour in the fields.⁵⁴² A similar situation existed in the French slave colonies. When Martinique, Guadeloupe, and Bourbon were returned after 1814, the slave owning class was near bankruptcy and thus sought and got exclusive trading rights in France to enable them to repay their considerable debts. Comte estimated this privilege cost French consumers some F20-30 million per annum in extra costs for sugar alone in the mid 1820s.⁵⁴³

The monopoly profits from the exclusive trading rights with the metropole were not the only economic benefits to be had. Another source of subsidy to the slave system were the costs of administration and defence which were borne by the metropolitan taxpayers. Comte

⁵⁴⁰Comte, *Traité de législation*, p. 427.

⁵⁴¹Comte, *Traité de législation*, p. 427.

⁵⁴²Comte, *Traité de législation*, p. 427.

⁵⁴³Comte, *Traité de législation*, p. 428.

estimated that up to one half of the cost of administering the colonies was a direct subsidy from the taxpayers. In addition to this administrative cost there were the costs of stationing troops on the islands to prevent slave revolts and maintaining naval protection for the traders bringing their produce to France.⁵⁴⁴ When all the subsidies to the slave colonies were added up, Comte believed the annual amount reached F50 million in the late 1820s. Thus the slave owners have a lucrative source of income in addition to the use of slaves directly on their plantations. For example, the larger sugar growers who numbered some 318 directly benefited from the F20-30 million per annum extorted from the French consumers and this was proof enough to Comte that the slave system was an efficient system of class exploitation by a small number of "aristocratic" beneficiaries.⁵⁴⁵ Comte concluded his analysis of the exploitation which the colonial system made possible with the observation that the exploitation of the slaves was like employers who paid a portion of their wage in kind and the rest in a new form of money, the strokes of the whip. On the other hand, the exploitation of the metropolitan consumers by means of the exclusive trading rights and tariffs on cheaper non-French sources was like a man who refuses to buy his supplies from the manufacturer, but prefers to sell stolen goods. To add insult to injury, these stolen goods are not sold more cheaply but at a much higher price - surely a clever form of extortion if it could be maintained.

Previously I made the observation that , in order to obtain the labour of a slave, a master paid him a small part in grain or clothing and the other part in blows with the whip. We cannot consider what is acquired by this latter kind of money differently from the way we consider the benefits acquired by the individuals who ransom travellers on the highways. Thus, when we grant a monopoly in grain sold by land owners who obtain the labour of their workers only with blows of the whip, in preference to those (land owners) who obtain labour by paying a just salary, we find ourselves in the situation of a man who refuses to buy the products of a manufacturer but prefers to buy only stolen merchandise. Such commerce done by a dishonest person would be natural if the stolen goods were sold below the market price. But if the thieves, in view of the dangers of their profession, demanded for the goods a higher price than the market price, what would we think of those who preferred to do business with them?⁵⁴⁶

⁵⁴⁴Comte uses budget papers written by Charles Dupin for all these figures. One example from the ministre de la marine was for the administration of the Antilles in 1820 which cost some F11.8 million but only raised from local sources only F5.7 million. Thus the French taxpayers were subsidising the slave owners to the tune of F6 million. In all, Comte believed that the cost of administering France's three remaining colonies was the same as when it had ten. Comte, *Traité de législation*, pp. 465-6.

⁵⁴⁵Comte, *Traité de législation*, p. 467.

⁵⁴⁶Comte, *Traité de législation*, p. 470.

Comte concludes this section of his argument by observing that, since it is the slave owner who has stolen from the slave by not paying him or her "a just wage," it follows that it is not theft if the slave takes property from the slave owner. Comte viewed it as a legitimate act on the part of the slaves to redress the imbalance in their wages by demanding to be paid more in kind than in the alternate "currency" of the plantations.⁵⁴⁷

The third economic question Comte posed is how slavery affected the costs of producing wealth. He argued that most of the surplus the slave owners were able to "extort" from the slave was dissipated by the high cost of living in a distorted and inefficient economy. Thus their much vaunted wealth, attributed to the cheapness of coerced slave labour, was in fact an illusion.⁵⁴⁸ Unlike Storch, Comte did not limit his analysis to the drain on net productivity caused by the unproductive use of large numbers of domestic slaves in the slave owner's household, but extended it to include the effect on the entire economy. Comte uses examples of the great disparities in wages between low priced rented slave labour and high priced free wage labour in South Africa, the American slave states, and the French Caribbean, to make the point that, if the cost of plantation labour by slaves was cheap, the rest of the economy was plagued by labour shortages, especially of skilled artisans, which kept the slave economy in an overall backward and undeveloped state. The northern American states could cope with relatively high wage levels for two reasons. The output of these highly paid and highly skilled workers was considerable and the value of the resources being transformed into saleable products by them provided an excellent return on one's investment, in spite of the high level of wages paid. In the slave owning South the opposite was the case. The low wages for slaves reflected low productivity and under utilised resources. As Comte put it, "the costs of exploitation were equal to or greater than the value of the product," which explained the high level of indebtedness of many slave owners.⁵⁴⁹ Once again the source of Comte's argument appears to come from Smith. In an interesting comparison between slave labour in Turkish mines and free wage labour in Hungarian mines, Smith comes to the conclusion that although slave labour is cheap, it is inefficient, and conversely, that whilst free labour is expensive, it is highly productive and thus profitable to the mine owner.

In the manufactures carried on by slaves, therefore, more labour must generally have been employed to execute the same quantity of work, than in those carried on by freemen. The work of the former must, upon that account, generally have been dearer than that of the latter. The Hungarian

⁵⁴⁷Comte, *Traité de législation*, p. 418.

⁵⁴⁸Comte, *Traité de législation*, p. 422.

⁵⁴⁹Comte, *Traité de législation*, p. 423.

mines, it is remarked by Mr. Montesquieu, though not richer, have always been wrought with less expense, and therefore with more profit, than the Turkish mines in their neighbourhood. The Turkish mines are wrought by slaves; and the arms of those slaves are the only machines which the Turks have ever thought of employing. The Hungarian mines are wrought by freemen, who employ a great deal of machinery, by which they facilitate and abridge their own labour.⁵⁵⁰

Comte next turned to an analysis of the costs of production in the colonies for the so-called "colonial wares" of sugar, indigo, coffee and such like. Here he found more proof for his claim that the total costs of production of slave labour were far higher than for free wage labour, thus leading to the lower prices for goods produced by free labour. The examples Comte uses to make his case come from two sources. The first are those colonies such as Cuba, where the ratio of slave to free labour is much less than in the French colonies, and the second are those sugar producers where no slaves at all are used in production, namely India and Cochin China. In the former example, the assumption Comte makes is that, since the high cost of producing sugar is almost exclusively due to the presence of slave labour (with other local factors such as soil fertility and climate discounted for his polemical purposes), the greater the proportion of slaves used in production, the greater will be the costs of production. Hence, the final sale price to consumers will be high. Using Say as his authority, Comte claims that the slave colonies with the least number of slaves can produce sugar up to one third more cheaply than the other slave colonies.⁵⁵¹

The second source of examples provide a much sounder basis for argument than the rather weak one of Cuba. In spite of using very primitive methods, lacking any labour-saving machines or modern processes, and facing the higher costs of shipping to Britain, the (East) Indian sugar producers were much more competitive than their West Indian counterparts. Comte ascribed this to the fact that they only used free wage labour and not slaves. Likewise with the sugar producers of Cochin China. Both producers were, for all intents and purposes, kept out of the British and French markets by hefty taxes which raised the internal domestic sale price of foreign imported sugar to the much higher level of slave produced sugar. Comte calculated the extra cost to French consumers of these taxes and trade restrictions in 1826 to be more than F30 million per annum. He regarded this cost as both an unnecessary burden on

⁵⁵⁰Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. R.H. Campbell and A.S. Skinner (The Glasgow Edition of the Works and Correspondence of Adam Smith reprinted Indianapolis: Liberty Classics, 1981), vol. II, pp. 684. See the all too brief discussion of this issue in Samuel Hollander, *The Economics of Adam Smith* (University of Toronto Press, 1973), p. 211, footnote 11.

⁵⁵¹Comte makes this rather weak argument in a lengthy footnote and dismisses other more likely factors for this difference preferring to lay all the blame upon slavery itself. Comte, *Traité de législation*, p. 464.

consumers as well as a direct subsidy to the French slave owners.⁵⁵² Comte reminded his readers that the benefits of free trade in sugar and other colonial products would not only be felt by existing consumers of sugar. The lower price would enable large numbers of other people, who were prevented from consuming it at all because of the high price, to purchase sugar, with benefits to themselves and to the producers which an expanded market would create.⁵⁵³ Comte summed up his analysis of the economic consequences of slavery as an "invincible obstacle" to the formation and accumulation of wealth and a serious handicap to any increase in the productivity of labour. The result was a social system with a highly inequitable distribution of wealth, which was against all principles of equality, morality, and justice.⁵⁵⁴

Although Comte had certainly read Hodgson and Storch and quoted from them several times, he virtually ignores their arguments about how to make slave labour more productive. The reason Comte does this is twofold. Firstly, it must be remembered that he is an "immediatist" in his demand for the termination of slavery. In his eyes slavery is so immoral, such an evil, that anything which might prolong it by giving the slave owners an economic incentive to keep it, even in an altered and perhaps ameliorated form, should be avoided. Secondly, Comte had deliberately changed the focus of the debate away from the "peu philosophique" concern with labour profitability to what he considered to be the deeper, institutional and legal underpinnings of slavery, namely protective tariffs, exclusive access to the metropolitan market, tax subsidies for administration and defence, and a legal system which made ownership of others possible. When compared to these matters the experiments of a few planters seemed to pale into insignificance. Steele might have been able to get better productivity from his slaves by paying them a small wage but, in one of the few passages where this issue of paying slaves a wage is addressed, Comte concludes that, without a legal system which could guarantee the slaves that their earnings could be kept in security from their master, they were still slaves at the mercy of their master's whim. What guarantee was there, after their progressive master had died, that any property they had accumulated would not be confiscated by the new slave owner? Comte comes to the interesting conclusion that, if it could somehow come to pass that slaves could enjoy with some security the wages they

⁵⁵²In 1826 France consumed 64.6 million kilogrammes of sugar at a cost of F7.30 per kilogramme for a total cost of F69.3 million. If France had been able to buy all its sugar from slave colonies with only half the proportion of slave labour the cost would have been F49.96 million, a saving of about F20 million. If the source had been Indian or Vietnamese sugar the savings would have been F30 million. Comte uses French budget papers for his figures. Comte, *Traité de législation*, p. 465.

⁵⁵³Comte, *Traité de législation*, p. 465.

⁵⁵⁴Comte, *Traité de législation*, p. 428.

earned, they would in fact be better off than most so-called free taxpayers, who see their taxes increase every year. Furthermore, if this security of enjoyment of their property continued long enough the slaves would eventually accumulate enough capital to purchase their freedom from their master, thus bringing to an end the entire system of slave exploitation. Playing comparing the reform-minded slave owners to a mythical William the Conqueror, the cynical Comte doubted it would be in the slave owners' long-term interest to act in this fashion and therefore something they, as a class, or the legal system itself, would not allow to happen (even though the occasional individual slave owner might do so).

... if such a situation (the right to work for wages and security of ownership) were guaranteed them and if the sum demanded from them (tax or payment to the master) was unchanged for them and for posterity, in a short time the position of the majority of them would be better than those people who consider themselves to be free and who have extracted from them annually, under the name of taxes, half of their earnings. If William the Conqueror, for example, had been declared the legitimate owner of all the people who lived in England; if he had subjected them to the same conditions to which a number of colonists subject their black slaves, and if neither he nor his successors had ever increased this obligation isn't it clear that the poorest people would be less imposed upon today than in fact they are, that the greatest part of the population long ago would have become rich enough to buy themselves back and that they would now only belong to themselves? But (of course) the domains of the crown are inalienable.⁵⁵⁵

As long as protective tariffs, metropolitan subsidies and a cheap source of slaves made exploitation even slightly profitable, Comte thought the slave system would continue.

Storch's aim of abolishing slavery “without pain” (“insensiblement”) by persuading the slave owners that it was in their economic interest to pay slaves wages in order to increase their productivity, was rejected by Comte as insufficiently sensitive to the injustices being committed against both the slaves and the metropolitan consumers and taxpayers. Comte had another solution to the problem of slavery which he thought would be just as non-violent and painlessly felt as Storch's. The abolition of “this horrible system” as Comte called it follows quite logically from his views on the economic viability of the slave system and the nature of what the legal system should be.⁵⁵⁶ He believed slavery could be ended by a combination of “negative” and “positive” steps which would be in keeping with liberal principles. By “negative” Comte meant the withdrawal of state activity from an area in which had been active; by “positive” Comte mean the opposite - action by the state in an area in which it had been inactive. The “negative” step involved immediately withdrawing economic privileges

⁵⁵⁵Comte, *Traité de législation*, p. 376, footnote.

⁵⁵⁶Comte, *Traité de législation*, p. 468.

granted by the state to the slave owners and thus forcing them to confront market forces. Without the monopoly profits from their exclusive access to the home market and the subsidies paid by the metropolitan taxpayers for administration and defence, the slave owners would not be able to maintain their system of labour. Cheaper goods grown by producers who did not use slave labour, the prospect of higher local taxes to pay for local administration, and the threat of slave uprisings without the comforting presence of French soldiers and sailors, the slave owners would be forced to free their slaves and introduce wages in order to compete. If they could not compete because of their lack of management skills and "industrial" values necessary to be an efficient producer, then Comte was happy to see them go bankrupt and be replaced perhaps by free and independent black producers using land that once belonged to their masters for more productive purposes.⁵⁵⁷ Comte found that future quite an enticing one, if it could be achieved immediately before the slaves lost their patience. Not only would the slaves be freed, but the burden on the metropolitan consumers and taxpayers would be lifted if colonial tariffs and other subsidies could be eliminated.

The "positive" step to end slavery involved the extension of the protection offered by the legal system to include blacks as well as whites. Slavery to Comte was much more than an economic system for the exploitation of the numerous "working class" by the minority "aristocratic class." One of its essential features was a legal system and the property rights which derived from this legal system, which favoured the class of slave owners at the expense of those who were owned. At the core of this legalistic view of slavery was the idea that slavery was a legal privilege accorded to those who were considered to have full rights acknowledged by the law. A slave on the other hand, either had no rights as a person at all or had very limited rights (such as some restrictions as to the kind of punishment which a slave owner could inflict on him or her) which were very difficult to enforce in a society where most of the public officials, including the judges, were either slave owners themselves or relatives of slave owners. Ultimately, the legal difference between a slave and a slave owner was that the latter had the right in law to own another human being, whereas the former was in fact that type of property. Comte's third way to end slavery was to end this discrimination in law between slave owners and slaves by making all human beings equal under the law. Only in this way could blacks enjoy the benefits of property ownership themselves and the tranquillity and repose the rule of law should make possible to all. Comte's legalistic view of slavery and how the liberation of the slaves could be achieved comes across clearly in the following passage:

⁵⁵⁷Comte, *Traité de législation*, p. 468.

What does it mean to free an enslaved man? Quite simply it means to withdraw him from the violence and caprice of one or more individuals, to submit him to the regular activity of public authority; in other words, it means to prevent one man called a master abandon himself to extortion, violence, cruelty with impunity towards other men called slaves. To free men is not to open the door to trouble or disorder but to repress them, because disorder exists everywhere violence, cruelty and debauchery know no limit. The most frightening disorder rules wherever the most numerous part of the population is exposed to some men without any defence, (men) who can abandon themselves without reserve to all vices and all crimes, that is to say wherever slavery exists. Order rules, on the other hand, wherever no one can indulge with impunity in extortion, injury, violence; wherever no one can fail in their obligations without being subject to chastisement, wherever each person can fulfil their duties without suffering any penalty. Order is liberty.⁵⁵⁸

Comte's analysis of slavery in the *Traité de législation* had considerable impact on Jean-Baptiste Say's *Cours complet d'économie politique* which appeared in 1828. Say strengthened his argument that the issue of tariff protection for the slave economies was more important than the problem of the comparative costs of free and slave labour. Furthermore, the discussion of the nature of class exploitation in the colonies and the problem of the growing indebtedness of many plantations owed much to Comte's pioneering work, whilst Say's confidence in the spread of "republicanism" weakening the political power of the slave states obviously drew upon Storch for its support. For reasons of space it is impossible to go into any details about Say's final word on the question of slavery, except to say that the debate among the abolitionists and the political economists had raised many problems which Say had not discussed in his earlier works. He had been forced to confront these problems with the result that he had drifted much closer into the position of his son-in-law, Charles Comte, with his class analysis of slavery.

⁵⁵⁸Comte, *Traité de législation*, p. 479. Comte gives another definition of enslavement along similar lines: "The enslavement of one man to another is nothing more than a privilege of immunity granted to the former for the crimes he could commit against the latter. The liberation (of a slave) is nothing more than the revocation of this privilege. To declare that, in such a country, that slavery is abolished is to declare quite simply that crimes will be punished without exception for anyone. To establish or maintain slavery is to grant or guarantee the privileges of wrong-doing. It is so evident that, in order to abolish servitude completely in all places where it exists, it is sufficient to judge all facts of the same kind according to the dictates of the same laws." Comte, *Traité de législation*, p. 480.

D. COMTE'S CAREER AFTER THE APPEARANCE OF THE *TRAITÉ DE LÉGISLATION* (1826-7)

In spite of his good intentions not to be distracted from completing his theoretical work by issues of the moment Comte did not have the character to allow himself to remain aloof from contemporary political matters for too long. Soon after the *Traité de législation* appeared he became involved in three issues of great importance to liberals which occupied his time in 1826 and 1827. The first issue concerned the rôle of the state in assisting industry at taxpayers' expense. In a pamphlet Comte argued against state-funded public works such as highways and canals which some engineers believed could help overcome France's inability to compete with Great Britain.⁵⁵⁹ According to Molinari, Comte attacked a work by the engineer M. Derbigny, *Paris, port de mer* (n.d.) who foolishly proposed to turn the city of Paris into an internal port by a programme of massive public works. The aim was to overcome Paris's competitive disadvantage vis-à-vis London, which was claimed to owe its dynamic economy to the fact that it was a port city on the Thames river. Comte scoffed at this proposal and argued that London and Britain generally owed its prosperity and industrial might to other, more subtle institutional and cultural factors which France lacked. No amount of public works schemes, for example, could overcome the barriers to industry posed by French tariffs and regulation.

The second political issue was the attempt by the government to suppress the citizen militia or the national guard. In 1827 the government dissolved the Paris National Guard and issued the ordinances of 25 July. Comte reacted to these events by publishing a work on the *Histoire de la garde nationale de Paris* (1827), reminding the French people of the active role the guard had played in the French Revolution of 1789 and how attacks on the institution of the National Guard had always been immediately followed by attacks on the people's liberty. Interestingly, Comte's book on the National Guard had sufficiently impressed John Stuart Mill, who read it soon after it was published, to write to Comte twice in 1828 asking for assistance in a review Mill was writing for the *Westminster Review* on the French Revolution.⁵⁶⁰ In the letter of 25th January, 1828 Mill asks Comte for more information on

⁵⁵⁹Charles Comte, *Des garanties offertes aux capitaux et autres genres de propriétés par les procédés de chambres législatives, dans les entreprises industrielles, et particulièrement dans la formation des canaux, et de l'influence que peut avoir un canal du Havre à Paris, sur la prospérité des villes commerciales de France* (Paris: Delaforest, 1826).

⁵⁶⁰Mill's letters to Comte are in *The Earlier Letters of John Stuart Mill, 1812-1848*, ed. Francis E. Mineka (University of Toronto Press, 1963), vol. 1, Letter no. 19, London, 25th January 1828, pp. 21-2 and letter 22, London, 27 June 1828, p.24-5.

the National Guard to assist him in writing a review of Sir Walter Scott's *Life of Napoleon*⁵⁶¹ and for advice on what to read for his proposed history of the French Revolution.⁵⁶² Mill concluded his friendly letter with a request for Comte to pass on his regards to Comte's wife as well as Monsieur and Madame Say, whom Mill also probably had met at some time. In June Mill sent Comte copies of his completed review of Scott's book with the hope that Comte would give Say and other leading French liberals some copies and thus prove that some one in England at least (Mill presumably) had "rendered justice to the revolution."⁵⁶³

In his scathingly critical review of Sir Walter Scott's *Life of Napoleon* Mill refers admiringly to Comte's opposition to Napoleon. Mill takes Scott to task for perpetuating the conservative critique of French liberalism, that it was a dangerous offshoot of Jacobinism. Mill also scolded Scott for treating "the *libéraux* of the present day... with greater asperity and unfairness than is shewn towards the revolutionists themselves." In a long and sometimes angry footnote devoted entirely to Comte, Mill reveals his sympathy for Comte in particular and the more radical French liberals in general. It is worth quoting in full:

Every one who knows what the *libéraux* of the present century are, is aware that they comprise every shade of political opinion from Mounier to Carnot. Our author, however, industriously identifies all of them with the extinct, and now universally detested, sect of Jacobins. As an example of his mode of dealing with individuals, we may instance his treatment of Comte, known to all of Europe as the intrepid writer who, at great personal risk, vindicated the principles of constitutional reform in the *Censeur Européen*, at a time when there were few to aid him in the glorious conflict; and who has suffered five years exile, and the mean-spirited persecution of the Holy Alliance, in consequence of his manly and steadfast adherence to liberal opinions. This individual, of whom Sir Walter Scott is so consummately ignorant as to have discovered the correct orthography of his name only time enough to insert it in the Errata, he does not scruple to accuse of having been "a promoter of Bonaparte's return." Will it be believed, that when Napoleon was in full march towards Paris, M. Comte published a pamphlet, which went through three editions in an many days, denouncing the imperial government as tyrannical, and calling upon the French people to resist the usurper! This work (of which we possess a copy) was translated and widely circulated in Germany, as a proof that the enlightened portion of the French people were hostile to Bonaparte. Let the

⁵⁶¹Mill's review appeared as "Scott's Life of Napoleon," *Westminster Review*, IX (April 1828), pp. 251-313, reprinted in *Essays on French History and Historians*, ed. John M. Robson (University of Toronto Press, 1985), vol. 20 of the *Collected Works of John Stuart Mill*, pp. 53-110.

⁵⁶²Unfortunately Mill never wrote a history of the French Revolution but he did give his notes and references to Thomas Carlyle to assist him in preparing *The French Revolution* (1837).

⁵⁶³ *The Earlier Letters of John Stuart Mill, 1812-1848*, ed. Francis E. Mineka (University of Toronto Press, 1963), vol. 1, letter 22, London, 27 June 1828, p. 25.

reader give credit after this to our author's imputations against men of whom he knows nothing.⁵⁶⁴

As a trained lawyer Charles Comte was concerned also with the abuse of judicial power under the restored monarchy. This was the third issue he was concerned with before the 1830 revolution opened up an entirely new career for him as a government official under the July Monarchy. He was particularly worried by the way in which judges were chosen, which he believed showed partiality on the part of the government. The state naturally preferred to select judges who were most amenable to being political instruments of the reaction and Comte accused the government of abuse of power and partiality. As a liberal and as an advocate of the independence of the judiciary, Comte considered the behaviour of the government to be intolerable. He and other concerned individuals were prompted to establish a group to monitor the activities of these government-appointed, politically partial judges.⁵⁶⁵

Comte had taken an interest in judicial politics and the need for an independent judiciary, whose rôle it was to limit arbitrary state power, since his early days as a law student. One way in which the partiality of the judges might be overcome, he argued, was through the use of juries, the hope being that juries selected from the public would be more likely to support the Charter than the judges appointed by the conservative government. If the state continued to arrest people in violation of the principles of the Charter and found support in sentencing from the judges, then there was the hope that a jury might exercise their right to bring in a verdict of not guilty and thus frustrate the government. As in so many areas for Restoration liberals, the model of proper constitutional and judicial practice came from England and America, in this instance their practice of using juries in criminal cases. In that hectic year of 1817 Comte had published a translation of a book on the institution of trial by jury by an Englishman, Sir Richard Phillips, with an introduction of his own on the situation of the French judiciary, or as he phrased it "a critical examination of our judicial system."⁵⁶⁶ The basis of his criticism of the French judiciary was that the guarantees created by the Charter were so easily overcome or ignored by a compliant judicial system at the tremendous cost of civil liberties. Comte declared in some exasperation "how weak are the guarantees that (the judiciary) offers against the interests and the political passions of the executive power and its

⁵⁶⁴Charles Comte, *Histoire de la garde nationale de Paris, depuis sa fondation jusqu'à l'ordonnance du 29 avril 1827* (Paris: A. Sautet, 1827. Publié le 14 juillet 1827, jour anniversaire de la prise de la Bastille). For Mill's comments see his *Essays on French History and Historians*, ed. John M. Robson (University of Toronto Press, 1985), vol. 20 of the *Collected Works of John Stuart Mill*, p. 109.

⁵⁶⁵Charles Comte, *Traité de la propriété*, 2 vols. (Paris: Chamerot et Ducollet, 1834), vol. 1, pp. iv-v.

⁵⁶⁶Comte, Charles, Review of Sir Richard Phillips, *Des pouvoirs et des obligations des Jurys*, *Le Censeur européen*, 1819, vol. 11, pp. 354-56.

agents!”⁵⁶⁷ When the British government in 1825 codified and reformed the laws relating to juries, Comte translated these acts of the British Parliament in a second edition of the 1817 book on juries which he published in 1828, which included a revised introductory essay on the French judiciary with derogatory comparisons with the freer British system.⁵⁶⁸

It was involvement in activities such as these which prevented Comte from publishing the remaining volumes of his work on legislation and property immediately. As it turned out, a period of some six years intervened between the appearance of the *Traité de législation* from the *Traité de la propriété* which will be discussed in the following chapter.

⁵⁶⁷Charles Comte, *Traité de la propriété*, p. v.

⁵⁶⁸Sir Richard Phillips, *Des pouvoirs et des obligations des jurys par Sir Richard Phillips, traduit et précédé de "Considérations sur le pouvoir judiciaire et l'institution du jury en France, en Angleterre et aux États-Unis d'Amérique, par Charles Comte* 2nd edition (Paris: Rapilly, 1828)

VII. CHARLES COMTE'S THEORY OF PROPERTY: THE LEGITIMACY OF PRIVATE PROPERTY AND WAGE LABOUR

A. COMTE'S THEORY OF PROPERTY - *TRAITÉ DE LA PROPRIÉTÉ* (1834)

The long-awaited sequel to his *Traité de législation*, the *Traité de la propriété*, only appeared in 1834 although much of it had already been written at the time the first part, the *Traité de législation* appeared. Although Molinari's later description of Comte's work on property as "an arsenal full of all the arms necessary to combat the retrograde errors of communism"⁵⁶⁹ is quite an accurate description of how later liberals were to use Comte's work, it is not an accurate description of Comte's intention in writing it. Whereas from the mid-1840s onwards Molinari, Bastiat, Tocqueville and Dunoyer became increasingly concerned by the rise of the labour movement and the appearance of socialist critiques of property and the free market, Comte's original intention was to engage in a debate which emerged in the Restoration period from quite a different quarter. Whilst liberals in the 1840s and 1850s were looking over their left shoulders at the socialist movement, Comte and Dunoyer in the 1820s were looking over their right shoulders at the challenge to liberalism from defenders of the restored monarchy and the ancien régime. The intellectual debates which took place in the two periods, separated by some 20 years, were different in both focus and content and thus should be treated separately. Because Comte's work on property was conceived and written (but not published) during the Restoration it will be discussed in that context - as a sequel and continuation of his work on property. Discussion of the work of Comte and Dunoyer after the 1830 July Revolution and its impact on Proudhon and Marx on the one hand and other liberals on the other will be reserved for the concluding chapter of this work.

Comte originally had intended to publish the *Traité de la propriété* along with the *Traité de législation* in 1826, since both works were part of the same project. As he put it in 1834, the treatise on property was only a "continuation" of the treatise on legislation which together composed a study of theoretical and practical jurisprudence based upon an "empirical" method derived from Bentham, Say and Malthus. In the preface to the *Traité de la propriété*, written in Paris on 30 March 1834, Comte took the opportunity to remind his readers of his aims in writing both the *Traité de législation* and *Traité de la propriété*. He wanted to do this because he believed that the intervening years, during which the liberal July Revolution of

⁵⁶⁹Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 447.

1830 had taken place, had raised a whole series of new issues and had clouded those which had preoccupied the French in the late 1820s. He also wanted to remind his readers that the two works were intimately connected and that they could not understand his new work on property unless they had read and understood the previous work on legislation.⁵⁷⁰

In spite of some scattered remarks concerning contemporary restrictions on the freedom of association, the main issue of the *Traité de la propriété* was nothing less than the theoretical basis of liberalism, namely to analyse in considerable detail the theoretical and historical foundations of liberal thought. Naturally, a vital part of this formulation had to deal with the rejection of the Roman legal tradition with its toleration of slavery as a basis for a sound theory of property law, the legitimacy of the original appropriation of property, the problem of the land claims of original inhabitants, the emergence of private property out of communal "national" property so that no one else is harmed, and the emergence of wage labour in a similar non-coercive manner, and how property might appear in a modern industrial society. Comte's treatment of property is a complex combination of legal, economic, sociological and historical insights each component of which needs to be appreciated. In particular, the historical and evolutionary aspects of his arguments are interesting. His concept of property changes from the early communal property of the hunter-gatherer stage of production, to the private property in land of settled agriculture, and to the complex and varied nature of private property in industrial society. At each stage of economic and social evolution Comte puts forward slightly different legal and economic arguments in favour of the kind of property suited to individuals living under a particular mode of production. It is an argument which nineteenth century Marxists would find familiar even though the perspective was very much a liberal one in favour of increasing amounts of private property.

⁵⁷⁰Charles Comte, *Traité de la propriété*, 2 vols. (Paris: Chamerot, Ducollet, 1834). Bruxelles edition, H. Tarlier, 1835. Although Comte's original plan had been to publish both the *Traité de législation* and *Traité de la propriété* together, his publisher was unwilling to publish such a large work at one go. There was the added problem that Comte may not have finished work on the second part and thus had some idea of publishing the work in serial form. His publisher had reservations about "serialising" the project over a period of years and persuaded a reluctant Comte not to proceed with the publication of *Traité de la propriété* immediately. Any intention of having the remaining volumes published were foiled by the events of 1830 and, as Charles Comte wryly noted, he had "more urgent matters" to attend to. Thus it was not until 1834 that Comte finally saw his life's work in print. Charles Comte, "Préface," *Traité de la propriété*, vol. 1, p. ii-iv.

B. THE DEBATE ABOUT PROPERTY DURING THE RESTORATION

A good discussion of the idea of property and the changes in its meaning under the ancien régime and in the Revolution is provided by William H. Sewell, Jr.⁵⁷¹ Unfortunately Sewell terminates his discussion at the time of Napoleon's rise to power and he says virtually nothing about the important debates taking place during the Restoration and early July Monarchy. He jumps straight to the 1848 revolution with little attempt to deal with the contribution of the French political economists and jurists. The former still awaits their historian, the latter has been discussed by Donald R. Kelley and Bonnie G. Smith.⁵⁷² As Kelley notes in a tantalisingly brief discussion, the question of property became an issue in the Restoration period for a variety of reasons. It was discussed partly as the general process of evaluation of the meaning and consequences of the French Revolution, Napoleon's Empire and the Restoration of the Bourbon monarchy which was taking place at this time. In Kelley's opinion the

modern concept of private property was indissolubly linked with the Great Revolution, to the extent indeed that some historians, Tocqueville and Taine among them, reversed the usual formula by making the Revolution the product instead of the source of modern property relations.⁵⁷³

Ownership had undergone great changes in the previous forty years at the hands of various revolutionary governments. New property owners had emerged from the sale of national property and the confiscated church and emigré land. New forms of government regulation of property had emerged with policies like the Maximum price controls of the Jacobins and requisitioning and confiscation for the army. Napoleon's efforts to impose a continental blockade on British imports also impinged on property. And of course, with the restoration of the Bourbons, there was the threat that property acquired from the sale of emigré and church land would be returned to its original owners, thus introducing a veritable war between the "anciens" and the "nouveaux propriétaires" in the French courts.⁵⁷⁴ In addition, post-revolutionary liberalism was in a considerable state of flux as it attempted to come to terms with the political and economic consequences of the French Revolution, Napoleon and the Restoration to learn to deal with other problems which cannot be dealt with here, such as the decline of Enlightened ideas of natural rights and the rise of Benthamite utilitarianism, the

⁵⁷¹William H. Sewell, Jr., *Work and Revolution in France: The Language of Labor from the Old Regime to 1848* (Cambridge University Press, 1980), "A Revolution in Property," pp. 114-42.

⁵⁷²Donald R. Kelley and Bonnie G. Smith, "What was Property? Legal Dimensions of the Social Question in France (1789-1848)," *Proceedings of the American Philosophical Society*, 1984, vol. 128, no. 3, pp. 200-30.

⁵⁷³Donald R. Kelley, *Historians and the Law in Postrevolutionary France* (Princeton University Press, 1984), p. 129.

⁵⁷⁴Donald R. Kelley, *Historians and the Law in Postrevolutionary France*, p. 130.

problems posed by the development of manufacturing and the factory system, and the real possibility of seeing liberal ideas adopted by governments seeking political reform. With such turmoil in the minds of the French in the 1820s and 1830s it is not surprising that the nature of property would be discussed, that liberals would take a leading rôle in this discussion, and that history would be used by all sides in an attempt to resolve the disputes. Kelley correctly sums up the importance of the Restoration in the following passage:

In Restoration France it was unprecedentedly true that, as Toullier remarked, “the majority of disputes arising between men had to do with property.” Nor was “property” the only issue covering these social problems, for it overlapped with the two other aspects of what has been called the “classificatory genitive,” that is, possession and prescription. In any case, it was in this social context, and in the midst of massive publicity concerning property disputes and the political issue of indemnification for the émigrés, that property was “put in question.” In particular, its origins were subjected to historical scrutiny, with history being regarded not only the cause but also as the continuing basis of the legitimacy of social institutions.⁵⁷⁵

Another reason for the question of property becoming a serious issue in the Restoration and July Monarchy periods is partly a result of the rethinking of Adam Smith's ideas in the light of the Industrial Revolution currently under way with some vigour in Great Britain and which was to begin in earnest in France considerably later in the 1840s - the decisive years of economic "take off" according to David Pinkney.⁵⁷⁶ Nevertheless the implications of industrialisation were obvious to those who observed what was going on across the channel or who were aware of the faltering and uncertain French experiments with factory production, railway building and so on. The chief exponent and reformulator of Smithian economics in France was Jean-Baptiste Say whose many editions of the *Treatise on Political Economy* (first edition 1803)⁵⁷⁷ did much to introduce the new political economy, with its underlying

⁵⁷⁵Donald R. Kelley, *Historians and the Law in Postrevolutionary France*, p. 130.

⁵⁷⁶David H. Pinkney, *Decisive Years in France 1840-1847* (Princeton University Press, 1986). Not only did industrialisation begin in earnest in France in the 1840s but also the professionalization of the discipline of political economy. In 1842 the Société d'Économie Politique was formed, comprising the leading lights of the political economy movement, and soon afterwards the founding of the *Journal des Économistes*, the main organ of laissez-faire liberalism in France, and the establishment of the liberal publishing firm Guillaumin, which published an extraordinary quantity of statistical, historical, economic and theoretical material. Thus, overall the 1840s is crucial for both the theory and practice of industrial political economy.

⁵⁷⁷Jean-Baptiste Say, *Traité d'économie politique, ou simple exposition de la manière dont se forment, se distribuent et se consomment les richesses* (1st edition 1803, Paris: Deterville). 4th edition, Paris: Deterville, 1819. The last edition of the *Traité* which appeared during Say's life was the 5th in 1826 by Rappilly and included *Augmenté d'un volume, et à laquelle se trouvent joints Un Épitome des principes fondamentaux de l'économie politique, et un index raisonné des matières*. A widely used edition of the *Traité* was the 6th edition which incorporated Say's final revisions and edited by his son Horace Say. It was reprinted in a series of major economic works by the liberal publishing firm of Guillaumin. It was volume 9 of the *Collection des principaux économistes*, ed. Horace Say (Paris: Guillaumin, 1841. Reprinted Osnabrück: Otto Zeller, 1966). On Say's life and works see E. Dubois de l'Estang, "Say (Jean-Baptiste) (1767-1832)," *Nouveau dictionnaire d'économie*

assumptions about the legitimacy of private ownership and the benefits it would bring in terms of greatly increased productivity, to a new generation of Frenchmen (Comte and Dunoyer being typical of those who discovered Say and political economy in the immediate post-1815 years) and which became the virtual bible of the economic liberals in France. Say continued to influence people, this time a much broader audience of businessmen, intellectuals and land owners, with his lectures at the Athénée during the 1820s, which were well attended by young liberals, and the book based on those lectures, the *Complete Course of Practical Political Economy* (1828-30).⁵⁷⁸

The chief innovation of Say was to realise the vital importance of manufacturing (or "industry" as he preferred to call it) and the wealth-creating ability of entrepreneurs in the economy of post-revolutionary Europe. Fundamental to any discussion of the economic contribution of manufacturing and entrepreneurs was the assumption that property rights in capital invested in and earned from factories were legitimate. Similarly the legitimacy of wage labour in the manufacturing system was not questioned. Yet, as Say was to say on several occasions, his work was not a work of jurisprudence or philosophy, thus he was under no obligation to provide the theoretical foundation for his political economy, in particular a defence of property rights. It was not the province of the political economist to do such a thing, which was best left to the "speculative philosopher," as Say put it in a small chapter "Of the Right of Property" in his *Traité de l'économie politique*.

It is the province of speculative philosophy to trace the origin of the right of property; of legislation to regulate its transfer; and of political science to devise the surest means of protecting that right. Political economy views the right of property solely as the most powerful of all encouragements to the

politique, vol. 2, pp. 783-91; "Notice sur la vie et les ouvrages de Jean-Baptiste Say," *Oeuvres diverses de J.-B. Say, contenant: Catéchisme d'économie politique, Fragments et opuscules inédits, Correspondance générale, Oubie, Petit volume, Mélanges de morale et de littérature...*, ed. Charles Comte, E. Daire, et Horace Say (Paris: Guillaumin, 1848), pp. i-xviii; Gaston Leduc, "Say, Jean Baptiste," *International Encyclopedia of the Social Sciences*, (1968), pp. 23-25; Meitzel, "Say, Jean Baptiste," *Handwörterbuch der Staatswissenschaften*, ed. J. Conrad et al. (Jena: Gustave Fischer, 1911), vol. 7, pp. 191-93; Edgard Allix, "La méthode et la conception de l'économie politique dans l'oeuvre de J.-B. Say," *Revue d'histoire économique et sociale*, 1911, vol. IV, pp. 321-60; Georges Michel, "Une dynastie d'économistes," *Journal des économistes*, Mai 1898, no. 2, pp. 170-91; Alfred Amonn, "Say, Jean Baptiste," *Handwörterbuch der Staatswissenschaften*, ed. Erwin von Berkerath et al. (Stuttgart: Gustav Fischer, 1956), vol. 9, pp. 93-95; Ernest Teilhac, "Say, Jean-Baptiste (1767-1832)," *Encyclopedia of the Social Sciences* (1936?), pp. 559; Edgar Allix, "J.-B. Say et les origines de l'industrialisme," *Revue d'économie politique*, 1910, vol. XXIV, pp. 303-13 and 341-63; Charles Comte, "Notice historique sur la vie et les ouvrages de J.-B. Say," *Mélanges et correspondance d'économie politique. Oeuvre posthume de J.-B. Say*, ed. Charles Comte (Paris: Chamerot, 1833), pp. i-xxviii.

⁵⁷⁸Jean-Baptiste Say, *Cours complet d'économie politique pratique. Ouvrage destiné à mettre sous les yeux des hommes d'état, des propriétaires fonciers et des capitalistes, des savans, des agriculteurs, des manufacturiers, des négocians, et en général de tous les citoyens, l'économie des sociétés*, (Paris: Rapilly, 1828-9). A second revised edition edited by his son Horace Say (Paris: Guillaumin, 1840).

multiplication of wealth, and is satisfied with its actual stability, without inquiring about its origin or safeguards.⁵⁷⁹

Say goes on to discuss the various ways in which the state transgresses the right to property through taxation, regulation, slavery, or by incompetently protecting property owners from theft or fraud. But it is clear that Say refuses, as an economist, to offer a theoretical defence of the legitimacy of property rights (the task of the speculative philosophers) or to state how the law might be best used to protect property (the task of the legislator). The closest Say comes to overstepping his self-defined boundary as a pure political economist is his use of interesting historical asides in many of his chapters to trace the historical development of the institution or practice under discussion. For example, he assumes the mantle of an historian of property in his asides dealing with money, slavery, colonisation, regulation of industry, tariffs and so on. Thus Say is willing to be an historian occasionally but not the jurist, the legislator or the philosopher.

If Say was willing to accept blithely the legitimacy of property and wage labour in the industrial system, the critics of economic liberalism were of course not so disposed. Not surprisingly socialists quickly identified the key issue of dispute with liberals as the distribution of land and other property, the legitimacy of interest on capital invested in factories, the profit drawn by owners, managers and entrepreneurs, and the wages paid to manual labourers. It is this rejection of the property rights and productive economic rôle of the capitalist entrepreneur and the justice of wage labour especially which gives continuity to early socialism, so divided as it was by other issues. It was also the foundation upon which Karl Marx was to build his self-proclaimed "scientific" socialist critique of liberal capitalism.

The task to defend property on a theoretical and historical basis, which was refused by Say and the political economists, is the task Charles Comte wanted to achieve in his treatise on property. As Comte no doubt realised, liberal political economy was in an extremely vulnerable position if it lacked such a defence of property upon which so much depended. All the achievements of economic theory concerning the productivity of the division of labour, the factory system, the key rôle of the entrepreneur, the warnings about economic regulations hindering innovation and productivity would be for naught if socialist and conservative critics were correct in their reservations about the legitimacy of property rights. Without a secure theoretical footing in property rights critics of liberal political economy might have a case for rejecting *laissez-faire* and the factory system in the name of justice and morality. A

⁵⁷⁹Jean-Baptiste Say, *A Treatise on Political Economy; or the production, distribution, and consumption of wealth*, trans. C.R. Princep (Philadelphia: Grigg and Elliott, 1832. 5th American edition), Book 1, chapter XIV "Of the Right of Property," pp. 72-76. Quotation taken from p. 72.

reasonable person might, after all, consider rejecting economic liberalism and forgo the benefits of greater productivity in the name of justice for those who have been deprived of the fruits of their labour. The task of Comte in the *Traité de législation* and the *Traité de la propriété* was to short circuit this possibility by demonstrating three things: firstly, that interference by the state over the centuries in property ownership has had dire consequences for justice as well as for economic productivity; secondly, that property is legitimate when it emerges in such a way as not to harm anyone; and thirdly, that historically some, but by no means all, property which has evolved has done so legitimately, with the implication that the present distribution of property is a complex mixture of legitimately and illegitimately held titles.

The latter point is of great importance as it goes part of the way to meeting the socialist critique of liberal property rights yet at the same time providing a theoretical underpinning to protect political economy and the legitimacy of the industrial system. Comte's theory can achieve this remarkable feat because of his theory of legitimate property rights which involves a two-step process. Previously unowned property, or property collectively owned by the tribe or "nation," only becomes legitimately owned property if it is acquired in a way that harms no one else in the process. This can be done by a Lockean process of mixing one's labour in some way with the object to be acquired, thus acquiring title to it, or it can be done, as in the case of land being enclosed for private use, only if those being excluded are not left worse off. Both methods, in Comte's view, create an original just title to the property.

The second step in the process towards the legitimacy of presently held property is that of transmission. Once property has been acquired originally it can be exchanged or bequeathed to others by the legitimate owner. So long as coercion is not involved, this process will result in a distribution of just property titles. However, as soon as force intrudes, whether by conquest, theft, enslavement, extortion and so on, the cycle is broken and what was once legitimate property becomes illegitimate. Comte does not spend a great deal of time discussing the transmission of property since he believes that existing legal conventions have worked out quite adequate methods of passing property in a non-coercive manner from one owner to another. What is lacking, in his view, is a satisfactory method of distinguishing between property which can demonstrate an unbroken line of legitimate transmission from an original legitimate acquisition some time in the past from property which cannot do so. The political problem of the present, after the confusion caused by the Revolution and the sale of biens nationaux and the Restoration threat to return land to its previous owners, namely the church and the landed nobility, was that a great deal of property was of a "mixed" nature. Some property, especially the landed estates of the old nobility, had not been acquired in the

manner laid down by Comte and was hence illegitimately owned. Other property was a mixture of legitimate and illegitimate components, some property having been acquired justly and other property having been unjustly acquired through coercion. On the other hand some forms of property were completely just and legitimate and the possession of them could not be faulted. The difficult question was to be able to separate the justly from the unjustly acquired property, to return the unjustly acquired property to its original owners, and to create a legal system which would prevent such problems from occurring again.

So where liberals like Comte came part of the way to answering the socialist critique of property, especially in landed property, was the agreement that much land ownership in the present was the result of past acts of violence and hence was illegitimate. This was a view held by radical liberals such as Thomas Hodgskin and Herbert Spencer in Britain and Augustin Thierry and Frédéric Bastiat in France.⁵⁸⁰ Where they parted company with the socialists was their belief that not all property had been or would be of necessity acquired unjustly. For example, the liberals believed that the new forms of wealth or property being created every day by the industrial system were perfectly legitimate and could not be attacked without causing injustice to the owners and widespread poverty and disruption to others. Comte's theory of property therefore should be viewed as an attempt to plug an important gap left by the refusal of the political economists like Say to provide an adequate foundation in property rights for their economic theory. His theory should also be seen as an attempt to answer the objections of critics who argued that because some property titles were illegitimately acquired that this implied or meant that all property rights per se were illegitimate. Comte's solution provides a stimulating defence of property with interesting implications for the rights of native inhabitants to their traditional land, an innovative use of

⁵⁸⁰Thomas Hodgskin makes the important distinction between "natural" and "artificial" rights to property and concludes that much of the landed wealth of Europe fell into the latter category, i.e. it had been acquired unjustly. Herbert Spencer for slightly different reasons thought it immoral to own land, though he changed his mind later in life. Augustin Thierry based his entire theory of history on the idea of racial conquest where one race invaded and stole the land of another racial group. Frédéric Bastiat defended the liberal idea of private property in land but attributed poverty and the condition of the working class to "disturbing factors" which upset economic harmony. One of the disturbing factors was continued presence of unjustly held land titles in Europe carried over from feudal times. See Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted...* (London: B. Steil, 1832) reprinted (Clifton, New Jersey: Augustus M. Kelley, 1973); Herbert Spencer, *Social Statics: The Conditions essential to Human Happiness specified, and the First of them developed* (New York: Robert Schalkenbach Foundation, 1970) first published 1851, "IX. The Right to the Use of the Earth," pp. 103-113; see any of Thierry's works but especially Augustin Thierry, *Histoire de la Conquête de l'Angleterre par les Normands* (Paris: Didot, 1825); Frédéric Bastiat, "Property and the Law," "Property and Plunder," in *Selected Essays on Political Economy*, trans. Seymour Cain and ed. George B. de Huszar (Irvington-on-Hudson: Foundation for Economic Education, 1975), pp. 97-115, 152-193 and "Disturbing Factors," in *Economic Harmonies*, trans. W. Hayden Boyers and ed. George B. de Huszar (Irvington-on-Hudson: Foundation for Economic Education, 1968), pp. 466-74.

the Lockean proviso in the original acquisition of property, and a defence of the factory system and wage labour with obvious contemporary relevance.

C. COMTE ON THE LEGITIMACY OF PRIVATE PROPERTY AND WAGE LABOUR

From the mass of material Charles Comte provides in the bulky two volume work on property, *Traité de la propriété*, only a few items have been chosen for discussion. They concern the following:

- Comte's rejection of the Roman legal tradition, with its toleration of slavery, as a basis for a sound theory of property law
- the legitimacy of original appropriation of property and the problem of the land claims of original inhabitants
- the emergence of private property out of communal "national" property so that no one else is harmed
- the emergence of wage labour in a similar manner.

A feature of Charles Comte's discussion of law in the *Traité de législation*, the companion volume of his magnum opus, is his sociological approach. He deals with what is now referred to as the "sociology of law" at considerable length. Particularly interesting is his examination of how social structure is influenced by legislation on property and individual action and how the form legislation takes is in turn influenced by social structure. These insights are developed in his lengthy analysis of slave societies from the ancient world up to the present. However the intention of Charles Comte's *Traité de la propriété* is to ask more fundamental questions about the nature of property, how it arose, how it might be defended from criticism, and how property might evolve in a truly free or "industrial" society. It is this more theoretical examination of the nature of property which Comte undertakes in his 1834 work *Traité de la propriété* which will be discussed here. The aim of the work was to present a theory of property based upon the universal principles of man's nature which would avoid what he thought were the "barbarisms" remaining in the legal tradition inherited from the Romans and the injustices and often arbitrary nature of state-created property law as it evolved under the ancien régime and in the Civil Code. By spinning out at some length the implications of property rights for the emerging industrial economy Comte hoped to reveal and remove the weaknesses of Roman law and the Civil Code and thereby lay the foundations for a more secure regime of property for the future. Another purpose of Comte's *Traité de la*

propriété was to subject the French legal tradition to severe scrutiny in order to purge it of its “slave elements.” Once the bias in favour of slavery had been eliminated the law of property appropriate to a market society could be developed. It was a massive task and in the 1,000 odd pages of *Traité de la propriété* Charles Comte tried to elaborate a legal theory of property which ranged over the problems of the origin of property, the nature of tribal property, the emergence of private property in land, the problem of public goods (dealing with forests, rivers, seaboard), the extent of national boundaries, the privatisation of national lands, patent and copyright laws for advanced industrial economies, intellectual property rights, the protection of property rights, criticism of the civil code, and an analysis of some modern critics of property.

D. THE CORRUPTIONS INTRODUCED INTO THE ROMAN LAW THEORY OF PROPERTY BY THE EXISTENCE OF SLAVERY

In the *Traité de la propriété* Comte again took up the problem of slavery and law. Here he developed the argument that French property law had a fatal weakness at its very heart because it owed so much to Roman law concepts of property and ownership. It was inconceivable to him that a modern, industrial, free market economy could use a legal system originally designed by and for slave owners. Thus the purpose of the *Traité de la propriété* was to provide a theory of property and legislation which would be free of such burdens and thus be more suitable for a free market, industrial society.⁵⁸¹ From the very beginning of the *Traité de la propriété* Comte's fascination with slavery and its deleterious consequences for social progress, which had been such an important theme in the previous volumes of the *Traité de législation*, was revealed again. The dead hand of the past, in the form of continued respect for legislative theory and practice based upon Roman law, gave Comte an explanation for the sorry state of property theory in post-revolutionary France. Comte believed the methodology of the scientific revolution of the sixteenth and seventeenth centuries had not yet penetrated as far as the study of law and moral philosophy or "morals." Whereas the authority of Aristotle in the fields of biology and astronomy had been long ago challenged, the "authority of books" from the Greek and Roman period still held sway in nineteenth century French legal theory and practice.⁵⁸² In his opinion, the theories of property developed by men who were themselves slave owners and only barely out of the stage of economic

⁵⁸¹Comte, *Traité de la propriété*, Vol. 1, p. 3.

⁵⁸²Comte, *Traité de propriété*, p. 3.

barbarism⁵⁸³ contained within them a prejudice in favour of servitude in general and chattel slavery in particular. This pro-slavery bias completely contaminated the tradition of Roman property law and rendered it unsuitable for use in modern market societies. Comte believed that the Greek and Roman assumption of the legitimacy of slavery made it impossible for them to admit the existence of universal principles of human rights based upon human nature. Not only did this prejudice mean that the ancient jurists tolerated the existence of force in labour relations but also within the family between husband and wife and father and child. Comte believed that, as long as Roman concepts continued to influence French law, violence in the market and in the family would continue.

What made modern, i.e. post-revolutionary, society different from the ancient world was the attitude towards the satisfaction of needs. This is a variation of the liberal theme of the fundamental difference between the ancient and modern worlds and their concept of liberty, which had been developed by Benjamin Constant. According to Constant, the liberty of the ancient world was the right to participate in the political life of the city-state with little concern for the "content" of that political activity.⁵⁸⁴ Modern liberty, on the other hand, was explicitly concerned with the protection of individual rights and the circumscribing of state power as the most dangerous violator of individual rights. The outward form of political power (whether monarchical, aristocratic or democratic) was far less important than the protection of the individual's legal rights. Both Comte and Dunoyer absorbed Benjamin Constant's hostility towards the ancient world and extended it into the economic sphere, in particular the vital importance of slavery to the economy and the legal system.⁵⁸⁵ Unlike many, Comte and Dunoyer did not seem to favour commercial "Athens" over militaristic "Rome." They appeared to condemn ancient Greek and Roman society about equally because both were slave societies.⁵⁸⁶

With the emergence of market society the "natural" tendency was to use and appropriate material things to satisfy our needs and to free ourselves from the violent acts of our fellows

⁵⁸³Charles Comte mentions by name Aristotle, Plato, Cicero, Papinian, Paul and Ulpian, Comte, *Traité de la propriété*, p. 5.

⁵⁸⁴Although Benjamin Constant developed his well-known distinction in relation to political rather than economic liberty Comte believed it was just as applicable here as elsewhere. Benjamin Constant, *De la liberté des anciens comparée à celles des modernes. Discours prononcé à l'Athénée royal de Paris en 1819*, in *De la liberté chez les modernes. Écrits politiques*, ed. Marcel Gauchet (Paris: Livre de poche, 1980), pp. 491-515.

⁵⁸⁵See Dunoyer, Charles, "Esquisse historique des doctrines auxquelles on a donné le nom industrialisme, c'est-à-dire, des doctrines qui fondent la société sur l'Industrie," *Revue encyclopédique*, février 1827, vol. 33, pp. 368-94. Reprinted in *Notices d'économie politique*, vol. 2 of *Oeuvres*, pp. 173-199.

⁵⁸⁶N. Loraux et P. Vidal-Naquet, "La formation de l'Athènes bourgeoise: Essai d'historiographie 1750-1870," in *Classical Influences on Western Thought A.D. 1650-1870. Proceedings of an International Conference held at King's College, Cambridge March 1977*, ed. R.R. Bolgar (Cambridge University Press) pp. 169-222.

or, in other words, to pursue the liberal agenda of the Enlightenment and early nineteenth century liberalism. The ancient Greek and Roman attitude towards the satisfaction of needs was so different that it made it impossible to use their legal concepts in post-revolutionary society. According to Comte, the classical view was to satisfy needs through what he called "the intermediary of other men"⁵⁸⁷ who were the property and the "tools" of their masters. Whereas the struggle in the modern world was against the physical world to get the resources to satisfy our needs, in the ancient world the struggle to get resources had been between men - primarily between slave owners and their slaves, but also between Roman and barbarian and conqueror and conquered. Of course, Proudhon and other socialist critics of liberalism would argue that there was little difference between being an "intermediary" or "tool" of a factory owner and being an "intermediary" or "tool" of a Roman slave owner. But this missed the point of Comte's observation of the profound differences between the ancient and the modern world, which accorded equal legal and civil rights to all individuals, whether labourers or capitalists. No one in law was to be treated as a thing. Marx may have railed against the reification of labour as a mere commodity to the disadvantage of the labourer as an autonomous and free individual, but Comte's and Dunoyer's ideal of free labour was quite different from Karl Marx's caricature. The reason why Comte despised the heritage of the ancient world as much as he did was precisely because it treated the labourer as a thing and not as an autonomous individual with legal rights. By contrast, in a market economy labourers were the legal "owners" of their labour, which was contracted for by capitalists and could not be legally coerced.

In his brief survey of the history of Roman property theory Comte argues that the legal prejudice in favour of slavery was used by numerous Roman and Byzantine Emperors in their codifications of the law to maintain the subjection of individuals as well as entire nations. Similarly, the legal code of the feudal regime borrowed heavily from Roman precedent in order to maintain serfs in a state of subjection. In the modern era a consequence of the "Roman" concept of owning other individuals is revealed in the widespread practice of the ruling families of Europe, who exchange territory and entire peoples among themselves by means of international treaties (perhaps a reference to the Concert of Europe after the fall of Napoleon). Comte couldn't think of a better modern example of the disastrous consequences of basing modern law on the ancient Roman precedent of treating some individuals as mere "things," than this diplomatic convention.

⁵⁸⁷Comte, *Traité de la propriété*, p. 4.

Comte believed that the market system required that all the vestiges of legal servitude be finally removed by a combination of political and legal revolution or reform, which would lead to the rewriting of the legal codes through which servitude was defined and protected. The French Revolution partly achieved the former with the abolition of feudalism at home and slavery in the colonies, but the liberal impulse of the revolution had suffered partial reversals under Napoleon and the Restoration. Comte and Dunoyer were confident the break with history had been made and that it was only a matter of time before the economic absurdities and injustices of servitude were completely eliminated. The belief that slave systems based on compulsory coerced labour would inevitably collapse, as a result of both economic and "moral" pressures, is crucial to understanding the liberal political economists and the abolitionist movement. America and to some extent Great Britain had gone further than France in this process of individual liberation, although the process was far from complete. Slavery continued to be a problem in the Southern States and political privileges which protected the powerful aristocracy in Britain continued to exist. Nevertheless, one area in which France was well behind Britain and America was in the field of law. Because of the strength of Roman law on the Continent with its pro-slavery bias, France could not create a legal system which fully protected individual rights and property.

Now that the physical domination of the patrician slave owners and the feudal lords had ended, Comte considered it was also time to end the intellectual domination of their legal codes which persisted in the French law schools. Rather than beginning their studies with an analysis of the ancient texts and codifications, Comte thought that modern law students should instead study human nature and the social conditions present in modern market societies, a fundamental assumption of which was the concept of self-ownership and the right to own the fruits of one's labour. A modernised course in legal studies would also include the study of history and what we would call sociology, in order to understand the development of modern market society and its institutions. Economics would also form an important part of legal study since the role of property is vital to both economic and legal theory. Without a suitable legal system which protected property national prosperity would not be possible. The study of a combination of law and economics would enable jurists, bureaucrats and politicians to understand the "natural laws" which made national prosperity possible, something which was impossible to the slave owners of the ancient world.⁵⁸⁸

⁵⁸⁸Comte's hopes for reform of French legal study were partly realised in the course of the nineteenth century. With strong state opposition to liberal political economy being taught in special economics faculties the study of economics was done primarily in the law faculties or privately with the assistance of the economic press such as

What Comte was in fact proposing was that all law students should undergo the same transformation he and Dunoyer had experienced in the hiatus between the suspension of *Le Censeur* and the founding of *Le Censeur européen*, when they discovered the political economy of Jean-Baptiste Say and the sociological history of Benjamin Constant and François Montlosier. The problem of slavery shows clearly the inadequacy of a purely political and constitutional approach to liberalism. Without the insights provided by political economy and a theory of class, the true strengths and weaknesses of slavery could not be understood. Economic analysis showed how dependent the slave system was on tariff protection and subsidies from the metropole for its survival. Economics and class analysis showed how a small group of slave owners could manipulate the metropolitan legislatures and exploit the slave class on the plantations and the consumers in the metropolitan market. The new social dimension to Comte's liberalism showed how the power of the slave owners might be broken. Free trade would remove one pillar of support for the slave system, while a revolution in legal thinking would destroy another.

E. THE LEGITIMACY OF THE ORIGINAL APPROPRIATION OF PROPERTY AND THE PROBLEM OF THE LAND CLAIMS OF THE ORIGINAL INHABITANTS

Since property is so central to Comte's liberal worldview it is important for him to establish how it arose historically and, perhaps more importantly, to explain how in Restoration France modern property relations could be justified from liberal principles. Comte divided the subject of property into three main groups: "appropriation" in general, "occupation" and "possession." The reason for this division is to lay the foundation for his explanation and defence of property which would at the same time be the grounds for a critique of the existing distribution of property. In particular his criticism of property would be directed against property which had been acquired by force or fraud, i.e. by government intervention (such as subsidies, monopoly, tariffs) and by coercive settlement of land in the colonies. The division of property into "appropriation," "occupation" and "possession" distinguished between different levels of abstraction. Appropriation is used in a very general sense to argue that in a social context it is "natural" (i.e. essential for the survival of human

the *Journal des économistes*. This situation existed well into the late nineteenth century. Lucette le Van-Lemesle, "La promotion de l'économie politique en France au XIXe siècle jusqu'à son introduction dans les facultés (1815-1881)," *Revue d' Histoire Moderne et Contemporaine*, April 1980, pp. 270-94 and Alain Alcouffe, "The Institutionalization of Political Economy in French Universities: 1819-1896," *History of Political Economy*, Summer 1989, vol. 21, no. 2, pp. 313-44.

beings) for the individual to exclusively use material objects in order to grow and reproduce. Property is also natural in the sense that the individual by various procedures transforms material objects into a part of him or herself, thus the individual cannot be separated from his or her property without being in a sense "destroyed." Occupation is used to explain how some property is originally acquired in the transition from the nomadic stage to the agricultural stage of production. Comte responds to the Roman legal tradition to show how "first use" and the application of labour (or industry) justifies the acquisition of private property in land. Unlike some of his contemporaries Comte believes that indigenous people, even though they had not reached the agricultural or industrial stage of production, nevertheless had legitimate property rights which could not be overridden by the arrival of European settlers in, say Algeria or Australia. The property rights of nomadic people were not individual but "national" or communal and included established hunting grounds and recognised tribal boundaries. Having defined occupation in this way Comte is able to challenge the legitimacy of most European settlement in the Third World. The forcible seizure of land from indigenous people was for him a violation of the foundation of liberal property rights. Possession is the third kind of property Comte distinguishes but does not discuss in any detail. For him it is a less useful category because it can include justly and unjustly acquired property. Its interest comes from the actual legal conditions regulating the protection and transmission of property as set down in such legal documents as the Civil Code. Comte subjects the Civil Code to considerable criticism, especially its debt to Roman legal ideas which he thought to be quite inappropriate to industrial market economies.

The justification for appropriation of physical resources lay in the biological necessity for survival. Like other living creatures man is forced by the laws of nature to use the physical resources which surround him in order to survive and prosper. But whereas plants and animals have rather limited needs which can be satisfied directly from nature, mankind has such a diversity of needs that a more complex and indirect method of satisfying them is required. It is at this point in the argument that Comte introduces the idea of appropriation as the means by which mankind is able to satisfy this greater diversity and complexity of needs. Comte defines appropriation as "(t)he action of an organised being who joins (unit) to his own body the things by which he grows, strengthens and reproduces himself"⁵⁸⁹ and as "the action by which a person seizes, with the intention to enjoy and dispose according to his wish, a thing susceptible of producing directly or indirectly certain enjoyments."⁵⁹⁰ Comte's

⁵⁸⁹Comte, *Traité de la propriété*, p. 51.

⁵⁹⁰Comte, *Traité de la propriété*, p. 55.

definition of appropriation implies firstly, that the idea that the process of appropriation involves the transformation of physical objects into a part of oneself for the satisfaction of needs. For Comte the process of appropriation by joining or amalgamation is so important that he thinks that if the individual (or group of individuals such as the "nation") is deprived of this property or separated from this property by, say, the state, the individual is himself destroyed.

Indeed, by this action (of joining) he appropriates (things) to himself. He transforms them into a part of himself, in such a way that one could not separate them from him without destroying him. It would be equally impossible to reduce markedly the quantity of things which a man customarily consumes in a given time without weakening him or destroying him, or without causing him more or less acute suffering. To stop or suspend the multiplication of things by means of which nations exist is to stop or suspend the very increase of human beings. Similarly, to multiply the number of things is to give mankind the means to increase itself in the same proportion.⁵⁹¹

Thus property is an integral part of being human and to deny property is to deny life. With some of the more basic human needs such as food, water, air, shelter, the process of appropriation must be a constant one if preservation and reproduction is to be possible.

Secondly, another important assumption which Comte makes is that property is necessary for "organised" humans. "Unorganised" or in other words humans who are not part of society have no need for property. It is only when humans enter into society that they have a need to have the exclusive use of physical resources in order to survive. When physical objects can have multiple and contradictory uses or if they are limited in quantity (i.e. scarce because they are poorly provided by nature or because they are the result of human labour) some mechanism must be found to control their use so as to maximise their productivity. Since Comte has rejected communal ownership and slavery as economically retrogressive states private property is all that is left by a process of elimination.

Thirdly, the type of ownership is determined by the relative scarcity of the physical objects and their "susceptibility" of satisfying needs. According to Comte scarcity is a function of human labour or industry and he divides property into four kinds according to its relative scarcity: common property, national property, local or provincial property and familial or individual property. Each of these kinds of property are discussed at greater length in separate chapters in the *Traité de la propriété*. At one extreme there are naturally abundant resources such as sunshine, air, the sea which cannot be increased or decreased in quantity by human industry. Each individual can appropriate as much as they need without harming the

⁵⁹¹Comte, *Traité de la propriété*, p. 51.

enjoyment of it by others. Thus they are "the common property of the human race"⁵⁹² and the sole obligation of the individual with respect to common property is not to disturb the enjoyment of this property by others. National property comprises things which are somewhat more scarce than common property and which satisfy the needs of large aggregations of humans, such as rivers, highways, ports. Within the nation this kind of property is a form of communal property but they are not the common property of the whole human race. Between nations this kind of property is a form of private property. Within the nation there are additional forms of association on a smaller scale which also satisfy communal needs. This form of property is known as regional or provincial property and serves the needs of the province, town, canton or commune. The final division of property satisfies the needs of very small associations and is known as familial or individual property. This form of property includes ownership of food, clothing and shelter. Unlike the various forms of communal property held at a national or provincial level the use of which requires only a few general laws to control, individual property is scarce and very much the product of human industry. Thus it requires a legal system to protect each individual's exclusive use of the things they have appropriated to satisfy their needs.

Although Comte devotes some chapters to a study of the three forms of communal property - common property such as sunshine and the sea, national and provincial property such as roads and other forms of communication - he devotes most of his attention to a study of private or individual property (those things which are the result of human industry), the fourth form of property according to his classification. The distinguishing characteristics of individual property according to Comte are:

- that it has some quality or qualities which can satisfy a need
- that its quantity is limited, i.e. that it is scarce unlike say the supply of air
- that human industry can alter its quantity by endowing things with qualities through labour or industry
- that the useful qualities are gradually destroyed in the process of being consumed
- that it is acquired without taking anything away from other individuals.

Perhaps the more important characteristics are the third and fifth ones because of the use Comte would put them to in responding to the socialist critique of property. In the third characteristic of private or individual property Comte reaffirms the Lockean principle that property is legitimate because of the labour that has been "mixed" with it in creating or

⁵⁹²Comte, *Traité de la propriété*, p. 52.

transforming it. According to Comte although the mode of production might change from settled agriculture to manufacturing industry the principle that labour establishes a property right remains unchanged. The fifth characteristic becomes very important when Comte comes to discuss the emergence of individual property when individuals break away from the nomadic state (in which property is communal) in order to begin settled agriculture (in which property is private). It is also important in Comte's demonstration that wage labour may emerge non-coercively in the new stage of farming the land privately and individually. He also believes it applies to the transition from agriculture to industry. Wage labour on the land and wage labour in the factory must at least in theory be capable of arising "naturally," i.e. without the taint of coercion or the violation of other forms of property.⁵⁹³ Of course, it is over this last characteristic of private property that Comte was to receive so much criticism from Proudhon and others. The latter condition is extremely important to Comte's liberal theory of property because the way in which he defines "exploitation" or the taking away of someone else's property determines the limits of private property. Proudhon would surprisingly agree with much of what Comte says about private property (those things created by human labour) but would define the latter condition differently. Proudhon, Marx and other socialists would oppose the profits of the capitalist derived from employing factory labour precisely because they believe it is acquired only at the expense of the factory workers. Comte and Dunoyer, being liberals, had a very different concept of exploitation which prohibited force and fraud but allowed private property on a vast scale. What became important in their social theory was the original and continuing legitimacy of private property which hinged on this latter condition mentioned above.

The key to the legitimacy of private property was how it was originally obtained (i.e. occupation) and how it is handed on from individual to individual (i.e. transmission). For a given piece of property both conditions must be met satisfactorily before it could be claimed to be legitimately owned. Comte devotes much attention to the problem of the nature of the original acquisition of property whilst his relative lack of discussion of the transmission of property is taken up somewhat later by Dunoyer in *De la liberté du travail* where he discusses the problem of inheritance.⁵⁹⁴ The question of the legitimacy of inheritance became a serious

⁵⁹³"Thus we say that the wheat obtained by a cultivator of a plot of ground which he has brought into a state of cultivation and which he has not seized (ravier) from anyone else, and the fruit collected from a tree which he has planted and cared for, are (his) property. We can say the same thing about some cloth which a man has made, a picture which a painter has painted, finally everything which human industry has produced without taking anything from anyone else." Comte, *Traité de la propriété*, p. 55.

⁵⁹⁴Charles Dunoyer, *De la liberté du travail* (1845) in *Oeuvres de Charles Dunoyer* (Paris: Guillaumin, 1886), vol. 2, book 12, chapter 3, "De la liberté des transmissions héréditaires," pp. 633-68.

issue in post-revolutionary France because of the claims of some landed aristocrats for restitution for their ancestral lands taken during the Revolution. In the short section dealing with inheritance of property Comte faces the vexing problem of the transmission of unjust land holdings over the generations and the ticklish problem of restitution. Comte concludes that although most land holdings could be said originally to have been acquired unjustly it is against the principle of utility and stability to have a massive redistribution of property. There is a certain weakness in Comte's argument given the radical implications of his theory of property rights. It is not clear why Comte pulls back from supporting redistribution except for the traditional explanation of "conservative" fears of unleashing another uncontrollable revolution. This perhaps explains why Comte devotes so much time to the problem of "occupation." The need to establish the criterion for legitimate property was a pressing one for liberals given the growing criticism by the socialists and the constant fear of aristocratic reaction. Comte bases his defence of private property on the power of industry to create non violently new forms of property. This aspect of property is missing from the Roman juristic tradition which stresses the occupation of previously unowned resources rather than the creation of new resources through labour and industry. For Comte the most important foundation of legitimate property is that of labour. In fact, almost all forms of property in the modern world are a result of labour rather than any other means of occupation.⁵⁹⁵

In his discussion of national property Comte touches upon a related problem of the legitimate disposal or use of property. Comte is careful to distinguish between the legitimacy determined by the conditions he discusses in *Traité de la propriété* based upon natural law, industry and exchange and the dubious legitimacy which was the result of government legislation. Here he defines the "legitimate" disposal or use of property in the following way:

By speaking here of things which one can dispose of *legitimately*, that is to say in a manner conforming to the *laws*, I mean the laws inherent in our nature and not the legislation (actes) of the government which are known by the same name. Sometimes the two are identical but that does not always occur.⁵⁹⁶

Private property is thus a combination of physical elements provided by nature and qualities created by human industry which make things useful in the satisfaction of needs.

⁵⁹⁵The importance Comte placed on labour creating a right to property can be gauged from the following quotations: "... by giving a piece of material of whatever kind some utility which it lacks or by making it suitable to satisfy a need, property is created or the importance of property already created is increased. It is the result of human industry and almost all property which mankind possesses comes from this," in Comte, *Traité de la propriété*, p. 59.⁵⁹⁵ And "Labour is therefore the principle which gives birth to property. Almost all (property) comes from this source..." Comte, *Traité de la propriété*, p. 61.

⁵⁹⁶Comte, *Traité de la propriété*, footnote, pp. 68-69.

Comte argues that three propositions create the foundation of his theory of property. The first is that man is free by the laws of his nature; his faculties belong to himself; and that the values he creates with those faculties belong to him. Secondly, that the importance of property is not measured by the amount of material or matter but by the usefulness of the qualities in it which can satisfy needs. Thirdly, that the things designated as "common" by the jurists belong equally to the entire world and that each individual can appropriate as much as their needs demand. In other words, Comte believes that each individual should be their own master and that property is a necessary consequence of human nature. More importantly, legitimate property comes from two sources: human industry and a process of "free" or uncoerced transmission.

In granting that every individual is master of themselves, that individuals cannot preserve and reproduce themselves without constantly consuming the utility which is found in certain things and that all value which individuals give rise to belong to them, it follows that property is only a consequence of human nature and that one can't attack it without attacking the human race itself. It follows that the most legitimate means to obtain property is to produce it or to receive it by a process of free transmission from the hands of those who have produced it or themselves received it from producers.⁵⁹⁷

Comte took issue with the considerable body of legal theory stretching from the Digest of Roman Law to modern theorists such as Grotius, Pufendorf, Blackstone and Kent for basing their justification of property on occupation alone and for ignoring the contribution of labour and exchange.⁵⁹⁸ Occupation or first use is important in the earliest stages of civilisation when there is a vast amount of unowned or communal land which could be appropriated. Occupation is also an important factor at the present time when colonies are being established by Europeans in America, Asia or Africa. Both of these issues are discussed by Comte in some detail when he deals with the transition from the nomadic to the agricultural mode of production and the problem of tribal ownership of national territory. But once again the traditional legal theory was inadequate, he believed, because first use or occupation in more advanced industrial societies had become a rather insignificant means of acquiring just title to property, applicable in the colonies, in the privatisation of national property, and occasionally in industry when new goods were invented. A far more common method of acquiring property was by labour and exchange, methods which Comte accused the jurists of neglecting by adhering to traditional Roman methods of dealing with the problem.

⁵⁹⁷Comte, *Traité de la propriété*, pp. 60-61. The similarity to Robert Nozick's formulation of just titles in *Anarchy, State, and Utopia* (Basic Books, 1974) is striking.

⁵⁹⁸Comte, *Traité de la propriété*, p. 37.

Comte believed that it was not obvious why the first user as such had a legitimate claim to "unowned" things by the mere fact of first use (an argument which Proudhon took up late in his *Mémoires*). It was a principle just as arbitrary as the claim of Rousseau in *Discourse on Inequality* that the fruits of the earth belong equally to all but that the land itself belongs to no one. Rousseau could not conceive of a means of initially acquiring property in land (and thus creating inequality) without usurpation. If arguments about first use were to have any substance they must be based upon principles derived from human nature rather than assertions based upon Roman precedent. A single nation might have the political power to enforce a system based upon first use but since there was no world government to enforce a world-wide acceptance the grounds for property must be based upon sounder grounds than this. In Comte's view property was a natural right founded upon human nature which existed prior to any regular civil government being established.

The basis for the argument that first use was a legitimate means of establishing property rights to "things without a master" lay in the traditional assumption of a convention or social compact by which each individual renounced their original equal right of all to property in a state of nature into packets of privately owned land (established by mutual recognition of the first use principle) from which one had the right to exclude one's fellows. Comte rejects the idea of a compact as logically absurd and historically inaccurate. It is Pufendorf's formulation of the idea of the original universal equal right to property and the idea of a compact which Comte cites and ridicules as "a figment of his imagination" and "a false supposition" respectively.⁵⁹⁹ Comte believes the reason the jurists turned to the idea of a compact was that it explained easily what could not be explained without certain economic ideas about labour and exchange. He concedes that there are indeed powerful reasons behind the assumption that property rights are practical and legitimate. What Comte rejects is the idea that they are based on a fictitious compact. The arguments Comte uses to oppose any idea of an original compact or convention which established the right to property are straight forward enough. Firstly Comte argues it was practically impossible to have reached agreement between groups who were geographically dispersed and who often existed in ignorance of each other's existence. In fact, it is absurd Comte argues to believe that such geographically dispersed people could harm each other by claiming objects immediately around them as property. How could one be deprived of something one is in complete ignorance of? Secondly, Comte argues that any compact to be legitimate had to be renewed each time someone died or came of age. Without

⁵⁹⁹Comte cites Pufendorf, *De jure naturae et gentium*, lib 4, cap 4, section 4.

universal voluntary agreement any compact would become a usurpation of the original participants to the compact over later generations.

As we have seen Comte's conception of property involves the twin ideas of the satisfaction of needs and the use of human industry. In a very general sense property are those "things which assure men the means of existence."⁶⁰⁰ Although nature provides the "elements" or materials it is human industry, by transforming nature in some way, which creates the "qualities" which make things "valuable in our eyes." (Thus there is a subjective element which must be considered in understanding the nature of property.) Humans do not create the original natural elements but they do and can "occupy" them. By this Comte means being the first to "seize" them with the intention of appropriating them. The best example of such a process of transformation by the occupation of original elements is the settlement of North America where industry has transformed "vast forests traversed by a few wild tribes" without value into "a multitude of valuable properties."⁶⁰¹ The principle of first occupation of natural elements is only the first step. The next and perhaps more important step is the process of transformation through industry which creates a more substantial and important type of property.

Industry, which has transformed things without value and which would have been useless if they had remained in their primitive state, into a multitude of valuable things such as houses, factories, farms, flocks and an infinite number of moveable things, has not created a single atom of matter. It has seized the various elements that nature offered it; it has combined or modified them in various ways, and it is from these combinations or modifications, aided by the forces of nature, that are born all the properties upon which depends the existence of this nation.⁶⁰²

To explain the economic development or progress of the United States of America Comte cites the existence of material elements or resources, the occupation of those elements by the first users, the industry of the first users who transformed the elements into valuable property and the guarantee that their original occupation is to be protected so that they could enjoy the fruits of their industry. Where exclusive occupation and private property do not exist there is no "progress" according to Comte. A nomadic existence results in a stationary economy barely above bare subsistence and a situation of misery and ignorance.⁶⁰³ Similarly, he discusses the consequences of communal labour and ownership which he believes results

⁶⁰⁰Comte, *Traité de la propriété*, p. 32.

⁶⁰¹Comte, *Traité de la propriété*, p. 33.

⁶⁰²Comte, *Traité de la propriété*, p. 33.

⁶⁰³Comte discusses the consequences of the nomadic life in the *Traité de la propriété* in some detail in Book 3.

inevitably in a form of slavery.⁶⁰⁴ If nomadism and common ownership result in a stationary or oppressive social state then the only society which permits economic growth and the "perfection" of the individual is one based upon the appropriation of material resources which can be acted upon by human industry. In this case Comte resorts to an argument from elimination to defend the idea of private property. If one assumes the importance of economic progress and individual perfectibility then Comte believes all other forms of human association are inadequate. Nomadism, communal ownership and slavery all retard the economic development of the individual who needs the protection offered by private property to expand production and innovate. Without the right to exclusively enjoy the fruits of one's labour Comte believes that the benefits would be so divided as to make it unprofitable for anyone to improve their situation.⁶⁰⁵

Comte's fourfold division of property into common, national, provincial (or regional) and individual types of property was a result of a conscious method of classifying property according to needs and scarcity. He could have used the traditional Roman distinction based upon the differing physical characteristics of the things which are owned (real and personal). Instead he chose a classification based upon the different relationships which he thought existed between property and the individuals whose needs and very existence was assured by the existence of property. In this case Comte is concerned with the individual's relationship with property which is more or less the product of individual industry (or scarce), or more or less a public good (or not scarce). It is not clear how closely Comte intends to apply his theoretical classification of property to the actual historical development of property. He argues in later chapters of *Traité de la propriété* that historically property did develop along a continuum which begins with communal ownership and traverses towards ultimate private property via the different stages of tribal (or national and perhaps provincial) ownership. There are some passages in which he implies that all property began as communal property and was thus historically prior to the emergence of individual property. Certainly with respect to private ownership of land Comte believes that its existence was impossible until the agricultural stage of production appeared. Whether or not personal artefacts such as weapons, jewellery and clothing were privately or communally owned originally is not made clear. The classification which Comte adopts is suspiciously theoretical to be considered an adequate historical analysis of the emergence of individual property. Elsewhere in his work Comte shifts uneasily between history and theory and it is not always obvious when he is doing so.

⁶⁰⁴Comte, *Traité de la législation*, book 5, chapter 23.

⁶⁰⁵Comte, *Traité de la propriété*, p. 40.

Part of the problem is that some of the important transitions from one means of production to another did not occur in the historical era with written records to provide evidence for historically-minded sociologists such as Comte and Dunoyer. Like their eighteenth-century counterparts (e.g. Turgot) they lacked detailed studies of primitive societies and so their knowledge of comparative anthropology was based upon classical Greek and Roman authors as well as eighteenth and nineteenth century travellers accounts. The assumption behind using these sources was that all societies developed in much the same way and that Greek and Roman historians and travellers had accurately described their own and their neighbour's evolution to settled agriculture. What the ancient authors were not able to supply was provided by more recent travellers' accounts of voyages to Africa, America and Australia or, if even this often unreliable and misleading source was lacking, pure theory had to be resorted to. This is in fact exactly the method adopted by Comte in his discussion of the origins of national property. It was in this manner that Comte argued that the human race might theoretically divide itself "naturally" into various components (fractions) in order to protect itself and satisfy its needs, the most pressing need being that of security from violence. Unfortunately, he recognised that historically, instead of providing an adequate defence against violence, the nation was more the product of violence than a source of protection from it. The diplomatic treaties which have moulded the present boundaries of nations were an obvious example of how military force has come to replace the non violent satisfaction of individual needs such as protection.

The concept of "national property" is quite important to Comte.⁶⁰⁶ He considers it to be the most important form of occupation which forms the basis for all private property. Long before individuals begin claiming tracts of land as private property for themselves, the community of which they form a part consider the land on which they hunt and fish to be "their" land vis-à-vis other tribal groups. They have the right to exclude others and to punish those who transgress the community's property rights. This concept of "national property" is important because it provides Comte with the means to attack the practice of colonisation which the European nations had experienced since the sixteenth century. In particular he believed that nomadic peoples in North America and Australia had a legitimate right to their own national property which they had traditionally inhabited. Although they themselves had not reached the stage of permitting private property in land they nevertheless had the right as a group to enjoy their national land without interference from Europeans. The settlers had the right to purchase land or rights to use the national land of the original inhabitants but they did

⁶⁰⁶See chapters 7,8,9. of Comte, *Traité de la propriété*.

not have any right to deprive them forcibly or by deception of their traditional lands. In other words, Comte rejected the idea of *terra nullius*. He did recognise that sometimes settlement took place on land that belonged to no nation but in most cases colonisation had taken place in territory which had already been appropriated. In the former case, international law controlled the way in which previously unowned property could be appropriated. In the latter case, once a nation had established regular use of its territory its own laws regulated the way in which property was acquired.⁶⁰⁷

This did not mean that legislation created the right to occupy and appropriate land. Rather, in keeping with Comte's belief in the priority of natural law, legislation such as the Roman law of occupation in Justinian's compilation or indeed the French Civil Code, only "consecrated" existing practice rather than created it from scratch. The Romans applied the law of occupation of unowned things to the capture of wild animals, the occupation of some kinds of land, the discovery of pearls and precious stones found on the sea shore and uninhabited islands.⁶⁰⁸ The French Civil Code largely followed Roman practice and Comte complained that the code seemed to have excluded the possibility of any new occupation by individuals within the national territory since it claimed all unowned or abandoned property as part of the public domain. Comte thought it questionable that a state official had the right to claim a precious stone which an individual had found on the sea shore. Likewise Anglo-American writers had recognised the same right of occupancy although they had not applied it in the same way as the Roman jurists.⁶⁰⁹

F. THE EMERGENCE OF PRIVATE PROPERTY OUT OF COMMUNAL “NATIONAL” PROPERTY

In order to respond to the objections of those who rejected the right of absolute individual property rights to land, Comte develops a series of arguments to show that the transformation of "national" or communal property in land into private individual property does not harm the interests or rights of other people.⁶¹⁰ It is important for him to establish the original legitimacy of private property in land in order to argue that industry in the broad sense not only is highly productive but also moral. It is also vital for his liberalism that he establish at least the theoretical possibility that industrialism could have had what one might call an

⁶⁰⁷Comte, *Traité de la propriété*, p. 45.

⁶⁰⁸Comte quotes Gaius, Justinian on this matter, *Traité de la propriété*, p. 46.

⁶⁰⁹Comte cites Blackstone, Tomlins and Kent, *Traité de la propriété*, p. 47.

⁶¹⁰The discussion can be found in chapter 10 of Comte, *Traité de la propriété*

"immaculate conception," i.e. free from the original sin of what Marx was to later term the violence of "primitive accumulation." Naturally Comte is aware that historically plunder and violence had accompanied the emergence of private property in land, dominated as it was by noble possession in the feudal period, and the system of industrialism which emerged from it in the eighteenth and nineteenth centuries. The point of his discussion of the emergence of private property in land is to argue that private possession and the industrial system did not depend necessarily on "theft" (to use Proudhon's expression) or unjust appropriation in order to develop. At least theoretically if not historically, Comte believes, there were ways in which property and industrialism could have emerged which did not harm the interests of others and which in fact contributed to their well-being in various ways.

The theoretical possibility of legitimate and moral private property in land raises the important question of how to explain the obviously illegitimate and immoral distribution of land which did in fact emerge historically. This was the task which liberal historians set themselves in the Restoration period, to imagine various mechanisms by which legitimate property could be perverted into its opposite.⁶¹¹ Historians like Augustin Thierry developed elaborate "conquest" theories of history to explain how industrious original inhabitants were dispossessed by invading foreign nobles of their legitimately held property in land. Comte, Dunoyer, Frédéric Bastiat and Gustave de Molinari later in the nineteenth century argued that the state and the legal system itself was another mechanism through which legitimate property could be altered. Bastiat in particular coined the phrase "legal plunder" to describe how those who controlled the state could use legislation to achieve the same ends as the conquerors in Thierry's histories of the Middle Ages and the Norman Conquest.⁶¹²

The final result of this approach to the theory of legitimate property rights in land is that there is a tension between the theoretical purity of liberal speculation and the historical record. There are three possible explanations which one could give: firstly, that all private property in land is unjust; secondly, that all present titles are legitimate through the passage of

⁶¹¹See Stanley Mellon's work on the political uses of history in Restoration France, *The Political Uses of History: A Study of Historians in the French Restoration* (Stanford University Press, 1958).

⁶¹²Bastiat wrote a series of essays on the question of legalised plunder at the time of the 1848 Revolution in response to a number of socialist attacks on liberal property theory, including criticisms of the idea of property itself (largely prompted by Proudhon), schemes for the taxation and redistribution of property, and the National Workshop scheme to provide state subsidised employment. See Bastiat's essays "Property and Plunder," "Plunder and Law," and "The Law" in *Selected Essays on Political Economy*, trans. Seymour Cain and ed. George B. de Huszar (Irvington-on-Hudson: Foundation for Economic Education, 1975). Also "The Physiology of Plunder" in *Economic Sophisms*, trans. Arthur Goddard (Irvington-on-Hudson: Foundation for Economic Education, 1968). The idea of legalised plunder also pervades Bastiat's main although incomplete work *Economic Harmonies*, trans. W. Hayden Boyers and ed. George B. de Huszar (Irvington-on-Hudson: Foundation for Economic Education, 1968).

time or sanction of the state; thirdly, that present titles to land are in fact "mixed" containing just and unjust claims. The first explanation, which has superficial plausibility, was to argue that private property in land was flawed from the very beginning as Proudhon was to argue later. The original act of privatising communal property was not a universal right that all could exercise. Only the first comers could exercise this right which was denied the generations who came later. Arguments like these even appealed to staunch liberals like Herbert Spencer and Thomas Hodgskin and were the basis of the ideas of Henry George who, aside from the question of land, was quite a radical laissez-faire liberal. The second explanation that all present titles are legitimate either through the passage of time or the sanction of the state is one that Bentham might have agreed with but not one that a true liberal reformer like Comte, Thierry or Spencer would have sanctioned. The evidence that some individuals or the state had used force to acquire property was obvious to anyone who had lived through the French Revolution or who had studied its history. Thierry in particular in his histories of the Third Estate in Europe took great pains to argue that no state could assume its distribution of property had arisen without any taint of violence.

The third explanation is rather more difficult to argue because of the added complexity of asserting that property ownership in the present was "mixed," containing legitimate and illegitimate components. According to this explanation the existing distribution of property in land was a complicated mixture of legitimate and illegitimate titles. The legitimate component of the existing distribution of property was made up of those who had acquired their property legitimately by following the procedures established by Comte. They had acquired property either by legitimate first use or had purchased it from someone else who had done so at some time in the past. The illegitimate component (the exact proportion of legitimate and illegitimate property was disputed) was made up of property that had been "conquered" or "usurped" at some time in the past. The "usurpation" (to use the term popularised by Benjamin Constant in his attack on Napoleon's militarism)⁶¹³ could take the form of outright conquest and confiscation as described in Thierry's histories or the more recent and continuing process of what Bastiat called the "legal" usurpation or plunder by those who controlled the political system. The result was that the existing distribution of property had become horribly mixed. Over time, illegitimate owners might add to the value of their holdings by industrious activity or purchase legitimate property from others. Legitimate property owners might purchase land from illegitimate owners to add to their rightful

⁶¹³Benjamin Constant, "De l'esprit de conquête et de l'usurpation dans leurs rapports avec la civilisation européenne" (1814) in *De la liberté chez les modernes*, ed. Marcel Gauchet (Paris: Livre de poche, 1980).

possessions. Those who had been originally dispossessed by conquest or usurpation might disappear and their descendants not know of their lost inheritance. Peasants who presently worked the land and paid rent to landlords might in fact be the descendants of the original legitimate owners. The industrious middle class landowner might unknowingly have acquired illegitimate property by purchase and this was particularly the case with those who had purchased *biens nationaux* during the French Revolution from the Church or emigré aristocrats.

Comte's answer was that the problem of land ownership was only apparent. Without examining the historical origins of property titles one could come to the conclusion that all the present landowners were "clever usurpers," that all labourers were their "dupes or victims" and that there should be a redistribution of land so that the victims could have their just property restored to them. That some or many landowners and labourers were in fact clever usurpers or victims did not destroy the theoretical foundation of property in land, in his view.⁶¹⁴ The "apparent injustice" of present land titles could only be explained if one clearly distinguished theoretically between just and unjust modes of acquiring property and used historical investigation to show how unjust methods were used in the past to dispossess just owners of their land. With the assistance of a just theory of property rights in land and a liberal historiography which explained how particular classes have "usurped" property it was possible to separate unjust from just property titles in the present. This explains why liberals in the Restoration period and the July Monarchy spent so much time trying to defend the right to property and to describe how history had resulted in a mixture of just and unjust property titles. The historical interest in the Ancien Régime, the French Revolution and Napoleon can also be at least partly explained in this way. Comte finds a similar argument about the need to distinguish between legitimate property as defined by liberal theory and illegitimate property which may have emerged historically by the abuse of liberal principles in some remarks made by Count Pierre-Louis Roederer during the French revolution. Roederer was the editor of the *Journal d'économie publique, de morale et de politique* in 1793 at a time when property rights were under attack by the radical Jacobins. He unequivocally reaffirmed the principle

⁶¹⁴As Comte put the problem: "When one casts a superficial glance at even the best organised societies one sees a large number of men who live from the product of their land and next to them a much larger number who only have the product of their daily labour to live off. One is tempted to view the first group as clever usurpers and the second group as dupes or victims. One would naturally demand that the division of property be done over again so that each could have his share. This apparent injustice disappears, at least in large measure, when one recognises the principle that every man is the owner of the value which he has created; when one observes the way in which property is formed and the way in which the various classes increase their numbers. Fortunes made by fraud or violence are the only ones which morality and justice can condemn." *Traité de la propriété*, pp. 159-60.

that property was a natural right which existed independently of society and that when property was attacked it was important to recall the important distinction between right or law (droit) as a principle and the exercise of right or law in historical practice. The implication of this distinction made by Roederer is similar to that drawn by Comte, namely that at a time when supposed injustices are under attack and revolutionary reforms proposed to remove them it is important to distinguish between the thing and the abuse of the thing.⁶¹⁵

The existence of "mixed" property ownership raised the very difficult legal problem of separating legitimate from illegitimate forms of property. It may be possible to identify dispossessed legitimate owners or their direct descendants and to return all or some of "their" property to them. If this was too difficult because of lack of information or the disruption to the market and existing legitimate property owners (which was Comte's rather conservative position) then it was necessary to have some legal provision which would sanction some forms of illegitimately acquired property so that the present possessors could be secure in their use and plan for future investment. In other words, to somehow magically transform violent usurpation into legitimate property by prescription. Once again liberals like Comte were faced with a theoretical dilemma. Their liberal theory of property led them to a potentially revolutionary conclusion, namely that some form of property redistribution was necessary in order to return "usurped" property to its rightful owners - a solution which had remarkable similarities to Proudhon's call for redistribution based upon his socialist rejection of much property as "theft." Comte was to ultimately pull back from the revolutionary consequences of his property theory. He concluded that the most peaceable and least disruptive solution to the problem of illegitimate property was to assert that the passage of time somehow bestowed legitimacy on illegitimately acquired property. As in so many other ways, the memory of the French Revolution and the radical Jacobin attempts to legislate redistribution of property led liberals like Comte to prefer a reformed but still imperfect status quo to another revolutionary overthrow and potentially bloody property redistribution.⁶¹⁶

Comte's purpose in discussing the conversion of communal property into private property was not to justify a revolutionary redistribution of property but to counter the arguments of those who believed private property in land was morally compromised from the very beginning. Comte wanted to show that both in theory and in many (if not most) historical cases private property in land was legitimate. The moral corruption of property came much

⁶¹⁵See the footnote, Comte, *Traité de la propriété*, p. 160.

⁶¹⁶Dunoyer also was sceptical of the benefits of revolutionary change having been disappointed too many times by the failure of revolution to provide long-lasting liberal reforms before succumbing to militarism and statism as his activities during the 1848 Revolution and the creation of the Second Empire reveal.

later when legitimate owners were dispossessed by various means. This meant that in some situations the socialist critique of existing property distribution was correct. What they were in many cases identifying was the result of usurpation and not the correct functioning of liberal property theory. Unfortunately some socialists took this critique too far, according to Comte, because they did not distinguish between the two. Rather, in their anger they wanted to destroy property altogether. It is in this light that Comte's arguments about the possibility of legitimate acquisition of private property in land should be viewed. If he could show how communal property could be converted into private property without causing harm to others he believed he had undermined the socialist critique of private property in land as such without abandoning the correct aspects of the liberal and socialist critique of the injustice of much land title in contemporary Europe.

Comte presents his argument concerning the inoffensive origin of the right to private property in land in Chapter X, "Conversion of National Territory into Private Property" of *Traité de la propriété*. His aim in this chapter is twofold: firstly to show how parts of the national territory are "detached" and converted into private property; secondly to show how the transition from hunter-gatherer to settled agriculturalist can be achieved without harming others and, in fact, actually benefiting those who remain at the hunter-gatherer stage of production. He begins with the idea that as long as the national territory remains uncultivated it stays undivided. Private individual property only exists in moveable things such as weapons for war or hunting, some food supplies, as well as things which will be abandoned when one has finished using them, such as a simple hut.⁶¹⁷ The reason for the absence of individual property in land at this stage of economic development (the state of savagery) is economic as well as technological. As hunter-gatherers they require an extensive territory to provide themselves with the animal and plant life they require for subsistence. Given their level of technological competence it is impossible for them to fence in such an expanse of territory and thereby control the animals they hunt and therefore to be able to exert some claim to property in the land. What boundaries that do exist between tribes are the result of traditional practice based upon the food producing capacity of the land. A tribe of any given size will require a certain quantity of land to provide them with the animals and plants necessary for their survival. If they happen to live in a very fertile river plain the amount of territory they will have to range over in the course of a year in order to find their food will be less than the territory required by a similarly sized tribe in a semi-arid region. In each case the territory which is traditionally used for food gathering is determined by the productive capacity of the

⁶¹⁷Comte, *Traité de la propriété*, p. 140.

land and the recognition the tribe receives from (and gives to) its neighbours. It is this territory which Comte calls "national" and which he believes exists prior to the need for and the creation of private property in land.⁶¹⁸

The key to Comte's argument about the benign consequences of original private property in land is his belief in the much greater productivity of agriculture compared to hunting and gathering in the same area of land. The actual proportion used by Comte in his calculations by which settled agriculture is more productive than hunting and gathering is rather fanciful and is obviously not based upon any scientific or historical comparison of the productivity of different land usage. The figure he uses is purely figurative, being a round thousandfold improvement. He asserts that the product of one unit of land used for agriculture produces the same amount of food and other goods as one thousand units of land used for hunting and gathering. Yet, even though the actual figure is a product of Comte's imagination the general thrust of his argument is accurate: that the more intensively one works a piece of land the more productive it becomes. As soon as a part of a tribe of hunter gatherers withdraws from hunting and gathering to devote itself to agriculture a much smaller extent of territory is necessary to provide for their needs. Instead of ranging over a wide expanse of territory to gather and hunt the much greater productivity of agriculture allows them to supply most (perhaps all) of their needs from quite a compact space of intensively cultivated land. The land which they previously used for hunting and gathering is no longer needed and they in effect abandon it for the benefits of settled existence as agriculturalists. The key to Comte's argument is this aspect of the transition. Far from taking anything away from their kin who remain hunter gatherers those who choose the agricultural way of life (or mode of production) make more land available to the others by abandoning a large part of the territory over which they previously foraged. Within the boundary of the national territory the remaining nomads have that much more land to use than they did before some members of their group opted for a settled existence. It is for this reason that Comte believes that private property in land can emerge without necessarily harming the interests of any other person and which in fact leaves others better off than they were before some of their members became property owners. Another reason for Comte arguing that those remaining nomadic are not made worse off by those who choose to become agriculturists is that the greater productivity of settled agriculture creates surpluses which can be traded for the meat, skins and other products of the

⁶¹⁸See Chapter 7 for a discussion of what constitutes "The Territory Belonging to Each Nation" which Comte regards as being defined by so-called "natural" barriers such as mountain ranges and rivers or anything which interferes with trade or communication between people.

nomads. The opportunity to trade opens up enormous benefits for both parties so long as each treated the other with respect and tolerance.

As for those individuals who live outside of the national territory they have even less justification for disputing the legitimacy of the conversion of commonly owned land into private property. Although they do not directly gain from the extra common land left for the hunter gatherers to use by those adopting the agricultural mode of production they are not harmed in any way, according to Comte. In fact their situation is left unchanged. The liberal defenders of private property thought it was a curious omission of socialist critiques not to include, say, Russian serfs and American Indians in any redistribution of property in Europe. Why arbitrary national boundaries should make a difference in any calculation of land redistribution from the "haves" to the "have nots" was never explained they argued. Surely, if landless labourers in a remote part of France had a claim on the property of Parisian landowners then others, equally remote and equally landless, also should be considered by reformers. The issue which made these anti-private property reforms worthless was that they ignored the connection between cause and effect. In liberal theory the act of appropriation had to be shown to directly harm someone else for it to become illegitimate. In order to prove that the act of improvement and cultivation of previously commonly owned land was an illegitimate way to make land private property opponents had to show one of two things, either it violated someone else's personal or property rights or it left someone else worse off than they were before. In both instances the interests and rights of other "nations" were so far removed from the issue at hand (the privatisation of part of another "national" territory) that they were not involved directly or indirectly at all. Comte dismissed the claims of other "nationals" to be affected by the privatisation of property on the other side of the world. He concluded that if by economy and hard work a small group within one national territory were able to clear some land, erect fences and buildings they firstly left the situation of other foreign nationals unchanged - "they take nothing by force (*ils ne ravissent rien*) from men foreign to their nation"⁶¹⁹ and secondly, far from harming the interest of the fellow "nationals," they actually improved their situation by making more land available to them for hunting and gathering. As Comte asks rhetorically:

Do they take anything by force from their compatriots? Quite the opposite. They abandon the largest part of the territory which they had previously required for their survival. When they had to rely on fishing and hunting to live each of them had to have more than a square league of land to provide their subsistence. If by their labour they are now able to obtain

⁶¹⁹Comte, *Traité de la propriété*, p. 148.

more produce from one thousandth of this area than they were able to get from the original area as hunter-gatherers, it is obvious that they abandon nine hundred and ninety nine parts of their original property. Far from being a usurpation of the property of others, the appropriation of land by cultivating it results therefore in limiting the man who becomes a farmer to an infinitely narrower space and in increasing the space available to the others by the amount of land that they have abandoned. A stretch of territory which was scarcely sufficient to support ten men in a permanent state of distress now provides the means of subsistence to ten thousand intelligent farmers.⁶²⁰

Comte's argument that the original cultivation and appropriation of land, far from harming the interests of those remaining as hunter gatherers, actually provided them with greater territory over which to range appears to satisfy John Locke's important proviso in the *Second Treatise*. After establishing the right of individuals to own "the Fruits of the Earth" John Locke argues that working the land also establishes a property right to it. The only condition placed on this process of "laying" one's labour on the land and thereby making it one's own is the proviso that one leave land aside for others to use. The expression John Locke uses is that there be "still enough, and as good left" after any parcel of land has been withdrawn from common ownership by private appropriation. To quote the relevant passage from Locke:

Nor was this *appropriation* of any parcel of *Land*, by improving it, any prejudice to any other Man, since there was still enough, and as good left; and more than the yet unprovided could use. So that in effect, there was never the less left for others because of his enclosure for himself. For he that leaves as much as another can make use of, does as good as take nothing at all. No Body could think himself injur'd by the drinking of another Man, though he took a good Draught, who had a whole River of the same Water left him to quench his thirst. And the Case of Land and Water, where there is enough of both, is perfectly the same.⁶²¹

There is no direct evidence to suggest that Comte knew of Locke's proviso although the general tenor of Comte's argument seems to suggest that he was at least indirectly aware of it. It would be an interesting exercise to examine the influence of John Locke's thought on the continent, what translations were available and how his ideas were received, especially in the late eighteenth and early nineteenth centuries when Comte, Dunoyer and other liberals were formulating their ideas on property.

The next stage of Comte's argument concerning the legitimacy of private property in land is the supposed "unearned" value which a property owner gets, although no labour has been expended on the property, when a neighbour improves the value of the land. The examples of

⁶²⁰Comte, *Traité de la propriété*, pp. 148-49.

⁶²¹John Locke, *Two Treatises of Government*, ed. Peter Laslett (New York: New American Library, 1965), Paragraph 33, p. 333.

this process which Comte uses to illustrate his argument come from the rapidly expanding economy of the United States and the improvements being made to large cities like Paris in the early nineteenth century. Once again the liberal defence of property was exposed to criticism from Proudhon who pointed out that the Lockean argument (that labour creates both value and a legitimate claim to property in the value created) could be used against liberals in situations like this where the increase of value and the use of labour are separated from each other. Comte returns to his earlier discussion of the inoffensiveness of the original claim to private property in land in order to show that the problem of unearned value has been with private property from the very beginning. His solution to the problem is twofold. Firstly, that it is reciprocal because of the interdependence of all participants in the market. Whatever I do to my property influences the value of other people's property and vice versa. Secondly, because of this interdependence of property ownership it is extraordinarily difficult, perhaps impossible, to determine who owns what proportion of the so-called "unearned" value of improved property. What proportion of the increase in my property value is to be attributed to my immediate neighbour who improves his land and what proportion to the other, more distant property owners who do the same thing in the same city or region? The fact that the expending of labour and the increase in value of property are not always directly connected is part of Comte's original argument about private property in land. The first agriculturalists, by withdrawing from the nomadic life and concentrating on the more intensive and productive agricultural mode of production, released much land and valuable resources for the use of their fellows who still pursued the life of a hunter gatherer. Similarly, the use of "industry" at a later stage of economic development increases the property values of others to a much greater extent than the transition from nomadic to agricultural mode of production increased the "unearned" value available to those who retained the nomadic way of life. The point of this line of argument is not so much to refute the claims of the critics that this unearned value is unjust but that it was and is an inevitable part of economic progress and the interdependence of all participants in any mode of production (even socialist) above that of hunting and gathering.⁶²²

⁶²²"I have shown that the man who passes from the life of a savage to the life of a farmer and who by the process of cultivation converts a fraction of the national territory into private property, far from committing an act of usurpation actually gives up the greatest part of his original property to the fatherland. I ought to now add that in cultivating a fraction of this original property the farmer increases the value of all the land surrounding his and that he therefore increases the wealth of his fellow citizens without causing them the slightest harm. This increase in the value of land which results from the industry applied to neighbouring land is sometimes so considerable that it is hard to believe unless one is willing to be convinced by factual evidence." In Comte, *Traité de la propriété*, p. 151.

Comte continues with a discussion of property values in Paris to illustrate this process by which economic development (or industry) increases not only the value of one's own land but also that of one's neighbours. It is ironic that Comte uses this as evidence that the transition from public to private ownership of land does not harm others but actually increases their wealth as an unintended consequence of economic activity. Proudhon and other critics of private property see the problem very differently. They consider that this unintended consequence of settled existence is an argument against the legitimacy of private property. They view it from the perspective of the person labouring in his own field and thereby increasing the property values of his neighbours without reward. One explanation of the conflicting interpretations of this unintended consequence of economic activity is the "half-full half-empty" glass phenomenon. Comte's intention is to show that property ownership does not leave others worse off while Proudhon wants to show that some labour is not adequately rewarded for the increase in value it creates. Comte sees the glass half-full and getting fuller as more public property is converted into private property. Proudhon sees the glass half-empty and getting emptier as landlords, capitalists and factory owners refuse to pass on to labourers the full value of their labour.

To demonstrate the complexity and mutually beneficial nature of economic improvement Comte gives the example of two neighbours both of whom build houses on their land. In building a new house on his property my neighbour adds to the value of my land without having done any labour on it. Surely he should be entitled to own whatever value his labour has created, whether it occurs on his land or anybody else's? Why should I, who have done nothing, enjoy the fruits of another's labour? The answer Comte gives is that, apart from the example of the owner of a vacant block in a city surrounded by improved properties which add enormously to the vacant block's value,⁶²³ most landowners also build houses and improve their properties in some way. They too add to the value of others' land in a mutual and reciprocal relationship which is impossible to unravel in order to assign exactly who has contributed more than others to the general increase in property values.⁶²⁴

This is not an issue which Comte spent much time discussing in spite of the fact that it was an argument which many critics of liberal property theory found appealing. Comte's response

⁶²³An argument which does not occur to Comte is that a property owner who leaves land unimproved in the middle of a city is providing a conservation function of scarce resources for future generations. The expectation is that in the future unimproved land will be highly desirable by others and that by refraining from developing it in the present the property owner will be providing a service to others in the future by providing them with a scarce good. The reward for such abstinence is of course a high resale value in the future.

⁶²⁴Comte, *Traité de la propriété*, p. 152.

is inadequate because he did not foresee the use that future critics of liberal property theory would put the issue of "unearned" value. For him it was a happy though unintended consequence of "industry" being applied to land. He refused to entertain the idea which some critics proposed later that some form of taxation could be used to take this "unearned" value away from property owners, most likely in the form of a capital gains tax or property tax or rent (as Henry George and "the single taxers" advocated). As a liberal the thought of a new and intrusive government bureaucracy to assess "unearned" value and to supervise its taxation was a massive intervention in the economy which was abhorrent to him for many reasons. Furthermore, Comte had used the idea of "unearned" value as a justification for private property so it is not surprising that he did not see it as a serious objection to it. The unintended consequence of the privatisation of publicly owned national territory was that it did not leave others worse off. In fact, others were better off when a small group appropriated part of the national territory. By their intensive use of the land and the application of "industry" to increase productivity the property owners created considerable "unearned" value to the benefit of others. Whereas Proudhon uses the idea of unearned value to condemn the unfairness of private property Comte uses it to establish its legitimacy and to satisfy John Locke's proviso of "still enough, and as good left." Surely an irony that the productiveness which Comte so much admired in private property and industry could be used later to justify its abolition or regulation by socialists like Proudhon.

G. THE "INOFFENSIVE" EMERGENCE OF WAGE LABOUR

Some explanation is required in order to understand what Comte meant when he introduced the examples of workers clearing the land and building a house yet with the legitimate ownership remaining in the hands of the capitalist or landowner. There is a certain similarity in intention here to the discussion about the inoffensiveness of original private property in land. Just as Comte wanted to show that privatisation of national property did not harm others but in fact increased the value of the remaining commonly owned land in an "unearned" fashion, his intention with the origin of wage labour is to show that it too could emerge without harming the rights or interests of others. The parallelism between the two arguments about the emergence of private property in land and the legitimacy of wage labour is important for two reasons. The first reason is that both fit into the evolutionary framework within which Comte and Dunoyer developed their economic ideas about the emergence of industrial society. All the important institutions of the modern industrial market economy had to be shown to emerge by necessity and without violating any one's rights. The second reason

for the important parallel in argumentation is that, although the theoretical possibility of inoffensive emergence of these institutions was demonstrated, the historical record showed that the institutions were "mixed," showing a moral (cooperative and non-violent) and an immoral (violent) aspect to their development.

In the case of land liberal historians like Augustin Thierry developed theories of conquest and usurpation to explain the unjust distribution of land which had developed over the centuries. In the equally important area of wage labour the parallel immoral aspect of evolution was the emergence of slavery which Comte was to describe in such detail in *Traité de Législation*, the first volume of his magnum opus. As with the distribution of land ownership the mixed nature of labour over the centuries had to be recognised and, where possible, the legitimate form of labour distinguished from the illegitimate. Liberals faced a similar problem with labour vis-à-vis their critics as they did with land ownership. In many respects they shared the socialist's condemnation of slavery and coerced labour in all its forms but they believed that a legitimate and non-coercive form of wage labour existed which needed to be defended. Hence Comte's considerable pains to show how legitimate wage labour might originally emerge and how it was historically "perverted" in some respects with the development of slavery in the ancient world, serfdom in the feudal period and guild restrictions in the later middle ages.

In the evolutionary scheme which Comte uses to describe the stages of economic development the first stage is that of "barbarism" or nomadic hunting and gathering followed by settled agriculture on private plots of land. Between these two early stages of economic development is a transitional stage in which there exists some communal aspects of the nomadic life along with the beginnings of settled agricultural life. Before discussing Comte's explanation for the uncoercive emergence of wage labour in the settled agricultural stage of production a brief summary of Comte's conception of the nomadic and transitional stages needs to be given.

In the "barbaric" state of production the only social distinctions within the tribe are those based upon age, sex, physical strength and beauty. Inequalities of wealth are impossible since no one is required by want to work for another. No individual is sufficiently wealthy to purchase the labour of another; conversely no one is poor enough to have to work for someone else to make a living. All members of the tribe are obliged to cooperate in the search for food and what is available to the tribe is equally shared amongst all the members. What is lacking for the major transition to settled agriculture and wage labour is the existence of

capital, either of stored food or other goods.⁶²⁵ An individual acting alone within the barbaric stage would find it impossible to find the time or resources (capital in the form of stored food) to clear the land and prepare the soil for sowing crops as well as providing for day-to-day needs. Furthermore there is the problem of protecting the crops from animals and even members of other tribes. Because of these factors Comte concludes that the transition to agriculture (and thus private property) has to come about cooperatively rather than individually. In other words there is not a clean break between the two modes of production. Before settled agriculture based on private property can emerge there must be a transitional stage of agriculture based upon a mixture of communal and individual labour and communal and private property. The transitional stage shows some of the communal aspects of production of the nomadic stage before sufficient wealth was accumulated to permit full independent and private use of the land. His analysis is based upon ancient Roman accounts of the Germanic tribes, travellers accounts of North American Indians and curiously the early days of the English colony in Virginia.⁶²⁶ In these transitional societies Comte believes the cooperative nature of production used in the nomadic mode of production is continued for some period of time. The land is cultivated in common, the products of the land are stored in public storehouses and each family receives what it needs from it.

What makes agriculture so different from hunting and gathering and so difficult to get started is that a much greater time lag is introduced between production and ultimate consumption. Whereas the labour required for hunting and gathering might be rewarded in a few hours or at worst a few days, the reward from agricultural work will not come for some months. During the months between clearing the land and the first harvest the would-be agriculturalists need provisions which they can draw upon until the harvest is ready. The problem of food supplies is compounded if workers other than immediate family members are included in the calculations. Thus agriculture for Comte is like any other "industrial" enterprise. It requires a "boss"⁶²⁷ who has somehow saved the capital to pay workers for their labour until the product can be sold or the crop harvested. In the case of the transitional stage this "boss" or "chef de l'entreprise" is a cooperative of one or more families of a tribe. It is the

⁶²⁵"(The members of the tribe are) forced to cooperate in order to secure the subsistence which nature has provided and are not able to put aside provisions without the assistance of their fellows. They suffer the same hardships and enjoy the same abundance. Therefore it is impossible for one man to possess a large quantity of supplies while the others are condemned by necessity to engage in exhausting labour. In such a state no one is rich enough to purchase the labour of others and no one is so poor that they have to work for another to secure their livelihood." In Comte, *Traité de la propriété*, p. 145.

⁶²⁶Comte, *Traité de la propriété*, p. 144.

⁶²⁷Comte referred to a "chef de l'entreprise" in *Traité de la propriété*, p. 146.

cooperative who introduce a more specialised division of labour and make the necessary "economies" to accumulate the capital necessary to become farmers. Once family cooperatives become established it is a short step, Comte thought, to the full privatisation of land and farming as family members gradually spilt off to farm individual plots of land.

The most difficult stage in the transition seems to be the leap of faith required to form family cooperatives, in particular the perception that short term saving and sacrifice will result in a greater long term reward. The impulse which makes individuals of a hunter-gatherer tribe leave the nomadic mode of production and undertake a much harder life (at least temporarily) is not explained by Comte and therefore seriously weakens his argument. The most likely explanation (not given by Comte) would be that in some extremely fertile parts of the world naturally occurring self-seeding crops might attract nomads at regular times of the year. The step from regular harvesting of wild crops to that of active full-time farming would be a relatively short one. Nomads could then gradually give up their foraging and take up farming only when nature itself had provided the necessary capital from previous years' good harvests.

Comte's less than satisfactory account assumes that an act of will is all that is required to leave the stage of nomadic production and begin the slow climb up the evolutionary ladder to the industrial mode of production. He merely states "that if a tribe wished to cultivate a part of the national territory that it occupied"⁶²⁸ it would have to have sufficient provisions to tide it over until the first harvest. Although Comte ignores the reasons why individuals would wish to do this in the first place his account of the method by which this might be done is plausible within his theoretical framework. The first step is to increase the amount of work done in order to do two things at once, namely to continue hunting and gathering to provide for day-to-day needs and at the same time to clear the land and prepare the soil for crops. The latter function Comte believes has historically been done by a sexual division of labour. The men initially do the back-breaking work of clearing the land and then leave the tending of the crops to the women whilst they return to more traditional occupations of hunting game and attacking their enemies.⁶²⁹ In this manner the fundamental break with the nomadic way of life is achieved and path is cleared for the accumulation of considerable surpluses. This is made possible by two developments which were not available to hunter-gatherers: firstly, the greater productivity made possible by the division of labour; secondly, by the greater productivity of agriculture compared to hunting and gathering. Once the principle of the

⁶²⁸Emphasis added, Comte, *Traité de la propriété*, p. 146-47.

⁶²⁹Comte, *Traité de la propriété*, p. 147.

division of labour has been established, even if it is the rather crude version based upon a sexual division of tasks, and then applied to agriculture the enormous gains in productivity (Comte fancifully guesses a thousandfold increase) enable at first families and then individuals to accumulate sufficient surpluses for wage labour to emerge. Comte assumes that in this new stage of economic production inequalities of wealth will emerge inevitably but in a non-coercive manner. This is due to the fact that once surpluses become possible under agriculture some individuals will be more "industrious" than others, that they will forgo present consumption in order to have even greater surpluses for the future. These frugal or harder working individuals destroy the original equality which existed in the early farming community. It is now possible that some individuals will choose to work for others who now have sufficient surpluses to pay their wages for a period of time. The less thrifty, the less efficient, the less prudent, the less intelligent and the less skilled will prefer to work for others rather than endure the hardships of clearing the land themselves and working hard to accumulate their own surpluses from scratch.

The key factor in this momentous change in mode of production is, as Marx realised, the existence of surpluses out of which wages can be paid to labourers. Comte believed his account of the transition from the nomadic life of hunter-gatherers to the highly productive agricultural way of life provided a non-coercive means by which private property and economic inequality could arise. What still needed to be demonstrated was the legitimacy of the relationship between the wage labourer and the newly arisen "capitalist" with a surplus saved. Comte had to provide an answer to the question raised by socialists concerning the right of the labourer to a part of the finished product of his labour even after the payment of his wages. The first stage of his argument is that private property in land can be acquired legitimately. This can be done as we have seen by the original process of converting part of the national territory into private property by the act of cultivation. Another method which was a great interest to Comte was the sale of public land to private individuals as happened during the French Revolution. As long as this land was previously unowned (the issue of land belonging to emigré nobles is not discussed) and uncultivated (such as swamp and forest) the nation gained by its sale. The nation gained much needed revenue, non-productive land was put to productive use and the purchasers had the opportunity to profit from their investment. Just as the original acquisition of private property satisfied Locke's proviso by leaving those remaining as hunter-gatherers no worse off so did the sale of public land to private individuals not harm the nation. There was no usurpation in Comte's view when public land was sold at the market rate to private individuals. The second stage was the just emergence of the payment of wages. Comte believed that this occurred as a direct result of the greater

productivity which the combination of private property and agriculture made possible. Although the payment of wages probably began in a communal setting as the productivity of the land improved individual land owners, through greater intelligence or hard work, eventually acquired enough wealth to employ others on their land. Thus Comte concluded that the socialist critique of both private property in land and the payment of wage labour were both legitimate and necessary to the economic advancement of mankind.

An interesting aspect of Comte's theory of property which added some complexity to his analysis is that of the combination of legitimate and illegitimate ownership and labour use. With respect to the ownership of land, legitimate ownership through first use and non-violent exchange was unfortunately mixed with land that had been acquired through extortion and conquest. The mistake the socialists had made was to confuse the two and the task of liberal historians such as Augustin Thierry was to unravel them as much as possible, at least on the pages of their history books if not in the state legislatures. A similar situation existed with labour practices. Comte was convinced his theoretical and historical analysis had shown how wage labour might emerge in a legitimate fashion as part of the transition between nomadism and settled agriculture. Unfortunately, as in the case of land ownership, the legitimate use of wages had become mixed up with coercive and illegitimate labour practices such as forced labour and slavery. Once again, the socialists had assumed that coercive labour practices and especially slavery were an essential feature in the emergence of capitalism and that all labour practices were basically "slave-like." Once again, it was the task of liberal theorists to untangle the two and show how slave and other forms of forced labour had harmed economic development. Furthermore, the liberals wanted to show how slave labour ultimately would be done away with and a society based entirely on legitimate and free labour would emerge. This interest is yet another reason why both Comte and Dunoyer spent so much time and effort in analysing the phenomenon of slavery in their works.

VIII. COMTE AND DUNOYER AFTER THE 1830 REVOLUTION: THE IMPACT OF THEIR IDEAS⁶³⁰

A. COMTE'S CAREER AFTER THE 1830 REVOLUTION

Work on the sequel to the *Traité de législation*, the *Traité de la propriété*, was yet again suspended following the 1830 Revolution. Comte now began an uncertain career as a government official. On 18 September 1830 Comte was nominated by the more liberal-minded July Monarchy to the post of councillor of the Seine prefecture, which for some reason he did not take up. Only a few days later, on 28 September, he was also appointed to the position of procureur du roi at the Seine tribunal, but was apparently sacked some six months later for what one writer described as "indiscipline." Perhaps it was more a question of Comte attempting to continue his scholarly interests at the same time as the new régime placed demands on his time, or his continual practice of trying to thwart the government, even the more liberal-minded July Monarchy, each time it transgressed his rather strict view of individual liberties. He had another chance to run for office the following year and he was successful, being elected on 5 July 1831 as a deputy from La Sarthe and later deputy for Mamers in 1831, to which he was re-elected for second term on 21 June 1834.⁶³¹

Comte soon became disillusioned with working for the state and decided to retire in order to complete his life's work at long last. He described his growing disillusionment with government and the mad times in which he was living:

After the revolution of 1830, having been called to a number of public duties and imagining myself not unable to be of some use to the people in public affairs..., experience soon dissipated the illusion that I had created for myself. It convinced me that I was living in impossible times when all men who claim to make use of their reason and to maintain their freedom of conscience, ought to resign themselves to not taking part in the affairs of government.⁶³²

⁶³⁰Sections of this chapter dealing with the liberal idea of class and exploitation were given as a paper at the Carl Menger Society, Oxford Meeting, 26-28 April, 1985.

⁶³¹The historian Edgard Allix curiously claims that Comte soon lost his seat as a result of his "independence" but was able to find another seat again very quickly. Unfortunately Allix does not elaborate any further. Edgard Allix, "La déformation de l'économie politique libérale après J.-B. Say: Charles Dunoyer," *Revue d'histoire des doctrines économiques et sociales*, 1911, vol. 4, p. 9-10, fn 3. Allix describes Comte's political career, beginning with the nomination as councillor of the Seine prefecture, as follows: "Il n'occupa d'ailleurs point ce poste et fut nommé quelques jours après (28 7bre 1830) procureur du roi. Destitué pour son indépendance en 1831, il fut élu député de Mamers en 1831 et 1834 et siégea au parlement dans les rangs de l'opposition dynastique."

⁶³²Charles Comte, *Traité de la propriété*, pp. vi-vii.

A source of frustration to Comte, which came about because the two parts of his work were not published together, was that he was accused of allowing his political activities to intrude into a work of scholarship. The readers of the *Traité de législation* in 1826-7 naturally read it as the work of a committed liberal journalist, pamphleteer and academic. Some readers apparently interpreted Comte's discussion of the measures taken in the ancient world to discourage slaves from associating with each other as a reference to contemporary French laws banning meetings of more than twenty people. These infringements on the freedom of association had been ridiculed by Comte and other liberal journalists in the 1820s and the matter had been discussed in the Chamber of Deputies. Comte was stung by these criticisms and in an introduction to the *Traité de la propriété* in 1834 vehemently denied that he had alluded to contemporary affairs in what he considered to be a work of pure scholarship. It was an understandable assumption made by some of his readers, given the way in which Comte in his own life had mixed periods of intense political activity with periods of withdrawal or retirement for more academic work. Nevertheless Comte had the hope that his empirical method of analysis and his careful reading of anthropological, historical, legal and economic theory would result in a major theoretical work, a work of "science" as he termed it, which was unsullied by party political point-scoring.⁶³³ In order to show that political point-scoring had not been his purpose he claimed he wrote the section on the freedom of association in the ancient world several years before and that the work was being printed several months before the discussion in the Chamber of Deputies had taken place.

Yet in the *Traité de la propriété*, in a very typical aside of about seven pages, Comte launched into a spirited defence of the freedom to associate with whomever one pleases so long as the rights of others are not harmed.⁶³⁴ Although he had purged the main body of the text of any references to contemporary party political matters, the political implications of his magnum opus are made obvious in the preface where he was less reluctant to be impartial. He asserts that the faculty of associating with others, like the faculty of expressing one's opinions or undertaking a particular kind of work, was inherent in our nature and any law which attempted to interfere with the exercise of our natural faculties was an act of tyranny.

A measure which declares the innocent or honourable exercise of one or other of our faculties to be punishable is an act of tyranny whoever the authors might be. A measure which guarantees impunity to the government or to individual action which threatens public security or which disturbs

⁶³³Charles Comte, *Traité de la propriété* p. xiv.

⁶³⁴Charles Comte, *Traité de la propriété* pp. xv-xxii.

society is an act no less condemnable. In either one or other of these perspectives the projected law against association deserves to be rejected.⁶³⁵

Without leaving it to the imagination of his readers Comte himself drew the connection between the absurdity of the new law preventing more than twenty people associating freely together and the futile and unjust attempts by the restored monarchy to impose arbitrary and prior censorship on its critics.

On the other hand it is impossible to agree to the idea that any association becomes criminal the moment it has more than twenty members, and to the idea that it would be impossible to guarantee public safety unless all associations over that number were handed over to arbitrary police control. It would be impossible to sustain such a system without repeating all the sophisms which were produced during the Restoration to prove that prior and arbitrary censorship was the sole means of preventing abuses of the press.⁶³⁶

What these remarks by Comte clearly indicate is that, after nearly fifteen years of study and writing on economic, historical, sociological and legal matters, he was still very much concerned with the political issues which had preoccupied French liberals in the early years of the Restoration, namely the freedoms of the press and association. It suggests that, in his mind at least, one could combine an interest in class analysis, economic exploitation, and stage theories of history, i.e. what Siedentop has described as a “sociological approach to political theory,”⁶³⁷ and still remain very much within the classical liberal tradition.

It should not be surprising that Comte found political life during the July Monarchy irksome and tiring. His independence of spirit and his anti-statist liberal sentiments did not naturally incline him to a life in the Chamber of Deputies. Fortunately there was an academic alternative to political life in the form of his membership of the Academy of Moral Sciences, to which he had been elected in 1832 soon after his first foray into politics. When he was made the Academy's permanent secretary in 1834 with the completion of the *Traité de la propriété*, it was probably the excuse he was looking for to withdraw completely from elected office. As an academician Comte was able to devote himself to his work. From 1833 to his death in 1837 it involved the publication of the second part of his magnum opus, the *Traité de la propriété*, and editing the works of his father-in-law the economist Jean-Baptiste Say and Thomas Malthus. For the liberal publishing firm of Guillaumin Comte edited all the major and a number of the minor works of his mentor Jean-Baptiste Say and wrote an important

⁶³⁵Charles Comte, *Traité de la propriété* p. xix.

⁶³⁶Charles Comte, *Traité de la propriété* p. xx.

⁶³⁷Siedentop, “The Two Liberal Traditions,” p. 157.

assessment of his life and contribution to liberal economic and social theory.⁶³⁸ He also did the same for Thomas Malthus. One of his tasks as permanent secretary of the Academy was to present eulogies which were more like biographical essays of leading intellectual figures. The task of assessing the life and work of Malthus, who died in 1834, fell to Comte. His eulogy was given in December 1836 and versions of this appeared as introductions to Malthus's major work on *The Principles of Population*, which remained the edition used by French political economists for decades.⁶³⁹

Comte did not live long after the publication of his magnum opus. He died in Paris on 13 April 1837 at the age of 55 after an illness lasting some ten months. Molinari attributed his death to the exhaustion brought on at an early age, due to his arduous political battles and the demands of his academic work. Molinari's diagnosis may not be medically sound but he is correct to emphasise the commitment Comte showed throughout his life to the cause of liberalism in France. He refused to compromise or submit to oppression no matter what its source. Whether under Napoleon, Louis XVIII, Charles X or Louis Philippe, Comte was prepared to criticise and expose any restriction on individual activity in the area of political, social or economic life.

B. DUNOYER'S CAREER AFTER THE 1830 REVOLUTION

After having participated in liberal politics on and off during the 1820s Dunoyer became politically active again on the eve of the 1830 Revolution when Charles X abruptly sacked the Martignac government and replaced it with the arch-reactionary government of Polignac and introduced the inevitable new censorship of the press. These acts brought to an end Dunoyer's hopes for a liberal Bourbon régime which adhered to the provisions of the Charter.⁶⁴⁰ He expressed his opposition to Polignac's ordinances of 26 July 1830 (which reintroduced rigid

⁶³⁸J.B. Say, *Catéchisme d'économie politique... Revue et augmentée de notes et d'une préface par M. C. Comte* (Paris, 1834). J.B. Say, *Cours complet d'économie politique pratique*, edited with a life of the author by C. Comte (1837). Bruxelles edition, Société typographique belge, 1844. J.B. Say, *Oeuvres diverses contenant: Catéchisme d'économie politique, fragments et opuscules inédits, correspondance générale, Olbie, Petit Volume, Mélanges de morale et de littérature' précédées d'une Notice historique sur la vie et les travaux de l'auteur, Avec des notes par Ch. Comte, E. Daire et Horace Say* (Paris: Guillaumin, 1848). Charles Comte, "Notice historique sur la vie et les ouvrages de J.-B. Say," in *Mélanges et correspondance d'économie politique, ouvrage posthume de J.-B. Say* (Paris: Chamerot, 1833), pp. i-xxviii. He also wrote a review of Say's *Cours complet* for the *Revue encyclopédique*, "Cours de Say."

⁶³⁹Charles Comte, *Notice historique sur la vie et les travaux de M. Thomas Robert Malthus* (Académie des sciences morales et politiques. Recueil des lectures... du mercredi 28 décembre 1836). Another edition 1845. Reprinted in Malthus, *Essai sur le principe de population*, in *Collection des principaux économistes*, vol. 7 (Paris, 1852, 2e édition).

⁶⁴⁰Charles Dunoyer, *Mémoire à consulter sur quelques-unes des principales questions que la Révolution de juillet a fait naître* (Paris: Delaunay, 1835), Signed Ch. Dunoyer, 10 May 1834), p. 39, quoted in Allix, p. 7.

control of the press, dissolved the Chamber of Deputies, and changed the electoral system in order to ensure an Ultra majority) by going “underground” and publicly declaring to refuse to pay his taxes until the freedoms guaranteed by the Charter had been reintroduced.⁶⁴¹ Dunoyer did not have to stay underground for long as Charles X's government collapsed quickly and was replaced by Louis Philippe's. Dunoyer was rewarded for his opposition to the previous régime with the offer of the post of prefect in Allier on 14 August 1830, and later in Mayenne (October 1832) and the Somme (November 1833).⁶⁴²

After serving as a prefect in various localities, Dunoyer's next position under the July Monarchy was as a member of the Conseil d'État in which he served from August 1837 until the coup d'état of 1851 forced him to resign. Other positions he held included the position as administrator general of the Bibliothèque du Roi in February 1839,⁶⁴³ membership in the Academy of Moral and Political Sciences after his nomination by Guizot in 1832⁶⁴⁴, and foundation membership of the Society of Political Economy in 1842.⁶⁴⁵ He also contributed numerous essays and reviews to the new *Journal des Économistes*, the *Journal des Débats*,

⁶⁴¹Charles Dunoyer, *La Révolution du 24 Février* (Paris: Guillaumin, 1849 and Bruxelles, Méline, Cans et Cie, 1849), "Preface", p. ix, possibly written June 1849. Another statement by Dunoyer giving reasons for his refusal to pay taxes is: "Ayant fait en maintes occasions, et deux fois notamment aux élections dernières, serment de fidélité au roi et d'obéissance à la charte constitutionnelle et aux lois du royaume, je jure sur ma vie de ne payer aucune contribution jusqu'à ce que j'aie vue rapporter les ordonnances subversives de nos lois les plus fondamentales et violemment attentatoires à l'honneur du roi et à la sûreté du trône," quoted in Mignet, "Dunoyer," *Journal des économistes*, p. 174. A more extended analysis of the revolution of 1830 appeared in 1835 when Dunoyer was a prefect under the new régime and able to devote time to reflection on his rôle and the implications of the revolution for French politics. Charles Dunoyer, *Mémoire à consulter sur quelques-unes des principales questions que la Révolution de juillet a fait naître* (Paris: Delaunay, 1835. Signed Ch. Dunoyer, 10 May, 1834).

⁶⁴²When he was prefect of the Somme Dunoyer was an outspoken advocate of birth control on the twin grounds of individual liberty and Malthusian population theory. For this he was attacked by the Church and the Parisian press. Dunoyer felt obliged to respond to his critics with a pamphlet published in 1835 but I have not been able to find a copy of this.

⁶⁴³A position he did not hold long because of the opposition (presumably political) of his subordinates. In typical fashion Dunoyer felt obliged to defend himself in print with Charles Dunoyer, *La Bibliothèque du roi* (Paris: H. Fournier et Cie, 1839). Second revised edition 1847, *La Bibliothèque du roi, note publié en 1839 par M. Ch. Dunoyer, nommé administrateur général par l'ordonnance royale du 22 février, démissionnaire le 29 juin, Nouvelle édition* (Paris: Lacrampe fils, 1847).

⁶⁴⁴He was active in the Academy for nearly forty years until shortly before his death, and debated and wrote on such issues as economic theory, the "social question," and the challenge of socialism. One of his first economic works in this period dealt with the very different ways in which British and French railways were funded and constructed - one essentially privately, the other publicly. Charles Dunoyer, *Esprit et méthodes comparés de l'Angleterre et de la France dans les entreprises des travaux publics et en particulier des chemins de fer; conséquences pratiques tirées pour notre pays de ce rapprochement* (Paris: Carilian-Goeury et Dalment, 1840). Dunoyer's essay is reprinted in volume 3 of his *Oeuvres* edited by his son Anatole. *Oeuvres de Charles Dunoyer. Revue sur les manuscrits de l'auteur*, ed. Anatole Dunoyer (Paris: Guillaumin, 1879), *Notices d'économie sociale*, pp. 305-364.

⁶⁴⁵The Society of Political Economy was modelled on the British Political Economy Club founded by James Mill and other leading liberals.

and the *Dictionnaire d'économie politique*.⁶⁴⁶ In 1845 appeared the third and final revision and expansion of Dunoyer's work on moral philosophy and industry begun in 1825 with *L'Industrie et la morale*. The first expansion had occurred in 1830 with the *Nouveau traité d'économie sociale*, which as we have seen did not get the circulation the author would have liked because of a fire in the publisher's warehouse. Not until fifteen years after the fire destroyed the second version of his work did Dunoyer see the complete form of his work in print. Not only did it contain all the material of the *Nouveau traité* but also additional material dealing with new issues which had arisen in the 1840s, the most important of which was his response to the socialist criticism of liberalism. The very title of his work referred to a debate between liberals and socialists on the right to a job (*liberté au travail*) versus the right to seek labour or enter any occupation without restrictions (*liberté du travail*) with the critics of liberalism favouring the former and the laissez-faire liberals the latter formulation of the question. The new ideology of socialism was becoming a force to be reckoned with in the 1840s, which it had not been in the 1820s when Comte and Dunoyer had other concerns, most notably opposing the reaction of the Restored monarchy. Since the first appearance of his ideas in 1825, the opposition had changed from the counter-revolutionary conservatives of the Restoration to the new advocates of working class socialism of the 1840s. Because the intellectual and political context had changed so much by 1845 it is not appropriate to discuss Dunoyer's *De la liberté du travail* in the context of a dissertation on Restoration liberal thought.

When the 1848 Revolution broke out Dunoyer was in the Chamber of Deputies and made known his opposition to the revolution.⁶⁴⁷ As a liberal he objected to the policies of economic intervention which in his view bordered dangerously on socialism. Just as he had opposed Napoleon Bonaparte during the Empire and the One Hundred Days, he also opposed Napoleon's nephew in 1851. Surprisingly Dunoyer was not sacked from his post as a member of the Conseil d'État in 1848 but he did resign after the coup d'état of 2 December because it violated the constitution as he saw it. He went into retirement to write an attack on Napoleon

⁶⁴⁶Some of these articles were republished by his son Anatole in the *Oeuvres*, the volume entitled *Notices d'économie sociale*, although it is far from being a collected works. A better idea of Dunoyer's considerable output on economic matters can be had by viewing the entry under his name in the index to the *Journal des Économistes*. See the *Table alphabétique générale des matières contenues dans les deux premières séries (Années 1841-1865) du Journal des Économistes (décembre 1841 à décembre 1865 inclusivement)*, pp. 71-72.

⁶⁴⁷He expressed the reasons for his opposition in *La Révolution du 24 février* which appeared in 1849.

III on which he was still working when he died in Paris on 4 December 1862 after a lengthy illness.⁶⁴⁸ He was seventy six years old.

C. THE IMPACT OF COMTE AND DUNOYER ON THE DEVELOPMENT OF LIBERALISM

In the short term the influence of Charles Comte and Charles Dunoyer on French liberal thought was extensive. The generation of liberals who were politically and intellectual active in the mid-nineteenth century, like Frédéric Bastiat in the free trade movement and Gustave de Molinari as a political economist, claim that the writings of Comte and Dunoyer were seminal in the formation of the later generation's liberalism. Bastiat and Molinari cite Comte's works on slavery, legislation, and property especially in this regard, as noted in previous chapters. Dunoyer was able to exert a more personal influence as he lived much longer than Comte (1867 vs 1837). His domain was the Society for Political Economy and the pages of the *Journal des économistes* where he continued to argue for a strong liberal position. However, at least one historian has cast doubt on Dunoyer's liberal credentials in the mid- to late-1840s. Edgar Allix argues that Dunoyer abandoned the liberal anti-statism which he had inherited from Jean-Baptiste Say in the late-1810s in order to adopt what Allix has called "the rehabilitation of the state" in his struggle against socialism. Faced with the threat of socialist revolution from below Allix argues that Dunoyer turned to the state and became "an admirer of the police and a fanatic of authority."⁶⁴⁹ Allix's is a very strange reading of Dunoyer's work, most notably the *Liberté du travail*, as an examination of this work will show to what extent Dunoyer still adhered to a radical laissez-faire liberal view. It is true that some of the more extreme anti-statist, even anarchist statements (such as the one I quoted at length in the chapter dealing with Dunoyer's view of the "municipalisation of the world") were removed in the later edition. But I would argue that this shows that Dunoyer moved back into the liberal mainstream in the 1840s and 1850s in which strict and limited government was advocated (with the notable exception of Molinari who continued to develop the liberal radicalism of the early Comte and Dunoyer). Far from "deforming" liberalism in his later writings, one might argue that the period of "deformation" (or rethinking liberalism - a term I prefer) occurred in the period from 1817 to 1830 when both Comte and Dunoyer

⁶⁴⁸Dunoyer, *Le Second Empire et une nouvelle restauration* 2 vols (London: Tafery, 1864), ed. by his son Anatole Dunoyer. Second edition 1871. It was published after being completed by his son Anatole who also edited his father's complete works in 1870.

⁶⁴⁹Edgar Allix, "La Déformation de l'économie politique libérale après J.-B. Say: Charles Dunoyer," *Revue d'histoire des doctrines économique et sociales*, 1911, vol. 4, p. 2.

developed their ideas on class, exploitation and the evolution of history through historical stages. One might also defer to Larry Siedentop's interpretation, namely that the French liberals of the Restoration developed a new form of liberalism which did not become the orthodox view but which was supported by a handful of writers, mainly historians, like Thierry and to some extent Guizot.

The study of Comte's and Dunoyer's liberalism raises a number of important issues concerning the nature of liberalism in the early nineteenth century. Firstly, it is clear that Comte and Dunoyer in the earliest years of the Restoration could be regarded as orthodox classical liberals in their defence of what is traditionally regarded as "classical" liberalism, with their campaigns for freedom of speech and constitutional liberty. A hint of their radicalism can be got from their willingness to confront the state and the censors face to face in a number of courtroom battles. However, they were forced to reconsider the foundation of their political liberalism when their journal, *Le Censeur*, was closed down by the censors. Under the influence of Jean-Baptiste Say's political economy and two works by Benjamin Constant and François Montlosier on history, Comte and Dunoyer became aware of much deeper, underlying forces at work in politics which made their liberal constitutionalism less appealing. In effect, what they discovered in eighteen months of intensive reading, courtesy of the French censor, was a "social dimension" to political theory, which suggested that the campaign for political and constitutional rights had little chance of success whilst the underlying mode of production, the system of class power, and the prevailing political culture were operating to bolster illiberal policies, beliefs and institutions. It was a serious mistake of French liberals like Constant, Dunoyer argued, to focus only on the political structure or the constitution and to ignore the political culture which governed society irrespective of the specific form of the constitution. Even the political economists like Smith and Say were at fault because they had concentrated their attack on the interference of the state in the economy rather than on the public attitudes and customary behaviour of individuals which underpinned all state activity. In an extended critique of Smith and Say in the *Nouveau traité* Dunoyer suggested that

the conduct of the government is itself only a consequence of (the conduct) of individuals, and that the actions of the public power are only the expression of habits which govern society.⁶⁵⁰

Dunoyer commended the efforts of the classical political economists in exposing the problems of the "régime réglementaire" but regretted that they did not dig deep enough to

⁶⁵⁰Dunoyer, *Nouveau traité*, vol. 2, p. 90, footnote.

uncover its true source which lay in the interventionist mores of society.⁶⁵¹ In contrast, the work of Comte and Dunoyer had as one of its aims to show how popular attitudes to work, exchange, and exploitation of others emerged and evolved in response to the changing means of production throughout history. They concluded that a truly liberal state would not be possible until the emerging régime of industry had had time to alter public attitudes which only then would make continued support for regulation of the economy for the benefit of one class a thing of the past.

Secondly, the social theory which emerged from their work in the years from 1817 to round about 1830 suggests that some ideas which are commonly associated with the socialist and even Marxist tradition, are also very much part of the liberal tradition. Comte and Dunoyer saw no contradiction between a belief in classical liberal constitutionalism, private property and the free market, and the use of class analysis and a theory of history based upon changing modes of production in their major theoretical works. What is now required is a reassessment of nineteenth century liberalism which takes into account the "social dimension" of liberalism originally identified by Larry Siedentop. Comte and Dunoyer are not the only liberals to have expressed an interest in the problem of class, power and the evolution of modes of production, although they did develop their ideas in greater depth and sophistication than most. There are others who toyed with the idea of a parasitic ruling class which exploited the productive "working classes" (always plural in liberal theory because it included artisans, farmers as well as entrepreneurs and intellectuals) but very few developed the argument in the detail that Comte and Dunoyer did. Moreover where they did use the idea it was often in the static context of a contemporary political struggle rather than a general formulation in the context of the historical evolution of classes over the centuries. The idea of class based upon the distinction between political privilege and market activity was taken up by a number of liberals and liberal-minded conservatives throughout the nineteenth and early twentieth and include Thomas Paine, Thomas Hodgskin, Henry Thomas Buckle,⁶⁵² W.E.H. Lecky,⁶⁵³ Herbert Spencer,⁶⁵⁴ Gustave de Molinari,⁶⁵⁵ Vilfredo Pareto,⁶⁵⁶ Gaetano Mosca,⁶⁵⁷ Franz Oppenheimer,⁶⁵⁸ and perhaps even Max Weber.⁶⁵⁹

⁶⁵¹Dunoyer, *Nouveau traité*, vol. 2, p. 105.

⁶⁵²Thomas Buckle, *History of Civilisation in England* (London: Grant Richards, 1904).

⁶⁵³W.E.H. Lecky, *History of the Rise and Influence of the Spirit of Rationalism in Europe* (London: Longmans, Green and Co., 1910).

⁶⁵⁴Herbert Spencer, *The Principles of Sociology* (London, 1893).

⁶⁵⁵Gustave de Molinari, *L'Évolution politique et la Révolution* (Paris: C. Reinwald, 1884).

⁶⁵⁶Vilfredo Pareto, *The Rise and Fall of the Élités* (Totowa, N.J.: Bedminster Press, 1968).

Although this dissertation is not the place to provide such a new interpretation of liberalism which would take into account the concern for the “social dimension” a few suggestions of how this might be done are in order. One place to begin would be the question of a liberal theory of class, beginning with the modification and expansion of the physiocratic theory of production and the concepts of a *classe productive* and a *classe sterile* which led to a new theory of class analysis to which Comte, Dunoyer and Thierry devoted considerable space in their journal. The theorists of industrialism concluded from their theory of production that it was the state and the privileged classes allied to or making up the state, rather than all non-agricultural activity, which were essentially non productive. They therefore advocated a radical separation of peaceful and productive civil society from the inefficiencies and privileges of the state and its favourites. In their studies of societies where this separation of state and civil society did not occur, the resulting conflict between these antagonistic classes plays a very considerable part. Charles Comte based his class analysis on the distinction between the idlers and the workers. According to him “no where can wealth exist without work and when a class of the population disdains from working then it has to beg or steal.”⁶⁶⁰ When this class theory is applied to the study of history, whether by Thierry in his study of the English revolution or the Norman conquest,⁶⁶¹ or Constant in his work on conquest and usurpation "De l'ésprit de conquête," or Comte, Dunoyer and Thierry on the decline of slavery and serfdom and the rise of industrialism, the result is a rich and stimulating combination of social, economic and historical analysis detailing the constant battle between the exploited and the exploiter, culminating in the rise of the market society at the expense of the mercantilist ancien régime.

One of Dunoyer's insights into class analysis which has relevance for the study of twentieth century history is that no matter what the political ideology or social background of those seeking power, the enjoyment of the trappings and privileges of office soon becomes an end in itself and a new ruling class of political office-holders and their clients emerges. The power of Dunoyer's class analysis is shown by the following example. He would have had no trouble recognising the class structure of the variety of political régimes which have emerged

⁶⁵⁷Gaetano Mosca, *The Ruling Class* (New York and London: McGraw, 1939).

⁶⁵⁸Franz Oppenheimer, *Der System der Soziologie* (Jena: Fischer, 1922).

⁶⁵⁹Max Weber, *Economy and Society* (New York: Bedminster Press, 1968).

⁶⁶⁰Comte, *Traité de législation*, p. 496 and "Considérations sur l'état moral de la nation française," *Le Censeur européen*, vol. 1, 1817.

⁶⁶¹Thierry, "Vues des révolutions Angleterre," in *Le Censeur européen*, vols. IV-XI, 1817; *Histoire de la conquête de l'Angleterre par les Normands* (Paris, 1825).

in the twentieth century. Certainly, he would not have been surprised by the new ruling classes which emerged in Eastern Europe after 1917 and 1948-49. In fact, he predicted that *any* attempt to regulate and control the economy, for whatever purpose, must lead to the emergence of such a class. He thought that the only way to rid the world of the exploitation of one class by another was to destroy the very thing which made it all possible - the power of the state to distribute and control property and favours. Comte's and Dunoyer's interest in the class structure of slave societies provides an excellent example of how a liberal class analysis might be developed. Their focus on the means by which wealth is accumulated, whether by voluntary means through exchange and production, or by coercive means usually guaranteed by the power of the state; the incentives and disincentives to labour and to innovate which coercion introduces into the economy; the ways in which the politically privileged lobby and use the power of the state to maintain their position; the relationship between the means of production and the political culture of each of the classes which make up a society; and their overall view of the course of history and its future direction, are provocative and suggest a range of further questions about the development of a liberal theory of class.

There is a strain of thought within Anglo-American liberalism with similar sociological concerns to those explored by Comte and Dunoyer during the Restoration. Some of the work of Thomas Paine, Thomas Hodgskin, John Wade, and James and John Stuart Mill illustrates quite well the fact that a concern for class, based on the distinction between market created wealth and state privileged parasitism, occurs in Anglo-American thought and is similar to the more systematic theories of the radical French liberals of the Restoration period. For example, although Paine is not often included as a liberal his regard for the individual, for natural rights, for the benefits of civil society and commerce surely make a strong claim for him to be considered as being well within the broader liberal tradition. His *The Rights of Man*⁶⁶² is an outstanding analysis of the benefits of voluntary association and the disruptive effects of state intervention and aristocratic privilege. However, the clearest statement of his class analysis was written in 1792 in "A Letter Addressed to the Addressers on the Late Proclamation"⁶⁶³ where he states that

There are two distinct classes of men in the Nation, those who pay taxes and those who receive and live upon the taxes... When taxation is carried to excess, it cannot fail to disunite those two, and something of this is now beginning to appear.

⁶⁶²Thomas Paine, *The Rights of Man*, ed. Henry Collins (Penguin, 1969).

⁶⁶³In *The Writings of Thomas Paine*, ed. M. D. Conway and C. Putnam (New York, 1906), vol. 3.

For Paine the "producing classes" were in a virtual state of war with the parasitical aristocracy, those who lived off hereditary privilege, sinecures and other government sources of wealth.⁶⁶⁴ Unfortunately Paine's aim was not to develop these insights about class analysis into an extended theoretical work, but rather to use them polemically in his struggle against the Old Regime on both sides of the Atlantic.

Following the French Revolution and in the immediate period of economic adjustment in the 1820s an unusual parallel development in the formation of liberal class analysis took place. In both England and France radicals developed theories of class and exploitation with some striking similarities. Modern writers have interpreted the English radicals as essentially "Ricardian" in their analysis and so labelled them "Ricardian socialists". This is certainly a misnomer for John Wade and Thomas Hodgskin especially. The confusion over whether to call Wade and Hodgskin socialists or liberals is evident in Noel W. Thompson's *The People's Science*.⁶⁶⁵ He manages to call them both Ricardian and Smithian socialists and still not recognise their essential liberalism. Similarly with Thomas Hodgskin in *The Natural and Artificial Right of Property Contrasted* (1832) where he gives a clear example of the application of the liberal non-aggression principle to the acquisition and exchange of property. He also implies that those who benefit from "artificial" property rights, i.e. by force and state privilege, comprise a class antagonistic to the producing class. The distinction is made more explicitly by John Wade in both *The Extraordinary Black Book* (1819) and his magazine *The Gorgon*. For example, in the August 8, 1818 issue of *The Gorgon* Wade identifies the following classes

The different classes which we have mentioned (the upper and middling classes such as the aristocrats and the Commissioners of Taxes), are identified with corruption, and from a principle of self-preservation will resolutely oppose every attempt at Reform. Opposed to this phalanx, with interests quite distinct and even incompatible, are arrayed the PRODUCTIVE CLASSES of society... who by their labours increase the funds of the community, as husbandmen, mechanics, labourers, etc; and are thus termed to distinguish them from the *unproductive classes*, as lawyers, parsons, and aristocrats; which are termed the idle consumers, because they waste the produce of the country without giving anything in return. To render our enumeration complete, we ought to notice the class of paupers and public creditors, and we shall then have mentioned all the elements, which form that strange compound, English society.⁶⁶⁶

⁶⁶⁴Eric Foner, *Tom Paine and Revolutionary America* (Oxford University Press, 1976), p. 96.

⁶⁶⁵Noel W. Thompson, *The People's Science: The Popular Political Economy of Exploitation and Crisis 1816-34* (Cambridge University Press, 1984).

⁶⁶⁶*Gorgon. Volumes 1-2. 1818-1819* (New York: Greenwood Reprint Corporation, 1969), p. 90.

The basic error of most scholars who have dealt with the so-called "Ricardian socialists" is to consider their class analysis as the defining characteristic of a "socialist" and to ignore their very strong belief in private property and the free market.

My final example of the awareness of class in Anglo-American liberalism comes from the writings of James and John Stuart Mill. James Mill's class analysis emerges from his distinction between "the People" and the aristocracy, or as he termed it "the sinister interests." As with Paine and Wade, Mill pits the two classes against each other in an ongoing struggle. In an essay published in 1835 in the *London Review* James Mill argues that "The first class, *Ceux qui pillent*, are the small number. They are the ruling few. The second class, *Ceux qui sont pillés*, are the great number. They are the subject Many."⁶⁶⁷ John Stuart Mill incorporated this class interpretation into his analysis of the natural constituency for the Reform Party in an essay on "Reorganisation of the Reform Party" written in 1839. He defined the "Disqualified Classes," as he called them, as

All who feel oppressed, or unjustly dealt with, by any of the institutions of the country; who are taxed more heavily than other people, or for other people's benefit, who have, or consider themselves to have, the field of employment for their pecuniary means or their bodily or mental faculties unjustly narrowed; who are denied the importance in society, or the influence in public affairs, which they consider due to them as a class, or who feel debarred as individuals from a fair chance of rising in the world; especially if others, in whom they do not recognise any superiority of merit, are artificially exalted above their heads: these compose the natural Radicals...⁶⁶⁸

Perhaps the disappointments and disillusionment with political activity which affected Philosophic Radicalism in the 1840s prevented Mill from carrying his class analysis any further. Only in the occasional review does Mill's sympathy for this liberal class analysis reveal itself. John Stuart Mill's essays on French history reveal both his profound knowledge of French liberal thought and his interest in "philosophical history." It is the latter which shows quite clearly Mill's own sympathy towards class analysis. This is especially true in his reviews of Guizot and Tocqueville.⁶⁶⁹

⁶⁶⁷James Mill, "The State of the Nation," *London Review*, 1 (April 1835), quoted in Joseph Hamburger, *Intellectuals in Politics: John Stuart Mill and the Philosophic Radicals* (New Haven: Yale University Press, 1965), p. 44.

⁶⁶⁸John Stuart Mill, *Collected Works*, vol. 6, ed. John M. Robson (University of Toronto Press, 1982), p. 470.

⁶⁶⁹J.S. Mill, "Guizot's Essays and Lectures on History," in John Stuart Mill, *Collected Works of John Stuart Mill, volume XX: Essays on French History and Historians*, ed. John M. Robson, introduction by John C. Cairns (Toronto and Buffalo: University of Toronto Press, 1985), pp. 257-94 and "De Tocqueville on Democracy in America" parts one and two in *Collected Works of John Stuart Mill, volume XVIII: Essays on Politics and Society*, ed. J. M. Robson (Toronto and Buffalo: University of Toronto Press, 1977), pp. 47-90, 153-211. See also Iris Wessel Mueller, *John Stuart Mill and French Thought* (Urbana: University of Illinois Press, 1956) and

A third issue raised by Comte's and Dunoyer's liberalism concerns the power of the state and the related problem of the relationship between the political community, or *civitas*, and the individuals who make up civil society. One of the distinguishing features which separates liberalism from other political theories is the use of power by the state. Liberals fear the use of power by the state and seek to limit it through a variety of means, such as constitutionalism in the case of Constant and Guizot, and the virtual abolition of the state in the case of Comte and Dunoyer. Their faith in the justice of private property and the economic harmony of the market leads them to regard the state as the source of privilege and injustice rather than the means by which these can be removed. In their own different ways conservatives, Rousseauian democrats and socialists come to the very opposite conclusion. They want to use the power of the state to create a more perfect and just society on earth, by abolishing private property, or at the very least strictly regulating its use. For example, mid-century socialists wished to replace the existing ruling class with a new group of men who would act in the true interests of the previously exploited class. For them, the power of the state is no enemy but a tool which has been badly misused in the past. Thus socialism and Marxism, according to this view, are just two of the very many political ideologies which seek to use the power of the state to bring about change. This should be contrasted to Dunoyer's view that radical change would come about by disengaging the state from all economic activity and so breaking down the monolithic nation state, or "municipalising" it to use Dunoyer's term, to such an extent that it would cease to function for all practical purposes.

Comte's and Dunoyer's radical, anti-statist liberalism has an important implication for the role of the political community or *civitas* in a liberal society. In a complete break with the traditions of civic humanism, Rousseauian democracy and conservatism which demanded the subjugation of the individual to the political community, the 'general will' or the traditional institutions of throne and altar, the radical liberalism of Comte and Dunoyer demanded no such duty on the part of individuals who made up society. For example, Comte and Dunoyer rejected conscription (a common obligation demanded of citizens to the *civitas*) as a violation of individual rights and which was destructive of industrial values. In their liberal, industrial society there would be no obligation to vote as the state would be minimal or non-existent, there would be no conscription as standing armies would be abolished and trade would take the place of war as the normal form of intercourse between nations, there would be no obligation to practice the state religion or conform to Sabbatarian laws as the state would not

Richard K. P. Pankhurst, *The Saint-Simonians, Mill and Carlyle: A Preface to Modern Thought* (London: Sidgwick and Jackson, 1957).

play favourites in religion and the principle of laissez-faire would govern the operation of the economy. In a society like that envisaged by Dunoyer there would be no “civic duty” as there would be no state, no civitas to which one would be obliged to obey. The only obligations which would bind the individual would be self-imposed moral ones, which would gradually evolve as industrial societies emerged and altered or “perfected” the way people thought and behaved. These obligations included the duty to grant mutual respect for property and liberty of all those who participated in voluntary exchange and to abstain from all violence. In a key passage in the *Nouveau traité* Dunoyer attacked the idea that the citizen was duty bound to sacrifice their interests to those of the political community or state. The foundation stone of political duty was the belief that there was one set of moral obligations for private citizens and another set which applied to the state and public officials. Dunoyer, and I would argue most radical liberals, rejected this idea. If it was wrong to use force against the person or property of another individual then it was wrong for an individual or a political community to do this. The fundamental moral principle which should apply in liberal society was to “abstain from all violence *as citizens*.”⁶⁷⁰ Most individuals seemed to realise that theft and violence was wrong if committed by one individual against another. However, as soon as they became members of a political community, a “corps politique,” they condoned the same actions committed by the state or its officials in the name of the civitas and thus contributed to their own impoverishment and enslavement. Dunoyer noted the strange transformation which overcame otherwise morally upright individuals when they participated in the political community:

... as members of the “corps politique” ... we are no longer the same men. We no longer recognise limits to our will. One could say that (our) actions have changed in nature because we have changed roles and that what would be a crime on the part of individuals becomes praiseworthy or at least permissible on the part of (political) authority.⁶⁷¹

Even if a citizen did not use the power of the state directly to advance their interests at the expense of other individuals’ property and individual liberty, but merely participated in elections and perhaps joined a political party, they would still, in Dunoyer’s strict interpretation of liberal political morality, violate the rights of others. Any participation in what one might call one’s “civic duties,” any “exercise of the social power” rendered one guilty of harming others.⁶⁷² True liberty would only be achieved when individuals rejected the divorce between private and public morality and agreed to mutually respect the property

⁶⁷⁰Dunoyer, *Nouveau traité*, vol. 2, p. 106.

⁶⁷¹Dunoyer, *Nouveau traité*, vol. 2, p. 107.

⁶⁷²Dunoyer, *Nouveau traité*, vol. 2, p. 108.

and personal liberty of all individuals. By rejecting the “will to power” inherent in political activity individuals could break the cycle of political exploitation which profited a few at the expense of the many. Because most people persisted in judging political acts by a different moral yardstick, and persisted in thinking they were obliged to fulfil their civic duties like paying taxes and serving in the army, they were therefore “accomplices” to their own enslavement. Thus Dunoyer tied together his ideas on class, exploitation, political culture and the possibilities of dissolving the bonds of political society and of achieving a liberal, industrial society in one passage:

It would be sufficient in effect that (the public) have the will to prevent it in order to have the power to do so. One knows quite well that the sources of its forces and its resources would not have the means to use them badly if it did not consent to allow them to be put to bad use. The men invested with power have no magical powers. They like everyone else do not have the power to perform miracles. When, in a society of thirty million people, it happens that a small number of individuals are able to control the faculties of the majority of the others and to direct the exercise of all the professions, one can affirm strongly that these individuals have the majority as their accomplices, and that the excesses which they allow have their true cause in the state of the ideas and the political mores which prevail in society.⁶⁷³

But because the double moral standard is permitted by the majority to continue Dunoyer went on to ask what was the point of individuals refraining from committing violence against others when all around them the political community did exactly that but under a different name?

Indeed, what is the purpose of us individually abstaining from attacking property, from committing violence against others, from interfering in the innocent exercise of their faculties, if we commit such acts of violence politically, or if we tolerate those who exercise the social power to commit them in our name?⁶⁷⁴

In such a liberal society as Dunoyer has sketched one could argue there would no longer be a civitas at all.

Finally, the impact of Comte and Dunoyer on later liberals in the areas of their specific interests in property theory, slavery, and industrialism is rather mixed. In the area of property theory the greatest impact appeared to lie outside the liberal movement. Liberals like Molinari seemed to accept Comte’s work as a canonical statement and leave it at that. For critics of liberalism, most notably Proudhon, Comte’s work stimulated a spirited attack on the liberal conception of property in a number of works beginning in 1840. Proudhon’s response to Comte is not well known and will be discussed in more detail below. Comte’s and Dunoyer’s

⁶⁷³Dunoyer, *Nouveau traité*, vol. 2, p. 109.

⁶⁷⁴Dunoyer, *Nouveau traité*, vol. 2, p. 109.

work on slavery fared little better. Although it confirmed the abolitionist sentiments of a Bastiat or a Molinari it had little impact outside liberal circles. As Tocqueville found in his campaigns to abolish slavery in the late 1830s and early 1840s, the French public was entirely indifferent to the plight of the slaves in the French colonies. The abolitionist cause was kept afloat in Britain by the efforts of the liberal and reform-minded evangelical churches, a group notoriously weak on the continent. In both countries the debate about the moral evils and economic viability of slavery ended when slavery was ended. Thus Comte's work was rendered politically irrelevant in France by the 1848 revolution. Perhaps only in Russia in the late 1850s, when French speaking Russian bureaucrats were planning to reform or abolish serfdom from above, was the work of Storch, Say and Comte on slavery still of interest.

The third great interest of Comte and Dunoyer was of course the future industrial society. Grand, sweeping theories of history of the type developed by Comte and Dunoyer during the Restoration seemed to disappear from liberal thinking after 1830, with the notable exceptions of the work of Gustave de Molinari in France and Herbert Spencer in Britain. The former was still producing theories of economic evolution very much along the lines of Dunoyer as late as 1880 with works like *L'Évolution économique de dix-neuvième siècle. Théorie du progrès* (1880).⁶⁷⁵ Roughly contemporaneously, the latter was developing his view of the evolution of "the industrial type of society" from earlier forms of "the militant type of society" in *The Principles of Sociology* as part of the multi-volume work *A System of Synthetic Philosophy* (1876, 1893, 1896).⁶⁷⁶ In the 1880s works of "philosophical" or "synthetic" history seemed very much out of place in a liberal movement which was dominated by utilitarianism and classical political economy and which was undergoing another transformation into the more interventionist "New Liberalism." In retrospect Molinari's and Spencer's writings make the work of Comte and Dunoyer look like the last flourish of what one might call an essentially eighteenth century perspective to history and social theory pioneered by Adam Smith or Condorcet. After mid-century such an approach came to be associated more and more with Marxism rather than with liberalism.

One explanation for the failure of the broader liberal movement after 1830 to take up the kind of liberalism advocated by Comte and Dunoyer is that their liberalism was very much a generational response to the particular problems of post-revolutionary French society. They were both educated in the first decade of the nineteenth century when the ideas of the

⁶⁷⁵Gustave de Molinari, *L'Évolution économique de dix-neuvième siècle. Théorie du progrès* (Paris: C. Reinwald, 1880).

⁶⁷⁶Herbert Spencer, *Principles of Sociology*, ed. Stanislav Andreski (Hamden, Connecticut: Archon Books, 1969).

Enlightenment and Idéologie still had a powerful attractive force. Much of their work can be seen as a response to the failure of liberalism during the revolution, the rise to power of Napoleon and the creation of a militaristic Empire, and the attempted restoration of Bourbon absolutism. As Siedentop has noted, it was these particularly French issues which gave French liberalism of this period its peculiar concern for the problems of class conflict and the deeper causes of social change. After the 1830 Revolution the vestiges of the ancien régime had been swept away and new challenges faced a new generation of liberals. The most pressing problem was the rise of the “social question” in the 1840s as urbanisation, industrial development and the rise of the labour movement forced attention on the problems of poverty, factory labour and the redistribution of wealth. The social and economic world of the 1840s was vastly different from that of the 1810s and 1820s when Comte and Dunoyer were most active, so it is perhaps not surprising that liberals adopted new methods of analysis for these new intellectual concerns.

D. THE IMPACT OF COMTE AND DUNOYER ON THE DEVELOPMENT OF SOCIALISM

The importance of Comte as one of the few liberals to offer a comprehensive defence of property during the Restoration and the early July Monarchy was quickly recognised by one of the leading socialist critics of property, Pierre-Joseph Proudhon.⁶⁷⁷ Well before Marx became the leading critic of liberalism, the most searching and well-known critic of liberal notions of property was Pierre-Joseph Proudhon who helped lay the foundation for the nineteenth century socialist rejection of liberal ideas of property. His criticism of property and the legitimacy of wage labour is well known, but what is unfortunately less well known is the focus of Proudhon's attack on liberal property theory, namely a number of the leading liberal political economists such as Destutt de Tracy, Jean-Baptiste Say, Pellegrino Rossi; the philosopher Victor Cousin; and jurists such as Joseph Dutens and Charles Toullier.⁶⁷⁸ Proudhon's prime focus of attack were the French political economists, above all Say and Charles Comte, whom Proudhon dismissed as “the apostle of property and the panegyrist of

⁶⁷⁷On Proudhon see: Pierre Hauptmann, *Pierre-Joseph Proudhon: Sa vie et sa pensée* (Paris: Beauchesne, 1982) and Robert L. Hoffman, *Revolutionary Justice: The Social and Political Thought of P.-J. Proudhon* (Urbana: University of Illinois Press, 1972).

⁶⁷⁸On the importance of lawyers in the theoretical debate on property see Donald R. Kelley and Bonnie G. Smith, "What was Property? Legal Dimensions of the Social Question in France (1789-1848)."

labour.”⁶⁷⁹ Comte was referred to on countless occasions in Proudhon's attack on property in the two *Mémoires sur la propriété* especially the first memoir, printed in 1840 and better known as *Qu'est-ce que c'est la propriété?*⁶⁸⁰ Proudhon attacked Comte most fiercely in chapter three, section four “On Labour - That Labour by Itself has No Power of Appropriation on Things of Nature” and section five “That Labour Leads to Equality of Property.”

The debate about the nature of property which Comte's work provoked occurred at a crucial moment in the intellectual development of French liberalism and socialism. Although Comte died three years before Proudhon wrote his memoirs on property and a debate in the true sense of the word never took place between the two, they both represented the strengths and weaknesses of their respective traditions of thought. Liberalism was rapidly becoming influential among political and economic elites and the effects of liberal reforms were to be felt most in the middle decades of the nineteenth century, especially in the area of free trade. The period from the end of the Napoleon's Empire to the early years of the July monarchy were the years when liberal ideas were in the process of being formed into a new orthodoxy and Comte's rôle in this was considerable. Likewise with Proudhon. His relationship to pre-Marxist socialism is a vital one, especially in France where he had a profound impact on the French labour movement which lasted for the rest of the century. He was also instrumental in the discovery of the "social question" in France in the 1840s when problems of the conditions in the factories, the standard of living of the working class, and child and female labour became contentious issues. In terms of influence and originality the conflict between the ideas of Comte and Proudhon is most instructive and revealing of the future development of both liberalism and socialism in the nineteenth century.

The central position of Comte and Proudhon in the formation of mid-nineteenth century property theory was clearly understood by the writers and editors of the influential *Dictionnaire de l'économie politique* (1852) which encapsulated and epitomised the thinking of economic liberals in the mid-nineteenth century. In the article on property Léon Faucher acknowledged the fact that French liberalism owed its economic theory to Jean-Baptiste Say

⁶⁷⁹Two of the very few historians to acknowledge Comte as the focus of much of Proudhon's attack is Donald R. Kelley and Bonnie G. Smith, “What was Property? Legal Dimensions of the Social Question in France (1789-1848),” *Proceedings of the American Philosophical Society*, 1984, vol. 128, no. 3, pp. 210, 216. Proudhon, *Qu'est-ce que la propriété?*, ed. Emile James (Paris: Garnier-Flammarion, 1966), p. 147.

⁶⁸⁰Proudhon's memoirs can be found in the *Oeuvres complètes de P.-J. Proudhon. Nouvelle édition publiée avec les notes et les documents inédits sous la direction de MM. C. Bouglé et H. Moysset* (Paris: Macel Ravière, 1926).

and its philosophy of property (as well as much of its theory of history) to Charles Comte.⁶⁸¹ Faucher also correctly identified Proudhon's critique of Comte's property theory as the major source of opposition to liberal views of property, although of course he was not to realise what new directions Karl Marx would take the critique of liberal property theory begun by Proudhon. Therefore Charles Comte's theory of property assumed considerable importance in the development of nineteenth century French liberal thought and provided the provocation for Proudhon's highly influential critique of property.

Proudhon's criticism of liberal ideas of property was developed in a series of "Memoires" in which he concluded that with the well-known slogan "property is theft." Proudhon adopted a crudely dialectical approach. He wanted to show that liberal ideas of property led to illiberal consequences. In his examination of land ownership he wanted to show that private ownership of land resulted in unequal access to productive assets. He criticised the principle of the first user having a right to unowned property on the grounds that it was arbitrary and unfair to later generations. Proudhon's solutions to the problem of property was common access, ownership only for one's lifetime, and the redistribution of property after the death of an owner. Perhaps Proudhon's best known and most influential arguments concerned the problem of "unearned income" from profit, interest and rent. Since he believed that only physical labour was the source of wealth, only physical labour should be rewarded financially. Also, since he rejected Say's view that intellectual labour could produce wealth he was not willing, as Say and Comte most certainly were, to allow the labour of those in the service sector to claim any reward for their labour. This disagreement over the productiveness of physical versus intellectual labour is the heart of the dispute between Proudhon and the French liberals over just claims to property.

A central point of disagreement between the two theorists was the origin of wage labour in the process of creating private property in land or improving already existing property. Comte's ideas on this question particularly incensed Proudhon in *Qu'est que la propriété?* and led him to one of his sharpest denunciations of the liberal argument that capitalists and landowners have the right to keep the improvements made to their property by wage labourers.⁶⁸² The matter in dispute concerns the payment of labourers to clear land, to drain a swamp or to erect a building. Proudhon's fundamental criticism is that wage labour is unjust

⁶⁸¹Léon Faucher, "Propriété," *Dictionnaire de l'économie politique*, ed. Charles Coquelin and Guillaumin (Paris: Guillaumin, 1853), vol. 2, pp. 460-473.

⁶⁸²Proudhon's criticism of Charles Comte's views on wage labour is contained in Section 5, "Que le travail conduit à l'égalité des propriétés" of Chapter III of *Qu'est-ce que la propriété?*, ed. Emile James (Paris: Garnier-Flammarion, 1966), pp. 150-58.

because it prevents the labourer from receiving the full value of the wealth created by his exertions.⁶⁸³ Proudhon argues that the "capitalist" who employs the labourers pays only the value of a single labourer's contribution and ignores the extra "social" component or "la force collective"⁶⁸⁴ made possible by the division of labour and the cooperation of many labourers working on the project together. It is this "social" component of labour which the capitalist pockets for himself as profit and which Proudhon and other critics believed should be divided equally amongst the labourers.⁶⁸⁵ The mechanisms which Comte had devised for legitimising the transfer of national property to private property were all rejected by Proudhon as inadequate or unjust. The system of wage labour, which Comte believed flowed naturally from the initial establishment of private property in land, was rejected by Proudhon because it did not reward the social or collective component of the added value. The existence of the collective force in labour meant that the transition to private property was not complete. An element of common property remained and needed to be recognised in the level of wages and rent in the market.⁶⁸⁶

Proudhon's argument about the important contribution made to production by the "collective force" is another instance of the often parallel arguments which he and radical liberals like Comte developed but used in opposite ways. The increase in productivity brought about by the division of labour and the use of machinery in the industrial system is used by Proudhon to argue that workers are not getting in their wages the full value of their contribution. Comte on the other hand uses a similar argument about the unintended increase in value of property brought about by a shift to a new mode of production or by improvements made by others to show that appropriation of land leaves no one worse off and to illustrate the irreversibly interdependent nature of the modern industrial system.

⁶⁸³Women of course were to play no role in the economy, according to Proudhon, other than as wives or prostitutes. Hence all labourers to Proudhon are of course male.

⁶⁸⁴*Propriété*, p. 157.

⁶⁸⁵"The capitalist is said to pay the daily wages of the workers. To be more exact one should say the capitalist pays a multiple of the daily rate according to the number of workers he has, which is not at all the same thing. He has not paid for the immense force which is the result of the union and the harmony of the workers and of the convergence and simultaneous nature of their efforts. Two hundred grenadiers placed the obelisque of Luxor on its base in a few hours. Can one suppose that a single man could raise it in two hundred days? However, according to the capitalist the total wages paid would be the same. Indeed, cultivating a desert, building a house, running a factory - it is the same as raising the obelisque, like moving a mountain. The smallest fortune, the tiniest workshop, the establishment of the meanest industry demand a coming together of such a diverse array of labour and talents that a single man would never manage it. It is surprising that the economists have not noticed this. Let us therefore balance out what the capitalist has received with what he has paid." *Propriété*, pp. 154-55.

⁶⁸⁶".. Is the market just? Once again, (I say) no. When you have paid for all the individual forces, you have not paid for the collective force. There always remains a right of collective property which you have not acquired and which you enjoy unjustly." In *Propriété*, p. 157.

In addition to an argument about the continued existence of national or collective property and the inadequacy of wages paid to labourers for the value of their contribution to production Proudhon discusses an equally important matter which goes to the heart of Comte's justification for transforming public or national property into private property. This is the argument that mixing one's labour with the land (by fencing, clearing, improving) is sufficient to legitimately convert national property into private property. Proudhon asks why labour has this potent effect only once and only for the first occupant? Why doesn't the present labour of employed labourers entitle them to own the improvements they have helped create on the landowner's land? The argument that the land is already owned is dismissed by Proudhon as specious and self-serving. Proudhon asks why Comte, since his theory of property depends so much on the importance of mixing one's labour to establish a claim to ownership, would not agree that a tenant farmer should own any improvements made to the property which increases its value. Furthermore, the contribution of those workers who maintain the value of a property by their labour (rather than increasing its value) entitles them to a claim as legitimate owner. Proudhon applies this idea to all those who earn a wage or pay rent and is therefore a line of attack which undermines the entire system of private property and wage labour in an industrial economy. In the latter instance the rent a tenant farmer pays entitles the rent payer to a property right equal to the annual rent paid. Proudhon concludes that the demand for labourers to share in profits or the increased value which their labour creates in property should no longer be seen as an act of charity but as a natural right. It is a right which is inherent in the nature of labour and productive activity itself.

Many people talk of letting workers share in the products and rewards (of their labour) but this share which is demanded for them is demanded as pure charity. No one has ever proved, perhaps no one has ever imagined, that it should be theirs by natural right, by necessity, inherent in the nature of labour, inseparable from them as producers, even down to the meanest labourer.

Here is my solution: *The labourer retains a natural right of property in the thing he has produced even after he has received his wages.*⁶⁸⁷

Proudhon's criticisms of the legitimacy of wage labour, like his criticism of property in general, have been so influential that it is important to understand the nature of his disagreements with liberal property theory. Since it is was in reaction to a number of liberal writers of the Restoration, including Comte's *Traité de la propriété*, that Proudhon first developed his thorough-going critique of property it is vital that the liberalism of this period

⁶⁸⁷*Propriété*, pp. 151-2.

be better understood and appreciated both for its own sake and in order to place Proudhon's criticism in its proper historical context.

Comte and Dunoyer had a less direct influence on Karl Marx. It would be more correct to say that certain aspects of French liberalism in the Restoration were taken up by Marx either directly or indirectly, especially a number of ideas on class and the economic evolution of society through stages. One can find the occasional passing reference to Restoration liberals in Marx's correspondence and theoretical works. For example, in a letter to Joseph Weydemeyer of March 5, 1852 Marx admits that

as far as I am concerned, the credit for having discovered the existence and the conflict of classes in modern society does not belong to me. Bourgeois historians presented the historical development of this class struggle, and the economists showed its economic anatomy long before I did.⁶⁸⁸

Later in this same letter Marx refers to Thierry, Guizot, the English radical John Wade, and Ricardo as examples of the liberals who influenced his theory of class. There are suggestions in Marx's earlier attempts at class analysis in *The Eighteenth Brumaire of Louis Bonaparte* and *The Civil War in France* that his class analysis is closer to the liberal theory, with its dichotomy between the state as exploiter and civil society as producer, than it is to the traditional, later "Marxist" view of the state as the instrument of the bourgeoisie and exploitation as the necessary result of the industrial production process. One of the few historians of the theory of class analysis to examine the French liberal origins of some of Marx's ideas about class is the Russian Marxist Plekhanov who, in "The Development of the Monist View of History," discusses the influence of Thierry and Guizot but does not mention Comte or Dunoyer in this connection.⁶⁸⁹

Where Marx does refer to Comte or Dunoyer by name it is usually made in passing and usually it is very disparaging. One example is a letter to J.B. Schweitzer in 1865 on the topic of Proudhon and his work. Marx refers briefly to Dunoyer's *Liberté du travail* as "three bulging, unbelievably boring volumes."⁶⁹⁰ In *The German Ideology* (1845-6) he scoffed at Dunoyer's idea that "civil society," or the "regime of industry" as Dunoyer called it, would expand until it either took over the provision of some functions from the state or abolished other functions entirely. Marx rejects this view and suggests cryptically "Let Mr. Cobden and

⁶⁸⁸Karl Marx and Friedrich Engels, *Selected Correspondence* (Moscow, 1965), pp. 67.

⁶⁸⁹Plekhanov, "The Development of the Monist View of History," in *Selected Philosophical Works* (London: Lawrence and Wishart, 1961) vol. 1.

⁶⁹⁰Quoted in Shirley M. Gruner, "Historiography," p. 312.

Monsieur Dunoyer bear this in mind.”⁶⁹¹ Marx’s treatment of Dunoyer is more matter of fact in his discussion of the emergence of private property at different stages in the economic evolution of society in the first part of *The German Ideology*. Marx’s argues that private property is a necessity for certain industrial stages, notably for small-scale agriculture and mining, and draws upon Dunoyer’s discussion of mining in the first edition of *Liberté du travail* (1845) to make this point. However, Marx quickly moves away from the thrust of Dunoyer’s argument, which is to show the necessary continuity in property ownership in the transition from small to large-scale industry, to make his crucial point that:

...the contradiction between the instrument of production and private property is only the product of large-scale industry, which, moreover, must be highly developed to produce this contradiction. Thus only with large-scale industry does the abolition of private property become possible.⁶⁹²

Marx seemed to have more time for Comte because he admired his exhaustive treatment of the problem slavery in the *Traité de législation*. In *The German Ideology* Marx approvingly contrasts Comte’s view of the suffering of slaves with that of “Saint Sancho”.⁶⁹³ Marx was no doubt attracted to Comte’s sarcastic remarks about the payment of slaves for their labour by blows of their owner’s whip instead of wages. Marx also refers to Comte in an important chapter in *Capital* volume one on “The Genesis of the Industrial Capitalist.”⁶⁹⁴ It takes place in the context of a discussion of the two distinct forms of capital which had appeared by the end of the middle ages. Marx approvingly quotes a passage from Thomas Hodgskin’s *The Natural and Artificial Right of Property Contrasted* (1832) in which Hodgskin argues that the capitalist has acquired control over “all the wealth of society” and asks rhetorically by what right has such a dramatic change in the right of property occurred? Marx’s intention is to show how “primitive accumulation” took place at “the dawn of the era of capitalist production” by usury within Europe and conquest, plunder and slavery outside Europe. He concludes in a passage with which Comte would have largely agreed that:

The different moments of primitive accumulation... (embrace) the colonies, the national debt, the modern tax system, and the system of protection. These methods depend in part on brute force, for instance the colonial system. But they all employ the power of the state, the concentrated and organised force of society, to hasten, as in a hothouse, the process of transformation of the feudal mode of production into the capitalist mode, and to shorten the transition. Force is the midwife of every

⁶⁹¹Karl Marx and Friedrich Engels, *The German Ideology* (Moscow: Progress Publishers, 1976), p. 471.

⁶⁹²Marx and Engels, *The German Ideology*, p. 72.

⁶⁹³Marx and Engels, *The German Ideology*, p. 326.

⁶⁹⁴Karl Marx, *Capital: A Critique of Political Economy*, volume one, trans. Ben Fowkes (Harmondsworth: Penguin, 1976). Chap 31 “The Genesis of the Industrial Capitalist,” p. 916.

old society which is pregnant with a new one. It is itself an economic power.⁶⁹⁵

Marx's discussion of Comte's treatment of slavery in the *Traité de la législation* follows immediately on from this passage in a discussion of the "barbarities" of the "peaceful commerce" in slaves. Marx's view is that the slave societies in the New World are a reflection of how the bourgeoisie would like to "model the world according to his own image without any interference."⁶⁹⁶ He commends Comte for the "good compilation on the treatment of slaves" in the *Traité* but makes no effort to rebut Comte's claim that slavery and the class structure to which it gives rise is in complete contradiction to all the principles of a market, industrial society. In Comte's view industrial society was able to emerge because it was able to destroy the violation of property and personal liberty which was inherent in all forms of slavery. Marx on the other hand views the matter in reverse. Slavery is a precondition for the era of capitalist production and many of the methods of accumulation and exploitation developed for slavery are transferable to industrial capitalism. Marx's treatment of Hodgskin is much the same as his treatment of Comte - only taking what is necessary for his argument and ignoring the broader context and intent of their ideas. In the case of Hodgskin it is clear that Marx has misinterpreted Hodgskin's purpose, which is not to challenge the right of the capitalist to own wealth but to show how it occurred through a natural evolution often in spite of the legislators to hinder it. Marx mocks Hodgskin for asking "The power of the capitalist over all the wealth of the country is a complete change in the right of property, and by what law, or series of laws, was it effected?"⁶⁹⁷ Marx's snide response to Hodgskin's question is to say "The author should have reminded himself that revolutions are not made with laws."⁶⁹⁸ But this is to miss the point of Hodgskin's entire line of argument in his fifth letter which is entitled "The Legal Right of Property is undergoing subversion by the Natural Right of Property." Hodgskin's question is both rhetorical and ironic and, since, Marx is devoid of both humour and a sense of irony, it is not surprising he does not understand Hodgskin. Hodgskin's intention is, as he clearly states a few pages before the passage Marx misquotes:

My argument is, that those great changes which the law did not ordain, were effected in spite of the law. The law-maker, instead of facilitating the emancipation of villeins, did what he could to prevent it, but his ambition

⁶⁹⁵Marx, *Capital*, volume one, pp. 915-16.

⁶⁹⁶Marx, *Capital*, volume one, pp. 916, footnote 4.

⁶⁹⁷Marx, *Capital*, volume one, pp. 915. Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted* (1832), p. 99.

⁶⁹⁸Marx, *Capital*, volume one, pp. 915.

and his greed were overpowered by the beneficent operation of natural laws. Improvements in art and science, the introduction of commerce and manufacturing, consequent upon multiplication of the species, - to all of which, except perhaps the last, which he has opposed indirectly by misappropriating the produce of industry, the law-maker has in general been excessively hostile, brought about the abolition of personal slavery.⁶⁹⁹

The immediate context of Hodgskin's remarks about the wealth of the capitalist "at present" which Marx quotes approvingly is a discussion of the process by which the market inevitably breaks down the power and privileges of the politically privileged elite in spite of their legal efforts to prevent this from happening. According to Hodgskin, this liberating effect of the market has appeared in waves beginning with the creation of free communes during the middle ages

When the burgher, the inhabitants of towns, the slaves who emancipated themselves in spite of the legislating landowning lords, had struggled into existence and strength, they had to fight their way to security and influence against the sword-bearing law-maker.⁷⁰⁰

What resulted from this was a stand-off between the "feudal law-giver" and the emancipated slaves which was only resolved by an agreement on the part of the "sword-bearing law-makers" to suspend their feudal claims in return for a regular payment of "tribute."

The next stage in the struggle for the "natural right of property" came with the struggle between the old class of "legislating landowners" and the new class of "capitalists." A passage that Marx does not quote, for obvious reasons, is the following:

The capitalist was originally a labourer, or the descendent of a villein, and he obtained a profit on what he was able to save from the produce of his own labour, after he had wrested his liberty from his masters, because he was then able to make them respect his right to use the produce of his own industry.⁷⁰¹

By dint of hard work and saving the capitalists were able to force the old landowning class to sell their property for "some pecuniary consideration," thus changing the composition of the present distribution of landowning. Thus, as Hodgskin acknowledges but Marx does not, the present distribution of landownership includes a mixture of justly acquired "natural" titles to property and unjustly "artificial" rights inherited from the breakdown of the feudal system. The similarity between Hodgskin's theory of history and Charles Comte's is striking, as is the

⁶⁹⁹Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted* (1832), p. 94.

⁷⁰⁰Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted* (1832), p. 97.

⁷⁰¹Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted* (1832), p. 98.

complete misunderstanding of Marx on this problematical issue. In a continuation of the passage Marx pointedly refused to quote Hodgskin states in very Comteian terms:

The great mass of the original landowners' families are extinct, or the land has passed from their descendants for some pecuniary consideration; so that in fact the property of the present landowner is derived from, or represents, capital. The landowner as such, derives his right to that share of the produce of labour he receives, under the name of rent, from being the descendent of those who forcibly appropriated, not merely the land, but the labourer; or he possesses the remains of the power of those who did so appropriate the land; and his annual income now represents the compensation given to him by the good sense of society, in its progress for the emancipation of bondsmen and serfs.⁷⁰²

Thus much of the "present" distribution of landed property represents a pay-off of the "artificial" property owners to the benefit of the growing class of "natural" property owners. This situation is only temporary as the "progress" of society is towards ever increasing amounts of "natural" property (i.e. acquired through voluntary market transactions) and every decreasing amounts of "artificial" property (i.e. acquired through force or legislation). The end Hodgskin has in mind is a "new order of society" of "equal and free men," a "middle class," who are both labourers and capitalists at the same time, and who are free of legal control and regulation of the wages and interest they can earn in the free market.⁷⁰³ The present situation is one of transition in which the capitalists are vainly attempting to use the power of the legislator to protect their privileges from the liberating forces of the market, just as their forebears the landowners tried to do when challenged by their "emancipated slaves." Hodgskin ends his fifth letter with a conclusion the very opposite of the one Marx imagined him to have reached. Far from arguing that it is law which brings about a revolution in property ownership Hodgskin takes the radical liberal view that

If any thing can abate the present rage for law-making, and for multiplying regulations for every part of society, the fact to be learnt by an attentive consideration of history, that laws have little or no beneficial influence over the fate of mankind, is well calculated to produce so desirable a result.⁷⁰⁴

The purpose of my discussion of Karl Marx and his treatment of Comte, Dunoyer and Hodgskin is to show that the connection between him and the radical liberals of the Restoration and their counterparts in Britain is a very problematical one into which space prevents me from delving at length in this dissertation. It is clear that while he was in Paris in the mid-1840s Marx read Proudhon and probably became familiar with the work of Comte on

⁷⁰²Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted* (1832), p. 97-8.

⁷⁰³Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted* (1832), p. 101.

⁷⁰⁴Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted* (1832), p. 104.

property and slavery through Proudhon's attack. His immediate intellectual and polemical task was to refute Proudhon rather than the Restoration liberals. When he did turn to the question of "historical materialism" and stage theories of history in *The German Ideology* (1845-6) and the *Paris Manuscripts* it was under the influence of his reading of the German historical school of Friedrich Karl von Savigny and the works of a number of French critics of liberal political economy published in the early 1840s such as Charles Pecqueur, Eugène Buret, and Simonde de Sismondi.⁷⁰⁵ Only later did Marx read more deeply in the four stage theory of history advocated by Adam Smith and other members of the Scottish Enlightenment. Where he did come across French Restoration liberals and political economists it was only as an adjunct to his much greater interest in criticising British political economy. This may help explain why he plundered what he could from their work to assist him in this project, or why he apparently misread them in his haste to move onto more important matters. Further discussion of Marx's theory of history would be inappropriate here as it would involve an analysis of his political activities in the 1840s and the intellectual context in which this occurred - a topic far removed from the aim of this dissertation which has been to focus on the work of two French radical liberal journalists and academics who developed their ideas in the tumultuous years of the French Restoration.

⁷⁰⁵Norman Levine, "The German Historical School of Law and the Origins of Historical Materialism," *Journal of the History of Ideas*, 1987, vol. XLVIII, no. 3, pp. 431-51.

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