

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

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DECLARATION OF LENGTH OF THE DISSERTATION

I declare that the length of the dissertation "Class, Slavery and the Industrialist Theory of History in French Liberal Thought, 1814-1830: The Contribution of Charles Comte and Charles Dunoyer" does not exceed eighty thousand words, excluding footnotes and bibliography.

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DECLARATION

I declare that this dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration.

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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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CHAPTER 1

THE DEVELOPMENT OF LIBERALISM IN THE RESTORATION, 1814-1830

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.¹ 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 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”

¹André Jardin and André-Jean Tudesq, *Restoration and Reaction, 1815-1848*, trans. Elborg Forster (Cambridge University Press, 1988), p. 94.

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

An indication of the importance of the Restoration in the history of thought, an area previously largely ignored by historians, can be got by surveying some of the issues which sparked often heated debate among conservatives, liberals and socialists. Of primary concern was the power of the restored monarch and his relationship to the Charter. The clash between the monarch and his supporters and liberal advocates of individual liberty and constitutionalism 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 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 restrain 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 1688 (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.² Studies of the revolution also raised the question of social class, most notably why did some classes support and others oppose the revolution (e.g., Montlosier), which classes were in decline and which were coming to dominate society (e.g., Guizot), 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 (e.g. Thierry). In addition to the historical interest in revolution the issue of revolution was kept alive because of the continued

²Stanley Mellon, *The Political Uses of History: A Study of Historians in the French Restoration* (Stanford, California: Stanford University Press, 1958).

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.³

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 ownership of property and the 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. 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. Although Marxist historians have always been interested in the Restoration as a vital and rich period in the development of political, social and economic thought,⁴ those who have studied French liberalism most often have ignored it. 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’ review indicates over the past decade there has been a considerable revival of interest in Restoration liberalism and a growing awareness that the Restoration should be recognised as “le moment libéral” - a period crucial to the emergence of liberalism as a modern political theory in France.⁵ 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

³Alan B. Spitzer, *Old Hatreds and Young Hopes: The French Carbonari Against the Bourbon Restoration* (Cambridge, Mass., 1971)..

⁴A 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).

⁵Laurence Jacobs, “Le moment libéral: The Distinctive Character of Restoration Liberalism,” *The Historical Journal*, 1988, vol. 31, no. 2, pp. 479-91.

constitutes a veritable golden age of political reflexion.”⁶ While this dissertation is designed to continue the process of rediscovery and reevaluation of French liberal thought the focus in it 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 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 Staël⁷ 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.⁸ 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.⁹ In more recent decades scholars have drawn attention to Constant as a political theorist and political journalist although his advocacy of laissez-faire economics remains to be properly assessed.¹⁰ The latter is important because 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, who 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

⁶Pierre 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.

⁷More 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).

⁸Étienne 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).

⁹Ephraïm Harpaz, *L'école libérale sous la restauration: Le "Mercure" et la "Minerve" 1817-1820* (Geneva: Droz, 1968).

¹⁰Constant’s support for laissez-faire can be found in Benjamin Constant, *Commentaire sur l'ouvrage de Filangieri* (Paris: P. Dufart, 1822), pp. 300-1.

(the model of Jacobin economic interventionism) and “modern” society (based upon liberal non-interventionism) and the social and economic structures which underpinned them. 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 Rosanvallon, in a fit of Gallic excess, to describe the Restoration and Guizot-dominated July Monarchy as “le moment Guizot”.¹¹ 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.¹² 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 a liberal 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 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."¹³ The reason for the renewed interest taken in

¹¹Pierre Rosanvallon, *Le moment Guizot* (Paris: Gallimard, 1985), p.29 and Guizot's *Histoire de la civilisation en Europe* (Paris: Hachette, 1985), ed. Pierre Rosanvallon.

¹² 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).

¹³An 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

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.¹⁴

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.¹⁵ 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.

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

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.

¹⁴Vincent E. Starzinger, *Middlingness: "Juste Milieu" Political Theory in France and England, 1815-48* (Charlottesville: University Press of Virginia, 1965).

¹⁵An 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).

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 then the powerful myth (after his death in 1821) of Napoleon to give them inspiration.¹⁶ 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.¹⁷ 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.¹⁸

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 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 of more of the above beliefs (for example constitutional liberals or economic liberals) or the degree to which one or more of these beliefs were pushed (moderate liberals who defended the free market in general but

¹⁶J. Lucas-Dubreton, *Le culte de Napoléon 1815-1848* (Paris: Albin Michel, 1960).

¹⁷Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (Glasgow: Fontana, 1976), “Liberal,” p. 149.

¹⁸The idea of liberal families is developed by Jardin and Tudesq, p. 79.

allowed some government regulation and those radical liberals who advocated total laissez-faire).

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.¹⁹ 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. This description 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 “liberal” did in England in 1819-20 when another wave of liberal and nationalist revolutions broke out in Germany, Italy, Spain and France.²⁰

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

¹⁹Biancamaria 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.

²⁰Cheryl B. Welch, *Liberty and Utility: The French Idéologues and the Transformation of Liberalism* (New York: Columbia University Press, 1984), p. 241, note 22.

liberalism.”²¹ I believe, however, the expression “radical liberal” more suitably describes 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.

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

A number of attempts have been made to define the nature of French liberal thought in the Restoration, all of which 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. 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. Most 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. Furthermore, by focusing on the “right” and the “independent” middle group of liberals Restoration liberalism 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. 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.”²² 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

²¹Welch, *Liberty and Utility*, p. 158.

²²Guido de Ruggiero, *The History of European Liberalism*, trans. R.G. Collingwood (Boston: Beacon Press, 1967), p. 173.

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”, excessively “legalistic” and unable to rise above their fear of popular democracy.²³ Soltau’s list of Restoration liberals is itself a narrow one, limited to de Staël and Constant, Guizot and the Doctrinaires, and Tocqueville. René Rémond in *The Right Wing in France* (1954) scarcely mentions liberals during the Restoration at all,²⁴ while 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.²⁵ Much the same can be said for Louis Girard’s and André Jardin’s works from the mid-1980s.²⁶ 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.”²⁷

Éphraïm Harpaz is one of the few historians who has recognised the importance of the radical wing of Restoration liberalism. He has shown the link between the economic views of liberals like Comte and Dunoyer and their theory of industrialism, class structure, historical development and even aesthetics.²⁸ 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 these magazines on foreign policy, theory of history, liberal aesthetics, literature, and art.²⁹ 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

²³Roger Soltau, *French Political Thought in the Nineteenth Century* (London: Ernest Benn, 1931), p. 32.

²⁴René Rémond, *The Right Wing in France: From 1815 to de Gaulle* (First French edition 1954. Philadelphia: University of Pennsylvania Press, 1971).

²⁵*Western Liberalism: A History in Documents from Locke to Croce*, ed. E.K. Bramsted and K.J. Melhuish (London: Longman, 1978).

²⁶Louis 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).

²⁷Jacobs, “Le moment libéral,” p. 484.

²⁸See 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.

²⁹Éphraïm Harpaz, *L’école libérale sous la Restauration: Le “Mercure” et la “Minerve”, 1817-1820* (Geneva: Droz, 1968).

travel stories and “la querrelle des industriels” between the socialist-inclined Saint-Simonians and the radical liberal Dunoyer in the mid-1820s.³⁰

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.³¹ Two new concepts arising out of the French Revolution which Comte and Dunoyer used to great effect were "class" and "industry". 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 resulting from 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."³² 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.

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.³³ 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

³⁰Fernand Rudé, *Stendhal et la pensée sociale de son temps* (New enlarged edition. Brionne: Gérard Monfort, 1983).

³¹Stanley Mellon, *The Political Uses of History: A Study of Historians in the French Restoration* (Stanford, California: Stanford University Press, 1958).

³²Rosanvallon, *Le moment Guizot*, pp. 41 ff.

³³Larry Siedentop, "The Two Liberal Traditions," *The Idea of Freedom: Essays in Honour of Isaiah Berlin*, ed. Alan Ryan (Oxford University Press, 1979).

emerged from Britain, in his view. 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."³⁴

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, the slowness of industrialisation compared with Britain, as well as different occupational backgrounds, naturally led French liberals to strike out in a different direction. The liberals whom Siedentop identifies as the "originators of a sociological approach to political theory" include Madame de Staël, Benjamin Constant, the group known as the "Doctrinaires" which included Royer-Collard, Barante, and Guizot, and, most importantly, Alexis de Tocqueville.³⁵ 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. 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 recognises the singular contribution of Comte and Dunoyer to the development of this peculiarly French form of liberalism, arguing that their view of class and the rôle of the mode of production in influencing political structures and behaviour necessitates this. She argues 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.³⁶ I believe Gruner is at least partly correct and that the

³⁴Siedentop, "The Two Liberal Traditions," p.153.

³⁵Siedentop, "The Two Liberal Traditions," p.157.

³⁶Shirley 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.

"Thierry-*Le Censeur européen* group" has a far stronger claim to being the originators of 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.³⁷ As this dissertation will endeavour to show, it is 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 Comte and 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.

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 liberalism into distinct varieties based upon 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. 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

³⁷Donald R. Kelley, *Historians and the Law in Postrevolutionary France* (Princeton, New Jersey: Princeton University Press, 1984), p. 25.

directed to the study of British political economy with the bulk of historians of French liberalism ignoring it completely with the exception of older works by Raymund de Waha and Albert Schatz.³⁸ 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 Ideologues³⁹) 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.

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.⁴⁰ The 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).⁴¹ 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.”⁴² In the dire economic climate of the transition from the

³⁸Raymund 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).

³⁹Cheryl B. Welch, *Liberty and Utility: The French Idéologues and the Transformation of Liberalism* (New York: Columbia University Press, 1984).

⁴⁰G. Vandewalle, “Romanticism and Neo-Romanticism in Political Economy,” *History of Political Economy*, 1986, vol. 18, no. 1, pp. 33-47.

⁴¹Brian Head, *Ideology and Social Science: Destutt de Tracy and French Liberalism* (Dordrecht, M. Nijhoff; Boston, Hingham, MA, 1985), p. 129.

⁴²From *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.

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 even “Smithian” Socialist to use Noel Thompson’s unfortunate terminology.⁴³ 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.⁴⁴ 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. 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.⁴⁵ 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). 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

⁴³Noel W. Thompson, *The People’s Science: The Popular Political Economy of Exploitation and Crisis 1816-34* (Cambridge University Press, 1984).

⁴⁴H.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).

⁴⁵Simonde 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.

of literature in southern Europe, and the sociology of law and free constitutions places him very much in the liberal camp during the Restoration.⁴⁶

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 1830,⁴⁷ 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.

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

⁴⁶“Halévy on Sismondi,” in *The Development of Economic Thought: Great Economists in Perspective*, ed. Henry William Spiegel (New York: John Wiley), p. 265.

⁴⁷Charles 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: Sautetlet, 1830) 2 vols.

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.”⁴⁸ 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 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.⁴⁹ 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.⁵⁰ In the *Souvenirs d’égotisme* Stendhal gives an amusing though harsh picture of the impact Tracy’s salon had on the heroic, overly serious and “stupid” ultra liberals like

⁴⁸Louis Girard, *Les libéraux français, 1814-1875* (Paris: Aubier Montaigne, 1985).

⁴⁹André Jardin, *Histoire du libéralisme politique de la crise de l’absolutisme à la constitution de 1875* (Paris: Hachette, 1985), p. 239.

⁵⁰Cheryl Welch, *Liberty and Utility: The French Idéologues and the Transformation of Liberalism* (New York: Columbia University Press, 1984), p. 156.

Dunoyer.⁵¹ 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.

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. 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 who were between 20-45 years of age in 1815 and who "still hankered after the glories of the Empire."⁵² 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. Robert Warren Brown 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."⁵³ 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. 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,"⁵⁴ 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 cohort which was born between 1792-1803.⁵⁵ 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."

⁵¹Stendhal, *Souvenirs d'égotisme*, ed. Béatrice Didier (Paris: Gallimard, 1983), pp. 74-5.

⁵²Jardin and Tudesq, p. 71.

⁵³Robert 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).

⁵⁴Robert Warren Brown, *The Generation of 1820 during the Bourbon Restoration*, p. iii.

⁵⁵Alan B. Spitzer, *The French Generation of 1820* (Princeton University Press, 1987).

According to 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.

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 liberal reformers believed that the only way to temper the power of political authority, whether the military dictatorship of Napoleon or 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 1787-91 were discussed at length. But Brown is incorrect to argue that, even after the 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 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 concluded that there were more fundamental forces at work than the liberal constitutionalists acknowledged 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 which determined 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 path they predicted France would take in the near future. 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 businesses. 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. 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.

CHAPTER 2

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

Before turning to the careers of Charles Comte and Charles 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 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 during the Empire and then as joint editors of *Le Censeur* and *Le Censeur européen* during the Restoration, that information about Comte's activities becomes more abundant. In a speech before the Academy of Moral and Political Sciences on the occasion of the tenth anniversary of his death, 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.⁵⁶ Mignet claimed that

...M. Charles Comte ... 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*).⁵⁷

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. During the turmoil of

⁵⁶Mignet, *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.

⁵⁷Mignet, "Comte," *Journal des économistes*, June 1846, vol. XIV, p.269.

the early 1790s Comte was privately educated by a priest 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 and which prefigures his 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.⁵⁸ 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. Sometime during his law studies (most probably in 1807) he met 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.⁵⁹ 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 1862.⁶⁰ Like Comte, Dunoyer had a comfortable family background

⁵⁸Comte'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).

⁵⁹In 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.

⁶⁰Biographical 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

but, unlike Comte, his family had noble pretensions. Also like Comte, Dunoyer was privately educated by priests until he too went to one of the new central schools in Cahors and then attended 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, Dunoyer and 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 their feelings as those 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.⁶¹

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.⁶² He also witnessed the brutal police methods of the Imperial government in repressing

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).

⁶¹Quoted in Mignet "Dunoyer," *Journal des économistes*, pp. 163-4.

⁶²In 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 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.

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. Dunoyer initially welcomed the new régime with the 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 Constant, were shattered by Louis' declaration preceding the promulgation of the Charter of 1814, which he considered to be insufficiently liberal. He 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.⁶³

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 promulgation of the Charter.⁶⁴ After the appearance of the second issue he welcomed as joint editor his old friend from his law student days. Comte had two stated purposes in starting a new magazine. The first was to oppose the expected reactionary politics of the Bourbons and the second was his disillusionment with the existing newspapers. The purpose of *Le Censeur* was to provide the proper, critical and searching analysis of current events. 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.⁶⁵

⁶³Charles Dunoyer, *Réponse à quelques pamphlets contre la constitution* (Paris: Dentu, 1814).

⁶⁴The 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 proeficiendi, ut custodes legum atque ministri."

⁶⁵Quoted by Mignet, "Notice historique de M. Comte," *Journal des économistes*, June 1846, vol. XIV, p.271. 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

Like many liberals Comte had little faith that the restored monarchy would abide by the liberal guarantees of the Charter and not attempt 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. Comte's choice of title may have reflected his admiration for Jeremy Bentham's concept of the "rational censor" of the laws.⁶⁶ Comte much admired the work of Bentham whose works 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.⁶⁷ 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.

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 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. After a further ordinance had confirmed the legality of the royal ordinance *Le Censeur* was finally censored but again the editors were again able to circumvent its effects and continue to publish their criticism of the régime uncensored.⁶⁸

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.

⁶⁶Jeremy 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, especially p. 498.

⁶⁷Charles 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). 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.

⁶⁸Mignet, "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

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 consitutionnelle sous un chef militaire, et particulièrement sous Napoléon*⁶⁹ 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. For example, Comte successfully defended General Exelmans 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.⁷⁰ 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 both Comte and Dunoyer showed throughout the Empire from an early age. 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 a timely political postponement.

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).

⁶⁹Charles Comte, *De l'impossibilité d'établir un gouvernement consitutionnel 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.

⁷⁰Charles Comte, *Défense de M. le comte Exelmans, lieutenant-général* (Paris: Renaudière, 1815). Signed, Comte, avocat, 2 January 1815.

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."⁷¹ 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 demanded that the government pay them restitution for their confiscated property as required under the Charter. The next step in the government's attempt to discredit the liberal opposition was to force Dunoyer and Comte to revive their libel suit against the *Quotidienne* 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 from those of the government. They contended 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.⁷²

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.⁷³ Napoleon and his censors objected to their strong defence 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 a popular one. For this view they again incurred the wrath of the censors. When the fifth volume of *Le Censeur* was seized Comte went immediately to the prefect of police to demand the return of the confiscated edition.⁷⁴ 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. The magazine did not reappear until the return of Louis XVIII,⁷⁵ at which time Dunoyer and Comte were placed on a list of those

⁷¹Mignet, p. 167.

⁷²Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 446. See also Mignet, "Comte," p. 273.

⁷³Five 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.

⁷⁴Quoted in Mignet, "Comte," pp. 273-4.

⁷⁵Vol. VII, Sept. 6, 1815.

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. However, 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 1815.⁷⁶ 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.

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 addressed 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 between 1815 and 1817. 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.⁷⁷ 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,

⁷⁶Fouché, 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.

⁷⁷The 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.

Dunoyer was puzzled by the lack of interest shown by the French public in the question of slavery.⁷⁸ 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 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 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.⁷⁹

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*.⁸⁰ According to Liggio, Clarkson had some contact with French liberals before the Revolution and Dunoyer was influenced by him only indirectly through their mutual 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.⁸¹ In his long review of Clarkson's book Dunoyer expressed horror that anyone

⁷⁸See the discussion in Seymour Drescher, "The Abolition of Slavery," in *Dilemmas of Democracy: Tocqueville and Modernization* (Pittsburg University of Press, 1968), pp. 151-195.

⁷⁹Dunoyer, *Bulletin du Censeur*, vol. 1, no. 10, 12-22 September, p.71; quoted in Liggio, pp. 115-6.

⁸⁰Dunoyer, 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.

⁸¹Grégoire 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

professing to be rational could defend the existence of slavery 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.⁸²

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

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 campagne 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.

⁸²Dunoyer, 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.

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?"⁸³ 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?"⁸⁴ 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 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"?⁸⁵ 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.⁸⁶ 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.⁸⁷

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*,⁸⁸ 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

⁸³Dunoyer, *Le Censeur*, pp. 160-62; quoted in Liggio, p. 118.

⁸⁴Dunoyer, *Le Censeur*, pp. 162-3; quoted and translated by Liggio, p. 118.

⁸⁵Dunoyer, *Le Censeur*, pp. 162-3; quoted and translated by Liggio, p. 118.

⁸⁶A good example of Dunoyer's Anglophobia can be found in Dunoyer, *Le Censeur*, pp. 168-73; quoted and translated by Liggio, p. 119.

⁸⁷Dunoyer, *Le Censeur*, pp. 174-5; quoted and translated by Liggio, p. 121. I have altered the tense of the verbs in one sentence.

⁸⁸Comte 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.

labour force at all. Dunoyer rejected this argument for a variety of reasons which reveal an interesting divergence from the views of his future mentor Jean-Baptiste Say who, although he rejected slavery, subscribed to this particular argument. 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.⁸⁹ Dunoyer was also keen to point out that it was not just Europeans who had the capacity for industrious labour. Not only did all humankind 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.

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.⁹⁰

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

⁸⁹Dunoyer, *Le Censeur*, vol. 4, pp. 210-13; quoted and translated by Liggio, p. 122.

⁹⁰Dunoyer, *Le Censeur*, vol. 4, p. 214; quoted and translated by Liggio, pp. 122-3.

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...⁹¹

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. Another example was 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) However, 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. 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

⁹¹Dunoyer, *Le Censeur*, vol. 4, pp. 215-22; quoted and trans. by Liggio, p. 123.

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.⁹²

What is intriguing about this passage is the way in which Dunoyer used a discussion about slavery in the Caribbean 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. This was a theme to which Dunoyer returned 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.⁹³ 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 level of slaves, until the bottom level of farm labourer, conscripted soldier, and ordinary taxpayer was reached. 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.⁹⁴

As the above discussion shows quite clearly, Dunoyer's interest in the issue of slavery at this time was primarily moral and political. His reviews and articles are filled

⁹²Dunoyer, *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.

⁹³Charles Dunoyer, *L'Industrie et la morale considérées dans leurs rapports avec la liberté* (Paris: A. Sautet et Cie, 1825).

⁹⁴Liggio, pp. 124-5.

with thinly disguised comparisons of the relationship between slave owners and their black slavery with that of Napoleon and the French people. After Dunoyer and Comte discovered political economy and class theories of history between 1815 and 1817 their view of slavery changed quite dramatically. Combined with the continued liberal anger at the moral evil of slavery would 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.

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. In an essay published in 1827, Dunoyer acknowledges his intellectual debt to Say, Constant, and Montlosier and describes how his reading opened up new patterns of thought and analysis, which ultimately resulted in the development of the social theory of "industrialism".⁹⁵ However, surprisingly he avoided any mention of the contribution of Augustin Thierry, of whom Dunoyer must have

⁹⁵Charles 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.

been aware, especially his important essay "Des nations et de leurs rapports mutuels," one of the first explicit liberal accounts of an industrial interpretation of history.⁹⁶ 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.⁹⁷

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 1817.⁹⁸ The insights they found in Say's book on the nature of market society, property, the evolution of the institutions of the free market 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*. A analysis of Say's life 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 principal 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

⁹⁶Augustin 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.

⁹⁷The 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).

⁹⁸Charles 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.

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). 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.⁹⁹ Comte in particular turned to the study of political economy with such enthusiasm that he sought out Say 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*. 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.

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.¹⁰⁰ 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

⁹⁹On 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).

¹⁰⁰Say'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.

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.¹⁰¹ The conclusions drawn from this by Comte and Dunoyer (and also 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 weakness 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" the broader political and social implications of the industrial perspective would escape him. Say, he thought, could have risen above the prevailing "superficial" political

¹⁰¹Say, "Considérations générales", p. 18 of vol. 1 of the *Cours complet*.

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.¹⁰² 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 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, 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"¹⁰³ - 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'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. In a pamphlet published in 1814 Dunoyer's imagination was caught by Constant's claim that "modern" European societies were fundamentally different from "ancient" societies.¹⁰⁴ What distinguished ancient from modern society was their different concepts of liberty and 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. Liberty was not seen as being just the right to choose one's rulers and participate in decision-making, but to be free from

¹⁰²Say, *Traité d'économie politique*, "Discours préliminaire," p. 1. Dunoyer, "Esquisse," *Revue encyclopédique*, p. 374.

¹⁰³Dunoyer, "Esquisse," *Revue encyclopédique*, p. 373

¹⁰⁴Benjamin 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).

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 preferred to say.¹⁰⁵

Dunoyer did not agree entirely with Constant's claim that the modern era had already become the age of commerce rather than war, believing instead that 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 realised the opportunities 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".¹⁰⁶ As will be argued 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.

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 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. They expressed revulsion for a civilisation based on slavery and conquest and agreed with Constant's claim that "ancient" liberty were a fraudulent form of liberty based upon political participation instead of independence from government control, as the "modern" form of liberty defined it. For Comte and Dunoyer knowledge of economic science and the practice of industrial values became the hallmark of a civilised society. However, 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."¹⁰⁷ In Comte's view

¹⁰⁵Dunoyer, "Esquisse," *Revue encyclopédique*, p. 371. See also Gauchet, p. 118.

¹⁰⁶Dunoyer, "Esquisse," *Revue encyclopédique*, p. 375.

¹⁰⁷The 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.

any society which depended upon slave labour for the surpluses which made their culture possible was a criminal and unworthy one.¹⁰⁸ 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. 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 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, 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, 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.¹⁰⁹

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, preferring instead to continue to focus on the traditional problem of the external form of a political system. He claimed that the most serious failing was that Constant did not try to incorporate his insights into industry into his broader political philosophy.¹¹⁰ Dunoyer's 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 1814.¹¹¹ One could say that Constant's

¹⁰⁸Dunoyer 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; and Mignet, "Comte," pp. 274-5.

¹⁰⁹ Dunoyer, *L'industrie et la morale*, p. 228, footnote.

¹¹⁰Dunoyer, "Esquisse," *Revue encyclopédique*, pp. 373-4.

¹¹¹References to industry and class occur in 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-un 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*

observations on the class structure, political privileges and influence of the new nobility created under Napoleon are very similar to those 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.¹¹²

François Montlosier's history of the French monarchy was also important to 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.¹¹³ Although Montlosier's views revealed an aristocratic dislike for the rise of the Third Estate, Dunoyer was nevertheless influenced by him. He was particularly impressed with his history of the French monarchy which was reviewed in *Le Censeur européen*. 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.¹¹⁴ Montlosier argued with some regret that the industrious classes had 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 within French society. The

l'ouvrage de Filangieri (Paris: P. Dufart, 1822) and Benjamin Constant, *Mémoires sur les Cent Jours* (Paris: Pichon et Didier, 1829).

¹¹² 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 den 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 Renommée*, ed. Ephraim Harpaz (Geneva, 1972); Benjamin Constant, *Recueil d'articles 1795-1817*, ed. Ephraim Harpaz (Geneva, 1978).

¹¹³ 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.

¹¹⁴ Dunoyer, "Esquisse," *Revue encyclopédique*, p. 372.

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 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 the ancient forms where they are seized, break all the ancient ranks 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.¹¹⁵

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.¹¹⁶

THE RETURN TO JOURNALISM: THE CREATION OF *LE CENSEUR EUROPÉEN*

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."¹¹⁷ Comte and Dunoyer thought the time was propitious to renew their liberal

¹¹⁵Montlosier, *De la Monarchie française*, vol. 1, pp. 135-6, 175, quoted in Dunoyer, "Esquisse," *Revue encyclopédique*, p. 372.

¹¹⁶Dunoyer, "Esquisse," *Revue encyclopédique*, p. 373.

¹¹⁷*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

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 and 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."¹¹⁸ 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 spite of 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. 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. Their careers as political journalists were finally terminated in the period following the assassination of the duc de Berry in February 1820, which resulted in the reintroduction of strict censorship in March. Even with their connections amongst liberal-leaning aristocrats they were unable to continue publishing their work. 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, a fund was established to help those penalised by the new draconian laws to fight their cases in the courts. Comte's career came

2,000 and 4,000 copies of each volume were distributed, "Histoire d'un journal industrialiste" part 2, pp 354-5.

¹¹⁸Charles Dunoyer, *De la liberté du travail, ou simple exposé des conditions dans lesquelles les forces humaines s'exercent avec le plus de puissance* (Paris: Guillaumin, 1845).

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 widely known. 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.¹¹⁹

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. 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 academic or legal careers which both of them 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. As he put it some six years after the final closure of his journal:

¹¹⁹Quoted in Liggio, *Journal of Libertarian Studies*, pp. 163-4.

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.¹²⁰

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 for the development of his theoretical works. 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* to preliminary sketches an artist makes before embarking on a major picture and his concentration on political and constitutional matters as misplaced.¹²¹ 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.

¹²⁰Charles Comte, "Préface de la première édition," *Traité de législation*, 3rd ed, p. xiii.

¹²¹Charles Comte, "Préface de la première édition," *Traité de législation*, 3rd ed, p. xiv. The last sentence comes from a footnote on the same page.

CHAPTER 3

CHARLES DUNOYER AND THE THEORY OF INDUSTRIALISM I: FROM SAVAGERY TO POLITICAL PRIVILEGE BEFORE THE REVOLUTION

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 to 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 theoretical works. 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 Chamber¹²² 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, 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 a series of lectures he gave in the winter of 1825 Dunoyer set down the basic framework of his class analysis which he elaborated in ever increasing

¹²²Charles 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).

levels of detail in three important books published in 1825, 1830 and 1845.¹²³ In his lectures Dunoyer presented a schema of economic evolution from one stage of production to another, each stage having a particular 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 he called the system of political "place-seeking" under the Revolution and the Napoleonic Empire, and 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, he admitted 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.

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.¹²⁴ These schools of thought include the

¹²³Charles Dunoyer, *L'Industrie et la morale considérées dans leurs rapports avec la liberté*, (Paris: A. Sautélet, 1825); *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*.

¹²⁴For 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.

seventeenth century theorists of natural law Hugo Grotius and Samuel von Pufendorf, the Physiocrats, the Scottish Enlightenment, the philosophes, and the Idéologues who bridged the gap between the eighteenth and nineteenth centuries. 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. 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, who may have been influenced in turn by Montesquieu,¹²⁵ or by their personal contact with radical liberals in the Condorcet camp. 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 Comte explicitly mentions Wolff, Burlamanqui, Guillaume Pestel, and Grotius.¹²⁶ In part two of 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 concepts of natural law and property owe something to the Grotian tradition.¹²⁷ 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.¹²⁸

Another source of influence on Comte's and Dunoyer's idea of class, although not explicitly mentioned by them, are the Physiocrats. There is a striking similarity between his distinction between the productive class of the "industrials" and the unproductive,

¹²⁵Franck 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).

¹²⁶Charles Comte, *Traité de législation*, (Bruxelles: Hauman, Cattoir et comp., 2nd ed. 1837), book 1, chapter 14, pp. 59-65.

¹²⁷On 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).

¹²⁸See 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.

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".¹²⁹ 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 society"¹³⁰ 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 in enlightened despotism, perhaps tactical and understandable given the nature of ancien régime society. 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 discovered economics via the writings of Jean-Baptiste Say who believed that economic science had moved far beyond the limited horizons of Physiocracy. Under the influence of Say, Comte and Dunoyer realised the importance of the new manufacturers and members of the "service" class of intellectuals, professionals and engineers and thus included them in their definition of the productive class. A figure closer to Comte's 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.¹³¹ 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

¹²⁹*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).

¹³⁰Dunoyer, "Esquisse," *Revue encyclopédique*, p. 369.

¹³¹G. 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).

Dunoyer's more elaborate six-stage theory culminating in "industrial" society.¹³² 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.¹³³

The Scottish Enlightenment is probably a more fruitful direction in which to look to find direct influences on Comte's and Dunoyer's theory of class and the stage theory of history. 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.¹³⁴ 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

¹³²On the intellectual history of the four-stage theory see Ronald L. Meek, *Social Science and the Ignoble Savage* (Cambridge University Press, 1976).

¹³³*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).

¹³⁴On 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).

introduced to the work of David Hume, Adam Smith, Adam Ferguson and William Robertson.¹³⁵

Another important source of Comte's and Dunoyer's theory of class and historical development is the Philosophe tradition and its successor in 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's 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 future liberal society.¹³⁶ 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's 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.¹³⁷ Thus the invention of printing is for Condorcet one of the great moments in the development of humankind'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, trade and industry.

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."¹³⁸ Condorcet's "Tenth Epoch," when reason and liberty will have achieved a state of near perfection, could be compared to the equally "rhapsodic" stage of "industrialism" in Dunoyer's theory. 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 particular stage of economic development a society had entered - thus slave owners were

¹³⁵Stephen 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.

¹³⁶Michèle 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).

¹³⁷Keith Michael Baker, "The Esquisse: History and Social Science" in *Condorcet: From Natural Philosophy to Social Mathematics*, p. 349.

¹³⁸Baker, *Condorcet*, p. 348.

the ruling elite during the slave stage of economic development. Condorcet's class theory was less one of economic exploitation than one of 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.¹³⁹ However, as Keith Michael Baker ironically notes, Condorcet's anti-clerical focus and 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.¹⁴⁰ Baker also argues that Condorcet's theory of "intellectual elites" had little impact after his death, with the exception of Saint-Simon's stage theory of history which he argues is a continuation of Condorcet's ideas. Unfortunately, Baker seems to be unaware of the use Dunoyer was to make of them. Dunoyer used the economic underpinning provided by Say 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 Idéologues."¹⁴¹ We have already seen how important Jean-Baptiste Say was to the development of Comte's 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.¹⁴² 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.¹⁴³ What the editors of *Le Censeur européen* admired about the work of the Idéologues, most notably Say's *Treatise on*

¹³⁹Baker, *Condorcet*, p. 359.

¹⁴⁰Baker, *Condorcet*, p. 363.

¹⁴¹Cheryl B. Welch, *Liberty and Utility: The French Idéologues and the Transformation of Liberalism* (New York: Columbia University Press, 1984), p. 157.

¹⁴²Welch, *Liberty and Utility*, p. 157.

¹⁴³See also Emmet Kennedy, *A Philosopher in the Age of Revolution: Destutt de Tracy and the Origins of "Ideology"* (Philadelphia: American Philosophical Society, 1978), p. 272.

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."¹⁴⁴ 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. The theories of the Idéologues, then, helped to inform the militant economic liberalism that emerged in France in the 1820s.¹⁴⁵

THE EMERGENCE OF AN INDUSTRIALIST THEORY OF CLASS AND HISTORY IN *LE CENSEUR EUROPEËN*

Comte and Dunoyer were very much part of the "militant economic liberalism" of the late 1810s and early 1820s 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's and Dunoyer's theory of class and history, namely Jean-Baptiste Say, Benjamin Constant and François Montlosier, 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*

¹⁴⁴Welch, *Liberty and Utility*, p. 157.

¹⁴⁵Welch, *Liberty and Utility*, p. 158.

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.¹⁴⁶ Another author whose work Dunoyer might have mentioned as a source of his ideas but did not is Pierre-Louis Roederer.¹⁴⁷ 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.

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. Whatever the reasons for Dunoyer neglecting to acknowledge his intellectual debt to him, 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.¹⁴⁸

¹⁴⁶Augustin 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.

¹⁴⁷ On 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.

¹⁴⁸On 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*

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" which resulted in a series of provocative articles in *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.¹⁴⁹ 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 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

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: Sautetlet, 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.

¹⁴⁹Ephraïm Harpaz, "Le Censeur européen: Histoire d'un journal industrialiste," *Revue d'histoire économique et sociale*, 37, 1959, pp. 185-218.

whom a new political culture could be based, there could be no permanent change in the nature of French politics and society.¹⁵⁰ 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 Constant, Montlosier and 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"¹⁵¹ 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*.¹⁵² 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." 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 then proceeded to analyse European development, using a modified four stage theory which had been used by Turgot and Millar in the previous century. 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

¹⁵⁰Dunoyer, "Esquisse," *Revue encyclopédique*, p. 374.

¹⁵¹Dunoyer, "Esquisse," *Revue encyclopédique*, p. 375.

¹⁵²The 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.

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. The vital aspect was that the products of their labour was coercively exploited by those who did not so labour. Of the any examples one could select from Comte's essay to illustrate this interpretation of class conflict and exploitation the following is typical:

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 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.¹⁵³

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 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 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.¹⁵⁴ However, neither Thierry nor Guizot developed an

¹⁵³Comte, "De l'organisation sociale," p. 24-25.

¹⁵⁴On 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*

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, "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.¹⁵⁵ 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 state's prisons with its political adversaries, to erect scaffolds for hanging, and to arm itself with a thousand instruments of oppression and terror.¹⁵⁶

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*.

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).

¹⁵⁵Dunoyer, "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.

¹⁵⁶*Le Censeur européen*, 1819, 11, p. 112.

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. According to Dunoyer's modification of the traditional eighteenth-century four stage theory of economic development, 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.

Dunoyer introduced two new stages to add to the traditional four stages of hunting, pasturing, agriculture and commerce through which 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.

Dunoyer had a very bleak and unforgiving view of life in what he called "the first stage of social life,"¹⁵⁸ which no doubt reflects the bias of the sources he used¹⁵⁹ 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.¹⁶⁰ 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. Quoting Adam Ferguson's *An Essay on the History of Civil Society*, Dunoyer attributed the brutality, disregard for human life and oppression of savage life to the economic fact that the struggle to survive was a difficult one.¹⁶¹ Simple hunting and gathering did not provide a guaranteed subsistence which made charity and tolerance towards other people possible. 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.

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.¹⁶² Dunoyer continues his attack on the condition of women in tribal society in a lengthy footnote, where he states that it is the violent submission of women to a form of proto-slavery which is an important aspect of the class structure of the savage stage of

¹⁵⁷"IV. Du degré de liberté qui est compatible avec la vie des peuples sauvages," Dunoyer, *L'Industrie et la morale*, pp. 119-54.

¹⁵⁸Dunoyer, *L'Industrie et la morale*, p. 119.

¹⁵⁹Dunoyer 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 morales*; Bouger, *Voyage en Pérou*.

¹⁶⁰Dunoyer 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.

¹⁶¹Dunoyer, *L'Industrie et la morale*, p. 144-5.

¹⁶²Dunoyer, *L'Industrie et la morale*, p. 146.

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 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 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...¹⁶³

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"¹⁶⁴ (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. 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.¹⁶⁵ In addition, Dunoyer admired the spirit of independence shown by many savages, believing that their mode of production endowed 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.¹⁶⁶ 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." Submission to authority which is voluntarily given to a widely respected tribal elder 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. Authority which is not voluntarily

¹⁶³Dunoyer, *L'Industrie et la morale*, footnote 2, pp. 146-7.

¹⁶⁴Dunoyer, *L'Industrie et la morale*, p. 152.

¹⁶⁵Dunoyer, *L'Industrie et la morale*, pp. 152-3.

¹⁶⁶Dunoyer, *L'Industrie et la morale*, p. 153.

submitted to is strongly resented by the savage and the skill learnt in hunting and warfare can easily be used to resist an unwanted authority. Dunoyer, like Say, was also sympathetic to aspects of savage and nomadic life, being particularly 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.¹⁶⁷

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

THE STAGE OF NOMADISM¹⁶⁸

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*. 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."¹⁶⁹ Montesquieu, like Rousseau, argued that because nomads 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, which he believed to be the ever increasing capacity to do more complex things, including in this case the capacity to come and go as one pleased.¹⁷⁰

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

¹⁶⁷Dunoyer, *L'Industrie et la morale*, p.154. Jean-Baptiste Say, Section one, "Organes essentiels," of "Tableau général de l'économie des sociétés" in *Cours complet*, vol. 2, p. 334.

¹⁶⁸"V. Du degré de liberté qui est compatible avec la vie des peuples nomades," Dunoyer, *L'Industrie et la morale*, pp. 155-88.

¹⁶⁹Dunoyer, *L'Industrie et la morale*, p. 158.

¹⁷⁰Dunoyer, *L'Industrie et la morale*, p. 158.

pasturing.¹⁷¹ Dunoyer believed that the greater economic surpluses available to nomadic people compared to “savages” meant that nomads were slightly "freer" than savages. 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. 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 became conceivable. Curiously, Dunoyer believed this was an important stage on the road 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.¹⁷² 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.¹⁷³ Women in particular remain the backbone of the nomad economy, living "dans un profond état de dépendance et d'avilissement,"¹⁷⁴ 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.¹⁷⁵

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. Unfortunately, nomadic society cannot long enjoy their easily produced surpluses before the Malthusian population trap is sprung upon them.¹⁷⁶ 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.¹⁷⁷ 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 recalling Constant's critique of Napoleon's militarism, Dunoyer describes the morals of the nomadic society as dominated by "cet esprit de conquête et d'émigration"¹⁷⁸ which, along with the economic pressures of famine, push

¹⁷¹Dunoyer, *L'Industrie et la morale*, p. 163.

¹⁷²Dunoyer, *L'Industrie et la morale*, p. 166.

¹⁷³Dunoyer, *L'Industrie et la morale*, pp. 176-78.

¹⁷⁴Dunoyer, *L'Industrie et la morale*, p. 176.

¹⁷⁵Dunoyer, *L'Industrie et la morale*, pp. 176-7. Dunoyer bases his argument on Malthus' *Essay on the Principle of Population* and Aristotle.

¹⁷⁶Dunoyer, *L'Industrie et la morale*, p. 182.

¹⁷⁷Dunoyer, *L'Industrie et la morale*, p. 183.

¹⁷⁸Dunoyer, *L'Industrie et la morale*, p. 183.

nomadic societies irresistibly towards "brigandage, war and invasions."¹⁷⁹ 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."

THE DEBATE AMONG LIBERAL POLITICAL ECONOMISTS ON THE ECONOMICS OF SLAVERY -
SAY, HODGSON AND STORCH¹⁸⁰

Before turning to a discussion of Dunoyer's view of slavery in *L'Industrie et la morale* (1825) it is necessary to situate it in the right intellectual context. Both Comte and Dunoyer drew upon the debate about the economic and "moral" effects of slavery which took place from the late 1810s to the mid-1820s between a number of liberal political economists and abolitionists on both sides of the Channel. One aspect of this debate, a comparison of the profitability of slave labour compared to free wage labour, was very important to the development of Comte's and Dunoyer's views of slavery at this time as well as for the perception of slavery later French liberals were to have.¹⁸¹ The debate confirmed their beliefs that something immoral could not be also profitable in the long run and that industry would inevitably prevail over less economically efficient systems of labour. They were also attracted to the debate because their mentor Say was deeply involved. Adam Smith can be credited for initiating the debate with his discussion in the *Wealth of Nations* of the comparative cost of "the wear and tear" of free labourers and

¹⁷⁹Dunoyer, *L'Industrie et la morale*, p. 185.

¹⁸⁰An expanded version of this section was presented as a paper at a meeting of the History of Economic Thought Society of Australasia, July 1989, in Canberra.

¹⁸¹Gustave 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's and Dunoyer's pioneering contribution to the debate about slavery. 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.

slaves. He concluded that the balance was tipped in favour of free wage labour over slave labour because of the capacity of wage labourers to manage themselves better and hence keep costs to a minimum. 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."¹⁸² The debate between the British abolitionists and the French political economists 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?

The most important figure to take up Smith's argument 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 in the fourth edition of his *Traité* (1819) Say continued to argue that slave labour was considerably cheaper than free labour. In a chapter on the economic consequences of colonies Say discussed the arguments of Steuart, Smith and Turgot (all of whom believed free labour was cheaper and more productive than slave labour), but ultimately rejected them because it contradicted information he had about the cheap price of slave labour in the Antilles.¹⁸³ According to Say, slavery was enormously profitable for the plantation owners because they ruthlessly exploited the black slaves by forcing them to work for little or no return and the consumers in Europe by artificially raising the price of goods through their monopoly of the home market or high tariffs.¹⁸⁴

Four years after the fourth edition of Say's *Traité* appeared, Say's view of the enormous profitability of slavery was subjected to searching criticism by Adam Hodgson, writing on behalf of the Liverpool branch of the Society for Mitigating and Gradually Abolishing Slavery.¹⁸⁵ Hodgson readily admitted the important contributions Say had made to the liberal cause but regretted Say's belief that slave labour was so profitable because it made the Society's campaign to show plantation owners that it was in their best economic interests to abandon slave labour and gradually adopt free wage labour, much harder. Drawing upon the reports of reform-minded slave owners in the Caribbean, Hodgson showed what an enlightened slave owner might do to increase the productivity of his slaves

¹⁸²Adam 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, Book I, chapter viii, paragraph 41, pp. 98-99.

¹⁸³Jean-Baptiste Say, *Traité d'économie politique* (Paris: Deterville, 1819, 4th edition), Livre 1, chapitre 19, pp. 298-302.

¹⁸⁴Say, *Traité* 4th edition, pp. 301-2.

¹⁸⁵Adam 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.

by getting the slaves to 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. Hodgson concluded that reforms like these suggested the possibility of a mutually beneficial transition from slavery to free labour.¹⁸⁶

Say's view of slavery gradually changed as a result of Hodgson's criticism and information on the economics of serfdom and slavery in Eastern Europe provided by a leading Russian economist, Henri Storch.¹⁸⁷ Storch's contribution to the debate was to stress 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.¹⁸⁸ As an expert on economic conditions in Russia, Storch focused upon two special types of forced labour - the modification of slavery which allowed the individual serfs to work for themselves, 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.¹⁸⁹ His scheme for improving the condition of black slaves was 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. 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."¹⁹⁰ 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.

¹⁸⁶Hodgson, p. 22.

¹⁸⁷Henri-Frédéric Storch, *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. On Storch see article by J.L. in *Nouveau Dictionnaire d'Économie Politique* vol 2, pp. 925-26.

¹⁸⁸Storch, *Cours*, tome 3, chapter 8 "Continuation: De l'esclave à corvées," p. 141.

¹⁸⁹Storch, Note XIX, "Sur la condition des serfs et des esclaves en Russie," *Cours*, vol. 4, pp. 248-58.

¹⁹⁰Storch, *Cours*, vol. 3, book 8, chapter 10, "Des esclaves censitaires et des serfs," pp. 163-69.

Under the influence of his debate with Hodgson and Storch's extensive analysis of Russian serfdom, Say rethought his views on the profitability of slave labour. 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."¹⁹¹ The greatest change in Say's thought was his outright dismissal of the importance of the narrow Smithian argument about the greater profitability of slave labour compared to free wage labour. As he put it "everything has been altered."¹⁹² He still condemned the morality of owning slaves but he now admitted the greater importance of broader economic factors in his analysis. 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 slave labour compared to free labour.¹⁹³ Say also scoffed at the experiments made by "humanitarian" planters touted by the "Society for Mitigating and Gradually Abolishing the State of Slavery" to improve the profitability of slavery by introducing some form of wage labour. Say argued that these 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. The argument used by Hodgson and Storch concerning 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.¹⁹⁴ More important for Say were 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 humanity"¹⁹⁵

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

¹⁹¹Jean-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.

¹⁹²Say, *Traité* 5th edition, p. 360.

¹⁹³Say, *Traité*, 5th edition, pp. 360-1.

¹⁹⁴Say, *Traité*, 5th edition, p. 362.

¹⁹⁵Say, *Traité*, 5th ed., p. 363.

"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. According to this view, there was, on the one hand, the wealth produced by industrious activity through the market which Say described as the sole legitimate means of wealth acquisition.¹⁹⁶ 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.¹⁹⁷ A more detailed discussion of Comte's views on slavery and its impact on his theories of property and legislation can be found in a separate chapter below.

THE STAGE OF SLAVERY¹⁹⁸

Although Dunoyer did not take part directly in the debate about the economics of slave labour, he observed it a distance and incorporated many of its broader conclusions into the social theory he developed in *L'Industrie et la morale*. 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, thus explaining why he devoted considerable space to discussing its origins and development. In the section of *L'Industrie et la morale* dealing with slavery Dunoyer observed that 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 that society's need 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

¹⁹⁶Say, *Traité*, 5th ed., pp. 363-4.

¹⁹⁷Comte, *Traité de législation*, p. 415.

¹⁹⁸"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.

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. 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.¹⁹⁹

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.²⁰⁰ 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 the ancient world under slavery had reached a pinnacle of culture and political liberty.²⁰¹ 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.²⁰² 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:

¹⁹⁹Dunoyer, *L'industrie et la morale*, pp. 190-1.

²⁰⁰Dunoyer 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.

²⁰¹Dunoyer, *L'industrie et la morale*, p. 194.

²⁰²Dunoyer, *L'industrie et la morale*, p. 198.

... 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. 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.²⁰³

As an ardent admirer of "industry," it was not difficult for Dunoyer to point up the weaknesses of the ancient Roman economy by comparison with nineteenth-century Europe. 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 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.²⁰⁴

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.²⁰⁵ War was certainly the sticking point in the development of Roman industry. It was unable to develop any further because of the rôle war and the slave mode of production played in Roman society.²⁰⁶ Economically, slavery was the mainstay of the ancient economy and this in turn

²⁰³Dunoyer, *L'industrie et la morale*, p. 198-200.

²⁰⁴Dunoyer, *L'industrie et la morale*, p. 202-3.

²⁰⁵Dunoyer, *L'industrie et la morale*, p. 204.

²⁰⁶Dunoyer, *L'industrie et la morale*, p. 204.

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 resulted in the deprivation of one's possessions, a beating and possibly being sold into slavery.²⁰⁷ 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 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.²⁰⁸

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 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

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

²⁰⁸Dunoyer, *L'industrie et la morale*, p. 218.

fully appreciated the underlying militarism of Roman society and the effect this had on their institutions and culture was, not surprisingly, his colleague Comte.²⁰⁹

Dunoyer next turns to the issue of luxury and its alleged 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 possible by the industrial system.²¹⁰ 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 practised 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.²¹¹

The class structure of slave society also came under Dunoyer's scrutiny. The aristocracy and the upper levels of the army ruthlessly exploited their positions 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

²⁰⁹Dunoyer 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.

²¹⁰Bernard 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).

²¹¹Dunoyer, *L'industrie et la morale*, pp. 216-17.

... 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 only obtained a very small part of the wealth and authority. The booty from the conquered enemies was distributed like all taxes 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. Never has an aristocracy based its ascendancy on such a harsh, iniquitous and haughty basis as the Roman aristocracy.²¹²

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."²¹³ 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.²¹⁴ 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.²¹⁵ 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

²¹²Dunoyer, *L'industrie et la morale*, p. 220.

²¹³Dunoyer, *L'industrie et la morale*, p. 225.

²¹⁴Dunoyer, *L'industrie et la morale*, p. 223-4.

²¹⁵Dunoyer, *L'industrie et la morale*, p. 229.

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."²¹⁶

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 because it ended the practice of killing prisoners of war and, however indirectly, encouraged the development of industry.²¹⁷ 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 (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,

²¹⁶Dunoyer, *L'industrie et la morale*, p. 233.

²¹⁷Dunoyer, *L'industrie et la morale*, p. 235.

prosper without doing themselves mutual harm, the only way of life, therefore, where they can become truly free.²¹⁸

THE STAGE OF POLITICAL PRIVILEGE UNDER FEUDALISM AND MERCANTILISM²¹⁹

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 the price of slaves went up, land owners were forced by economic necessity to treat their increasingly scarce slaves better.²²⁰ 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.²²¹

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"²²² was the restlessness and confidence which a small increase in prosperity and security created in the "working classes" (classes laborieuses).²²³ 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

²¹⁸Dunoyer, *L'industrie et la morale*, pp. 236-7.

²¹⁹"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.

²²⁰Dunoyer, *L'industrie et la morale*, p. 240.

²²¹See the long footnote on the connection between religion and slavery in Dunoyer, *L'industrie et la morale*, pp. 241-2.

²²²Dunoyer, *L'industrie et la morale*, p. 246.

²²³Dunoyer, *L'industrie et la morale*, p. 244.

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 about the profitability of slave labour and the best means of bringing slavery to end.²²⁴ 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.²²⁵ 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.²²⁶ 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.²²⁷ 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

²²⁴Augustin 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.

²²⁵Dunoyer, *L'industrie et la morale*, p. 246.

²²⁶Dunoyer, *L'industrie et la morale*, p. 247.

²²⁷Dunoyer, *L'industrie et la morale*, pp. 251-2.

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 occupations which the free market made possible, there was a misallocation of talent and skill which seriously weakened the productivity of the economy.²²⁸ 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.²²⁹

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.²³⁰ 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 effects 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

²²⁸Dunoyer, *L'industrie et la morale*, p. 257.

²²⁹Dunoyer, *L'industrie et la morale*, p. 259.

²³⁰Dunoyer, *L'industrie et la morale*, p. 260.

for the city of Paris, where industrial expansion occurred in those parts of the city where the guilds could not exercise their monopolies.²³¹

Not only did the régime of privileges harm the development of technology but also prevented the improvement of morals. For the ruling class the most damaging handicaps 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, offering by way of a better explanation that 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.²³² 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.²³³

The tragedy for Dunoyer was that not only did the restrictions of industry and the abundance of political privileges have a corrupting effect on the ruling class of nobles, but the effects of this corruption also penetrated deeply into the lower and middle classes. The 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

²³¹Dunoyer, *L'industrie et la morale*, pp. 262-3.

²³²Dunoyer, *L'industrie et la morale*, p. 264.

²³³Dunoyer, *L'industrie et la morale*, p. 266.

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.²³⁴ 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.²³⁵

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."²³⁶ Even within the system of orders and privileged corporations there was fierce 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, ambitious members of the lower orders are able to find "legal" avenues to pursue their quest for monopoly and the exclusion of competitors. For example, the guilds of the tailors and second-hand clothing dealers exact "mutual violence" against each other in their legal challenges to each other's monopolies of trade, in what one might call a kind of union demarcation dispute.²³⁷ If the legal challenge fails 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, the costs for which they will be able to pass onto the consumers of their goods. The final result

²³⁴Dunoyer, *L'industrie et la morale*, pp. 267-8.

²³⁵Dunoyer, *L'industrie et la morale*, p. 322, footnote.

²³⁶Dunoyer, *L'industrie et la morale*, p. 269.

²³⁷Dunoyer, *L'industrie et la morale*, p. 270.

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.²³⁸ Dunoyer is very concerned with the growth in authority of the central state as the final adjudicator of these contending special interests as it plays them off against each other. All groups end up exploiting each other and, most importantly, becoming tributaries of the state.²³⁹

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 this brings.²⁴⁰ 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 development 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."²⁴¹

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

²³⁸Dunoyer, *L'industrie et la morale*, pp. 270-1.

²³⁹Dunoyer, *L'industrie et la morale*, p. 273.

²⁴⁰Dunoyer, *L'industrie et la morale*, p. 274.

²⁴¹Dunoyer, *L'industrie et la morale*, p. 276.

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.

CHAPTER 4

CHARLES DUNOYER AND THE THEORY OF INDUSTRIALISM II: FROM PLACE-SEEKING TO INDUSTRIALISM

It is not surprising that Dunoyer made the French Revolution the turning point in his theory of history and that it was the catalyst for the development of two additional stages in the traditional four stage theory current in the late eighteenth century. The optimism of the Scottish version of the four stage theory, where the fourth stage of commerce promised to usher in a period of peace, prosperity, and polished manners, did not accord with the political violence, class conflict, militarism and economic interventionism of the Revolution and Empire. To assist in the explanation of these turbulent events Dunoyer was obliged to insert a new stage in his evolutionary theory between the system of “political privilege” of the old regime and the final stage towards which history appeared to be moving, viz. industrialism. The capacity of the state to regulate the economy, conscript its citizens, purge society of dissidents, and wage a new form of “total war” over an entire continent, had to be recognised as a new and awesome power, a new source of wealth for those able to control it. Dunoyer’s creation of additional stages was also necessary for other reasons. The previous theories were appropriate for societies in which agriculture and trade in agricultural products predominated. Although agriculture still played an overwhelming part in the French economy the power and importance of manufacturing were beginning to be recognised, again largely because of the demands of the French Revolution. For example, economic warfare had been used by Napoleon in the Continental Blocade in an attempt to attack Britain where it was strongest - in its economic and industrial power as supplier to continental Europe. Napoleon had also attempted to foster European economic growth by a policy of industrial autarky by protecting French industry at the expense of the more efficient and modern British industry. Furthermore, as a result of first-hand experience of Napoleon’s economic policies as an unsuccessful cotton manufacturer, Say wrote his influential *Treatise on Political Economy* (1803) in which he broke with the eighteenth century concentration on commerce and agriculture and instead turned to the importance of industry and the entrepreneur. From Say, Comte and Dunoyer learnt their economic theory and absorbed the new “industrial” world view which they incorporated into their theoretical works in the late 1810s and early 1820s. In this chapter I will discuss the last two stages of Dunoyer’s theory of history in which he attempted to describe the world transformed by the French Revolution, Napoleon and the industrial revolution.

Dunoyer greatly admired the Revolution of 1789 for destroying the system of privilege of the ancien régime and for opening up all occupations to anybody regardless of social class. In other words, Dunoyer considered the Revolution to be a profoundly liberating event because it did away with what he termed the “artificial hierarchies” which had been in existence for centuries.²⁴³ Because of this, he was keen to defend the Revolution from its critics, many of whom condemned it for being a social and political levelling process. In order to do this, Dunoyer distinguished between “natural” and “artificial” inequalities, with the former being the result of human nature and voluntary exchanges in the free market, and the latter being the result of political privilege and access to state power.²⁴⁴ The "great revolution" in Dunoyer's view had done much to allow “natural inequalities” to flourish by sweeping away the ancien régime and all the state-created “artificial inequalities” which impeded industry. The true levellers in Dunoyer’s 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 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.²⁴⁵

But for the absence of one crucial factor, the Revolution had created the legal and perhaps material conditions for a purely industrial society to emerge: 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. 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

²⁴²VIII. 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.

²⁴³Dunoyer, *L'Industrie et la morale*, pp. 279-80.

²⁴⁴Dunoyer, *L'Industrie et la morale*, pp. 369-96.

²⁴⁵Dunoyer, *L'Industrie et la morale*, p. 290. See also p. 291.

industrial stage of society from appearing at this time.²⁴⁶ The failure to exploit the industrial possibilities opened up by the Revolution occurred 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 wished to live at taxpayers' expense, willingly accepting positions in the government without being sure of their social or economic usefulness, and accepting payment from the state for services which, in the free market, would not be needed or which would be supplied at much lower prices.²⁴⁷ Dunoyer believed that this desire for political place-seeking was so widespread that it became the foundation for a new economic mode of production.²⁴⁸

The reasons for the 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.²⁴⁹ 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 that the newly liberated classes sought 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.²⁵⁰ Unscrupulous politicians took advantage of this popular desire for government posts to amass power and to further the centralisation of state power. Dunoyer drew 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.²⁵¹ 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

²⁴⁶Dunoyer, *L'Industrie et la morale*, pp. 280-1.

²⁴⁷Dunoyer, *L'Industrie et la morale*, pp. 282, footnote.

²⁴⁸Dunoyer, *L'Industrie et la morale*, pp. 282.

²⁴⁹Dunoyer, *L'Industrie et la morale*, p. 283.

²⁵⁰Dunoyer, *L'Industrie et la morale*, pp. 285-6.

²⁵¹Alexandre 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.

arguments about the process of political centralisation some thirty years before Tocqueville.²⁵²

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 dispersed bodies had been replaced by a more centralised state, "une administration gigantesque," which was now the sole dispensary of privileges.²⁵³ 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 listed 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 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 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.²⁵⁴

²⁵²See 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.

²⁵³Dunoyer, *L'Industrie et la morale*, p. 294 and footnote.

²⁵⁴Dunoyer, *L'Industrie et la morale*, pp. 294-5.

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. Dunoyer concluded from his analysis of these figures that the same impulse to seek government jobs existed under Napoleon as it did under the restored monarchy, thus confirming his belief that it was the result of the underlying mode of production rather than 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 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.²⁵⁵ 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.²⁵⁶

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 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 to restrict freedom of speech, trial by jury, and a number of 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 "sollicitation" for power and position. Throughout the

²⁵⁵Dunoyer, *L'Industrie et la morale*, p. 298, footnote.

²⁵⁶Dunoyer, *L'Industrie et la morale*, pp. 299-300.

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 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.²⁵⁷ Dunoyer compared the behaviour of government officials in the system of place-seeking with that of the royal courts of the ancien régime. Those who behaved most like the courtiers of a previous century, those who could best play the game of political intrigue, and those who flattered or lied to their ministerial superiors would be the most successful in the struggle for limited government posts.²⁵⁸ 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, thus leading 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. 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.²⁵⁹

The society of place-seeking was not without its class conflict, its "homicidal struggle."²⁶⁰ When it began in earnest during the Empire, place-seeking had become a "veritable national industry" and 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 shared the same desire to use their position for their own betterment, the effect on the taxpaying public was to encourage them to unite 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

²⁵⁷Dunoyer, *L'Industrie et la morale*, p. 302.

²⁵⁸Dunoyer, *L'Industrie et la morale*, pp. 308-9.

²⁵⁹Dunoyer, *L'Industrie et la morale*, pp. 305-8.

²⁶⁰Dunoyer, *L'Industrie et la morale*, pp. 311, 313.

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.²⁶¹

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.²⁶²

When Dunoyer was writing *L'industrie et la morale* (1825) France had reached a crucial turning point. Either it could return to the régime of 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."²⁶³ 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.²⁶⁴

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. He thought there were encouraging signs that the changes brought about by the Restoration might actually improve the prospects for industry. For example, closing off government jobs to the middle class forced them to seek alternative

²⁶¹Dunoyer, *L'Industrie et la morale*, p. 311.

²⁶²Dunoyer, *L'Industrie et la morale*, pp. 311-12.

²⁶³Dunoyer, *L'Industrie et la morale*, p. 314.

²⁶⁴Dunoyer 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.

employment in industry, and disillusionment with government jobs led them to rediscover the nobility of industrial labour.²⁶⁵ At his time Dunoyer 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 the above factors, 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.²⁶⁶ 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 to tolerate and eventually encourage the development of industry.²⁶⁷ 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 optimism about the prospects of the régime of industry in the near future.

THE STAGE OF INDUSTRY OR INDUSTRIALISM²⁶⁸

Dunoyer defined the economic stage of industry as:

... 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 would be the common means of enrichment and government a public work, which the community would award (like all work of this nature) to men of its choice for a reasonable and publicly debated cost.²⁶⁹

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

²⁶⁵Dunoyer, *L'Industrie et la morale*, p. 315.

²⁶⁶Dunoyer, *L'Industrie et la morale*, p. 316.

²⁶⁷Dunoyer, *L'Industrie et la morale*, p. 317.

²⁶⁸"IX. Du degré de liberté qui est compatible avec la vie des peuples purement industriels," *L'Industrie et la morale*, pp. 321-68.

²⁶⁹Dunoyer, *L'Industrie et la morale*, pp. 313-4.

ruling class and the adoption by the productive “industrial” class of appropriate “industrial” values or morals. 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 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.²⁷⁰

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, including Scotland from the late eighteenth century, the new republics of South America following the revolutions of 1820, and the United States of America. Dunoyer pointed to the beneficent effects industry had had in Scotland, which in the mid-eighteenth century had been a semi-barbarous nation, but which in less than eighty years had become one of the most advanced industrial nations, thus indicating 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, thereby confirming Dunoyer's faith in what industrial values could achieve.²⁷¹ 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 of which I speak.”²⁷² 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.²⁷³ The American government was suitably small, ill-paying and relatively inactive, thus making it undesirable to place-seekers wanting to make their fortunes and careers in it. Within American society the "spirit of domination" was so weak that it seemed likely that the Americans had broken 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 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

²⁷⁰Dunoyer, *L'Industrie et la morale*, p. 323.

²⁷¹Dunoyer, *L'Industrie et la morale*, p. 337.

²⁷²Dunoyer, *L'Industrie et la morale*, p. 371, footnote.

²⁷³Dunoyer, *L'Industrie et la morale*, p. 324.

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 yet seen and that the United States still had some way to go before its morals matched its industrial economy.²⁷⁴

Although the three historical examples of Scotland, the new Latin American Republics, and the United States of America provided Dunoyer with some indication of what an industrial society might look like, he still relied heavily upon theory to provide the details of how such a society would function. Dunoyer envisaged a society entirely based upon the principles of industrialism would allow a the maximum of individual liberty and the unlimited development of all human faculties; it was the only society in which science and technology could be developed to their greatest extent; and 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, which would be achieved by 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.²⁷⁵ Once all political privilege had been abolished, the natural harmony of interests between individuals would emerge, since Comte, like many nineteenth-century liberals, believed there was 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

²⁷⁴Dunoyer, *L'Industrie et la morale*, p. 327, footnote.

²⁷⁵Dunoyer, *L'Industrie et la morale*, p. 342.

absence of class conflict, is missing. Thus it was important for Dunoyer to challenge the view that market relations were inherently antagonistic writers as diverse as de Bonald, Montaigne, Rousseau and contemporary conservative journalists expressed.²⁷⁶ 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.²⁷⁷ 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" given to the French producers 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 adopt a policy of free trade, to compete head on with the English and, if they were unsuccessful, 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 increase in the level of skill of French workers, and the greatest possible diffusion of high technology to the benefit of all.²⁷⁸ Dunoyer argued that the idea of the necessary opposition of individual interests was an important component in the ideological defence of the monarchy and institutions of the ancien régime, according to which society needed to be divided into rigidly defined orders and corporations in order to prevent conflicts from causing too much damage to society.²⁷⁹ Dunoyer was particularly scathing about the monarchists' claim that only a system of privilege and state-created hierarchy, from which they benefited financially and socially, could bring peace to opposed social and economic groups. Not surprisingly, Dunoyer

²⁷⁶For 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.

²⁷⁷Dunoyer, *L'Industrie et la morale*, p. 351, footnote.

²⁷⁸Dunoyer, *L'Industrie et la morale*, p. 353, footnote.

²⁷⁹Dunoyer, *L'Industrie et la morale*, p. 329, footnote.

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.²⁸⁰

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, other liberals such as Constant preferred evolutionary, constitutional reform. Dunoyer dismissed the constitutional 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."²⁸¹ 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 were 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.²⁸² 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, whose theory of the division and balance of political powers had distracted liberals' attention away from the underlying economic reasons for peace and prosperity. It was a serious error, he thought, to attribute the success of English freedom to the separation of power between the crown and the legislature "by whatever artifices" when the real reason was the English economic system and its absence of violence in the means of production.²⁸³ Dunoyer denied that the arrangement of political power was of primary importance in determining the degree of liberty and the amount of class conflict in any given society, which were the result of the means of production and the class structure which emerged at each stage of the evolution of society.²⁸⁴ As long as slavery, political privilege and monopoly existed, along with the political culture which these abuses

²⁸⁰Dunoyer, *L'Industrie et la morale*, pp. 342-3.

²⁸¹Dunoyer, *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*.

²⁸²Dunoyer, *L'Industrie et la morale*, p. 344.

²⁸³Dunoyer, *L'Industrie et la morale*, p. 345.

²⁸⁴Dunoyer, *L'Industrie et la morale*, p. 347.

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.²⁸⁵

To take full advantage of the benefits of greater productivity and prosperity which the industrial system has to offer, individuals will need to form a variety of voluntary associations to achieve a diverse array of economic, social and political ends. One of Dunoyer's most controversial conclusions was that the associations created for 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 sell their products on a voluntary basis to customers who could not be coerced into purchasing the product. The previous practice of coercively taxing their customers to cover costs, 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"²⁸⁶ or "an industrial enterprise"²⁸⁷ like thousands of others, 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 exercising domination over others or using taxes as a form of private tribute.²⁸⁸ 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.²⁸⁹

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

²⁸⁵Dunoyer, *L'Industrie et la morale*, pp. 348-9.

²⁸⁶Dunoyer, *L'Industrie et la morale*, p. 358.

²⁸⁷Dunoyer, *L'Industrie et la morale*, p. 323.

²⁸⁸Dunoyer, *L'Industrie et la morale*, p. 358.

²⁸⁹Dunoyer, *Le Censeur européen*, vol. 2, p.102.

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. Thus, the public would not cede any of its rights to liberty or property to the company in exchange for protection. Individuals would not make any compact with the state, as the Lockean tradition would have it, to give up some of its rights for public security.²⁹⁰ The industrial state would behave differently from 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. 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. 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.²⁹¹

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. Even in a just, defensive war the industrial state would be most reluctant to use its military forces as it would realise how economically disastrous the consequences of any war are. The "passion of industrious people for peace" would be so strong that they looked forward to 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.²⁹² 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

²⁹⁰Dunoyer, *L'Industrie et la morale*, p. 359.

²⁹¹Dunoyer, *L'Industrie et la morale*, pp. 359-60.

²⁹²Dunoyer, *L'Industrie et la morale*, pp. 361-2.

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, which still clung to pre-industrial modes of behaviour. 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 defence spending and could therefore introduce the necessary cuts in military spending, which would make it a truly pacifist and industrial nation.²⁹³

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; secondly, 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 thirdly, 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.²⁹⁴ His use of the description of the state as only "a commercial company" or "an industrial enterprise" seems to support this interpretation but 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.

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 like 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

²⁹³Dunoyer, *L'Industrie et la morale*, pp. 365-6.

²⁹⁴Gustave 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.

power in a given geographical area. Dunoyer's solution to the problem of the state was to radically decentralise its power until the entire world had been literally "municipalised," so the benefits of small-scale voluntary associations could be enjoyed by all. What Dunoyer meant by municipalisation was a form of communitarian anarchism, in which the nation state was broken up into more logical economic units united cooperatively by cultural and economic exchanges. 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. Dunoyer's model nation was the United States of America, which had been forced into a large-scale political union because of the threat posed by the "dominating spirit" of the various European governments. Without this external threat 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. It is worth quoting this lengthy footnote in full since it provides the best picture of Dunoyer's vision of "industrial" society - a society so much under the influence of the market that there is no role for the nation state at all, where all public goods would be provided by "industrial enterprises" or small-scale "municipal" governments, where armed frontiers would dissolve as individuals moved about the globe trading with each other, and where myriads of autonomous trading communities were bound together only by economic self-interest, not by military, political or religious compulsion.

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 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 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. 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, 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).²⁹⁵

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 major features of the third and fourth stages by focusing less on the economic means of production and more on the means of economic exploitation, thereby introducing 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 changes occurring 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 significant role because it was here that the beginning of modern forms of regular exploitation occurred, 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

²⁹⁵Dunoyer, *L'Industrie et la morale*, p. 366-7, fn 1.

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 transformed 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 six 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 so doing 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 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.²⁹⁶ 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”)²⁹⁷ 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 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.²⁹⁸

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

²⁹⁶Meek, *Social Science and the Ignoble Savage*, p. 14.

²⁹⁷Adam Smith, *Lectures on Jurisprudence*, ed. R.L. Meek et al. (Indianapolis: Liberty Classics, 1982), p. 401.

²⁹⁸Istvan 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.

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 privilege and class rule. His answer was to radically de-politicise society to allow the sociability of the free market to tie humankind 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.'²⁹⁹

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 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 a 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"³⁰⁰ 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 so many "steps in reality towards the decrepitude of the species".³⁰¹ A more contrasting view of economic progress to that of Dunoyer's could scarcely be bettered. It was to counter Rousseau-inspired, 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"

²⁹⁹Hont, "The Language of Sociability and Commerce," p. 274.

³⁰⁰Jean-Jacques Rousseau, *A Discourse on Inequality*, trans. Maurice Cranston (Harmondsworth: Penguin, 1984), p. 115.

³⁰¹Jean-Jacques Rousseau, *A Discourse on Inequality*, p. 115.

(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 from 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 with 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.³⁰² 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.³⁰³ 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.³⁰⁴ Elsewhere Rousseau also adopts the radical liberal dichotomy between force (or usurpation) and industry in the acquisition of property³⁰⁵ 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.³⁰⁶ 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

³⁰²Jean-Jacques Rousseau, *A Discourse on Inequality*, p. 71.

³⁰³Jean-Jacques Rousseau, *A Discourse on Inequality*, p. 71.

³⁰⁴Jean-Jacques Rousseau, *A Discourse on Inequality*, p. 106.

³⁰⁵Jean-Jacques Rousseau, *A Discourse on Inequality*, pp. 120-21.

³⁰⁶Jean-Jacques Rousseau, *A Discourse on Inequality*, p.124.

the liberation of the forces of industry.³⁰⁷ 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 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.

Other aspects of the originality of Dunoyer's views are highlighted when compared to the work of Adam Smith (and later Benjamin Constant). The main difference between them is Dunoyer's focus on the mode of production and the form of economic exploitation and Smith's and Constant'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."³⁰⁸ 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.³⁰⁹ 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 duty of obligation to obey the sovereign power of the British monarchy.³¹⁰ 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 society,"³¹¹ 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.

³⁰⁷Jean-Jacques Rousseau, *A Discourse on Inequality*, pp. 133-4.

³⁰⁸Quoted in Donald Winch, *Adam Smith's Politics: An Essay in Historiographic Revision* (Cambridge University Press, 1979), p. 47.

³⁰⁹Benjamin 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.

³¹⁰Donald Winch, *Adam Smith's Politics*, pp. 51-2.

³¹¹Adam Smith, *Lectures on Jurisprudence*, p. 207.

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 thus 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 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. Only for a brief period following the 1830 revolution did Comte and Dunoyer believe that Louis Philippe might become the head of such a "civilised" monarchy, but they soon resigned 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.

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,³¹² Benjamin Constant who critically reviewed Dunoyer's book,³¹³ and Saint-Simonians from journals such as *La Globe* and *Le Producteur* who disputed the claims of the liberal interpreters of industrialism.

³¹²Stendhal, *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.

³¹³Benjamin 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.

Dunoyer's 1827 essay on the origins of industrialist theory needs to be seen in the light of this debate and criticism.³¹⁴ The basic issue which was not always clearly seen by the participants was over ends and means, with 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 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 sources: 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.³¹⁵ 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 of Say, Montlosier, and Constant undertaken when both groups had to endure a period of "enforced leisure" courtesy of the censors who forced the closure of *Le Censeur* and the sacking of Saint-Simon's from his job as librarian of the Arsenal.³¹⁶

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.³¹⁷ Crucial to Thierry's historical interpretation, also taken up by Comte in a

³¹⁴On 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.

³¹⁵Shirley M. Gruner, "Political Historiography in Restoration France," *History and Theory*, 1969, vol. VIII, no. 3, p. 351.

³¹⁶Shirley M. Gruner, "Political Historiography in Restoration France," p. 351.

³¹⁷Henri 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.

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 to the personal difficulty of being Saint-Simon's "adopted son" (also later experienced by Auguste Comte), or 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 authorities that Saint-Simon must have been "one of the moral instigators of the crime" as Manuel cuttingly puts it.³¹⁸ 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."³¹⁹ 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. As Charles Comte posed the problem in 1826 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 race. Periods of rest would be better managed, whilst the labour (of the slaves) would

³¹⁸Frank E. Manuel, *The Prophets of Paris: Turgot, Condorcet, Saint-Simon, Fourier, Comte* (New York: Harper Torchbook, 1965), p. 112.

³¹⁹Saint-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.

gain an energy and direction much greater than the loss due to the reduction in the work day.³²⁰

However, after Saint-Simon's trial in 1820 Gruner argues that he became increasingly anti-liberal and pro-Bourbon.³²¹ 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."³²² 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 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 error³²³ 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 against the intellectual, political, economic and social old order. Dunoyer was well aware of differences between the two schools of industrialist

³²⁰Comte, *Traité de législation*, pp. 372.

³²¹Shirley M. Gruner, "Political Historiography in Restoration France," p. 362.

³²²Henri Gouhier, *La jeunesse d'Auguste Comte*, p. 156.

³²³Frank 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.

thought, as his scathing attack on the Saint-Simonian theorists indicates.³²⁴ Dunoyer believed the basic difference between the two different schools of industrialism lay in the different roles assigned to the industrial class. The liberal theory was based upon the idea of industrialism as a mode of production with a liberal legal and political system designed to protect individual rights to property and liberty. In the Saint-Simonian theory the three new classes of scientists, artists and industrialists were to rise 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 applying their technological knowledge to engineering and scientific problems.³²⁵ 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 workshop³²⁶ 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, whom John Stuart Mill later criticised for having an “inordinate demand for ‘unity’ and ‘systematisation’” and for their un-liberal “frenzy for

³²⁴Dunoyer, "Esquisse historique 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. 2 of *Oeuvres*, pp. 173-199.

³²⁵Dunoyer, *L'Industrie et la morale*, pp. 334-5.

³²⁶Frank E. Manuel, *The Prophets of Paris*, p. 133.

regulation,"³²⁷ see social organisation as a technocratic or engineering problem which can be solved by the coming to power of suitably enlightened and informed individuals. 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 problem of scarcity he could see no reason why a new technocratic elite could not plan and organise a better society from their bureaux.

DUNOYER'S CAREER FROM 1825 TO THE 1830 REVOLUTION

Dunoyer, like Comte, continued to be active in politics in spite of his "retirement" from journalism and his academic career at the Athénée. Dunoyer involved himself in liberal electoral politics in the early 1820s by writing a number of election pamphlets.³²⁸ Not having been forced into exile like Comte, Dunoyer was able to remain in Paris throughout the 1820s, during which time he established ties with important members of the liberal opposition such as Lafayette, the Duc de Broglie and Auguste de Staël, and joined liberal societies like the "Société des sciences morales et politiques," which included among its members Barrot, Mérilhou, Mauguin, the duc de Broglie, Auguste de Staël and Guizot. His political activity in liberal circles established him as one of the ideological leaders and strategists of the liberal movement and a gadfly of the régime with his numerous trials over censorship.³²⁹

In the late-1820s Dunoyer also found time to expand his first book into a volume nearly twice its size. By the time the 1830 Revolution broke out Dunoyer had copies of the *Nouveau traité d'économie sociale* printed but they had not yet been distributed to the bookshops and were sitting in his publisher's warehouse. Before they could be distributed, a fire swept through the warehouse destroying almost all copies.³³⁰ 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.³³¹ The *Nouveau traité* (1830)

³²⁷Quoted 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.

³²⁸The 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.

³²⁹Liggio, *Journal of Libertarian Studies*, p. 164.

³³⁰Charles Dunoyer, "Préface de l'auteur," *Oeuvres*, vol. 1, p. 12, footnote. 1.

³³¹Hand written note on the title page to a copy of the *Nouveau traité* which is held by the Goldsmiths' Library of Economic Literature at the University of London, translated and deciphered with the help of the librarian at the Goldsmiths' Library. 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: Sautelet, 1830), 2 vols.

contained considerable new material of the economics of serfdom, 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 industry on the physical and moral capacities of individuals, and the productive role of education in creating the preconditions for an industrial society. Dunoyer explained that 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.³³² 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 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.³³³

A “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

³³²Dunoyer, *Nouveau traité*, vol. 1, pp. 3-4.

³³³Dunoyer, *Nouveau traité*, vol. 1, p. 9.

“industry” in the thirteenth and fourteenth centuries “liberated the communes from the 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.”³³⁴

Dunoyer 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 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.³³⁵

With the minor change of adding the stage of serfdom 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.³³⁶ 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.³³⁷ 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.”³³⁸ In an only partly legible hand-written note in his signed copy of the *Nouveau traité* Charles Comte expressed his agreement with Dunoyer’s enlargement of the productive class to include what we would call the service sector of judges, lawyers, and teachers.³³⁹

Another of the changes Dunoyer made in his expanded treatment of industrialism was to make clearer and more explicit the distinction between productive and unproductive

³³⁴Dunoyer, *Nouveau traité*, vol. 1, p. 12.

³³⁵Dunoyer, *Nouveau traité*, vol. 1, p. 13.

³³⁶Dunoyer, *Nouveau traité*, vol. 2, p. 3.

³³⁷Dunoyer, *Nouveau traité*, vol. 2, p. 30.

³³⁸Dunoyer, *Nouveau traité*, vol. 2, p. 36.

³³⁹Dunoyer, *Nouveau traité*, vol. 2, p. 39.

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.”³⁴⁰ He then cites an example (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,” or the shipbuilder who rents his armed ships to take troops to Chios to exterminate the inhabitants, or the Genoan merchants in Constantinople who betray their Turkish hosts, or the peasant who uses his plough blade to murder.³⁴¹ 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 may superficially appear to be productive which are upon close examination contradictory and mutually exclusive - the “man of industry” and the “chevalier of industry, each with their own quite different relations to the state and quite different class interests.³⁴²

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 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,”³⁴³ “hommes d’exaction,” “agents of tyranny (and) destroyers of utility.”³⁴⁴ 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”.³⁴⁵ 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. In the following quote Dunoyer uses the class analysis he originally developed to expose the

³⁴⁰Dunoyer, *Nouveau traité*, vol. 2, p. 31.

³⁴¹Dunoyer, *Nouveau traité*, vol. 2, p. 32.

³⁴²Dunoyer, *Nouveau traité*, vol. 2, p. 33.

³⁴³Dunoyer, *Nouveau traité*, vol. 2, p. 33.

³⁴⁴Dunoyer, *Nouveau traité*, vol. 2, p. 34.

³⁴⁵Dunoyer, *Nouveau traité*, vol. 2, p. 33.

iniquities 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 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 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.³⁴⁶

³⁴⁶Dunoyer, *Nouveau traité*, vol. 2, pp. 34-5.

CHAPTER 5

CHARLES COMTE'S THEORY OF LEGISLATION AND SLAVERY

COMTE'S LIFE AND WORK AFTER THE CLOSURE OF *LE CENSEUR EUROPÉEN* (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*, resulting in five years exile to escape conviction. Comte first went to Geneva to work on his treatise on legislation and to meet some of the leading resident liberals such as Étienne Dumont and Simonde de Sismondi.³⁴⁷ After fifteen months in Geneva, Comte was approached by the government of the canton of Vaud with a job offer as Professor of Natural Law at the University of Lausanne. Although he was reluctant to leave Geneva he decided to accept the offer, subsequently spending the years 1821-23 in Lausanne teaching and writing. Comte's stay there was brief because the conservative French government put diplomatic pressure on the Swiss to expel all French and Spanish emigre critics of the French invasion of Spain in April 1823 to support Ferdinand VII against the Spanish liberal revolution. Since Comte was a close supporter of the liberal cause in Spain and had reported on their activities in *Le Censeur* and *Le Censeur européen*, he was an obvious target.³⁴⁸ To avoid embarrassing his hosts Comte resigned his post and sought exile in England, where he spent three years from 1823-26.³⁴⁹ Little is known about Comte's stay in England, although

³⁴⁷Charles 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.

³⁴⁸Harpaz 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.

³⁴⁹Molinari, "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. Charles Comte, "Préface de la première édition," *Traité de législation*, 3rd ed, p. xv.

it is clear that he had some contact with the Benthamites (perhaps even 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.³⁵⁰ 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, however, it would be in a less activist and more scholarly fashion than in the first years of the Restoration. When his conviction lapsed sometime in 1826 he returned to France and attempted to get his name restored to 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.

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.³⁵¹ 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 absorbed 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.³⁵² The economist Blanqui had equally high praise for Comte's work, describing it in the same article as "a veritable treatise of social economy" giving particular praise to the section on slavery, which he thought was the best thing ever written on the subject.³⁵³ The free trade

³⁵⁰There 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.

³⁵¹The first volume of the four volume *Traité de législation* appeared in 1826, the remaining three appeared the following year in 1827.

³⁵²Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 446.

³⁵³Quoted in Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 447.

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,³⁵⁴ an enthusiasm which was shared by more than one liberal of the July Monarchy.

In the *Traité de législation* 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 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*. 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).³⁵⁵

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

³⁵⁴Quoted from Bastiat's free trade journal, *Le Libre-Échange*, 11 July, 1847 by Molinari, "Comte," *Dictionnaire de l'économie politique*, p. 447.

³⁵⁵Comte, "Avant-propos," *Traité de législation*, p. vi.

“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 political economists 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 will not be discussed. Although modern readers might find Comte’s discussion of these topics somewhat antiquated and irrelevant, they were however 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 with the problems raised by slavery, i.e. 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”.³⁵⁶ 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

³⁵⁶Comte, *Traité de législation*, Book I, p. 7.

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 or broken, the causes and consequences of the perturbations that they undergo, the various means by which human societies maintain and extend them...³⁵⁷

The method of analysis which Comte believed was appropriate to the study of political culture 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.³⁵⁸ He wanted to show the chain of cause and effect (what Comte defined as “natural law”)³⁵⁹ 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 Bentham who had been accused by writers like 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 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 and good laws are inseparable from ignorance and error and that men will cease to conduct and govern themselves well as soon as they learn about the damage caused by harmful legislation and conduct.³⁶⁰

Although Comte was impressed with Bentham’s principle of utility he strongly disagreed with Bentham’s absolute rejection of the notion of natural law. Comte agreed with Bentham that the theory of innate ideas which were common to all mankind or the idea that humankind had 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 automatically reject the idea of natural law itself but argued that it required a different theoretical foundation, namely a detailed historical and sociological analysis of human civilisation based upon a proper understanding of liberal political economy which together would reveal the invariable and universal links between cause and

³⁵⁷Comte, *Traité de législation*, Book I, p. 7.

³⁵⁸Comte, *Traité de législation*, Book I, p. 11.

³⁵⁹Comte, *Traité de législation*, Book I, p. 29.

³⁶⁰Comte, *Traité de législation*, Book I, p. 12. See also pp. 61-2 for references to Constant.

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.³⁶¹ As a radical liberal, Comte suggested that Bentham had really very little to fear from excessive revolution as the true danger to society lay in the 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.³⁶²

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 for those governments, like that of the Jacobins during the revolution, which viewed social reform as a matter of the legislature 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

³⁶¹Jeremy 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.

³⁶²Comte, *Traité de législation*, Book I, p. 32.

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.³⁶³

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, did not qualify a state to be classified as a “régime légal” as opposed to a “régime arbitraire.”³⁶⁴ 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. As long as one class benefited from political power at the expense of those without power, as long as legislation maintained a system based upon taxation, regulation, and slavery, then an “arbitrary” government which violated the prosperity and rights of the people would exist.³⁶⁵ Comte 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.³⁶⁶

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,

³⁶³Comte, *Traité de législation*, Book II, pp. 84-5.

³⁶⁴Comte, *Traité de législation*, Book II, p. 88.

³⁶⁵Comte, *Traité de législation*, Book II, p. 88.

³⁶⁶Comte, *Traité de législation*, Book II, p. 88.

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.³⁶⁷ He concluded that the less the government acted the greater would be the prosperity of the people.³⁶⁸

Although Comte objected to Bentham’s rejection of natural rights he was sympathetic to certain aspects of utilitarian philosophy, especially that part which would provide a 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 both to avoid the “pain” of physical labour and 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 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 instead of 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 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 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.³⁶⁹

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

³⁶⁷Comte, *Traité de législation*, Book II, p. 114.

³⁶⁸Comte, *Traité de législation*, Book II, p. 109.

³⁶⁹Comte, *Traité de législation*, Book II, p. 91.

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.

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. 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 during the years Comte spent completing the *Traité de législation* the debate amongst abolitionists and political economists on the economics of slave labour was at its peak. 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 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 contributed significantly to the debate on the economics of slave labour and the class structure of slave societies but also, like Dunoyer, developed important insights into the nature of class society in general.³⁷⁰ 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

³⁷⁰The 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.

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 extended Say's insights on the economics of slavery in order to formulate his own ideas on the social, class and legal structure of slavery in the *Traité de législation*.

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: "political" and "domestic" slavery. "Political slavery" 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 subsequently exploiting them in common as a subject race. Comte's theory bore a striking resemblance to the "conquest theory" of class which Augustin Thierry developed in his histories of France at much the same time.³⁷¹ According to this theory, the origin of class domination was thought to come from the conquest of one "nation" or racial group by another, the prime example of which was Thierry's history of the Norman conquest of England. 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.

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 and make up the bulk of the population.³⁷²

³⁷¹See 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: Sautet, 1827).

³⁷²Comte, *Traité de législation*, p. 359.

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 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.³⁷³ 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. Comte chose the term aristocracy deliberately and defined it carefully to mean 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.³⁷⁴ But whatever the particular form of slavery, whether "political" or "domestic," 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; it 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.³⁷⁵

Comte, like Thierry, 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

³⁷³Comte, *Traité de législation*, p. 359-60.

³⁷⁴Comte, *Traité de législation*, pp. 359-60, footnote.

³⁷⁵Comte, *Traité de législation*, p. 361.

third factions of the middle class acquired their wealth in quite different ways, they would by necessity have very different and opposed class interests.³⁷⁶

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 classes which make up slave societies, including physical characteristics, intellectual achievements, "morals," 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. 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).³⁷⁷ Since the slave owners are able to avoid all productive labour whatsoever, an inevitable consequence is that the slave-owning class disdains 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). Useful labour is disdained, according to Comte, for economic reasons. 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 on these economic activities, especially that of the sale of grain.³⁷⁸

Nevertheless, three exceptions to this general rule of aristocratic disdain for labour are made. To the two occupations considered worthy by the aristocracy - those of warrior and statesman - Comte sarcastically adds that of buying and selling slaves. The first two 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 Cato," Comte makes the following biting remarks which also reveal his continuing strong anti-classical position:

³⁷⁶Comte, *Traité de législation*, p. 360.

³⁷⁷See 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*.

³⁷⁸Comte, *Traité de législation*, p. 371. See also footnote p. 378.

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 (*dérogé*) 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.³⁷⁹

In the feudal period Comte noted a continuation of the ancient aristocratic disdain for productive labour, with the warrior making 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.³⁸⁰

The ultimate economic consequence of slavery was economic collapse and "decadence" since whatever talents the aristocratic class had they were not used in improving the methods of production. The occupations they did follow, such as war, public service, and slave owning, were a net drain on productive activity. In fact, Comte considered slave owners to be a parasitic class whose miraculous disappearance would leave the total industrial capacity of the world untouched, a view resembling that of Saint-Simon expressed in the notorious 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.³⁸¹

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 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

³⁷⁹Comte, *Traité de législation*, pp. 371-2.

³⁸⁰Comte, *Traité de législation*, pp. 372.

³⁸¹Comte, *Traité de législation*, pp. 372.

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. Any regular work they get is poorly paid and lacks the dignity of free labour 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 the productive activity that actually exists become so great that economic decline is an inevitable consequence of slavery.³⁸² 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, preferring instead to develop elaborate theories about the life-cycle of all states thereby missing the most important cause, namely the anti-industrial economic effects of using slave labour on a wide scale.³⁸³

Comte then turns to the central question of the profitability of slave labour in three important chapters.³⁸⁴ Perhaps the most startling conclusion Comte comes to, after having read Adam Smith and the debate between Say, Hodgson, Storch and Sismondi on this subject, 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" 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 considering the morality and justice of slave labour, economists who argued purely about the relative costs of the two

³⁸²Comte, *Traité de législation*, pp. 374.

³⁸³Comte, *Traité de législation*, pp. 374, footnote.

³⁸⁴XV "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*.

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.³⁸⁵

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 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 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.³⁸⁶

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 him more dearly than the labour that he would get from them by paying them a just wage.³⁸⁷

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. Because Smith's phrasing of the question was so value-laden and hence "unscientific" it was unlikely to lead to a solution to the problem since it viewed the

³⁸⁵Comte quotes Say's *Traité*, fifth edition, book 1, chapter 19 in Comte, *Traité de législation*, p. 416, footnote.

³⁸⁶Comte, *Traité de législation*, p. 415.

³⁸⁷Comte, *Traité de législation*, p. 415.

problem exclusively from the perspective of the slave owner, who asked himself how he could minimise his labour costs. Comte surmised that the first writers on the subject must have been slave owners furthering their own interests in the investigation of 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."³⁸⁸ 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.³⁸⁹

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. In a discussion of the Dutch colony in Guyana and using by way of example the use of English post-horses Comte concluded pessimistically that

Owners 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.³⁹⁰

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.³⁹¹

Comte argued that a slave owner or a pirate might be willing to express the value of a human life in terms implied by Smith's economic formulation, but the independent social theorist was not in such a position. As he put it with considerable passion:

... but we, who have no table of values 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

³⁸⁸Comte, *Traité de législation*, p. 415-16.

³⁸⁹Comte, *Traité de législation*, p. 415.

³⁹⁰Comte, *Traité de législation*, p. 389, footnote.

³⁹¹Dunoyer, *L'industrie et la morale*, pp. 232-3, footnote.

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.³⁹²

But this moral outburst, for all its truth and feeling, did not mean that Comte was uninterested in the economic consequences of slavery. He was concerned, like Henri Storch, with slavery as a system which had moral, religious, social and political as well as economic consequences. He preferred to examine slavery from the perspective of “the entire human race,” as he put it, rather than that of the slave owner concerned solely with 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 interest in slavery as a system of organising labour led to his posing a set of economic questions similar to those put forward by Hodgson and Storch: 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.³⁹³

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 insuperable barriers to the introduction and spread of both innovations.³⁹⁴ Although Comte rejected the traditional Smithian formulation of the question, much of his analysis, as was Say's and Storch's, owes much to 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

³⁹²Comte, *Traité de législation*, p. 416.

³⁹³Comte, *Traité de législation*, p. 417.

³⁹⁴Comte, *Traité de législation*, p. 424.

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.³⁹⁵

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.”³⁹⁶ The existence of slavery kept wages low, thus discouraging technical innovation and the division of labour, and kept the economy locked into agriculture as the 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 large number of plantation owners in the British and French colonies were in considerable financial difficulty in spite of their exploitation of slave labour and the tariffs which guaranteed a market for their produce in their home countries.³⁹⁷ 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. 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.³⁹⁸

As for the second question, Comte based his analysis on Storch's concept of "national wealth" to show that slave economies made little contribution to any overall increase in a nation's wealth since much existing wealth was redistributed from one class to another, most notably 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

³⁹⁵Adam 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.

³⁹⁶Comte, *Traité de législation*, p. 417.

³⁹⁷Comte, *Traité de législation*, p. 420.

³⁹⁸Comte, *Traité de législation*, p. 422.

consumers and taxpayers of the metropole by their exclusive access to the home market by means of tariffs and other protective measures. Comte summed up his argument with the observation that:

To extort the capital of the rich by violence is not to increase the (total) sum of wealth but to transfer 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 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.³⁹⁹

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.⁴⁰⁰ A similar calculation put the number of French sugar plantation owners at about thirteen hundred and the number of slaves at approximately 284,400.⁴⁰¹

The other important source of exploitation for the slave owning "aristocracy" were the consumers and taxpayers of the metropole, an argument which Say also 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 begun as a passing remark by Say was now turned into the linchpin 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 taken in 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.⁴⁰² A similar situation existed in the French

³⁹⁹Comte, *Traité de législation*, p. 416.

⁴⁰⁰Comte, *Traité de législation*, p. 427.

⁴⁰¹Comte, *Traité de législation*, p. 427.

⁴⁰²Comte, *Traité de législation*, p. 427.

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.⁴⁰³

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 estimated that up to one half of the cost of administering the colonies was a direct subsidy from the taxpayers. In addition there were the costs of stationing troops on the islands to prevent slave revolts as well as maintaining naval protection for the traders bringing their produce to France.⁴⁰⁴ In the late 1820s, when all the subsidies to the slave colonies were added up, Comte believed the annual amount reached F50 million. Thus the slave owners have a lucrative source of income in addition to the use of slaves directly on their plantations. For example, the 318 larger sugar growers directly benefited from the F20-30 million subsidy per annum paid by the French consumers. This was proof enough to Comte that the slave system was an efficient system of class exploitation by a small number of "aristocratic" beneficiaries.⁴⁰⁵ Comte concluded his analysis of colonial exploitation with the observation that the use of slaves resembled a system in which employers paid a portion of their wages in kind and the rest in a new form of money, the strokes of the whip. On the other hand, Comte likened the exploitation of the metropolitan consumers by means of the exclusive trading rights and tariffs on cheaper non-French sources to the 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.

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.

⁴⁰³Comte, *Traité de législation*, p. 428.

⁴⁰⁴Comte 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.

⁴⁰⁵Comte, *Traité de législation*, p. 467.

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?⁴⁰⁶

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.⁴⁰⁷

The third economic question Comte posed is how slavery affected the costs of producing wealth. He argued that most of the surplus 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 slave labour, was in fact an illusion.⁴⁰⁸ 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, in spite of the cheapness of plantation slave labour, 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 capital, 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 the low productivity and under-utilisation of 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 debt of many slave owners.⁴⁰⁹ 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.⁴¹⁰

⁴⁰⁶Comte, *Traité de législation*, p. 470.

⁴⁰⁷Comte, *Traité de législation*, p. 418.

⁴⁰⁸Comte, *Traité de législation*, p. 422.

⁴⁰⁹Comte, *Traité de législation*, p. 423.

⁴¹⁰Adam 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

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 further 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. Comte uses contrasting examples to make his point. Firstly there 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.⁴¹¹

The second example provides a much sounder basis for argument than the weaker one of Cuba. In spite of using very primitive methods, a lack of 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. In 1826 Comte calculated the extra cost to French consumers of these taxes and trade restrictions to be more than F30 million per annum. He regarded this cost as both an unnecessary burden on consumers as well as a direct subsidy to the French slave owners.⁴¹² 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.⁴¹³

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.

⁴¹¹Comte, *Traité de législation*, p. 464.

⁴¹²In 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.

⁴¹³Comte, *Traité de législation*, p. 428.

Although Comte had certainly read Hodgson and Storch and quoted from them several times, he ignores their arguments about how to make slave labour more productive for two reasons. 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. In one of the few passages where the issue of reform-minded slave owners 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 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 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. Even if the slave owner did pay a wage to his slaves, Comte doubted whether this action would be in the owners' long-term interest and therefore something they, as a class or the legal system itself, would not allow, even if the occasional individual slave owner might do so. In a passage where he compared slave-owners to William the Conqueror, Comte asked:

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.⁴¹⁴

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 "painlessly" by persuading the slave owners that it was in their economic interest to pay slaves wages in order to increase their productivity,

⁴¹⁴Comte, *Traité de législation*, p. 376, footnote.

was rejected by Comte as insufficiently sensitive to the injustices being committed against both the slaves and the metropolitan consumers and taxpayers. Comte's proposals to end "this horrible system" were designed to undermine the economic viability of the slave system and to weaken the legal system which kept it in place.⁴¹⁵ Firstly, he believed slavery could be ended by withdrawing all economic privileges granted by the state to the slave owners, 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.⁴¹⁶ 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.

Secondly, Comte wanted to destroy the legal system which allowed slavery to exist by extending to blacks the protection offered by the legal system to 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. 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. By ending this discrimination in law between slave owners and slaves all human beings would be 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:

⁴¹⁵Comte, *Traité de législation*, p. 468.

⁴¹⁶Comte, *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.⁴¹⁷

Comte's analysis of slavery in the *Traité de législation* had a considerable impact on Jean-Baptiste Say's *Cours complet d'économie politique* which appeared in 1828. Say was obliged to admit 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, and that Comte had raised important issues, such as the nature of class exploitation in the colonies and the problem of the growing indebtedness of many plantations, which Say had not discussed in his earlier works. The outcome was that Say drifted much closer to the position of his son-in-law, Charles Comte.

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 Comte did not have the character to allow himself to remain aloof from contemporary political matters for too long. Soon after the publication of the *Traité de législation* he became involved in three campaigns of great importance to liberals during 1826 and 1827, namely opposing state assistance to French industry in the form of tax-funded large-scale public works such as canals;⁴¹⁸ the attempt by the government to dissolve the Paris National Guard; and the abuse of judicial power under the restored monarchy. Comte reacted to the government's dissolution of the Paris National Guard by publishing a *Histoire de la garde nationale de Paris* (1827), in which he reminded 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.

⁴¹⁷Comte, *Traité de législation*, p. 479-80.

⁴¹⁸Charles 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).

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.⁴¹⁹ As a trained lawyer Comte was concerned also with the way judges were chosen by the government and so joined a group to monitor the activities of government-appointed judges who were suspected of political bias in their decisions.⁴²⁰ He believed the partiality of judges might be overcome through the use of juries in the hope that juries selected from the public would be more likely to support the liberties guaranteed by the Charter than the judges appointed by the conservative government. His model of proper constitutional and judicial practice came from England and America, against which he unfavourably compared the French judiciary, calling it a compliant agent of the executive power.⁴²¹ It was involvement in activities such as these which prevented Comte's immediate publication of the remaining volumes of his work on legislation and property. 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.

⁴¹⁹Mill'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. Mill'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.

⁴²⁰Charles Comte, *Traité de la propriété*, 2 vols. (Paris: Chamerot et Ducollet, 1834), vol. 1, pp. iv-v.

⁴²¹Comte, Charles, Review of Sir Richard Phillips, *Des pouvoirs et des obligations des Jurys*, *Le Censeur européen*, 1819, vol. 11, pp. 354-56; Charles Comte, *Traité de la propriété*, p. v; Sir 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).

CHAPTER 6

CHARLES COMTE'S THEORY OF PROPERTY

The long-awaited sequel to his *Traité de législation*, the *Traité de la propriété*, appeared in 1834 although much of it had already been written when the *Traité de législation* appeared.⁴²² 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"⁴²³ is quite an accurate description of how later liberals were to use Comte's work, it does not accurately reflect Comte's intention in writing it. While 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 was more concerned to engage in quite a different debate. 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 legislation and slavery. Discussion of the work of Comte and Dunoyer after the 1830 July Revolution and its impact both on Proudhon and Marx and other liberals 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* since he believed that events in the intervening years, such as the liberal July Revolution of 1830, had raised a series of new issues quite different to those which had preoccupied the French in the late 1820s. He also wanted to remind his readers that the two works were inter-

⁴²²Charles Comte, *Traité de la propriété*, 2 vols. (Paris: Chamerot, Ducollet, 1834). Bruxelles edition, H. Tarlier, 1835.

⁴²³Gustave de Molinari, "Comte (François-Charles-Louis)," *Dictionnaire de l'économie politique*, ed. Charles Coquelin and Guillaumin (Paris: Librairie Guillaumin, 1852), vol. 1, p. 447.

related and that they could not understand his new work on property unless they had read and understood the previous work on legislation.⁴²⁴ 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 a detailed analysis of the theoretical and historical foundations of liberal thought, including a rejection of the Roman legal tradition with its toleration of slavery as a basis for a sound theory of property law, a defence of 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, the emergence of wage labour in a similar non-coercive manner, and the nature of property 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 advances 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.

THE DEBATE ABOUT PROPERTY DURING THE RESTORATION

A useful discussion of the idea of property and the changes in interpretation under the ancien régime and in the Revolution is provided by William H. Sewell, Jr.⁴²⁵ Unfortunately Sewell breaks off his discussion at the time of Napoleon's rise to power, with little comment about the important debates taking place during the Restoration and early July Monarchy, before jumping straight to the 1848 revolution. Only a few historians have examined the debate on property between 1815 and 1848, with most completely ignoring the contribution of the liberal political economists preferring instead to focus on the critics of property such as Proudhon. More recently, the work of legal theorists on property has

⁴²⁴Charles Comte, *Traité de la propriété*, 2 vols. (Paris: Chamerot, Ducollet, 1834). Bruxelles edition, H. Tarlier, 1835. "Préface," *Traité de la propriété*, vol. 1, p. ii-iv.

⁴²⁵William 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.

been examined by Donald R. Kelley and Bonnie G. Smith.⁴²⁶ As Kelley notes in a brief discussion, the question of property became an issue in the Restoration as part of the general process of re-evaluating the meaning and consequences of the French Revolution, Napoleon's Empire and the Restoration of the Bourbon monarchy. As Kelley correctly observes 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.⁴²⁷

Ownership had undergone great changes in the preceding forty years at the hands of various revolutionary governments with new property owners emerging from the sale of national property and the confiscated church and emigré land. In addition, new forms of government regulation of property had emerged with policies like the Jacobin Maximum and the requisitioning and confiscation of goods 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 war between the “anciens” and the “nouveaux propriétaires” in the French courts.⁴²⁸ 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 as well as to deal with other issues which cannot be dealt with here, such as the decline of Enlightened ideas of natural rights and the rise of Benthamite utilitarianism, the 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 property during the Restoration in the following passage:

In Restoration France it was unprecedently 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

⁴²⁶Donald 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.

⁴²⁷Donald R. Kelley, *Historians and the Law in Postrevolutionary France* (Princeton University Press, 1984), p. 129.

⁴²⁸Donald R. Kelley, *Historians and the Law in Postrevolutionary France*, p. 130.

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.⁴²⁹

Another reason why property became a serious issue in the Restoration and July Monarchy periods is as a result of the rethinking of Adam Smith's ideas in the light of the Industrial Revolution in the post-Napoleonic world. The vigorous debate which began in Great Britain immediately after 1815 was taken up in France somewhat later in the 1840s - the decisive years of economic "take off" in France according to David Pinkney.⁴³⁰ Nevertheless the implications of industrialisation were obvious to those who observed events 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)⁴³¹ did much to introduce the new political economy, with its underlying assumptions about the legitimacy of private

⁴²⁹Donald R. Kelley, *Historians and the Law in Postrevolutionary France*, p. 130.

⁴³⁰David 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.

⁴³¹Jean-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. I 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 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, Olbie, 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.

ownership and the benefits it would bring in terms of greatly increased productivity, to a new generation of French people (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).⁴³²

Say's chief innovation 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. He maintained that it was not the duty of the political economist to mount a defence of property rights, a task 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 multiplication of wealth, and is satisfied with its actual stability, without inquiring about its origin or safeguards.⁴³³

As a political economist, Say was interested in the various ways in which the state transgressed the right to property through taxation, regulation, slavery, or by incompetently protecting property owners from theft or fraud. As an historically-minded economist, Say also explored in a number of interesting chapters the historical development of money, slavery, colonisation, the regulation of industry, tariffs and so on. However, Say was not willing to go any further in his discussion of property, believing that the theoretical defence

⁴³²Jean-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).

⁴³³Jean-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.

of property rights was the duty of philosophers and that the proper protection of such rights was the duty of the legislators.

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 defence of property on a theoretical and historical basis, 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 without such a defence was in an extremely vulnerable position. 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 worthless if socialist and conservative critics were correct in their reservations about the legitimacy of property rights. Without a sound theoretical defence of property rights, the critics of liberal political economy might be correct to reject the policy of laissez-faire and the morality of the factory system. Comte's task 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 resulted in 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, the implication being 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 his theory of legitimate property rights 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 means of 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 legitimately it can be exchanged or bequeathed to others by the owner. As long as coercion is not involved, this process will result in a distribution of just property titles. However, as soon as force is introduced, whether by conquest, theft, enslavement, extortion and so on, the chain of legitimacy is broken and what was once legitimate property becomes illegitimate. Comte devotes little time discussing the transmission of property since he believes that existing legal conventions have developed 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 acquisition and subsequent transmission from property which cannot do so. The confusion caused by the Revolution and the sale of biens nationaux and the Restoration threat to return land to its previous owners, meant 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. 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.

Liberals like Comte came part of the way to answering the socialist critique of property, especially in landed property, in their belief that much land ownership in the present was the result of past acts of violence and hence was illegitimate. For example, 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.⁴³⁴ They parted company with the socialists in their belief that not all property had been or would be of necessity acquired

⁴³⁴Thomas 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.

unjustly. For example, the liberals regarded the new forms of wealth or property being created every day by the industrial system as 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 political economists like Say who refused to provide an adequate theoretical foundation for property rights as part of their economic theory. Comte's theory should also be seen as an attempt to answer the objections of critics who argued that because some property titles were illegitimately acquired then 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 the Lockean proviso to the original acquisition of property, and a defence of the factory system and wage labour with obvious contemporary relevance.

COMTE'S THEORY OF PROPERTY IN THE *TRAITÉ DE LA PROPRIÉTÉ* (1834)

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 as relevant for discussion, including 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; and the emergence of wage labour in a similar manner. A feature of Charles Comte's discussion of law in the *Traité de législation* is his sociological approach, particularly his examination of the reciprocal relationship between a society's social structure and its legislation of property. 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 and it is this more theoretical examination of the nature of property which will be discussed here. The aim of the *Traité de la propriété* was to present a theory of property based upon the universal principles of man's nature which would avoid 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 examining the implications of property rights for the emerging industrial economy, Comte hoped to reveal and subsequently 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.

1. THE CORRUPTIONS INTRODUCED INTO THE ROMAN LAW THEORY OF PROPERTY BY THE EXISTENCE OF SLAVERY

From his examination of the problem of slavery and law in the *Traité de la propriété*, Comte concluded that French property law was fundamentally flawed since it owed so much to Roman law concepts of property and ownership with its uncritical acceptance of the legitimacy of slave ownership. The purpose of the *Traité de la propriété* was to provide a theory of property and legislation which would be free from all influence of slavery and thus be more suitable for a free market, industrial society.⁴³⁵ Slavery, Comte believed, had deleterious consequences for social progress, sentiments already expressed in his articles for *Le Censeur européen* and in the previous volumes of the *Traité de législation*. Continued respect for legislative theory and practice based upon Roman law, Comte argued, explained the sorry state of property theory in post-revolutionary France.⁴³⁶ In his opinion, the theories of property developed by men who were themselves slave owners and only barely out of the stage of economic barbarism contained within them a prejudice towards servitude. This pro-slavery bias, which made a belief in the existence of universal principles of human rights impossible, contaminated the tradition of Roman property law and thus rendered it unsuitable for use in modern market societies which were predicated upon such universal principles. Furthermore, the ancient jurists tolerated the existence of force in labour relations as well as within the family. 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 concepts of liberty, which had been developed by Constant and then extended by Comte and Dunoyer to the economic sphere, with special reference to the vital importance of slavery to the ancient world's economy and legal system.⁴³⁷ With the emergence of market society, Comte claimed, the tendency was to use and appropriate material things to satisfy needs in a way which avoided violent acts towards others. The ancient Greeks and Romans sought to satisfy their needs through what he called "the intermediary of other men" who were the

⁴³⁵Comte, *Traité de la propriété*, Vol. 1, p. 3.

⁴³⁶Comte, *Traité de la propriété*, p. 3.

⁴³⁷Benjamin 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.

property and the "tools" of their masters.⁴³⁸ Whereas the struggle in the modern world was against the physical world to get the resources to satisfy 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.

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, such as the Concert of Europe after the fall of Napoleon. Comte believed that the market system required that all the vestiges of legal servitude be unequivocally removed by rewriting the legal codes. The French Revolution partly achieved this 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. 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

⁴³⁸Comte, *Traité de la propriété*, p. 4.

remained in force. France could not create a legal system which fully protected individual rights and property as long as Roman law, with its pro-slavery bias, remained so influential.

One way the influence of Roman law could be broken was to change the way law was taught in the French law schools, with the analysis of the ancient texts and codifications replaced by the study of human nature, the social conditions present in modern market societies, the concept of self-ownership and the right to own the fruits of one's labour, the study of history and sociology, and most importantly economics. Comte believed that 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 had been impossible to the slave-owning jurists and politicians of the ancient world.⁴³⁹ 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.

2. THE LEGITIMACY OF THE ORIGINAL APPROPRIATION OF PROPERTY AND THE PROBLEM OF THE LAND CLAIMS OF THE ORIGINAL INHABITANTS

Central to Comte's liberal worldview is the historical origin of property and its subsequent transmission, through a combination of just and unjust means, to the current distribution of property in the Restoration. Once having established the process by which one could legitimately claim an original title to property and then pass this on to other title holders, Comte's intention was to create the grounds for a critique of this existing distribution of property, in particular 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. In general, Comte claimed that in a social context it is "natural," in the sense of being essential for the survival of human beings, for the individual to have exclusive use of 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

⁴³⁹Comte'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 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.

property without being in a sense "destroyed." The first claims to property in land are made during the transition from the nomadic stage to the agricultural stage of production as result of "first use" in the application of labour. Unlike some of his contemporaries, Comte believes that indigenous people, even though they may not have 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 in scope and included established hunting grounds and recognised tribal boundaries. Thus Comte challenged the legitimacy of most European settlement in the Third World since the forcible seizure of land from indigenous people was a violation of liberal property rights.

For Comte, the justification for appropriation of physical resources lay in the biological necessity for survival. Like other living creatures humans are forced by the laws of nature to use the physical resources which surround them in order to survive and prosper. Plants and animals have rather limited needs which can be satisfied directly from nature, whereas humans have such a diversity of needs that a more complex and indirect method of satisfying them is required. According to Comte, appropriation of property is the means by which humans are able to satisfy the greater diversity and complexity of their needs. Comte defines appropriation as "(t)he action of an organised being who joins to his own body the things by which he grows, strengthens and reproduces himself"⁴⁴⁰ 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."⁴⁴¹ Comte's definition implies firstly, that the process 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.⁴⁴²

⁴⁴⁰Comte, *Traité de la propriété*, p. 51.

⁴⁴¹Comte, *Traité de la propriété*, p. 55.

⁴⁴²Comte, *Traité de la propriété*, p. 51.

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" humans, that is those who are not part of society, have no need for property. It is only when humans enter into society that they require the exclusive use of physical resources in order to survive. When physical objects are limited in quantity and have competing uses to which they could be put some mechanism must be found to control their use so as to maximise their productivity. Since Comte rejects communal ownership and slavery as economically retrogressive states, private property is the only solution.

Thirdly, the type of ownership is determined by the relative scarcity of the physical objects and their "susceptibility" for 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, and the sea, "the common property of the human race,"⁴⁴³ the quantity of which cannot be increased or decreased by human industry and which each individual can appropriate as much as they need without harming the enjoyment of it by others. "National property" is somewhat more scarce than common property and satisfies the needs of large groups of humans organised into tribes or "nations." National property such as rivers, highways, or ports are not the common property of the whole human race but a form of private property within the nation. Within the nation there are additional forms of property ownership 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 (like families) or individuals. This form of property includes ownership of food, clothing and shelter. Unlike the various forms of communal property, individual property is scarce and very much the product of human industry, thus requiring 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, national and provincial property - he devotes most of his attention to a study of private or individual property, the distinguishing characteristics of

⁴⁴³Comte, *Traité de la propriété*, p. 52.

which are that it is has some quality or qualities which can satisfy a need; that its quantity is limited; 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; and 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 to which Comte would put them in responding to the socialist critique of property. With the third characteristic Comte reaffirms the Lockean principle that property is legitimate because of the labour or "industry" that has been "mixed" with it in creating or 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.

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 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.⁴⁴⁴

The fifth characteristic, that property can be acquired without taking anything away from other individuals, 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.

The key to the legitimacy of private property was how it was originally obtained and how title to it was passed from individual to individual. Just original title and non-coercive transmission are the two conditions which must be met before a given piece of property 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.⁴⁴⁵ The question of the legitimacy of inheritance became a serious issue in post-revolutionary France because of the claims of some landed aristocrats for restitution for their ancestral lands taken during the Revolution.

⁴⁴⁴Comte, *Traité de la propriété*, p. 55.

⁴⁴⁵Charles 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.

Comte, in his discussion of inheritance, shows that most land holdings could be said originally to have been acquired unjustly but avoids the radical implications of his theory of property rights. He reaches the rather moderate conclusion that it was against the principle of utility and political stability to have a massive redistribution of property. 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 new forms of property non violently. an aspect of property 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.⁴⁴⁶

Private property is thus a combination of physical elements provided by nature and qualities created by human industry to satisfy needs. 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.⁴⁴⁷ 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 and it is also an important factor at the present time with the establishment of European colonies in America, Asia or Africa. But once again the traditional legal theory was inadequate, he believed, because first use or occupation had become in the more advanced industrial societies a less significant means of acquiring just title to property. Occupation of previously unowned property was still possible in the colonies, or in the privatisation of what had been national property, or occasionally in industry when new goods or processes were invented. However, the more common method of acquiring property was by means of labour and exchange, methods which Comte accused the jurists of neglecting by adhering to traditional Roman methods of viewing the problem.

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 later in his *Mémoires* on property. It was a principle just as arbitrary as Rousseau's claim in *Discourse on Inequality* that the fruits of the earth belong equally to all but that the land itself belongs to no one. 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

⁴⁴⁶Comte, *Traité de la propriété*, pp. 59, 61.

⁴⁴⁷Comte, *Traité de la propriété*, p. 37.

upon first use but since there was no world government to enforce a world-wide acceptance, the grounds for property had to be based upon sounder grounds. 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 common rights to property in a state of nature. Comte rejects the idea of a compact as illogical 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.⁴⁴⁸ 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. In his opposition to the idea of a compact, Comte argues it was practically impossible for an agreement to be reached between groups who were geographically dispersed and who were often ignorant of each other's existence. Furthermore, it is absurd to believe that such geographically dispersed people could harm each other by claiming objects immediately around them as property. Secondly, Comte argues that for any compact to be legitimate it had to be renewed each time someone died or came of age. Without 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."⁴⁴⁹ Although nature provides the "elements" or materials it is human industry which transforms nature and creates the "qualities" which make things "valuable in our eyes." Humans do not create the original natural elements but they do and can "occupy" or use 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."⁴⁵⁰ 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.⁴⁵¹ 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

⁴⁴⁸Comte cites Pufendorf, *De jure naturae et gentium*, lib 4, cap 4, section 4.

⁴⁴⁹Comte, *Traité de la propriété*, p. 32.

⁴⁵⁰Comte, *Traité de la propriété*, p. 33.

⁴⁵¹Comte, *Traité de la propriété*, p. 33.

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 would be protected so 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.⁴⁵² Similarly, he discusses the consequences of communal labour and ownership which he believes results inevitably in a form of slavery.⁴⁵³ 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 defence of the notion of private property Comte argues that the importance of economic progress and individual perfectibility far exceeds the value of all other forms of human association. 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.⁴⁵⁴

Although Comte believes individual private property is the most important form of property in the modern world, he regarded "national property" as an important and legitimate form of property in pre-industrial societies, and the basis for private property.⁴⁵⁵ Long before individuals began claiming tracts of land as private property for themselves, the community of which they form a part considered the land on which they hunted and fished 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 colonisation which the European nations had practised 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 without interference from Europeans, although they themselves had not reached the stage of permitting private property in land. In other words, Comte rejected the idea of *terra nullius*. He admitted 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, resulting in the forcible dispossession of the original inhabitants. 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

⁴⁵²Comte discusses the consequences of the nomadic life in the *Traité de la propriété* in some detail in Book 3.

⁴⁵³Comte, *Traité de la législation*, book 5, chapter 23.

⁴⁵⁴Comte, *Traité de la propriété*, p. 40.

⁴⁵⁵See chapters 7,8,9. of Comte, *Traité de la propriété*.

territory its own laws regulated the way in which property was acquired.⁴⁵⁶ 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 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.

3. THE EMERGENCE OF PRIVATE PROPERTY OUT OF COMMUNAL "NATIONAL" PROPERTY

In response 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.⁴⁵⁷ 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 "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, a task undertaken by liberal historians set themselves in the Restoration.⁴⁵⁸ Historians like Augustin Thierry developed elaborate

⁴⁵⁶Comte, *Traité de la propriété*, p. 45.

⁴⁵⁷The discussion can be found in chapter 10 of Comte, *Traité de la propriété*.

⁴⁵⁸See 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).

"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 by a process which Bastiat called "legal plunder."⁴⁵⁹ 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 for which there are three possible explanations: firstly, that all private property in land is unjust; secondly, that all present titles are legitimate through the passage of time or sanction of the state; thirdly, that present titles to land are in fact "mixed" containing just and unjust claims. The first explanation subsequently taken up by Proudhon and which has superficial plausibility, was that private property in land was flawed from the very beginning. The original act of privatising communal property was not a universal right that all could exercise and 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. 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 liberal reformers 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.

The third explanation is rather more difficult to argue because of the added complexity of present property ownership being "mixed." 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

⁴⁵⁹See 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).

"usurpation" (a term popularised by Constant in his attack on Napoleon's militarism)⁴⁶⁰ 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. 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 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 purchased illegitimate property 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 to the charge that all private property in land is unjust was that it was a false conclusion based upon erroneous historical analysis. As Comte put the problem of the "apparent injustice" of current land ownership:

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.⁴⁶¹

Comte was taken by a remark of Count Pierre-Louis Roederer, editor of the *Journal d'économie publique, de morale et de politique* in 1793, who distinguished between right or law as a principle and the exercise of right or law in historical practice, or in other words, between the thing and the abuse of the thing.⁴⁶² Comte used an analogous argument in the defence of property, distinguishing between legitimate property as defined by liberal theory and illegitimate property which may have emerged historically by the abuse of liberal principles. 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

⁴⁶⁰Benjamin 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).

⁴⁶¹Comte, *Traité de la propriété*, pp. 159-60.

⁴⁶²See the footnote, Comte, *Traité de la propriété*, p. 160.

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. 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 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 proved 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. 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 ultimately retreated 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.

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 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.⁴⁶³ 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. Hunter-gatherers 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 thus exert some claim to property in the land. Those boundaries that do exist between tribes are the result of traditional practice based upon the food producing capacity of the land which is determined by the fertility of the 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.

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 appears not to be based upon any scientific or historical comparison of the productivity of different land usage. 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. Despite Comte's imaginative estimate, the general thrust of his

⁴⁶³Comte, *Traité de la propriété*, p. 140.

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, with the land previously used for hunting is now abandoned. The key to Comte's argument is that 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 others by abandoning a large part of the territory over which they previously foraged. Within the boundary of the national territory those who remain nomads now have a greater area of land and herein lies the reason for Comte's belief that private property in land can emerge without necessarily harming the interests of others and in fact leaving them better off. Furthermore, the greater productivity of settled agriculture creates surpluses which can be traded for the meat, skins and other products of the nomads, an economic opportunity which opens up enormous benefits for both parties as long as each treats the other with respect and tolerance.

Those individuals who live outside the national territory 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 they are not harmed in any way, according to Comte. In fact their situation is left unchanged. 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.⁴⁶⁴

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

⁴⁶⁴Comte, *Traité de la propriété*, p. 148.

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.⁴⁶⁵

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.

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. 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 one owner does to their property influences the value of other people's property and vice versa. Secondly, because of this interdependence 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 one owner's property value is to be attributed to their 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. The use of "industry" at a later

⁴⁶⁵John Locke, *Two Treatises of Government*, ed. Peter Laslett (New York: New American Library, 1965), Paragraph 33, p. 333.

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.⁴⁶⁶ However, 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 their own field and thereby increasing the property values of their neighbours without reward. 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 argued that, since all property owners add to the value of others' land in a mutual and reciprocal relationship, it would be impossible to determine exactly who has contributed more than others to the general increase in property values.⁴⁶⁷

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 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 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." It is certainly an irony that the

⁴⁶⁶Comte, *Traité de la propriété*, p. 151.

⁴⁶⁷Comte, *Traité de la propriété*, p. 152.

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.

4. THE "INOFFENSIVE" EMERGENCE OF WAGE LABOUR

Some explanation is required in order to understand what Comte meant when he introduced examples of workers clearing the land and building a house yet with the legitimate ownership remaining in the hands of the capitalist or landowner. A certain similarity to the discussion about the inoffensiveness of original private property in land exists here. 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 parallel between the two arguments 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 violation of individual rights. And secondly, 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 discussion of land, liberal historians like Augustin Thierry developed theories of conquest and usurpation to explain the unjust distribution of land 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*. 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 of labour with 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 but 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.

Between the stages of nomadism and settled agriculture 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.⁴⁶⁸ 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.⁴⁶⁹ 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

⁴⁶⁸Comte, *Traité de la propriété*, p. 145.

⁴⁶⁹Comte, *Traité de la propriété*, p. 144.

are included in the calculations. Thus agriculture for Comte is like any other "industrial" enterprise. It requires a "boss"⁴⁷⁰ who has somehow saved the capital to pay workers for their labour until the product can be sold or the crop harvested. In the transitional stage this "boss" or "chef de l'entreprise" is a cooperative of one or more families of a tribe. Initially, it is the cooperative which introduces a more specialised division of labour and makes 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"⁴⁷¹ it would need sufficient provisions to tide it over until the first harvest. Although Comte ignores the reasons why individuals would wish to change the mode of economic production, his account of the means by which this might be done is plausible within his theoretical framework. The first step requires an increase in the amount of work done in order to permit two things to be undertaken simultaneously, namely to continue hunting and gathering to provide for day-to-day needs, while at the same time clearing the land and preparing 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.⁴⁷² In this manner the fundamental break with the nomadic way of life is achieved and a path is cleared for the accumulation of considerable surpluses, and is made possible by two developments which

⁴⁷⁰Comte referred to a "chef de l'entreprise" in *Traité de la propriété*, p. 146.

⁴⁷¹Emphasis added, Comte, *Traité de la propriété*, p. 146-47.

⁴⁷²Comte, *Traité de la propriété*, p. 147.

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 division of labour has been established (albeit a rather crude version based upon a sexual division of tasks) and then applied to agriculture, the enormous gains in productivity enable 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, 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 and 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 and 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 of 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 humankind.

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. *Vis-à-vis* ownership of land, legitimate ownership 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." 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 abolished and a society based entirely on legitimate and free labour would emerge, yet another reason for Comte's and Dunoyer's consuming interest in the phenomenon of slavery.

CHAPTER 7

COMTE AND DUNOYER AFTER THE 1830 REVOLUTION: THE IMPACT OF THEIR IDEAS

COMTE'S CAREER AFTER THE 1830 REVOLUTION

Work on the sequel to the *Traité de législation*, the *Traité de la propriété*, was interrupted by the 1830 Revolution and its political aftermath. The more liberal temper of the new régime offered individuals like Comte the promise of a political career which Comte enthusiastically accepted. He began as a government official, first as councillor of the Seine prefecture in September 1830, then for a very brief period as procureur du roi at the Seine tribunal before being dismissed for "indiscipline." After these false starts, Comte pursued a more successful career as a deputy representing La Sarthe in the election of 1831, and then Mamers in the elections of 1831 and 1834.⁴⁷³ However, 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 in the following terms:

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.⁴⁷⁴

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 for which he was looking 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

⁴⁷³Edgard 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.

⁴⁷⁴Charles Comte, *Traité de la propriété*, 2 vols. (Paris: Chamerot, Ducollet, 1834). Bruxelles edition, H. Tarlier, 1835, pp. vi-vii.

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 assessment of his life and contribution to liberal economic and social theory.⁴⁷⁵ 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.⁴⁷⁶

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 freedom in the area of political, social or economic life.

DUNOYER'S CAREER AFTER THE 1830 REVOLUTION

Having participated in liberal politics on and off during the 1820s, Dunoyer again became politically active on the eve of the 1830 Revolution with Charles X's abrupt dismissal of the Martignac government and its replacement with the arch-reactionary government of Polignac. These acts brought to an end Dunoyer's hopes for a liberal Bourbon régime which would adhere to the provisions of the Charter.⁴⁷⁷ Polignac's

⁴⁷⁵J.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."

⁴⁷⁶Charles 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 edition).

⁴⁷⁷Charles 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.

ordinances of July 1830 reintroduced rigid control of the press, dissolved the Chamber of Deputies, and changed the electoral system in order to ensure an Ultra majority. Dunoyer's response was to go "underground" and publicly to refuse to pay his taxes until the freedoms guaranteed by the Charter had been restored.⁴⁷⁸ Dunoyer did not have to stay underground for long as Charles X's government collapsed quickly to be replaced by Louis Philippe's. In recognition for his opposition to Charles X's governments, Dunoyer was appointed by the July Monarchy to the post of prefect in a number of localities, including Allier, Mayenne and the Somme between 1830 and 1833.

After a period as prefect, Dunoyer's next position 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 1839,⁴⁷⁹ membership in the Academy of Moral and Political Sciences after his nomination by Guizot in 1832⁴⁸⁰, and foundation membership of the Society of Political Economy in 1842.⁴⁸¹ He was active in the Academy for nearly forty years until shortly before his death, debating and writing 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. He also contributed numerous essays and reviews to the new *Journal des Économistes*, the *Journal des Débats*, and the *Dictionnaire d'économie politique*.⁴⁸² In 1845 appeared the third and

⁴⁷⁸Charles Dunoyer, *La Révolution du 24 Février* (Paris: Guillaumin, 1849 and Bruxelles, Méline, Cans et Cie, 1849), "Preface", p. ix, possibly written June 1849. 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).

⁴⁷⁹A 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).

⁴⁸⁰Charles 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.

⁴⁸¹The Society of Political Economy was modelled on the British Political Economy Club founded by James Mill and other leading liberals.

⁴⁸²Some 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.

final revision and expansion of Dunoyer's work on moral philosophy and industry begun in 1825 with *L'Industrie et la morale*. 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 second edition, 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.⁴⁸³ 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 immediately 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 III on which he was still working when he died in Paris on 4 December 1862 after a lengthy illness.⁴⁸⁴ He was seventy six years old.

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,

⁴⁸³He expressed the reasons for his opposition in *La Révolution du 24 février* which appeared in 1849.

⁴⁸⁴Dunoyer, *Le Second Empire et une nouvelle restauration* 2 vols (London: Tafery, 1864), ed. by his son Anatole Dunoyer. Second edition 1871.

identifying as particularly significant Comte's works on slavery, legislation, and property. Dunoyer's longer life meant that he was able to exert a more personal influence on the liberal movement, especially the Society for Political Economy and the *Journal des économistes*.

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,"⁴⁸⁵ a very strange reading of Dunoyer's work, most notably the *Liberté du travail*, as an examination of this work will show the extent to which 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, limited government was advocated. Far from "deforming" liberalism in his later writings, one might argue that the period of rethinking liberalism occurred in the period from 1817 to 1830 when both Comte and Dunoyer 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 gleaned from their willingness to confront the state and the censors face to face in a number of courtroom battles. However, with the forced closure of *Le Censeur* they were forced to reconsider the foundation of their political liberalism. Influenced by 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 was a "social

⁴⁸⁵Edgar 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.

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. Liberals like Constant, Dunoyer argued, were seriously misguided 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.⁴⁸⁶

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 uncover its true source which lay in the interventionist *mores* of society.⁴⁸⁷ 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 altered public attitudes thereby ensuring 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 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

⁴⁸⁶Dunoyer, *Nouveau traité*, vol. 2, p. 90, footnote.

⁴⁸⁷Dunoyer, *Nouveau traité*, vol. 2, p. 105.

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 their use of the concept 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.⁴⁸⁸

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. A starting point might be the question of a liberal theory of class. 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. Within Anglo-American liberalism, a strain of thought exhibited similar sociological concerns to those explored by Comte and Dunoyer and included Thomas Paine, Thomas Hodgskin, John Wade, and James and John Stuart Mill, all of whom show a striking “French” concern for class, based on the distinction between market-created wealth and state privileged parasitism. In France, the liberal theorists of industrialism modified and expanded the physiocratic theory of production and the concepts of a *classe productive* and a *classe sterile*. The conclusion they reached was that the state and the privileged classes allied to or making up the state, rather than all non-agricultural activity, 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. Comte, for example, 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.”⁴⁸⁹ 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,⁴⁹⁰ or by Constant in his work on conquest and usurpation “De l’esprit de conquête,” or by 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,

⁴⁸⁸The 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, W.E.H. Lecky, Herbert Spencer, Gustave de Molinari, Vilfredo Pareto, Gaetano Mosca, Franz Oppenheimer, and perhaps even Max Weber.

⁴⁸⁹Comte, *Traité de législation*, p. 496 and “Considérations sur l’état moral de la nation française,” *Le Censeur européen*, vol. 1, 1817.

⁴⁹⁰Thierry, “Vues des révolutions Angleterre,” in *Le Censeur européen*, vols. IV-XI, 1817; *Histoire de la conquête de l’Angleterre par les Normands* (Paris, 1825).

culminating in the rise of the market society at the expense of the mercantilist ancien régime.

One of Dunoyer's insights into class analysis relevant to 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 privileges of office soon becomes an end in itself and a new ruling class of political office-holders and their clients emerges. Dunoyer's theory of class is given credibility by the historical experience of class societies 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 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, particularly the following: the 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; and the relationship between the means of production and the political culture of each of the classes which make up a society.

Another 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 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 many political ideologies which seek to use the power of the state to bring about change. This stands in contrast to Dunoyer's view that radical change would be effected 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 made no such demands on individuals in society. In Comte's and Dunoyer's vision of a liberal, industrial society there would be no conscription (a common obligation demanded of citizens to the civitas) because standing armies would be abolished and trade would take the place of war as the normal form of intercourse between nations, and because it was a violation of individual rights and destructive of industrial values; there would be no obligation to vote, as the state would be minimal or non-existent; and there would be no obligation to practise the state religion or conform to Sabbatarian laws as the state would not 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" since there would be no state and no civitas to demand obedience. 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 for 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 in 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 also 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*."⁴⁹¹ Most individuals seemed to realise that theft and violence was wrong if committed by one individual against another.

⁴⁹¹Dunoyer, *Nouveau traité*, vol. 2, p. 106.

However, as soon as they became members of a political community, a *civitas* or “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.⁴⁹²

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.⁴⁹³ True liberty would only be achieved when individuals rejected the divorce between private and public morality and agreed to mutually respect the property 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 a single passage:

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.⁴⁹⁴

But because the double moral standard is permitted by the majority to continue Dunoyer questioned why individuals refrained from committing violence against others when all around them the political community did exactly that but under a different name.

⁴⁹²Dunoyer, *Nouveau traité*, vol. 2, p. 107.

⁴⁹³Dunoyer, *Nouveau traité*, vol. 2, p. 108.

⁴⁹⁴Dunoyer, *Nouveau traité*, vol. 2, p. 109.

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?⁴⁹⁵

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 work on slavery fared little better. Although it confirmed the abolitionist sentiments of Bastiat and 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 abolished. 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, were the work of Storch, Say and Comte on slavery still of interest.

The grand, sweeping theories of history of the type developed by Comte and Dunoyer during the Restoration virtually disappeared 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).⁴⁹⁶ 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).⁴⁹⁷ In the 1880s works of

⁴⁹⁵Dunoyer, *Nouveau traité*, vol. 2, p. 109.

⁴⁹⁶Gustave de Molinari, *L'Évolution économique de dix-neuvième siècle. Théorie du progrès* (Paris: C. Reinwald, 1880).

⁴⁹⁷Herbert Spencer, *Principles of Sociology*, ed. Stanislav Andreski (Hamden, Connecticut: Archon Books, 1969).

“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 penultimate 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 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 in the 1840s was the rise of the “social question” 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.

THE IMPACT OF COMTE AND DUNOYER ON THE DEVELOPMENT OF SOCIALISM

The importance of Comte as a defender 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.⁴⁹⁸ Well before Marx became the leading critic of liberalism, the most searching and well-known critic of liberal notions of property was 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

⁴⁹⁸On 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).

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.⁴⁹⁹ Proudhon's prime focus of attack were the French political economists, above all Say and Comte, the latter dismissed by Proudhon as "the apostle of property and the panegyrist of labour."⁵⁰⁰ 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?*⁵⁰¹

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 crystallised into a new orthodoxy and Comte's rôle in this was considerable. Likewise Proudhon, whose 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 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

⁴⁹⁹On 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)," *Proceedings of the American Philosophical Society*, 1984, vol. 128, no. 3, pp. 200-30.

⁵⁰⁰Two 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.

⁵⁰¹Proudhon'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).

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 and its philosophy of property (as well as much of its theory of history) to Charles Comte.⁵⁰² 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. Proudhon's criticism of liberal ideas of property was developed in a series of "Memoires" in which he formulated the well-known slogan "property is theft." Proudhon adopted a dialectical approach to show that liberal ideas of property led to illiberal consequences and 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 were 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 and in *Qu'est que la propriété?* he produced 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.⁵⁰³ Proudhon's fundamental criticism is that wage labour is unjust because it prevents the labourer from receiving the full value of the wealth created by his exertions.⁵⁰⁴ 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

⁵⁰²Léon Faucher, "Propriété," *Dictionnaire de l'économie politique*, ed. Charles Coquelin and Guillaumin (Paris: Guillaumin, 1853), vol. 2, pp. 460-473.

⁵⁰³Proudhon'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.

⁵⁰⁴Women 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 or course male.

force collective"⁵⁰⁵ 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.⁵⁰⁶ 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.⁵⁰⁷ 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.

Proudhon discusses another equally important matter which goes to the heart of Comte's justification for transforming public or national property into private property: 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 aren't the presently employed labourers entitled 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 it is therefore a line of attack which undermines the entire system of private property and

⁵⁰⁵Proudhon, *Propriété*, p. 157.

⁵⁰⁶Proudhon, *Propriété*, pp. 154-55.

⁵⁰⁷Proudhon, *Propriété*, p. 157.

wage labour in an industrial economy. 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, 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 none 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.*⁵⁰⁸

Proudhon's criticisms of the legitimacy of wage labour, like his criticism of property in general, have been so influential vis-à-vis the development of socialism and Marxism that it is important to understand the nature of his disagreements with liberal property theory. Since it 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 be better understood and appreciated both for its own sake and in order to place Proudhon's criticism in its proper historical context.

Although Karl Marx was not directly influenced by Comte and Dunoyer, it would be correct to claim that certain aspects of French liberalism 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.⁵⁰⁹

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

⁵⁰⁸Proudhon, *Propriété*, pp. 151-2.

⁵⁰⁹Karl Marx and Friedrich Engels, *Selected Correspondence* (Moscow, 1965), pp. 67.

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 discusses the influence of Thierry and Guizot but does not mention Comte or Dunoyer in this connection.⁵¹⁰

Where Marx does refer to Comte or Dunoyer by name it is usually made in passing and then 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."⁵¹¹ 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.⁵¹² Marx's treatment of Dunoyer is less dismissive 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.⁵¹³

Marx seemed to have more time for Comte because he admired his exhaustive treatment of 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".⁵¹⁴ 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 *Capital* volume one in the important chapter on "The Genesis of the Industrial Capitalist"⁵¹⁵ 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

⁵¹⁰Plekhanov, "The Development of the Monist View of History," in *Selected Philosophical Works* (London: Lawrence and Wishart, 1961) vol. 1.

⁵¹¹Quoted in Shirley M. Gruner, "Historiography," p. 312.

⁵¹²Karl Marx and Friedrich Engels, *The German Ideology* (Moscow: Progress Publishers, 1976), p. 471.

⁵¹³Marx and Engels, *The German Ideology*, p. 72.

⁵¹⁴Marx and Engels, *The German Ideology*, p. 326.

⁵¹⁵Karl 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.

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 old society which is pregnant with a new one. It is itself an economic power.⁵¹⁶

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.”⁵¹⁷ 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 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 Comte and Dunoyer shows that the connection between him and the radical liberals of the Restoration is profound but also problematical, and one unfortunately outside the limits of 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 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 mediated by 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, such as Charles Pecqueur, Eugène Buret, and Simonde de

⁵¹⁶Marx, *Capital*, volume one, pp. 915-16.

⁵¹⁷Marx, *Capital*, volume one, pp. 916, footnote 4.

Sismondi, published in the early 1840s.⁵¹⁸ 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. When he encountered French Restoration liberals and political economists they were largely incidental to his much greater interest in criticising British political economy, which 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.

CONCLUSION

The aim of this dissertation 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. The work of Charles Comte and Charles Dunoyer 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. One has been led by many historians to expect that these issues 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."

We have also 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, exploitation and the relationship between the mode of production and political culture. However, there is 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 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

⁵¹⁸Norman 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.

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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