

Notes on “What is Property?”

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CHAPTER 1

Think of this work specifically as a product of the French June Monarchy and as a *prize essay*, written as a kind of “open letter” to a panel of judges at the academy where he had been studying. It actually became a regular feature of many of Proudhon’s works that they took the form of extended “letters” to specific individuals: even the 6-volume *De la justice dans la Révolution et dans l’Église* has the *form* of an individual response. The form isn’t so well established here, but there is some of the same mix of heavy exposition and general chattiness involved.

Tucker’s translation is pretty good, although he adds some of the clunkiness of his own place and period, which can be equally jarring to modern readers. The translation was 50 years removed from the original—and now we’re more than 125 years removed from the translation. The only real problem with it is that Tucker sometimes *flattened* the prose a little, particularly at some moments when Proudhon was being a bit funny or even a bit naughty. Beyond that, I have only even found one truly mistranslated word. [I’ve found a few more as I’ve worked through the rest of the text, but most of them involve allusions Proudhon was making to the work of other radical theorists, like Charles Fourier and Pierre Leroux, and involve some specialized vocabulary.]

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Any thoughts on the epigraph?

Adversus hostem æterna auctoritas esto. / Contre l’ennemi, revendication est éternelle. / Against the enemy, revendication is eternal. (Law of the twelve tables.)

I need to look a bit more, but my recollection is Proudhon was fond of epigraphs that reflected what he considered his own role in producing a particular work. In that context, we might—with a chuckle—acknowledge that, with argument after argument after argument against property, Proudhon’s *revendication*—his recital of the claims against property—is damn near “eternal.”

But *revendication* seems like an interesting choice as a translation of *auctoritas*—which, as one of the roots of the English *authority*, seems like an interesting notion for Proudhon to invoke anyway.

But while I was looking into the original context of the epigraph, I noticed that one translation is: “Against a foreigner, the right of property is valid forever.” And that made me think immediately of the *droit d’aubaine*—Tucker’s “right of increase” or, probably more accurately, “right of escheat—which is so important in Proudhon’s analysis.

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The group reading has inspired me to take a closer look at Tucker’s translation, with an eye toward revising it where necessary. And I notice that there are some passages where some formatting was lost in the English edition. If, for example, you compare the section that follows the line “But murmurs arise!” in the English edition with the same section (following “Que de murmures s’élèvent !”) in the original French, you can see that the next four paragraphs are clearly marked in the original as a dialogue, between Proudhon and potential readers, as he addresses likely objections, while the English lacks clear marking.

That matters, at least potentially, because it means that two of those paragraphs are not supposed to represent Proudhon's voice. And there are a lot of instances when Proudhon speaks in that voice of the potential reader, making objections that he will then refute. So it's too bad when we lose clear indications of which voice we are getting.

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I like the tone in the opening pages. Proudhon was frequently a controversialist and sometimes his works of constructive sociology would take the form of a more-or-less defiant response to some slight or attack. But here, in a work that is largely critical—"I build no system"—there's a great deal of sympathy expressed for the reader. "My name, like yours, is TRUTH SEEKER..." No doubt this is partially the result of Proudhon's relatively unknown status: in 1840, he is not yet addressing anyone in particular, while, almost immediately, he will be faced with a range of responses that need to be addressed. But there is also something basic to Proudhon's sociology on display here: a certain faith in progress and in the *collective reason* of human beings. It might seem strange to find him so non-defiant in a work attempting to expose "universal error," but the final chapters of the work will give us a historical account of how error and progress are connected.

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"L'homme se trompe parce qu'il apprend."—*Man errs because he is learning.*
That's probably one of my top-five favorite Proudhon quotes.
And it reminds me of another, from *Philosophy of Progress*:

What could a few lapses, a few false steps, detract from the rectitude of my faith, the goodness of my cause?... You will please me, sir, to learn for yourself what road I have traveled, and how many times I have fallen along the way. Far from blushing at so many spills, I would be tempted to boast of them, and to measure my valor by the number of my contusions.

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But it is a psychological fact none the less true, and one to which the philosophers have paid too little attention, that habit, like a second nature, has the power of fixing in the mind new categorical forms derived from the appearances which impress us, and by them usually stripped of objective reality, but whose influence over our judgments is no less predetermining than that of the original categories. Hence we reason by the eternal and absolute laws of our mind, and at the same time by the secondary rules, ordinarily faulty, which are suggested to us by imperfect observation. This is the most fecund source of false prejudices, and the permanent and often invincible cause of a multitude of errors. The bias resulting from these prejudices is so strong that often, even when we are fighting against a principle which our mind thinks false, which is repugnant to our reason, and which our conscience disapproves, we defend it without knowing it, we reason in accordance with it, and we obey it while attacking it. Enclosed within a circle, our mind revolves about itself, until a new observation, creating within us new ideas, brings to view an external principle which delivers us from the phantom by which our imagination is possessed.

You might be forgiven for thinking that the *substance* of this was Stirner-inspired, despite differences of style, except, of course, that it predates *The Unique*. But perhaps the long and complicated history of ties between mutualism and egoism is not entirely inexplicable.

CHAPTER 2

This double definition of property — domain and possession — is of the highest importance; and it must be clearly understood, in order to comprehend what is to follow.

The first short section (“Definitions” in the French edition) sets up a tension (perhaps one of Proudhon’s famous *antinomies* or *contradictions*?) between domain and possession. And there’s the complicated metaphor about the rights (*jus in re* and *jus ad rem*) and the two legal claims (*possessoire* and *pétitoire*), which presumably tells us how to think about the relationship between *property* (narrowly defined) and *possession*. That’s something we need to understand moving forward.

And then there’s a little problem in the translation at the end of the next to last paragraph, where things get paraphrased. The French is:

J’espère que nous ne serons pas forcés d’en venir là ; mais ces deux actions ne pouvaient être menées de front parce que, selon le même Code de procédure, *le possessoire et le pétitoire ne seront jamais cumulés*.

How do folks understand the significance of this first section?

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One of the things it seems useful to underline as we’re moving forward is the distinction that Proudhon makes between a right to the products of labor, which demands access to natural resources, and a right to property in the land itself. The argument against the latter is pretty strong here, which ought to lead us to believe that—whatever may happen to Proudhon’s practical proposals by the early 1860s—his consistent theoretical position denies property on the basis of occupation, with “possession” involving little beyond mutual respect for general access and individual projects. That leaves “occupancy-and-use *property*” in sort of an awkward position, unless we are willing to take on more of Proudhon’s later thought—including something like what I’ve called “resultant anarchy.”

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This was a period in which many of the arguments against the “natural right” of property took this sort of form. Thomas Skidmore’s 1829 work, *The rights of man to property : Being a proposition to make it equal among the adults of the present generation: and to provide for its equal transmission to every individual of each succeeding generation, on arriving at the age of maturity*, starts in the form of an exposition of “natural rights”—which leads to a proposal for agrarian re-division of all property. (Skidmore was, btw, one of the major players in the early land reform movement in the US and rubbed elbows with quite a few of the early anarchistic reformers.)

CHAPTER 3

This is one of the most important chapters in the book. The concept of collective force he introduces in §5 might be the most important element of his sociology. But the argument of the chapter is long and complex, with a number of premises granted along the way, for the sake of argument, only to be refuted in another section—which is why we’ll spend a little more time with it. Just remember the subject of the chapter: “Labor as The Efficient Cause Of The Domain Of Property” and the conclusion in § 8: “That, from the Stand-point of Justice, Labor destroys Property.” If, in the middle sections, he seems to be arguing in favor of some kind of labor-based property, you might look to see if he is playing devil’s advocate for the moment.

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Being unable, at this time, to enter upon a detailed discussion of the Code, I shall content myself with examining the three arguments oftenest resorted to in support of property. 1. Appropriation, or the formation of property by possession; 2. The consent of mankind; 3. Prescription. I shall then inquire into the effects of labor upon the relative condition of the laborers and upon property.

Proudhon is pretty good at giving us itineraries, so we are less likely to lose sight of where we’re headed, even if the argument does twist and turn a bit.

He also makes a bit part of his project clearing up what he takes to be confusions in the thinking of property’s defenders, starting, in this chapter, with Say, one of the biggest guns among the economists. When he says:

We do not ask why the earth has been appropriated to a greater extent than the sea and the air; we want to know by what right man has appropriated wealth which he did not create, and which Nature gave to him gratuitously.

he is responding to a characteristic *naturalization* of private property, without a clear case being made for any *right of appropriation*. And this is one of the places where capitalist and non-capitalist property theory frequently differ. We frequently see capitalists assert—often without acknowledging it—various kinds of *permission* to engage in behavior that is simply *not prohibited*, as if some kind of legal order always applied.

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§ 1. — The Land cannot be Appropriated.

Who is entitled to the rent of the land? The producer of the land, without doubt. Who made the land? God. Then, proprietor, retire!

But the creator of the land does not sell it: he gives it; and, in giving it, he is no respecter of persons. Why, then, are some of his children regarded as legitimate, while others are treated as bastards? If the equality of shares was an original right, why is the inequality of conditions a posthumous right?

Where could a *natural right of appropriation* come from? There is no *transaction* with God/nature and no clear legislation prior to human legislation (which, Proudhon says, largely just *assumes* the right to individual, monopolizing appropriation.)

Perhaps the closest we have to an argument for a natural right to appropriation is found in Locke's famous account—provided the provisos are left intact. But the reason that account works is precisely because the provisos ensure some kind of *equality*. Individuals *may* individually appropriate land, provided “enough and as good” is left for everyone else. In his analogy, they may take a “good draft of water, provided a “whole river” is left for others. But, honestly, it isn't even clear that individual human-scale appropriation is possible in complex, technologically advanced societies.

§ 2. — Universal Consent no Justification of Property.

In the extract from Say, quoted above, it is not clear whether the author means to base the right of property on the stationary character of the soil, or on the consent which he thinks all men have granted to this appropriation. His language is such that it may mean either of these things, or both at once; which entitles us to assume that the author intended to say, “The right of property resulting originally from the exercise of the will, the stability of the soil permitted it to be applied to the land, and universal consent has since sanctioned this application.”

However that may be, can men legitimate property by mutual consent? I say, no. Such a contract, though drafted by Grotius, Montesquieu, and J. J. Rousseau, though signed by the whole human race, would be null in the eyes of justice, and an act to enforce it would be illegal. Man can no more give up labor than liberty. Now, to recognize the right of territorial property is to give up labor, since it is to relinquish the means of labor; it is to traffic in a natural right, and divest ourselves of manhood.

But I wish that this consent, of which so much is made, had been given, either tacitly or formally. What would have been the result? Evidently, the surrenders would have been reciprocal; no right would have been abandoned without the receipt of an equivalent in exchange. We thus come back to equality again, — the *sine qua non* of appropriation; so that, after having justified property by universal consent, that is, by equality, we are obliged to justify the inequality of conditions by property. Never shall we extricate ourselves from this dilemma. Indeed, if, in the terms of the social compact, property has equality for its condition, at the moment when equality ceases to exist, the compact is broken and all property becomes usurpation. We gain nothing, then, by this pretended consent of mankind.

That's the whole section. It is, among other things, a rejection of a certain kind of *voluntaryism*, which would attempt to sanction inequality through consent. Then there is a fairly offhand comment about the impossibility of *renouncing labor*—and here we should probably note that labor was, for Proudhon (as for various anarchist proponents of *integral education*) the primary site for education.

Tucker takes some slight liberties with the second paragraph:

Quoi qu'il en soit, les hommes pouvaient-ils légitimer la propriété par leur mutuel acquiescement ? Je le nie. Un tel contrat eût-il pour rédacteurs Grotius, Montesquieu

et J.-J. Rousseau, fût-il revêtu des signatures du genre humain, serait nul de plein droit, et l'acte qui en aurait été dressé, illégal. L'homme ne peut pas plus renoncer au travail qu'à la liberté ; or, reconnaître le droit de propriété territoriale, c'est renoncer au travail, puisque c'est en abdiquer le moyen, c'est transiger sur un droit naturel et se dépouiller de la qualité d'homme.

But the sense isn't changed much. The contract would be null and void *by right* and the deed based on it would be without lawful foundation. And the alternative is a renunciation of labor by which we would *strip ourselves of the capacity to be human*.

The third paragraph then makes the kind of rhetorical move Proudhon uses a lot in this chapter. Having first attacked *universal consent* as a mechanism of sanction, he turns around and says that, even without any claim to sanction property, the "contract" supposed by those who appeal to universal consent would have led to equality (rather than the inequality actually fostered by property.)

§ 3. — Prescription gives no Title to Property.

The section on *prescription* is interesting, but the argument is fairly simple: no rights that can't be established on a more principled basis can be established merely by the passing of time, the indifference of others, etc.

§ 4. — Labor — That Labor has no Inherent Power to appropriate Natural Wealth.

The argument that begins in §4 really occupies most of the rest of the chapter, with some potentially confusing twists and turns along the way, so this is the point in the reading that we need to pay a little extra attention. Fortunately, Proudhon gives us another of his itineraries:

We shall show by the maxims of political economy and law, that is, by the authorities recognized by property, —

1. That labor has no inherent power to appropriate natural wealth.
2. That, if we admit that labor has this power, we are led directly to equality of property, — whatever the kind of labor, however scarce the product, or unequal the ability of the laborers.
3. That, in the order of justice, labor destroys property.

This is the argument that really takes up the rest of the chapter, § 4, § 5–7 and § 8, respectively.

§ 4 is much like the preceding sections, attacking the logic of the arguments in favor of labor as a means of appropriation. For example:

To say that property is the daughter of labor, and then to give labor material on which to exercise itself, is, if I am not mistaken, to reason in a circle. Contradictions will result from it.

And it doesn't take much prodding of that logic to find that some governmental authority is simply assumed by it, on the basis of which all the problems faced by any particular "right" of initial appropriation are brushed away. So Proudhon comes to some preliminary conclusions, before venturing into somewhat deeper water:

Man has created every thing — every thing save the material itself. Now, I maintain that this material he can only possess and use, on condition of permanent labor, — granting, for the time being, his right of property in things which he has produced.

This, then, is the first point settled: property in product, if we grant so much, does not carry with it property in the means of production; that seems to me to need no further demonstration. There is no difference between the soldier who possesses his arms, the mason who possesses the materials committed to his care, the fisherman who possesses the water, the hunter who possesses the fields and forests, and the cultivator who possesses the lands: all, if you say so, are proprietors of their products — not one is proprietor of the means of production. The right to product is exclusive — *jus in re*; the right to means is common — *jus ad rem*.

Things to note:

What Tucker translates as “means of production” is actually just *instruments* in the French. The sense is pretty much the same, but obviously “means of production” has other associations that might or might not be helpful here.

Proudhon uses the term “property” in a couple of slightly different ways in this passage. Obviously “property in product” (*la propriété du produit* a relationship of ownership with the product of one’s own labor), — “if we grant so much” — have at least slightly different conditions of appropriation and different consequences than *la propriété de l’instrument*. And the difference is related to that distinction from Chapter 2 — *jus in re* vs. *jus ad rem*. The Wikipedia links are useful if you want to try to work out exactly what Proudhon is on about. The first article describes *jus in re* in terms of *enjoyment* and the second article gives us this clarification:

The disposition of contemporary civil law jurists is to use the term *jus ad rem* as descriptive of a right without possession, and *jus in re* as descriptive of a right accompanied by possession. Or, in a somewhat wider sense, the former denotes an inchoate or incomplete right to a thing; the latter, a complete and perfect right to a thing.

Ultimately, of course, perhaps the most important thing for us, moving forward, is the qualification: “property in product, if we grant so much...” We are about to enter a fairly complicated series of arguments in which points are granted precisely for the purpose of showing that they lead to conclusions other than those claimed by the partisans of property. § 5 begins by backtracking and granting, *for the sake of argument*, the point presumably refuted in § 4.

Admit, however, that labor gives a right of property in material. Why is not this principle universal?...

§ 5. — That Labor leads to Equality of Property.

Let us grant [*Accordons*], however, that labor gives a right of property in material. Why is not this principle universal?...

We begin with a concession for the sake of argument—*but it is precisely the thing we know the chapter intends to disprove*. And the first question is why *some* labor seems to grant property

in land, but not *all* labor. That is followed by a question about why labor to *maintain value* would be different from labor to *create value*.

Proudhon just keeps poking at inconsistencies.

But he's also going to push this premise that he has granted for the sake of argument as far as he can. If things were consistent, he suggests, the consequences might be surprising:

Admitting, then, that property is rational and legitimate, — admitting that rent is equitable and just, — I say that he who cultivates acquires property by as good a title as he who clears, or he who improves; and that every time a tenant pays his rent, he obtains a fraction of property in the land entrusted to his care, the denominator of which is equal to the proportion of rent paid. Unless you admit this, you fall into absolutism and tyranny; you recognize class privileges; you sanction slavery.

Whoever labors becomes a proprietor — this is an inevitable deduction from the acknowledged principles of political economy and jurisprudence. And when I say proprietor, I do not mean simply (as do our hypocritical economists) proprietor of his allowance, his salary, his wages, — I mean proprietor of the value which he creates, and by which the master alone profits.

But he doesn't necessarily remind us, over and over again, that we are in the midst of a hypothetical, so sometimes we get a very strong statement that *looks* like perhaps he has shifted course. For example:

This is my proposition: *The laborer retains, even after he has received his wages, a natural right of property in the thing which he has produced.*

And this is the sort of thing that gets quoted out of context—*and that's how rumors get started...*

In any event, while the proposition is perhaps being advanced just to be disproved in its turn, the explanation of why it would be true gives us Proudhon's theory of *collective force*.

§ 5. — That Labor leads to Equality of Property [continued]

We're getting to the theory of *collective force*, which, again, is one of the most important elements in all of Proudhon's sociology, from these early writings all the way through to his final works.

He has just proposed that—*assuming we grant the power of labor to appropriate*—a “laborer retains, even after he has received his wages, a natural right of property in the thing which he has produced.” And that probably sounds a bit unlikely, given that those wages are presumably compensation for his individual labor. Of course, Proudhon has already distinguished between a couple of different kinds of rights, but the argument keeps becoming more complex (which needn't bother us too much, since we know that *eventually*, “labor destroys property.”)

Here's an important part of the next step in the analysis:

Divide et impera — divide, and you shall command; divide, and you shall grow rich; divide, and you shall deceive men, you shall daze their minds, you shall mock at justice! Separate laborers from each other, perhaps each one's daily wage exceeds the value of each individual's product; but that is not the question under consideration. A force of one thousand men working twenty days has been paid the same wages

that one would be paid for working fifty-five years; but this force of one thousand has done in twenty days what a single man could not have accomplished, though he had labored for a million centuries. Is the exchange an equitable one? Once more, no; when you have paid all the individual forces, the collective force still remains to be paid. Consequently, there remains always a right of collective property which you have not acquired, and which you enjoy unjustly.

Where does the “collective right of property” come from? Proudhon accepts that perhaps whatever rights might arise from individual labor could be compensated with a wage. The problem is that we are not dealing with strictly individual labor. There remains a power to produce that is directly attributable to the fact that laborers are working together—a *collective force*—which increases the production of products and increases whatever power to appropriate we may *grant* (for the sake of argument) to labor. If labor—or labor not otherwise compensated—is *granted* that power of appropriation (if it is “the efficient cause of the domain of property”), then the workers do indeed still have a claim that must be addressed. Again:

...when you have paid all the individual forces, the collective force still remains to be paid. Consequently, there remains always a right of collective property which you have not acquired, and which you enjoy unjustly.

Now, the capitalist has an answer—and really a series of answers—for why they have a right to the fruits of *collective force*. They will either claim that no *collective force* is possible without the intervention of capitalist management, or they will rely on the fiction of *the productivity of capital*, or they will appeal to what Proudhon calls a *droit d’aubaine* (what Tucker calls the “right of increase,” but we should probably recognize as a “right” of escheat.) Chapter IV addresses the *aubaines*. § 6 and § 7 tackle some of the arguments made in favor of special compensation for managerial or *entrepreneurial* labor.

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“Property and Theft: Proudhon’s Theory of Exploitation” is a short, but perhaps helpful post on the theory of *collective force*.

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§ 6. — That in Society all Wages are Equal.

“To each according to his capital, his labor, and his skill.” [“utopian socialist” formula]

The opening discussion regarding the Fourierist/Saint-Simonian “to each...” formula is, I think, interesting. Proudhon showed skepticism toward a lot of the familiar variations on the “from each... to each...” formulas on which we often rely. But, despite this section being fairly well-known, it may come as some surprise that Proudhon takes some time to refute the notion that the amount of compensation for associated labor should be governed by the amount of labor.

We have a chapter heading that needs to be unpacked a bit: “That in society all wages are equal.” For Proudhon, “society” is closely associated with “equality.” There are places in the argument where they are nearly synonyms. And there is some distinction to be made between “social” labor, for which “society” pays a “wage” in the general division of products and labor that is in some important sense not “social.”

In so far as laborers are associated, they are equal; and it involves a contradiction to say that one should be paid more than another. For, as the product of one laborer can be paid for only in the product of another laborer, if the two products are unequal, the remainder — or the difference between the greater and the smaller — will not be acquired by society; and, therefore, not being exchanged, will not affect the equality of wages. There will result, it is true, in favor of the stronger laborer a natural inequality, but not a social inequality; no one having suffered by his strength and productive energy. In a word, society exchanges only equal products — that is, rewards no labor save that performed for her benefit; consequently, she pays all laborers equally: with what they produce outside of her sphere she has no more to do, than with the difference in their voices and their hair.

There is, it appears, a social economy, in which *products exchange for products among equals*. It is within the context of that economy that association and interdependence seem to necessitate equality of compensation. In this economy of equals, each individual has a share of labor to contribute (and I think we can think about *contribution* very broadly and inclusively, rather than using the standards of our present societies, which have a hard time recognizing *economic contribution* if it doesn't make a profit for some capitalist) and to interfere with the ability of others to “do their share” appears here as a kind of *anti-social* act.

There's no fixed notion of what such an association or society is supposed to do—and we wouldn't expect any sort of top-down determination of ends in an anarchist account—but we should probably recognize that the association is a kind of *collective being*, which produces the greater *collective force* and best serves the interests of the individuals involved when dynamic activity on the part of the members of the association is held in *balance*. Equal labor need not involve any equivalence in calories burned, hours worked, etc. We can probably come fairly close to “from each according to their abilities” as a standard for the social side of individual labor.

And then if some individuals are capable of and inclined to other sorts of exertion, they ought to be free to do so, as long as they don't interfere with others' ability to play their part in the association. But the most enthusiastic Stakhanovite doesn't earn any additional “wage” from society as a result of their exertions.

Yes, life is a struggle. But this struggle is not between man and man — it is between man and Nature; and it is each one's duty to take his share in it. If, in the struggle, the strong come to the aid of the weak, their kindness deserves praise and love; but their aid must be accepted as a free gift, — not imposed by force, nor offered at a price. All have the same career before them, neither too long nor too difficult; whoever finishes it finds his reward at the end: it is not necessary to get there first.

We know that Proudhon really believed that wages should indeed be equal in society, in part because he records in his notebooks the point at which he stopped *insisting* on it, not wishing to join the ranks of those whose social solutions were limited to formulas.

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[In response to questions about critiques by Marx:]

I don't think they are particularly compelling in any of the contexts here, but I think that by the time Proudhon is talking about *division of labor* and presenting a version of the *cost principle*, it's easy to either forget what he's been saying about exchange *in society* or to imagine he is now saying something else. I don't think this part of the chapter is as easy to follow and as free of distractions as some of the early sections.

As far as "self-exploitation" goes, I continue to be convinced that there is nothing about exchange *per se* that poses that threat (as I've discussed in some detail elsewhere.) But that doesn't mean that there is no threat of something like self-exploitation possible if we aren't consistent enough in rooting out governmentalism. He has to tackle the question of *collective force* and its disposition head-on. Otherwise, it might not be capitalists exploiting by appropriating the collective force to the firm, but political representatives appropriating it to "the community" or for "the People." And if—picking up some of the concerns from the next section—we recognize that the most complete expression and social balancing of our individual capacities is going to come from rather large and complex forms of association, then we can expect that the proportion of collective force may be quite high, giving the question of its disposition some urgency.

Proudhon proposed the division of the fruits of collective force in at least one of the *Economie* manuscripts, but that part of the question really doesn't seem to be addressed here.

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A complete list of the works discussing collective force is actually a fairly tall order, since so much of the economic material is scattered through the unpublished manuscripts—and *scattered* really is the right word for some of the manuscript collections. The one text I've found that is really dedicated to the analysis of collective force is "Principles of the Philosophy of Progress." It is also central to the study on the State in *Justice* (where it is described both as *force collective* and *puissance de collectivité*.) "Toward a General Theory of Archy" addresses some of the relevant passages. *De la création de l'ordre* also has a couple of nice, clear discussions of the basic principle.

The problem is that the theory of collective force isn't just related to the theory of exploitation. Instead, it's at the center of Proudhon's entire sociology. So when we look at the catalog of projects published in *Theory of Property*, we find that it starts with "A theory of force: a metaphysics of the group (which will be demonstrated above all, along with the theory of nationalities, in a book which will be published soon.)" And as we go down the list, there really isn't much on it that isn't related to the question of collective force. And when we look for the book that was soon to be published, it's pretty obviously the still unpublished *Géographie politique et nationalité* (the text of which Edward Castleton will be finalizing over the next couple of years.) And when we look at the relevant manuscripts, we find that *Theory of Property* was originally the last chapter of that work (under the title "Guarantism: Theory of Property") and that the work on the federative principle was almost certainly understood at one time as the concluding portion of the work on property.

The change in the theory is largely a matter of its extension from the single example prominent in *What is Property?* to something Proudhon could call a "metaphysics of the group." Once you get beyond simply identifying the collective force as existing and recognize that it is the source of the capitalists' income, there remains the work of describing its internal dynamics. The "Principles..." are largely still focused on economic questions, but by the time he's writing *Justice*, he's gone from recognizing that the combination of division and association of tasks amplifies

the efforts of individual laborers in a workshop to describing a quantity of *freedom* within each individual, derived from the complexity and intensity of their internal relations. In hindsight, none of it is a terribly great leap, particularly in an era still very fond of its universal analogies, but I'm not sure that the remarks in *What is Property?* prepare us for just how important the question of collective force will become to Proudhon.

§ 7. — That Inequality of Powers is the Necessary Condition of Equality of Fortunes.

Distinguishing between social *inequality* and *differences in capacity* among individuals is important in a lot of the discussions we have about “hierarchy” and “authority.” What Proudhon assures us right away is that he does not have any intention of making *equality* a matter of leveling-down. He also makes it clear that he will not in any way minimize the differences among individuals.

He assures us that the various *functions* in society emerge from the qualities of individuals (and their subsequent balancing) and introduces a particular conception of the *division of labor*:

Let us admire Nature's economy. With regard to these various needs which she has given us, and which the isolated man cannot satisfy unaided, Nature has granted to the race a power refused to the individual. This gives rise to the principle of the *division of labor*, — a principle founded on the *speciality of vocations*.

These are phrases that might lead us to other associations, but Proudhon is talking about an economy defined, in a general sense, “according to the ability” of the society. The needs of society are diverse, as are the capacities of individuals and associations. The key is obviously balancing things:

Give me ... a society in which every kind of talent bears a proper numerical relation to the needs of the society, and which demands from each producer only that which his special function requires him to produce; and, without impairing in the least the hierarchy of functions, I will deduce the equality of fortunes.

Given the context here, which includes a critique of Fourierism, it's amusing that the problem Proudhon is posing resembles that posed by Fourier in the design of the *phalanstery*, where it is a question of balancing human passions so that every impulse finds its proper outlet. But Proudhon owed more than a little to Fourier.

Anyway, Proudhon wants to prove “that functions are equal to each other; just as laborers, who perform the same function, are equal to each other.” He takes a long time to basically say that if people are free they aren't going to allow themselves to be cheated. (He acknowledges that *transactions* can certainly and do take place, where the traders are not *free*.) I don't think that the basic principle of economic equality among free people is particularly hard to understand. But the question of how well needs and capacities can be balanced is certainly a more interesting and potentially difficult question. It seems clear that broad networks of association are necessary for the full balancing of human capacities:

[continued:]

To reward certain industries and pay for certain products, a society is needed which corresponds in size with the rarity of talents, the costliness of the products, and the variety of the arts and sciences. If, for example, a society of fifty farmers can

support a schoolmaster, it requires one hundred for a shoemaker, one hundred and fifty for a blacksmith, two hundred for a tailor, &c. If the number of farmers rises to one thousand, ten thousand, one hundred thousand, &c., as fast as their number increases, that of the functionaries which are earliest required must increase in the same proportion; so that the highest functions become possible only in the most powerful societies. That is the peculiar feature of capacities; the character of genius, the seal of its glory, cannot arise and develop itself, except in the bosom of a great nation. But this physiological condition, necessary to the existence of genius, adds nothing to its social rights: far from that, — the delay in its appearance proves that, in economical and civil affairs, the loftiest intelligence must submit to the equality of possessions; an equality which is anterior to it, and of which it constitutes the crown.

That ought to shake some popular ideas about Proudhon's attachment to small-scale social organization (in the context of which his own work might well not have been possible.)

The absolute value of a thing, then, is its cost in time and expense. How much is a diamond worth which costs only the labor of picking it up? — Nothing; it is not a product of man. How much will it be worth when cut and mounted? — The time and expense which it has cost the laborer. Why, then, is it sold at so high a price? — Because men are not free. Society must regulate the exchange and distribution of the rarest things, as it does that of the most common ones, in such a way that each may share in the enjoyment of them. What, then, is that value which is based upon opinion? — Delusion, injustice, and robbery.

Proudhon would also present other accounts of *value* that took into account various kinds of valuation, but we probably shouldn't let that—or our own preconceptions about what accounts of value ought to talk about—obscure what is a fairly simple point. In the context of *social* labor and *social* exchange, as they have been defined so far, equality and freedom simply don't leave much room for individual profit at the expense of others. And, ultimately, we don't have any incentive to impinge on either the "share of labor" of others or the fruits that they derive from it, since that sort of activity simply puts extra, unnecessary stresses on the overall activity of the society, almost certainly reducing the generation of *collective force*, which, in a society of equals, ought to be that proverbial tide that lifts all boats. There is perhaps a sort of profit motive here, but it involves an understanding of how association amplifies our individual efforts.

And, as we've already noted, increasing the scope of the associations increases the possibility of individuals finding social functions even more precisely suited to their capacities.

But it is also the case that the collective force generated by society has already played its part in creating the individuals who will in their turn continue the process and contribute to the creation of new individuals. We are headed for a conclusion, at the end of the final section that "the laborer, in his relation to society, is a debtor who of necessity dies insolvent," which is the final refutation of the notion that labor is the efficient cause of property. But, as has so often been the case, Proudhon gives us reasons to think that the questions he is answering aren't really the questions that would interest him very much, if he were free to choose. He tells us:

In fact, every work coming from the hands of man — compared with the raw material of which it is composed — is beyond price.

and

Now, it is impossible to place a money value on any talent whatsoever, since talent and money have no common measure.

There is a *lot*, in fact, in what he says about individuals and their social “functions” that probably ought to suggest to us a basic *incommensurability* between the various roles.

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Just a general thought: This section is one that I still don’t think I’ve really got to the bottom of. But one of the things that keeps occurring to me, this time around, is that at least some of what is unclear to me might be clarified by incorporating more of Fourier’s original analysis—while Proudhon is still in the process of distinguishing his analysis from Fourier’s through critique.

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Division and association of labor simply is the mechanism of collective force, with the quantity of the force generated increasing according to the complexity of the association and the balanced intensity of the individual forces. Proudhon talks about the quantity of freedom in any such association in ways that make the freedom and the collective force seem to be roughly the same thing, but we might also think about the freedom as the immediate condition for the generation of collective force—the *play* in the mechanism that allows it to contain and survive an intense internal activity. We should probably also think about this dynamic in terms of the *positive anarchy* that Proudhon appealed to or the “resultant anarchy” that I’ve begun to describe. (And we’ll almost certainly have occasion to talk more about all this in the context of Chapter 5.)

§ 8. — That, from the Stand-point of Justice, Labor destroys Property.

The final section here is short. Much of it amounts to a summary of the preceding sections, but sometimes with what appear to be startling different conclusions. Here, Proudhon emphasizes the interdependence of individuals, concluding that:

The laborer, in his relation to society, is a debtor who of necessity dies insolvent. The proprietor is an unfaithful guardian who denies the receipt of the deposit committed to his care, and wishes to be paid for his guardianship down to the last day.

So he can claim that, when all of the effects of collective force are accounted for: “The laborer is not even proprietor of the price of his labor, and cannot absolutely control its disposition.”

If we grant that individual labor is the efficient cause of property, then it appears we can multiply the claims well beyond those recognized under capitalism. But, when we take into account the ongoing effects of collective force and what they contribute to “individual” labor, we end up essentially destroying even the most modest claims to property.

CHAPTER 4

General Notes:

Chapter III ends with this summary and transition:

To conclude: —

The laborer, in his relation to society, is a debtor who of necessity dies insolvent. The proprietor is an unfaithful guardian who denies the receipt of the deposit committed to his care, and wishes to be paid for his guardianship down to the last day.

Lest the principles just set forth may appear to certain readers too metaphysical, I shall reproduce them in a more concrete form, intelligible to the dullest brains, and pregnant with the most important consequences.

Hitherto, I have considered property as a power of *exclusion*; hereafter, I shall examine it as a power of *invasion*.

We are moving from the first half of the discussion of the claim that *property is theft* (which is completed in the final chapter) and turning to the proposition that *property is impossible*. The two are obviously connected. We might think of the general “right” that Proudhon focuses on here as what is left when you eliminate all of the rationales for property already addressed. They were addressing rights to appropriate and accumulate in ways that still had some connection to arguments about “rights to the fruits of one’s own labor”—and they conferred, generally, what Proudhon calls a “power of *exclusion*.”

As a bit of an aside, this characterization of property as both “theft” and a “power of exclusion” is probably the closest Proudhon comes in this work to repeating the claim made in *The Celebration of Sunday* that the Biblical injunction (“thou shalt not steal”) is actually an injunction against every form of “putting aside for oneself.” In that earlier formulation, “property is theft” wouldn’t be a paradox, “stolen concept,” etc., but simply a description of its origins. (There’s still, I think, some interesting work to be done on that earlier book.)

With that in mind, we might say that, so far, property has been the theft primarily of the “free gifts” of nature (appropriation of land and natural resources) and *exploitation* of a kind of collective product simply not accounted for in existing theories of production and compensation. To then shift to talk about *invasion* is really to *up the ante* and talk about the capitalist class more like highway robbers than people simply taking advantage of the existing system. That’s one of the reasons that it is useful to correct Tucker’s translation a bit.

AXIOME. La propriété est le droit d’aubaine que le propriétaire s’attribue sur une chose marquée par lui de son seing.

AXIOM: Property is the right of escheat that the proprietor assumes [literally attributes to themselves] over a thing marked by him with his signature [or legal mark].

And now consider the ways in which an examination of the “right” of *escheat* allows us to more completely integrate the critiques of capitalism and governmentalism in Proudhon’s thought.

The potential ironies, for us, are rather delicious. Proudhon is going to do his best to finally topple the last supports of property with an argument from *axioms*, which perhaps bears more than just a bit of resemblance to a familiar line about *taxation* and theft.

One last bit of context: We’ve seen some of the reasons that bits and pieces of *What is Property?* has seemed to support a wide range of readings, portraying Proudhon as essentially communist,

essentially capitalist, and just about everything in between. There is certainly a lot of focus in our circles on conflating Proudhon's economic thought with "mutualism," defined (because it doesn't actually seem to be communism) as "market anarchism" (or jettisoned because we don't think that label makes sense.) So, just to stir that pot a little, maybe it's useful to look at one of the places from the Second Memoir on Property where he talks about the *droit d'aubaine* in what ought to be an illuminating context.

I say that competition, isolation of interests, monopoly, privilege, accumulation of capital, exclusive enjoyment, subordination of functions, individualism in production, the right of profit or *aubaine*, the exploitation of man by man, and, to summarize all these species by what they have in common, that PROPERTY is the principal cause of misery and crime.

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I will hopefully get far enough through the chapter notes to have occasion to mention it again, but some of my old commentaries on the book, and particularly "Varieties of Proprietors: Lovers, Husbands, and Mother Hens," apply not just to the argument, but to the style and tone of this particular chapter.

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Chapter IV, from the opening paragraphs:

If I show that property itself is impossible — that it is property which is a contradiction, a chimera, a utopia; and if I show it no longer by metaphysics and jurisprudence, but by figures, equations, and calculations, — imagine the fright of the astounded proprietor! And you, reader; what do you think of the retort?

Numbers govern the world — *mundum regunt numeri*. This proverb applies as aptly to the moral and political, as to the sidereal and molecular, world. The elements of justice are identical with those of algebra; legislation and government are simply the arts of classifying and balancing powers; all jurisprudence falls within the rules of arithmetic. This chapter and the next will serve to lay the foundations of this extraordinary doctrine. Then will be unfolded to the reader's vision an immense and novel career; then shall we commence to see in numerical relations the synthetic unity of philosophy and the sciences; and, filled with admiration and enthusiasm for this profound and majestic simplicity of Nature, we shall shout with the apostle: "Yes, the Eternal has made all things by number, weight, and measure!" We shall understand not only that equality of conditions is possible, but that all else is impossible; that this seeming impossibility which we charge upon it arises from the fact that we always think of it in connection either with the proprietary or the communistic régime, — political systems equally irreconcilable with human nature. We shall see finally that equality is constantly being realized without our knowledge, even at the very moment when we are pronouncing it incapable of realization; that the time draws near

when, without any effort or even wish of ours, we shall have it universally established; that with it, in it, and by it, the natural and true political order must make itself manifest.

It has been said, in speaking of the blindness and obstinacy of the passions, that, if man had any thing to gain by denying the truths of arithmetic, he would find some means of unsettling their certainty: here is an opportunity to try this curious experiment. I attack property, no longer with its own maxims, but with arithmetic. Let the proprietors prepare to verify my figures; for, if unfortunately for them the figures prove accurate, the proprietors are lost.

In proving the impossibility of property, I complete the proof of its injustice. In fact,
—

That which is *just* must be *useful*;

That which is *useful* must be *true*;

That which is *true* must be *possible*;

Therefore, every thing which is impossible is untrue, useless, unjust. Then, — *a priori*, — we may judge of the justice of any thing by its possibility; so that if the thing were absolutely impossible, it would be absolutely unjust.

Property is physically and mathematically impossible.

Proudhon is going to tackle “The last resort of proprietors,” their opinion that “equality of conditions is impossible.” I think most of us are familiar with this sort of argument, sometimes accompanied by attempts at *a priori* proof. So we can perhaps take some pleasure in Proudhon’s attempt to turn the argument on its head. “What if,” he suggests, “it is actually *property* that is impossible—eliminating all chance that it could be either useful or just?”

Axiom. — Property is the [droit d’aubaine] claimed by the Proprietor over any thing which he has stamped as his own.

This section is, I think, pretty clear. Perhaps the most significant question is how we should render the French *droit d’aubaine*. There are a number of rights in French law that result in the transfer of property from one individual to another. Because they are all part of the body of legislation that governs property, it’s no surprise that each of them tells us *something* about the dynamic that Proudhon is describing, but it would obviously be nice to get as close to Proudhon’s intentions as possible.

In general, an *aubaine* is a “windfall,” a term we use for unexpected gains, particularly when they are significant gains. The term originally refers to fruit blown from a tree, which can be harvested without significant labor. That gets us in the ballpark, suggesting a kind of unearned profit. An exclusive *right* to the fruit that falls from the tree—or its equivalent—certainly seems to violate the principle of equity. But it doesn’t tell us anything about the mechanisms of capitalist exploitation.

The phrase “right of increase” is, it seems, usually applied to the *droit d’accroissement*. This seems primarily to refer to the transfer of property in land when natural processes (stream migration, etc.) change the character of the property in question. For example, stream migration may move the boundary between two properties. The other sense involves heirs to an estate, and allows them to claim the share of another heir in the event that they are unwilling or unable to

accept their share. Again, we're in the general vicinity, but none of these circumstances really seem to describe the process of capitalist exploitation.

The legal definition of *droit d'aubaine* is "right of escheat," and:

Escheat is a common law doctrine that transfers the real property of a person who died without heirs to the Crown or state. It serves to ensure that property is not left in "limbo" without recognized ownership.

This seems to leave us much closer to Proudhon's claim that the fruits of collective force are simply not accounted for in the normal distribution of the fruits of labor, so they are necessarily "in limbo" until claimed by the capitalist equivalent of "Crown or state." And if you haven't got around to reading the discussion of "Escheat and Anarchy" that I've linked a couple of times now, this would probably be a good time to take the time. It not only spells out what's at stake in economic exploitation a bit more clearly, but ties that critique to Proudhon's critique of the governmental state.

First Proposition. Property is impossible, because it demands Something for Nothing.

If nothing else, even a quick look at these arguments, which build on the claims of Chapter 3, ought to raise questions about how Proudhon could be called an *individualist*. Consider, for example:

Yes; land has the power of producing more than is needed by those who cultivate it, if by cultivators is meant tenants only. The tailor also makes more clothes than he wears, and the cabinet-maker more furniture than he uses. But, since the various professions imply and sustain one another, not only the farmer, but the followers of all arts and trades — even to the doctor and the school-teacher — are, and ought to be, regarded as *cultivators of the land*.

But the argument proceeds in familiar fashion. Proudhon pokes at the inconsistencies in the arguments of the defenders of property:

Will Say tell us why the same farmers, who, if there were no proprietors, would contend with each other for possession of the soil, do not contend to-day with the proprietors for this possession? Obviously, because they think them legitimate possessors, and because their respect for even an imaginary right exceeds their avarice. I proved, in Chapter II., that possession is sufficient, without property, to maintain social order. Would it be more difficult, then, to reconcile possessors without masters than tenants controlled by proprietors? Would laboring men, who respect — much to their own detriment — the pretended rights of the idler, violate the natural rights of the producer and the manufacturer? What! if the husbandman forfeited his right to the land as soon as he ceased to occupy it, would he become more covetous? And would the impossibility of demanding increase, of taxing another's labor, be a source of quarrels and law-suits? The economists use singular logic. But we are not yet through. Admit that the proprietor is the legitimate master of the land.

And, importantly, he takes special aim at the question of "the productivity of capital," as well as tackling some of the less interesting questions raised by those concerned that some mechanical "labor theory of value" would have us compensating workers for making mud pies:

Tools and capital, land and labor, considered individually and abstractly, are not, literally speaking, productive. The proprietor who asks to be rewarded for the use of a tool, or the productive power of his land, takes for granted, then, that which is radically false; namely, that capital produces by its own effort, — and, in taking pay for this imaginary product, he literally receives something for nothing.

That obviously gets us to the conclusion of the proposition, but the argument also ought to free us from a number of common misconceptions.

Second Proposition. Property is impossible because wherever it exists Production costs more than it is worth.

The preceding proposition was legislative in its nature; this one is economical. It serves to prove that property, which originates in violence, results in waste.

We get some economic arguments here that are necessarily closer to Proudhon's own beliefs than those in the complex conditional cases in Chapter 3. So we should pay close attention to definitions of concepts like *value*, *production* and *consumption*.

Now, value being necessarily based upon utility, it follows that every useless product is necessarily valueless, — that it cannot be exchanged; and, consequently, that it cannot be given in payment for productive services.

Then, though production may equal consumption, it never can exceed it; for there is no real production save where there is a production of utility, and there is no utility save where there is a possibility of consumption. Thus, so much of every product as is rendered by excessive abundance inconsumable, becomes useless, valueless, unexchangeable, — consequently, unfit to be given in payment for any thing whatever, and is no longer a product.

Consumption, on the other hand, to be legitimate, — to be true consumption, — must be reproductive of utility; for, if it is unproductive, the products which it destroys are cancelled values — things produced at a pure loss; a state of things which causes products to depreciate in value. Man has the power to destroy, but he consumes only that which he reproduces. Under a right system of economy, there is then an equation between production and consumption.

We can obviously come to different conclusions through different definitions, but we won't be talking about "right system of economy" if, for example, we fail to maintain his distinction between *consumption* and *destruction* of values.

Lots of energy can be expended, lots of resources used and lots of products *eaten up* without any of that activity becoming a part of the economy Proudhon is describing. We know from earlier chapters that some of this non-economic activity, like the work of particularly motivated or skilled individuals, may be essentially harmless, as long as it does not displace other individuals from their economic roles as producers and consumers. But here Proudhon is discussing the ways in which it "consumption" without production amounts to a *destructive* cost imposed on production. And, Proudhon suggests, the imbalance created in the economy give rise to new deformations of the economy:

The proprietor — an essentially libidinous animal, without virtue or shame — is not satisfied with an orderly and disciplined life. He loves property, because it enables him to do at leisure what he pleases and when he pleases. Having obtained the means of life, he gives himself up to trivialities and indolence; he enjoys, he fritters away his time, he goes in quest of curiosities and novel sensations. Property — to enjoy itself — has to abandon ordinary life, and busy itself in luxurious occupations and unclean enjoyments.

The proprietors have their needs met and still retain a power to make demands in the market for “curiosities and novel sensations,” which, in a capitalist market, must be filled by labor, demanding human effort and natural resources for purposes that could not, under the sorts of definitions Proudhon has been using, be considered *economic*—and imposing further costs on production.

The description of the proprietor is fairly tame, compared to some others in the work, but it’s worth noting that Proudhon’s writing often gains something in art and intensity in these passages.

Third Proposition. Property is impossible, because, with a given capital, Production is proportional to labor, not to property.

Let’s skip right to the conclusion:

The right of increase, which can exist only within very narrow limits, defined by the laws of production, is annihilated by the right of occupancy. Now, without the right of increase [*aubaine*], there is no property. Then property is impossible.

This is a section where translating *aubaine* as “increase” works rather nicely, if only because the first “law of proprietary economy” identified by Proudhon is this: *Increase [aubaine] must diminish as the number of idlers augments*. So we find ourselves contemplating a scenario in which an increase in the exercise of what Proudhon considers the proprietors’ most fundamental “right” results in a decrease of the efficacy of that exercise—a decrease in increase. There is a sense in which “property is theft”—at least in the sense of *loss of property*—in ways that turn back on the proprietors’ themselves.

There is some fun stuff here that leads Proudhon to claim that: *The maximum income of a proprietor is equal to the square root of the product of one laborer* (some number being agreed upon to express this product). *The diminution which this income suffers, if the proprietor is idle, is equal to a fraction whose numerator is 1, and whose denominator is the number which expresses the product.*

I’ll leave it to readers to decide if the math is correct, but I think Proudhon does make his more general point about the proportionality of production to labor quite clearly. Anyway, in a very Proudhon-like move, having started at the end, I want to highlight an argument made at the beginning of the section, which we will see again later.

the proprietor becomes poorer [precisely because] he wishes to enjoy [*jouir*]; by exercising his right, he loses it; so that property seems to decrease and vanish in proportion as we try to lay hold of it, — the more we pursue it, the [less it lets itself be taken].

The use of *jouir* in an *absolute* sense, where we would ordinarily expect to be told what the proprietor expects to enjoy (even if it is just property or the fruits of others' production) seems most often to signal either a sexual connotation (to *climax*) or some similarly intense experience. And so we might treat this as part of a series of more or less sexualized passages, all dealing with the proprietors' *enjoyment, consumption, consummation*, etc. The most interesting example of this series is arguably in the treatment of the Seventh Proposition, where we can take a closer look at this passage, which seems hard to treat as entirely innocent of inuendo:

Point de propriété entière sans jouissance, point de jouissance sans consommation, point de consommation sans perte de la propriété : telle est l'inflexible nécessité dans laquelle le jugement de Dieu a placé le propriétaire.

Fourth Proposition. Property is impossible, because it is Homicide.

The conclusion:

In fine, property — after having robbed the laborer by usury — murders him slowly by starvation. Now, without robbery and murder, property cannot exist; with robbery and murder, it soon dies for want of support. Therefore it is impossible.

This is all quite straightforward, but it's worth noting the way to Proudhon addresses the question. He begins with the capitalist "taxation is theft" argument of his day:

Say — who reasons with marvellous clearness whenever he assails taxation, but who is blind to the fact that the proprietor, as well as the tax-gatherer, steals from the tenant, and in the same manner — says in his second letter to Malthus: —

"If the collector of taxes and those who employ him consume one-sixth of the products, they thereby compel the producers to feed, clothe, and support themselves on five-sixths of what they produce. They admit this, but say at the same time that it is possible for each one to live on five-sixths of what he produces. I admit that, if they insist upon it; but I ask if they believe that the producer would live as well, in case they demanded of him, instead of one-sixth, two-sixths, or one-third, of their products? No; but he would still live. Then I ask whether he would still live, in case they should rob him of two-thirds, ... then three-quarters? But I hear no reply."

If the master of the French economists had been less blinded by his proprietary prejudices, he would have seen that farm-rent has precisely the same effect.

And the objection in that argument is that, at some point, the imposition of taxation means that the producer *would not live*. Proudhon then simply shows that what is suggested about taxation is at least as likely when it is question of levying *rent*.

Fifth Proposition. Property is impossible, because, if it exists, Society devours itself.

When the ass is too heavily loaded, he lies down; man always moves on. Upon this indomitable courage, the proprietor — well knowing that it exists — bases his hopes of speculation. The free laborer produces ten; for me, thinks the proprietor, he will produce twelve.

This section addresses the precarious position of the laborer, constantly called upon to be more productive—and often remarkably successful at producing yet more for the proprietors—but also identified as the most expendable element of production and subject to “violent and periodical sacrifice.”

Proudhon’s summary:

Society devours itself, — 1. By the violent and periodical sacrifice of laborers: this we have just seen, and shall see again; 2. By the stoppage of the producer’s consumption caused by property. These two modes of suicide are at first simultaneous; but soon the first is given additional force by the second, famine uniting with usury to render labor at once more necessary and more scarce.

Proudhon returns to his proofs that workers in a society of any real complexity are associated by the force of circumstances, and then demonstrates how property intervenes at every turn, essentially making this association—and *society* itself, in his preferred sense—impossible. As a result of these repeated attempts to reap a profit:

Property sells products to the laborer for more than it pays him for them; therefore it is impossible.

Appendix To The Fifth Proposition.

Proudhon gives special attention to the Fourierist proposal: “To each according to his capital, his labor, and his skill.” I don’t know that we have to take this as a thorough critique of Fourier’s argument. When Fourier discussed “travail, capital et talent,” it was as three “industrial faculties” possessed by each individual. And in *Le nouveau monde industriel et sociétaire* we find the scheme of division according to these faculties described as a system organized by “compound cupidity.” Proudhon is probably responding more directly to organized Fourierism, which was not always faithful to all the complicated details of Fourier’s work. And, of course, Proudhon’s comments would inspire a response from Henri Dameth in *Défense du fouriérisme*, which Proudhon would against respond to in the third memoir on property, *Avertissement aux propriétaires*. Proudhon seems to be arguing as if Fourier was making an argument for compensating various economic classes. So perhaps the argument makes at least as much sense *for us* as a response to arguments about the rights of *entrepreneurs*, which often seem to have based in claims about the particular skills they possess for organizing production. In any event, this appendix gives us some more clarity about Proudhon’s understanding of “inequality” with regard to labor:

Rarity of genius was not, in the Creator’s design, a motive to compel society to go down on its knees before the man of superior talents, but a providential means for the performance of all functions to the greatest advantage of all.

Talent is a creation of society rather than a gift of Nature; it is an accumulated capital, of which the receiver is only the guardian. Without society, — without the education and powerful assistance which it furnishes, — the finest nature would be inferior to the most ordinary capacities in the very respect in which it ought to shine. The more extensive a man’s knowledge, the more luxuriant his imagination, the more versatile his talent, — the more costly has his education been, the more remarkable

and numerous were his teachers and his models, and the greater is his debt. The farmer produces from the time that he leaves his cradle until he enters his grave: the fruits of art and science are late and scarce; frequently the tree dies before the fruit ripens. Society, in cultivating talent, makes a sacrifice to hope.

Capacities have no common standard of comparison: the conditions of development being equal, inequality of talent is simply speciality of talent.

We also get a response to the claim often made that Proudhon was proposing compensation according to *results* when he observes that:

We must conclude, then, that in equality, and only in equality, St. Simon's adage — To each according to his capacity to each capacity according to its results — finds its full and complete application.

The final section deals with the question of population and should be understood as a first set of comments on the *Malthusianism* that would characterize capitalist political economy for Proudhon in some later essays.

Sixth Proposition. Property is impossible, because it is the Mother of Tyranny.

What is government? Government is public economy, the supreme administrative power over public works and national possessions

This section is a bit odd, amounting to one of those arguments in the previous chapter where premises are granted in order to show that there are inconsistencies in the system. We probably wouldn't say that a nation really resembles that joint-stock association Proudhon is describing, although the contradictions he points to seem real enough. But it is interesting to see him reduce government to economics in this section, as he will propose to do more seriously in later works.

And this last bit is rather wonderful:

Since property is the grand cause of privilege and despotism, the form of the republican oath should be changed. Instead of, "I swear hatred to royalty," henceforth the new member of a secret society should say, "I swear hatred to property."

Seventh Proposition. Property is impossible, because, by consuming what it receives, it loses it; by saving it, it nullifies it; and by using it as Capital, it turns it against production. [slightly revised from Tucker's text]

This is one of the more interesting sections, bringing together a number of concerns we've already noted in the context of some entertaining prose. It begins with a comparison laborers and proprietors as different kinds of "machines":

If, with the economists, we consider the laborer as a living machine, we must regard the wages paid to him as the amount necessary to support this machine, and keep it in repair. The head of a manufacturing establishment — who employs laborers at three, five, ten, and fifteen francs per day, and who charges twenty francs for his superintendence — does not regard his disbursements as losses, because he knows

they will return to him in the form of products. Consequently, labor and reproductive consumption are identical.

What is the proprietor? He is a machine which does not work; or, which working for its own pleasure, and only when it sees fit, produces nothing.

What is it to consume as a proprietor? It is to consume without working, to consume without reproducing. For, once more, that which the proprietor consumes as a laborer comes back to him; he does not give his labor in exchange for his property, since, if he did, he would thereby cease to be a proprietor. In consuming as a laborer, the proprietor gains, or at least does not lose, since he recovers that which he consumes; in consuming as a proprietor, he impoverishes himself. To enjoy property, then, it is necessary to destroy it; to be a real proprietor, one must cease to be a proprietor.

The laborer who consumes his wages is a machine which destroys and reproduces; the proprietor who consumes his income is a bottomless gulf, — sand which we water, a stone which we sow. So true is this, that the proprietor — neither wishing nor knowing how to produce, and perceiving that as fast as he uses his property he destroys it for ever — has taken the precaution to make some one produce in his place. That is what political economy, speaking in the name of eternal justice, calls *producing by his capital*, — *producing by his tools*. And that is what ought to be called *producing by a slave* — *producing as a thief and as a tyrant*. He, the proprietor, produce! ... The robber might say, as well: “I produce.”

The characterization of “the laborer who consumes his wages” (and this is pretty much every laborer, as the wages are, Proudhon insists, the expenses necessary to maintain the laborer-machine) as “a machine which destroys and reproduces” (*labor and reproductive consumption* being “identical”) ought, perhaps, to remind us of Proudhon’s oft-used motto, *Destruam et ædificabo* (“I shall destroy and I shall build up again.”) (I talk a bit about that motto in my notes for Chapter 5.) And perhaps, beyond the rather aggressive *tone* of the phrase, we don’t really have much more than an affirmation that Proudhon considers himself a *laborer*—or perhaps that being a laborer is the sort of thing that can indeed justify this sort of tone.

We also get another jab at “the productivity of capital” here.

Then we get the claim that, as bad as the proprietor is who consumes without producing, the proprietor who *saves* is even worse. There are a couple of issues here. There are questions of style, including Proudhon’s tendency to get a little bit naughty when he is talking about the sins of the proprietors—and I talk about those issues in “Varieties of Proprietors: Lovers, Husbands, and Mother Hens.” But there is also the question of how property interrupts a fundamental circulation of resources. In the work of Pierre Leroux, who was both an influence and a rival of Proudhon’s, one of the central concepts is that of the *circulus*, by which materials circulate and consumption is tied to new production. Leroux’s thought was *infamously* influenced by early experiments with the use of guano as fertilizer and we should perhaps be reminded of that when we see Proudhon complain that of “the things that are put aside,” “we no longer see anything, not even the *caput mortuum*, the [muck or manure].” Tucker’s unfortunate confusion of *fumier* and *fumée* (smoke), which was repeated in the modern revision of his translation, obscures things, but we should probably take note, given the emphasis here on *reproductive consumption* and the general shift

in mutualist economics from a tendency toward concentration of wealth toward a much freer circulation of resources.

The third set of arguments include an interesting treatment of capitalistic tendencies in government, with the *budget* taking the place of the individual capitalists profits. We know from later writings that Proudhon believed that capitalism and governmentalism shared the same basic mechanisms of exploitation, but it is worth underlining the few clear examples featured here.

Eighth Proposition. Property is impossible, because its power of Accumulation is infinite, and is exercised only over finite quantities.

I don't think there is anything here that is difficult to follow, but it's worth noting that these more or less mathematical accounts of the power of accumulation were one of the regular features of anti-capitalist writing in the period. We find a much more elaborate account, for example, in William B. Greene's mutual bank writings.

Ninth Proposition. Property is impossible, because it is powerless against Property.

This is simply a consequence of the last proposition. When the infinite capacity for accumulation and the finite resources available finally come into real conflict, not even property can shield itself from the consequences.

And the final, *summary* section is probably worth just including in its entirety:

Tenth Proposition. Property is impossible, because it is the Negation of equality.

The development of this proposition will be the *résumé* of the preceding ones.

1. It is a principle of economical justice, that *products are bought only by products*. Property, being capable of defence only on the ground that it produces utility, is, since it produces nothing, for ever condemned.
2. It is an economical law, that *labor must be balanced by product*. It is a fact that, with property, production costs more than it is worth.
3. Another economical law: *The capital being given, production is measured, not by the amount of capital, but by productive capacity*. Property, requiring income to be always proportional to capital without regard to labor, does not recognize this relation of equality between effect and cause.
- 4 and 5. Like the insect which spins its silk, the laborer never produces for himself alone. Property, demanding a double product and unable to obtain it, robs the laborer, and kills him.
6. Nature has given to every man but one mind, one heart, one will. Property, granting to one individual a plurality of votes, supposes him to have a plurality of minds.
7. All consumption which is not reproductive of utility is destruction. Property, whether it consumes or hoards or capitalizes, is productive of *inutility*, — the cause of sterility and death.
8. The satisfaction of a natural right always gives rise to an equation; in other words, the right to a thing is necessarily balanced by the possession of the thing. Thus, between the right to liberty and the condition of a free man there is a balance, an equation; between the right to be a father and paternity, an equation; between the right to security and the social guarantee, an equation. But between the right of

increase and the receipt of this increase there is never an equation; for every new increase carries with it the right to another, the latter to a third, and so on for ever. Property, never being able to accomplish its object, is a right against Nature and against reason.

9. Finally, property is not self-existent. An extraneous cause — either *force* or *fraud* — is necessary to its life and action. In other words, property is not equal to property: it is a negation — a delusion — NOTHING.

CHAPTER 5

It should be obvious from the section outline that Proudhon covers a lot of ground here. There is a theory of human social development here, leading to a “third form of society, the synthesis of community and property,” which Proudhon will call “liberty.” (The French text says “synthèse de la communauté et de la propriété” and Tucker’s translation of the first term as “communism” is unfortunate. Proudhon had things to say about *communisme* elsewhere, but the subject here is not ideologies but “degrees of sociability” and “forms of society” in a very broad sense.)

Proudhon’s *liberty* is defined in very interesting ways. A footnote spells things out:

Libertas, liberare, libratio, libra, liberté, délivrer, libration, balance (livre), toutes expressions dont l’étymologie paraît commune. La liberté est la balance des droits et des devoirs : rendre un homme libre, c’est le balancer avec les autres, c’est-à-dire, le mettre à leur niveau.

*libertas, librare, libratio, libra, — liberty, to liberate, libration, balance ([Tucker translates *livre* as “pound,” but perhaps it should be something more like “ledger”]), — words which have a common derivation. Liberty is the balance of rights and duties. To make a man free is to balance him with others, — that is, to put him on their level.*

So when we get to Proudhon’s catalog of the various aspects of *liberty*

Liberty is equality, because liberty exists only in society; and in the absence of equality there is no society.

Liberty is anarchy, because it does not admit the government of the will, but only the authority of the law; that is, of necessity.

Liberty is infinite variety, because it respects all wills within the limits of the law.

Liberty is proportionality, because it allows the utmost latitude to the ambition for merit, and the emulation of glory.

he is able to bring most of his key concepts—including at least *equality*, *society*, *justice* and *anarchy*—into close connection. *Libration*, one of the more intriguing terms in his *series* of expressions (and the use of the notion of *series* here is not accidental, as the method of arranging like things almost certainly owes something to Charles Fourier), describes “apparent or real oscillation,” which is probably a good concept to consider as we get a taste of what would develop into Proudhon’s theory of the *antinomy* (a form of irreducible dialectic.)

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Chapter V. Psychological Exposition Of The Idea Of Justice And Injustice, And A Determination Of The Principle Of Government And Of Right.

Property is impossible; equality does not exist. We hate the former, and yet wish to possess it; the latter rules all our thoughts, yet we know not how to reach it. Who will explain this profound antagonism between our conscience and our will? Who will point out the causes of this pernicious error, which has become the most sacred principle of justice and society?

I am bold enough to undertake the task, and I hope to succeed.

But before explaining why man has violated justice, it is necessary to determine what justice is.

This is really Proudhon setting up much more than just the last chapter of his first major book. *Justice* will arguably be his most important keyword through the rest of his career, with the six volumes of *Justice in the Revolution and in the Church* forming the real heart of his mature work. And, of course, we are faced again with a matter of apparent contradictions which must somehow be explained, even if we can't quite escape them.

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§ 1. — Of the Moral Sense in Man and the Animals.

Is the difference between man's moral sense and that of the brute a difference in kind or only in degree?

Proudhon begins by asking whether there is any significant qualitative difference between the moral capacities of human beings and those of other animals—and largely answers in the negative.

The social instinct, in man and beast, exists to a greater or less degree — its nature is the same. Man has the greater need of association, and employs it more; the animal seems better able to endure isolation. In man, social needs are more imperative and complex; in the beast, they seem less intense, less diversified, less regretted. Society, in a word, aims, in the case of man, at the preservation of the race and the individual; with the animals, its object is more exclusively the preservation of the race.

Now, some of that might *look* like a qualitative difference, but the significant differences seem to arise when we look at the “aims” of society (whether that of humans or other animals), rather than at the moral capacities of the individuals. So we might be inclined to go back to the theory of *collective force* and treat the differences in society as a result of a simple intensification of “the social instinct” in human beings.

Proudhon then notes that there is “a difference between us two-handed bipeds and other living creatures,” although there is “only an intellectual diversity between the animals and man, not at all an affectional one.”

It is by our reflective and reasoning powers, with which we seem to be exclusively endowed, that we know that it is injurious, first to others and then to ourselves, to resist the social instinct which governs us, and which we call *justice*. It is our reason which teaches us that the selfish man, the robber, the murderer — in a word, the traitor to society — sins against Nature, and is guilty with respect to others and himself, when he does wrong wilfully. Finally, it is our social sentiment on the one hand, and our reason on the other, which cause us to think that beings such as we should take the responsibility of their acts.

The major difference is then a capacity to *resist* sociable urges, coupled with an understanding of that resistance *as resistance* when we engage in it. Obviously, we need to get into the discussion of the “degrees of sociability” before we can tease out all the implications here, but it is certainly interesting that Proudhon identifies both an increase in sociability and an increased power to resist it. We have a balanced intensification of two tendencies—and maybe it’s not too early to ask whether those tendencies are something like *communauté* and *propriété*.

I can’t help but noticing that Proudhon has provided us with three elements in this account that might be familiar to readers of another anarchist “classic.” If we distinguish what we share with the other animals from “our reflective and reasoning powers” and the capacity for *resistance* that arise from them, we seem to be fairly close to the position of Bakunin when, in the early sections of “God and the State,” he observed

Three elements or, if you like, three fundamental principles constitute the essential conditions of all human development, collective or individual, in history: 1) human animality; 2) thought; and 3) rebellion.

To the first properly corresponds social and private economy; to the second, science; to the third, liberty.

§ 2. — Of the first and second degrees of Sociability.

Given what we have already said, it is perhaps no surprise that the first two “degrees of sociability” are addressed together.

Sociability, in this [first] degree, is a sort of magnetism awakened in us by the contemplation of a being similar to ourselves, but which never goes beyond the person who feels it; it may be reciprocated, but not communicated. Love, benevolence, pity, sympathy, call it what you will, there is nothing in it which deserves esteem, — nothing which lifts man above the beast.

The second degree of sociability is justice, which may be defined as the *recognition of the equality between another’s personality and our own*. The sentiment of justice we share with the animals; we alone can form an exact idea of it; but our idea, as has been said already, does not change its nature. We shall soon see how man rises to a third degree of sociability which the animals are incapable of reaching. But I must first prove by metaphysics that *society*, *justice*, and *equality*, are three equivalent terms, — three expressions meaning the same thing, — whose mutual conversion is always allowable.

Perhaps things would have been easier if we had this claim about the equivalence and mutual convertibility of those three terms a couple of chapters earlier, but we can take a lot of what was said in those chapters as an additional set of argument in favor of the conclusion pursued here.

Proudhon's argument here revolves around a single question: "is it possible that we are not all associated?" He is willing to draw distinctions between formal associations "regularly organized" (as in a *société* or *firm*) and forms of association (*Société* in a more general sense) that are more a matter of necessity, resulting from our own natural tendencies. But the existence of the former, and the clarity surrounding the relations involved, does not change the apparently inescapable character of the latter.

...even though we do not want to be associated, the force of things, the necessity of consumption, the laws of production, and the mathematical principle of exchange combine to associate us. There is but a single exception to this rule, — that of the proprietor, who, producing by his right of [*aubaine*], is not associated with any one, and consequently is not obliged to share his product with any one; just as no one else is bound to share with him. With the exception of the proprietor, we labor for each other; we can do nothing by ourselves unaided by others, and we continually exchange products and services with each other. If these are not social acts, what are they?

Proudhon then moves to an explanation of *justice* and its relation to *sociability*:

Sociability is the attraction felt by sentient beings for each other. Justice is this same attraction, accompanied by thought and knowledge. But under what general concept, in what category of the understanding, is justice placed? In the category of equal quantities. Hence, the ancient definition of justice — *Justum æquale est, injustum inæquale*. What is it, then, to practise justice? It is to give equal wealth to each, on condition of equal labor. It is to act socially. Our selfishness may complain; there is no escape from evidence and necessity. [...]

Justice, which is the product of the combination of an idea and an instinct, manifests itself in man as soon as he is capable of feeling, and of forming ideas. Consequently, it has been regarded as an innate and original sentiment; but this opinion is logically and chronologically false. But justice, by its composition hybrid — if I may use the term, — justice, born of emotion and intellect combined, seems to me one of the strongest proofs of the unity and simplicity of the ego; the organism being no more capable of producing such a mixture by itself, than are the combined senses of hearing and sight of forming a binary sense, half auditory and half visual.

This double nature of justice gives us the definitive basis of all the demonstrations in Chapters II., III., and IV. On the one hand, the idea of justice being identical with that of society, and society necessarily implying equality, equality must underlie all the sophisms invented in defence of property; for, since property can be defended only as a just and social institution, and property being inequality, in order to prove that property is in harmony with society, it must be shown that injustice is justice, and that inequality is equality, — a contradiction in terms. On the other hand, since

the idea of equality — the second element of justice — has its source in the mathematical proportions of things; and since property, or the unequal distribution of wealth among laborers, destroys the necessary balance between labor, production, and consumption, — property must be impossible.

The final paragraphs then deal with questions of how the first two degrees of sociability—what we might, following Proudhon, call *love* and *justice*—are part of a *complex* development of the conscience, from a “glimmer” (in animals and some humans) to a much fuller expression in some human individuals, with the growth of intelligence being a key factor.

The discussion of the “third degree of sociability” will focus on that complexity.

§ 3. — Of the third degree of Sociability.

We are all born poets, mathematicians, philosophers, artists, artisans, or farmers, but we are not born equally endowed; and between one man and another in society, or between one faculty and another in the same individual, there is an infinite difference. This difference of degree in the same faculties, this predominance of talent in certain directions, is, we have said, the very foundation of our society. Intelligence and natural genius have been distributed by Nature so economically, and yet so liberally, that in society there is no danger of either a surplus or a scarcity of special talents; and that each laborer, by devoting himself to his function, may always attain to the degree of proficiency necessary to enable him to benefit by the labors and discoveries of his fellows. Owing to this simple and wise precaution of Nature, the laborer is not isolated by his task. He communicates with his fellows through the mind, before he is united with them in heart; so that with him love is born of intelligence.

We are back to the argument that differences in capacities are the “very foundation” of society—and we know that, for Proudhon, *society* and *equality* are necessarily connected notions. But Proudhon is now presenting a somewhat broader argument, one that goes, as he puts it, “over the boundaries of *debit* and *credit*.”

But, although equality of conditions is a necessary consequence of natural right, of liberty, of the laws of production, of the capacity of physical nature, and of the principle of society itself, — it does not prevent the social sentiment from stepping over the boundaries of *debit* and *credit*. The fields of benevolence and love extend far beyond; and when economy has adjusted its balance, the mind begins to benefit by its own justice, and the heart expands in the boundlessness of its affection.

The social sentiment then takes on a new character, which varies with different persons. In the strong, it becomes the pleasure of generosity; among equals, frank and cordial friendship; in the weak, the pleasure of admiration and gratitude.

Proudhon’s *mutualism* is at times accused of a kind of reduction of human relations to economic terms, but here he is quite clearly making a response before the fact to that charge. It is not clear that *justice*, the “second degree of sociability,” could really be reduced to tit-for-tat reciprocity, but Proudhon is suggesting that a third form, *équité*—*equity*, *social proportionality*,

humanitas—”superadds” a new complexity to human sociability, reflective of the complexity of human relations. The new element is *esteem*. So we have begun with “a sort of magnetism awakened in us by the contemplation of a being similar to ourselves,” experienced only by the individual, and then added *justice* (“the recognition of the equality between another’s personality and our own”), and finally added *esteem*, which brings into play all the complexity that comes from simultaneously recognizing equality and acknowledging differences.

One of the things that sets the stage for the recognition of *equity*, and allows *esteem*—a product of the recognition of unequal development in the faculties—to produce an even deeper recognition of social equality, is the recognition that, as Proudhon put it earlier in the work, “the laborer, in his relation to society, is a debtor who of necessity dies insolvent.” No *simple* individualism can adequately represent the individual’s *complex* relations with society. It is arguably just such an individualism he is targeting which he notes that the “proud mediocrity, which glories in saying, “I have paid you — I owe you nothing,” is especially odious.”

So, while *reciprocity* would remain a key concept in Proudhon’s thought, it was seldom limited to that tit-for-tat character. For example, in the 1848 essay “Organization of Credit and Circulation,” where it was very specifically a question of economic institutions, we get a rather interesting definition of the concept:

But, just as life supposes contradiction, contradiction in its turn calls for justice: from this the second law of creation and humanity, the mutual penetration of antagonistic elements, RECIPROCITY.

RECIPROCITY, in all creation, is the principle of existence. In the social order, Reciprocity is the principle of social reality, the formula of justice. Its basis is the eternal antagonism of ideas, opinions, passions, capacities, temperaments, and interests. It is even the condition of love.

The terms are not precisely the same as we find them here, but I think it is easy enough to make the connections. After all:

These three degrees of sociability support and imply each other. *Équité* cannot exist without justice; society without justice is a solecism. If, in order to reward talent, I take from one to give to another, in unjustly stripping the first, I do not esteem his talent as I ought; if, in society, I award more to myself than to my associate, we are not really associated. Justice is sociability as manifested in the division of material things, susceptible of weight and measure; *équité* is justice accompanied by admiration and esteem, — things which cannot be measured.

There remain three logical consequences highlighted by Proudhon, which we should also address.

The first concerns the relationship between *justice* and *equity*, and Proudhon informs us that “the duty of justice, being imposed upon us before that of *équité*, must always take precedence over it.” In other words, in that business of adding and “superadding” elements, each stage is a foundation for the next. We might even say that elevating *esteem* over *justice* might take us back toward the first form of sociability, which Proudhon associated with *love*, leaving us responding to a kind of “magnetism,” but not involving us in a relation of *reciprocity*.

The second concerns the limits of *sociability*.

Équité, justice, and society, can exist only between individuals of the same species. They form no part of the relations of different races to each other, — for instance, of the wolf to the goat, of the goat to man, of man to God, much less of God to man.

Most of this claim is easy to understand. “Between man and beast there is no society,” Proudhon informs us, “though there may be affection.” So we may grant a certain recognition of similarity between humans and animals, or between humans and a god, but no *reciprocal* recognition and, thus, no possibility of justice. But Proudhon adds a footnote about relations between men and women that is perhaps a little harder to understand:

Between woman and man there may exist love, passion, ties of custom, and the like; but there is no real society. Man and woman are not companions. The difference of the sexes places a barrier between them, like that placed between animals by a difference of race. Consequently, far from advocating what is now called the emancipation of woman, I should incline, rather, if there were no other alternative, to exclude her from society.

It’s easy to just attribute this bit to Proudhon’s infamous anti-feminism—and that anti-feminism was something of a constant in his work. But things are considerably more complicated than that, if only because his ideas about men, women and justice at least *seem* to have undergone a rather dramatic transformation by the time he wrote *Justice* in the late 1850s. There, in passages like the “Catechism of Marriage,” he treats men and women—at least when joined in the *conjugal couple*—as much closer than mere companions, describing them as a kind of *androgyn*e composite and identifying that composite being as the fundamental organ of human justice. We have too little detail here to know quite how the early vision differed from the later idea, as well as too many potential inconsistencies to be sure we could entirely clarify things if we had more details. And perhaps some of the change is simply the difference between the views of a young, unmarried man and an older, married one. But it is likely that at least exploring the possible developments between 1840 and 1858 is one way to clarify both Proudhon’s theory of justice and the relationship between it and his anti-feminism.

The third consequence of the study so far is not numbered, but it is probably the most important: with so much injustice having been demonstrated, some action is called for. Proudhon makes some remarks about the extents to which he is a *destroyer* and a *builder*—remarks of a sort that will become an important and recurring element in his later works, where he often took as his personal motto the Latin phrase *Destruam et ædificabo* (often rendered as “I shall destroy and I shall build up again.”) He says:

For the rest, I do not think that a single one of my readers accuses me of knowing how to destroy, but of not knowing how to construct. In demonstrating the principle of equality, I have laid the foundation of the social structure I have done more. I have given an example of the true method of solving political and legislative problems. Of the science itself, I confess that I know nothing more than its principle; and I know of no one at present who can boast of having penetrated deeper. Many people cry, “Come to me, and I will teach you the truth!” These people mistake for the truth their cherished opinion and ardent conviction, which is usually any thing but the truth. The science of society — like all human sciences — will be for ever incomplete. The

depth and variety of the questions which it embraces are infinite. We hardly know the A B C of this science, as is proved by the fact that we have not yet emerged from the period of systems, and have not ceased to put the authority of the majority in the place of facts.

And that is in many ways a very useful statement of how Proudhon understood his place among his contemporaries. He echoes his statement from Chapter I:

Nevertheless, I build no system. I ask an end to privilege, the abolition of slavery, equality of rights, and the reign of law. Justice, nothing else; that is the alpha and omega of my argument: to others I leave the business of governing the world.

And, in this, he is distancing himself from the “utopian” socialists, but also almost certainly from the capitalist “political economists.” More importantly, he is establishing his theory of how an anarchistic social science will (more or less endlessly) develop and providing some elements of what he will call “the philosophy of progress.”

For those who know the later works, where he so often defended himself against the charge that he was only a “demolisher” (as in this advertisement for his *Œuvres complètes*), his confidence that his readers will recognize his capacity for building is a little bittersweet. But there is a great deal in this section that is simply too delightful to leave even the well-informed reader down for too long. The final paragraphs of the section are simply delightful:

The task of the true publicist, in the age in which we live, is to close the mouths of quacks and charlatans, and to teach the public to demand demonstrations, instead of being contented with symbols and programmes. Before talking of the science itself, it is necessary to ascertain its object, and discover its method and principle. The ground must be cleared of the prejudices which encumber it. Such is the mission of the nineteenth century.

For my part, I have sworn fidelity to my work of demolition, and I will not cease to pursue the truth through the ruins and rubbish. I hate to see a thing half done; and it will be believed without any assurance of mine, that, having dared to raise my hand against the Holy Ark, I shall not rest contented with the removal of the cover. The mysteries of the sanctuary of iniquity must be unveiled, the tables of the old alliance broken, and all the objects of the ancient faith thrown in a heap to the swine. A charter has been given to us, — a résumé of political science, the monument of twenty legislatures. A code has been written, — the pride of a conqueror, and the summary of ancient wisdom. Well! of this charter and this code not one article shall be left standing upon another! The time has come for the wise to choose their course, and prepare for reconstruction.

But, since a destroyed error necessarily implies a counter-truth, I will not finish this treatise without solving the first problem of political science, — that which receives the attention of all minds.

When property is abolished, what will be the form of society! Will it be communism?

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There is an allusion to Charles Fourier's thought in this section that I missed the first time through. The distinction that Tucker's translation makes between *simple* and *complex* forms turns out to be Fourier's distinction between the *mode simple* and the *mode composé*.

Society, among the animals, is simple; with man it is complex. Man is associated with man by the same instinct which associates animal with animal; but man is associated differently from the animal, and it is this difference in association which constitutes the difference in morality.

La société, chez les animaux, est en mode *simple* ; chez l'homme elle est en mode *composé*. L'homme est associé à l'homme par le même instinct qui associe l'animal à l'animal ; mais l'homme est autrement associé que l'animal : c'est cette différence d'association qui fait toute la différence de moralité.

This is one of those cases where recognizing the allusion is perhaps not absolutely critical. But when we are attempting to place *What is Property?* in the larger context of Proudhon's work, it is at least useful to recognize that, however much he criticized the Fourierists, he was still in the process of working through portions of Fourier's thought. His 1843 work, *De la création de l'ordre dans l'humanité*, would be a kind of decisive encounter with Fourier's work, which Proudhon would try—unsuccessfully by his own later estimation—to *détourner* for his own purposes. But elements of Fourier's system, such as the *serial analysis*, would remain part of Proudhon's toolkit.

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Part Second.

§ 1. — Of the Causes of our Mistakes. The Origin of Property.

The true form of human society cannot be determined until the following question has been solved: —

Property not being our natural condition, how did it gain a foothold? Why has the social instinct, so trustworthy among the animals, erred in the case of man? Why is man, who was born for society, not yet associated?

Proudhon's answer involves that distinction between *modes* of association that I just noted. He continues:

J'ai dit que l'homme est associé en mode composé : lors même que cette expression manquerait de justesse, le fait qu'elle m'a servi à caractériser n'en serait pas moins vrai, savoir l'engrenage des talents et des capacités.

I have said that man is associated in a compound manner: even if that that expression lacks precision, the fact that it helps me to characterize is no less true, namely the [meshing/interweaving] of talents and capacities.

Tucker's translation of *engrenage* as "classification" is a bit of a blunder, but also suggests that he was not aware enough of Fourier's ideas to see these rather overt references. *Engrenage* refers to the way that toothed gears fit together, moving individually but also forming a mechanism

together. More generally, the term refers to circumstances from which one cannot extricate oneself. So we have yet another statement about the sense in which we are associated by the force of circumstances. But obviously, that alone is not enough to answer Proudhon's question—perhaps because that association is still *en mode simple*, not so different from the links between animals, until we can address the apparent *antinomy* between society and property.

The rest of the paragraph could also use a bit of revision:

Mais qui ne voit que ces talents et ces capacités deviennent à leur tour, par leur variété infinie, causes d'une infinie variété dans les volontés ; que le caractère, les inclinations, et si j'ose ainsi dire, la forme du moi, en sont inévitablement altérés : de sorte que dans l'ordre de la liberté, de même que dans l'ordre de l'intelligence, on a autant de types que d'individus, autant d'originaux que de têtes, dont les goûts, les humeurs, les penchants, modifiés par des idées dissemblables, nécessairement ne peuvent s'accorder ? L'homme, par sa nature et son instinct, est prédestiné à la société, et sa personnalité, toujours inconstante et multiforme, s'y oppose.

But who does not see that these talents and capacities become in their turn, through their infinite variety, causes of an infinite variety of wills; that the character, the inclinations and, if I dare put it this way, the form of the *self*, is thus inevitably altered: so that in the order of liberty, just as in the order of intelligence, there are as many types of individuals, as many *originals* as heads, whose tastes, moods and penchants, modified by dissimilar ideas, necessarily cannot agree? Man, by his nature and instinct, is predestined to society, and his personality, always inconstant and multiform, opposes it.

This is fun stuff, which perhaps a later Tucker, having made himself familiar with Stirner, might have handled a little differently. Certainly, there are some likely points of contact between Proudhon's world of *originals* and Stirner's world of *uniques*.

The various attempts here to compare humans to other animals are sufficiently clear in their intent, whether or not we would endorse the details. The characterizations of animal nature essentially function as foils for the antinomic account of human nature Proudhon is developing.

All that he does from instinct man despises; or, if he admires it, it is as Nature's work, not as his own. This explains the obscurity which surrounds the names of early inventors; it explains also our indifference to religious matters, and the ridicule heaped upon religious customs. Man esteems only the products of reflection and of reason. The most wonderful works of instinct are, in his eyes, only lucky *god-sends* [*trouvailles*, "finds"]; he reserves the name *discovery* — I had almost said creation — for the works of intelligence. Instinct is the source of passion and enthusiasm; it is intelligence which causes crime and virtue.

Intelligence *makes* both crime and virtue [*c'est l'intelligence qui fait le crime et la vertu*]. If, knowing Proudhon's predilections, you feel inclined to stop here and think about (fortunate?) "the Fall of Man" and the origin of evil, you probably wouldn't be too far wrong. After all, we have already been treated to one discussion of Adam in the Garden, just before Proudhon told us that "Man errs, because he learns." And here we are focused on the human "power of considering our own modifications."

It is not enough, then, to say that we are distinguished from the animals by reflection, unless we mean thereby the *constant tendency of our instinct to become intelligence*. While man is governed by instinct, he is unconscious of his acts. He never would deceive himself, and never would be troubled by errors, evils, and disorder, if, like the animals, instinct were his only guide. But the Creator has endowed us with reflection, to the end that our instinct might become intelligence; and since this reflection and resulting knowledge pass through various stages, it happens that in the beginning our instinct is opposed, rather than guided, by reflection; consequently, that our power of thought leads us to act in opposition to our nature and our end; that, deceiving ourselves, we do and suffer evil, until instinct which points us towards good, and reflection which makes us stumble into evil, are replaced by the science of good and evil, which invariably causes us to seek the one and avoid the other.

We are presented with a kind of dialectical play in human consciousness between instinct and intelligence. Even at this point in Proudhon's development, it probably makes sense to treat this as an instance of that irreducible, *antinomic* oscillation which he will champion in later works, despite the somewhat clumsy attempt to apply some bits of Hegel in his analysis. But we can also just treat his appropriation of Hegelian terms in roughly the same way we treat his appropriation of natural science: there is no real difficulty in understanding the progression he is describing, providing we don't get distracted by concerns about issues (German philosophy, animal psychology) that are secondary at best. So here is the (in)famous summary that ends the section:

Communism — the first expression of the social nature — is the first term of social development, — the *thesis*; property, the reverse of communism, is the second term, — the *antithesis*. When we have discovered the third term, the *synthesis*, we shall have the required solution. Now, this synthesis necessarily results from the correction of the thesis by the antithesis. Therefore it is necessary, by a final examination of their characteristics, to eliminate those features which are hostile to sociability. The union of the two remainders will give us the true form of human association.

§ 2. — Characteristics of Communism and of Property.

We know that we are headed toward “union of the two remainders” left when the “features which are hostile to sociability” are eliminated: the “synthesis of community and property.” But we also know that, however neatly Proudhon has fit these elements to a more or less Hegelian thesis-antithesis-synthesis framework, almost everything else in the last section leads us to expect that perhaps the “synthesis” in going to be far from a *one and done* affair. We also know that, starting just a couple of years after the *critiques* assembled here, Proudhon would begin to elaborate a *constructive* vision in which that synthesis and elimination of unsociable features would take the form of a balancing of institutions—teasing out the senses, already at least implicit here, in which property, which always remained for him a matter of *theft* and a certain kind of *impossibility*, was also allied with *liberty*.

The waters get deep here very, very quickly. What is perhaps most important is that the “economic contradictions” with which Proudhon increasingly concerned himself were not literal, logical contradictions, but instead arose from what he described in 1849 as *considerations of*

different orders. But one of the things that he seems to have demonstrated pretty clearly through the work we're reading is that property itself exists at the intersection of considerations of various different orders. To make different observations about norms and institutions that simply do not have a uniform foundation and character is perhaps the only way to avoid tying ourselves, with little in the way of recourse, to contradictions of the sort we probably should avoid.

When we recognize the elements from Fourier and Leroux that exist in the work—as well as the somewhat unorthodox uses to which Proudhon put them—we have to consider whether or not the various antisocial elements that emerge with human intelligence and lead to property are a kind of freedom, but a different kind than that “synthesis of community and property” we are moving toward. Perhaps the individual tendency is a *simple liberty* and the social state is a *compound liberty* (*liberté composé*.) (A quick search on the French phrase shows that Proudhon did indeed make a similar distinction in 1849.) Perhaps the think we, as readers, need to be most aware of is that part of the process that he is proposing here is a *transformation of concepts and institutions, through a progressive practice of experimentation that we already knows involves both *virtue* and *evil, erring* and *learning*.

In the Study on Ideas in *Justice in the Revolution and in the Church* (1858), Proudhon summarized his method, in the context of a series of imagined questions about how he would replace the objects of his critiques, including: “What do you put in place of property?” And his response was:

Nothing, my good man, for I intend to suppress none of the things of which I have made such a resolute critique. I flatter myself that I do only two things: that is, first, to teach you put each thing in its place, after having purged it of the absolute and balanced it with other things; then, to show you that the things that you know, and that you have such fear of losing, are not the only ones that exist, and that there are considerably more of which you still must take account.

Now, all of this may seem like a long prologue for the section, but we should probably extend it just a bit more. After all, Tucker's translation renders *communauté* as “communism” and has inspired all sorts of debate about the relation of Proudhon's critique to anarchist communism or the more libertarian forms of communism that were emerging in his own time.

My own sense is that it is most useful to treat the opposition between *propriété* and *communauté* like the distinctions between human and animal psychology: we know what Proudhon is up to and it's going to be quite a few years before Kropotkin or even Déjacque enters the conversation, so we can almost certainly focus safely on the conception distinctions being made.

When Proudhon starts this section by suggesting that community and property are not, contrary to popular belief, the only options, I think we get a glimpse of how “eliminating the absolute” is likely to involve an engagement that emphasizes existing contradiction and alternatives, eliminating the *aura of inevitability* around some option or choice of options. Proudhon suggests that community and property are inextricably linked, so the process of that strips away what is antisocial and inimical to equality in both of them appears either as a radical clarification or an entire rethinking, but in either case involves a significant transformation. Those who look to the “synthesis” as a vindication of either property or community probably need to look more closely.

Obviously, one of the most interesting subsections here is the second, where Proudhon attempts to show the “perfect identity” of property and theft. In the process, he expands on the

etymological argument he made in *The Celebration of Sunday*, he provides fifteen different varieties of theft, noting that:

Robbery is committed in a variety of ways, which have been very cleverly distinguished and classified by legislators according to their heinousness or merit, to the end that some robbers may be honored, while others are punished.

And having raised the issue of *honorable* and *punishable* forms of theft, he goes on to give us an interesting account of the development of *justice*, in the context of which we have to make space for elements like “the right of force and the right of artifice.”

This is a good early indication that the odd, sneering remarks about Proudhon’s alleged “idealism,” which so often depend on remarks he made about “eternal justice,” probably don’t get very close to the target. For Proudhon, justice has had a development and what might have been the best social balancing of “rights” in a given place and time still has to contend with more of that erring and learning. New balances have to be struck. By 1861 and *War and Peace*, Proudhon’s conception of “rights” had obviously escaped the purely legal sphere:

RIGHT, in general, is the recognition of human dignity in all its faculties, attributes and prerogatives. There are thus as many special rights as humans can raise different claims, owing to the diversity of their faculties and of their exercise. As a consequence, the genealogy of human rights will follow that of the human faculties and their manifestations.

Consider that definition in the context of all that human *originalness* we noted earlier and it seems obvious that the balancing is going to be complex and subject to a good deal of trial and error. So we can expect that justice—which ultimately meant little for Proudhon beyond *balance*—will be anything but a *fixed idea*.

So perhaps it is no surprise that Proudhon’s next argument, addressing property as a source of despotism, leads to the question of “the form of government in the future” and to the answer of *anarchy*

What is to be the form of government in the future? hear some of my younger readers reply: “Why, how can you ask such a question? You are a republican.” “A republican! Yes; but that word specifies nothing. Res publica; that is, the public thing. Now, whoever is interested in public affairs — no matter under what form of government — may call himself a republican. Even kings are republicans.” —

“Well! you are a democrat?” — “No.” — “What! you would have a monarchy.” — “No.” — “A constitutionalist?” — “God forbid!” — “You are then an aristocrat?” — “Not at all.” — “You want a mixed government?” — “Still less.” — “What are you, then?” — “I am an anarchist.”

“Oh! I understand you; you speak satirically. This is a hit at the government.” — “By no means. I have just given you my serious and well-considered profession of faith. Although a firm friend of order, I am (in the full force of the term) an anarchist. Listen to me.”

Je suis anarchiste. I'm absolutely fascinated by this moment, which we traditionally treat as the first in which someone declared themselves an anarchist in a positive sense. It is an anarchic moment, full of uncertainty. The rules of French don't even allow us to decide definitively if *anarchiste* is, in this instance, a noun or an adjective. The phrase could as easily mean something like "I am anarchistic." After all, if this is the first instance of this *anarchist declaration*, then the phrase works as a sort of *manifesto*—making manifest or revealing a new political positioning—but in that moment what is revealed is almost purely negative. Given the sort of declaration it is, the sort of thing that *anarchy* is, giving positive content to the statement obviously poses interesting difficulties. And that is perhaps why we still struggle with it.

What Proudhon can give us is a history of development, and particularly of the development of a division between social roles based in either instinct or intelligence, which he traces back to non-human animals.

Sociable animals follow their chief by *instinct*; but ... the function of the chief is altogether one of *intelligence*.

In this sort of sociability, not every individual in the society responds to both impulses. Someone takes the role of head in the social body. And perhaps sometimes that is the best that can be done. Proudhon has always willing to acknowledge *necessity* as the one law it made no sense to resist, as long as it really was in force.

Royalty may always be good, when it is the only possible form of government; legitimate it is never. Neither heredity, nor election, nor universal suffrage, nor the excellence of the sovereign, nor the consecration of religion and of time, can make royalty legitimate. Whatever form it takes, — monarchic, oligarchic, or democratic, — royalty, or the government of man by man, is illegitimate and absurd.

Those remarks should, I think, have gone a long way toward dismissing the partisan rumors about Proudhon's affection for monarchy—but those sorts of rumors are seldom driven by facts. In any event, we know that the general growth and exercise of intelligence is the apple in the Eden of instinct and that the path toward a higher degree of sociality involves periods of rebellion against authority.

In proportion as society becomes enlightened, royal authority diminishes. That is a fact to which all history bears witness.

Eventually, *science* emerges—and emerges precisely as an alternative to the instinctual politics of obedience. And:

having reached this height, [the individual] comprehends that political truth, or the science of politics, exists quite independently of the will of sovereigns, the opinion of majorities, and popular beliefs, — that kings, ministers, magistrates, and nations, as wills, have no connection with the science, and are worthy of no consideration. He comprehends, at the same time, that, if man is born a sociable being, the authority of his father over him ceases on the day when, his mind being formed and his education finished, he becomes the associate of his father; that his true chief and his king is the demonstrated truth; that politics is a science, not a stratagem; and that the function of the legislator is reduced, in the last analysis, to the methodical search for truth.

And the endpoint in this development—to the limited extent that we dare talk about endpoints—is *anarchy*.

Property and royalty have been crumbling to pieces ever since the world began. As man seeks justice in equality, so society seeks order in anarchy.

Anarchy, — the absence of a master, of a sovereign, — such is the form of government to which we are every day approximating, and which our accustomed habit of taking man for our rule, and his will for law, leads us to regard as the height of disorder and the expression of chaos. The story is told, that a citizen of Paris in the seventeenth century having heard it said that in Venice there was no king, the good man could not recover from his astonishment, and nearly died from laughter at the mere mention of so ridiculous a thing. So strong is our prejudice. As long as we live, we want a chief or chiefs; and at this very moment I hold in my hand a brochure, whose author — a zealous communist — dreams, like a second Marat, of the dictatorship. The most advanced among us are those who wish the greatest possible number of sovereigns, — their most ardent wish is for the royalty of the National Guard. Soon, undoubtedly, some one, jealous of the citizen militia, will say, “Everybody is king.” But, when he has spoken, I will say, in my turn, “Nobody is king; we are, whether we will or no, associated.” Every question of domestic politics must be decided by departmental statistics; every question of foreign politics is an affair of international statistics. The science of government rightly belongs to one of the sections of the Academy of Sciences, whose permanent secretary is necessarily prime minister; and, since every citizen may address a memoir to the Academy, every citizen is a legislator. But, as the opinion of no one is of any value until its truth has been proven, no one can substitute his will for reason, — nobody is king.

In my own work on Proudhon’s basic ideas, I have settled on the formula of “between science and vengeance” to capture two competing tendencies that we find throughout his work. On the one hand, we find the careful elaboration of an anarchistic social science, but means of which Proudhon hoped to avoid the worst horrors of revolutionary social upheaval. The *anarchy* of the Terror in the French Revolution was among the things he hoped would not recur. On the other, however, we find, particularly in the private writings, an element of rage. In the *Carnets*, Proudhon talks about being motivated by *hatred* of injustice and of those who defend it. For some time he planned to release a *Testament* at the time of his death, founding a “Society of Avengers” who would undertake acts of assassination against key defenders of authority—provided, of course, no more peaceful solutions had been found in the meantime. But the formula really captures something of a much more basic dynamic, since we see the expansion of intellectual activity and that of rebellion appearing in Proudhon’s account as interconnected forces. And it is no coincidence, I think, that he declares himself an anarchist “in the full force of the term” in the midst of a section dealing with property and despotism, products of the same development as science and rebellion, which he ends with a question about how society at this degree of sociality could “be anything but chaos and confusion.”

We don’t have far to read before we can presumably connect *anarchy* and a *liberty* understood as a third form of society, but perhaps we still have a few logical steps to work through.

§ 3. — Determination of the third form of Society. Conclusion.

I retranslated this final section a few years ago and I'm going to include that full translation here, with comments interspersed where appropriate.

[See also: "Reading *What is Property?* — The Third Social Form," and earlier reading of this material.]

Therefore, no government, no public economy, no administration is possible with property for a basis.

Community seeks *equality* and *law*. Property, born of the autonomy of reason and the feeling of individual worth, wants, above all things, *independence* and *proportionality*.

But community, taking uniformity for law, and leveling for equality, becomes tyrannical and unjust. Property, through its despotism and its invasions, soon shows itself oppressive and unsociable.

What property and community seek is good; what both produce is bad. And why? Because both are exclusive, and are unaware, each from its own side, of two elements of society. Community rejects independence and proportionality; property does not satisfy equality and law.

One of the questions that comes up frequently is whether Proudhon's basic understanding of property had to change in order for him to move from the sort of overwhelming critique of property that we find here to the approach in works like *Theory of Property*, where Proudhon has found ways to use the despotic character of property against property itself, through balancing of holdings, and against whatever State-like institutions might persist even in an anarchist society. One of the things that Proudhon emphasizes is a shift in focus. We don't have to look beyond the table of contents to find: "New Theory: that the motives, and thus the legitimacy of property, must be sought, not in its principle or its origin, but in its aims." But twenty-five years earlier Proudhon had written that "what property and community seek is good," so while there are undoubtedly differences that emerged over time, a key part of the "New Theory" was right at the heart of the old one.

Now, if we imagine a society based on these four principles—equality, law, independence, and proportionality—we find:

- 1) That equality, consisting solely of the *equality of conditions*, that is to say of *means*, not in the *equality of well-being*, which with equal means must be the work of the laborer, does not in any way violate justice and equity;
- 2) That *law*, resulting from the science of facts, and consequently relying on necessity itself, never offends independence;
- 3) That the respective *independence* of individuals, or the autonomy of private reason, deriving from the difference of talents and capacities, can exist without danger within the limits of law;
- 4) That *proportionality*, only being allowed within the sphere of intelligence and sentiment, not in that of physical things, can be observed without violating justice or social equality.

This third form of society, the synthesis of community and property, we will call LIBERTY.¹ Thus, in order to determine liberty, we do not join community and property indiscriminately, which would be an absurd eclecticism. We seek, by an analytic method, what each contains that is true, in conformity with the wishes of nature and the laws of sociability, and we eliminate the foreign elements that they contain; and the result gives an expression suitable to the natural form of human society, in short, to liberty.

Whether you want to call this a dialectical process or not may come down to personal preferences. At base, it seems that the task is examining two systems that Proudhon has already described as interdependent and stripping out a lot of what makes them appear to be two diametrically opposed options.

Liberty is equality, because liberty only exists in the social state, and apart from equality there is not society.

Liberty is anarchy, because it does not accept the government of the will, but only the authority of law, that is to say of necessity.

It may come as a surprise to those who have adopted the same *anarchist* label as Proudhon that anarchy *appears* here as just one aspect of *liberty*, alongside notions that are perhaps not so significant for us. We know that Proudhon was always rather proud of that declaration, *je suis anarchiste*, but it isn't clear that the identification assumed—immediately or at any time in his career—quite the same significance that we attach to it. That does not, by itself, mean that Proudhon was any less an anarchist than we are. Some well-known stumbles aside, he was probably more consistently anti-authoritarian—even more broadly anti-absolutists—than most of us. But to expect him to testify to the fact in our own language is undoubtedly misguided. So we are left to wrestle a bit with how well our own identifications with anarchy match up with his.

Regarding the acceptance of necessity as “law,” we find similar ideas in Bakunin.

Liberty is infinite variety, because it respects all wills, within the limits of law.

Liberty is proportionality, because it leaves complete latitude to the ambition for merit² and the rivalry for glory.

Now we can say, after the example of Mr. Cousin: “Our principle is true; it is good and social; let us not fear to deduce all its consequences.”

Sociability in man, becoming *justice* through reflection, and *equity* through the interweaving [*engrènement*] of capacities, having liberty for its formula, is the true foundation of morals, the principle and rule of all our actions. It is this universal cause [*mobile*] that philosophy seeks, that religion fortifies, selfishness supplants and that pure reason never replaced. *Duty* and *right* arise in us from need, which, according

¹ *Libertas, liberare, libratio, libra*, liberty, to deliver, libration, balance (ledger), are all expressions that appear to have a common etymology. Liberty is the balance of rights and duties: to make a man free is to balance him with others, to put him at their level.

² The word *mérite* means “merit” or “worth,” but also, in some cases, “advantage.”—Translator.

to whether we consider it in relation to external beings, is *right*, or, in relation to ourselves, *duty*.

We need to eat and to sleep. We have a right to procure the things necessary for sleep and nutrition; it is a duty to use them when nature demands it.

We need to work to live. It is a right and a duty.

We have a need to love our wives and children. It is a duty to be their protector and to support them; it is a right to be loved by them in preference to all others. Conjugal fidelity is in accordance with justice; adultery is a crime of treason against society [*lèse-société*].

We need to exchange our products for other products. It is a right that the exchange be made for equivalents, and since we consume before producing, it would be a duty, if the thing depended on us, that our last product follow our last consumption. Suicide is a fraudulent bankruptcy.

We need to accomplish our tasks according to the insights of our reason. It is a right to maintain our free will; it is a duty to respect that of others.

We need to be appreciated by our fellows. It is a duty to be worthy of their praise; it is a right to be judged according to our works.

Liberty is not contrary to the rights of succession and testament: it is content to ensure that equality is not violated. Choose, it says to us, between two inheritances, but never accumulate. All the legislation concerning the transmissions, the substitutions, the adoptions, and, if I dare use this word, the *coadjutoreries*, is to be remade.

There is, perhaps, an appeal to something like what we would call “occupancy-use-standards” in the approval of inheritance, but the condemnation of accumulation. *Choose, but never accumulate.*

Liberty promotes emulation and does not destroy it: in [conditions of] social equality, emulation consists of acting under equal conditions; its reward is all in itself, and no one suffers from the victory.

Liberty applauds devotion and respects its votes [*suffrages*], but it can do without it. Justice is sufficient for social equilibrium; devotion is a supererogation. Happy, however, is the one who can say: I devote myself.³

Liberty is essentially organizing: in order to insure equality between men, and equilibrium between nations, it is necessary that agriculture and industry, the centers of

³ In a monthly publication, the first issue of which just appeared under the name of *l'Égalitaire*, devotion has been posited as the principle of equality: that is to confuse every notion. By itself, devotion supposes the highest degree of inequality; to seek equality in devotion is to admit that equality is against nature. Equality must be established on the basis of justice, on the strict right, on principles invoked by the proprietor himself: otherwise, it would never exist. Devotion is superior to justice; it cannot be imposed as a law, because its nature is to be without reward. Certainly, it would be desirable that everyone recognize the necessity of devotion, and the thought of *l'Égalitaire* is a very good example; unfortunately, it can lead to nothing. What, indeed are we to say to a man who says: “I do not wish to devote myself”? Must we constrain him? When devotion is forced, it is called oppression, servitude, exploitation of man by man. It is in this way that the proletarians are devoted to property

instruction, commerce and warehousing, are distributed according to the geographical and climacteric⁴ conditions of each country, the varieties of the products, the character and natural talents of the inhabitants, etc., in proportions so accurate, so skillful, so well matched, that nowhere is there ever present an excess nor a lack of population, consumption or product. That is the beginning of the science of public and private right, the true political economy. It is up to the legists, freed from now on from the false principle of property, to describe the new laws, and bring peace to the world. They do not lack science and genius; the point of application [*point d'appui*] has been given to them.⁵

I have accomplished the work that I proposed to myself. Property is vanquished; it will never rise again. Everywhere that this discourse is read and reported, there a seed of death will be deposited for property: there, sooner or later, privilege and servitude will disappear; the despotism of the will will be succeeded by the reign of reason. Indeed, what sophisms, what obstinate prejudices could hold before the simplicity of these propositions.

There's a bit of "famous last words" in this claim that "property is vanquished" and it's hard not to think of those *eternal revindications* we referenced in the beginning. But as a "seed of death," this work certainly has been every bit as successful as a relative unknown like Proudhon might ever have expected.

I. Individual *possession* is the condition of social life;⁶ five thousand years of property demonstrate it: property is the suicide of society. Possession is within [the realm of] right; property is against right. Eliminate property by preserving possession; and,

⁴ Proudhon wrote *climatériques*, but probably meant *climatologiques*, climatological, rather than crucial.—Translator.

⁵ Of all the modern socialists, the disciples of Fourier have long appeared to me the most advanced and nearly the only ones worth of the name. If they had understood their task, to speak to the people, to awaken sympathies, to be silent about the things they did not understand; if they had put forward less arrogant pretensions and shown more respect for public reason, perhaps, thanks to them, the reform would have commenced. But how have such determined reformers constantly knelt before power and opulence, before that which is most opposed to reform? How, in a reasoning century, have they not understood that the world wants to be converted by demonstrative reason, not by myths and allegories? How, though implacable adversaries of civilization, have they still borrowed its most deadly products: property, inequality of fortune and rank, gluttony, concubinage, prostitution, and who knows what else? Ritual, magic and devilry? Why these interminable declamations against moral science, metaphysics and psychology, when the abuse of these sciences, of which they understand nothing, makes up their entire system? Why this mania for deifying a man whose principal merit was to rave about a mass of things of which he knew only the names, in the strangest language ever? Whoever accepts the infallibility of a man becomes, as a result, incapable of instructing others; whoever sacrifices their own reason will soon forbid free inquiry. The phalansterians would find not fault with it, if they were the masters. Let them finally deign to reason, let them proceed methodically, let them give demonstrations, not revelations, and we would listen to them willingly; than let them organize industry, agriculture, commerce; let them make labor attractive, make the most humble functions honorable, and we will applaud their accomplishments. Above all, let them rid themselves of that illuminism that gives them the air of imposters or dupes, much more than believers or apostles.

⁶ Individual possession is not at all an obstacle to large-scale farming and joint cultivation. If I have not spoken of the disadvantages of parceling out, it is because it thought it useless to repeat, after so many others, what must be an established truth for everyone. But I am surprised that the economists, who have so emphasized the miseries of small-scale farming, have not seen that its principle is entirely in property, above all that they have not sensed that their project of mobilizing the soil is a beginning of the abolition of property.

by that single modification of principle, you will change everything in the laws, the government, the economy and the institutions: you will sweep evil from the earth.

II. The right to occupy being equal for all, possession varies like the number of possessors; property cannot form.

III. The effect of labor also being the same for all, property is lost through foreign exploitation and rent.

IV. All human labor necessarily resulting from a collective force, all property becomes, for this reason, collective and undivided: in more precise terms, labor destroys property.

V. Every capacity for labor being, like every instrument of labor, an accumulated capital, a collective property, inequality of salary and fortune, under the pretext of inequality of capacity, is injustice and theft.

V. The necessary conditions of commerce are the liberty of the contracting parties and the equivalence of the products exchanged: now, the value being expressed by the quantity of time and expense cost by each product and the liberty being inviolable, the labors necessarily remain equal in wages, as they are in rights and duties.

VII. Products only exchange for products. Now, the condition of every exchange being the equivalence of the products, profit is impossible and unjust. Observe this most elementary principle of economics, and pauperism, luxury, oppression, vice, crime, along with hunger, would disappear from our midst.

VIII. Men are associated by the physical and mathematical law of production, before being associated by their full agreement: so the equality of conditions is [a matter] of justice, that is to say of social right, of strict right; esteem, friendship, recognition and admiration all fall solely within the realm of equitable or proportional right.

IX. Free association, liberty, which limits itself to maintaining equality in the means of production, and equivalence in exchanges, is the only form of society that is possible, the only one that is just and true.

X. Politics is the science of liberty: the government of man by man, no matter the name with which it is disguised, is oppression; the highest perfection of society is found in the union of order and anarchy.

Proudhon was thoroughly anti-utopian and we don't find a lot of *programs* in his work, but they tend, like this one, to be more like a series of sociological observations than a blueprint for a perfect society.

And then the sociological summary is followed by a kind of *revolutionary benediction*—and we're done with the First Memoir.

The end of antique civilizations has come; under a new sun, the face of the earth will be renewed. Let a generation pass away, let the old prevaricators die in the desert: the sacred earth will not cover their bones. Young man, whom the corruption of the unworthy century and the zeal for justice devours, if your homeland is dear to you, and if the interest of humanity touches you, dare to embrace the cause of liberty.

Strip off your old selfishness, plunge yourself into the popular flood of emerging equality; there, your rebaptized soul will obtain an unknown lifeblood and vigor; your enervated genius will again find an unshakeable energy; your heart, perhaps already withered, will grow young again. Everything will change its appearance to your purified vision: new sentiments will give birth in you to new ideas; religion, morals, poetry, art, language will appear to you in a finer and more beautiful form; and, certain from now on of your faith, enthusiastic with reflection, you will salute the dawn of universal regeneration.

And you, sad victims of an odious law, you whom a mocking world loots and insults, you, whose labor was always without fruit and whose rest was without hope, be consoled, your tears have been counted. The fathers have sown in affliction, but the sons will reap in joy.

Oh, God of liberty! God of equality! God who put the sentiment of justice in my heart before my reason understood it, hear my ardent prayer. It is you who have dictated all that I have just written. You have formed my thought, have directed my studies, you have weaned my mind from curiosity and my heart from attachment, in order that I might publish your truth before the master and the slave. I have spoken with the strength and talent that you have given me; it is for you to finish your work. You know whether I seek my own interest or your glory, God of liberty! Ah! Perish my memory, but let humanity be free; let me see in my obscurity the people finally educated; let noble teachers enlighten them; let selfless hearts guide them. Abbreviate, if it is possible, the time of our trials; smother pride and avarice in equality; confound this idolatry of glory that holds us in abjection; teach these poor children that in the bosom of liberty there are no longer heroes or great men. Inspire in the powerful, in the rich, in him whose name my lips will never utter before you, the horror of their rapine; let them be first to ask to be accepted in restoration, let the promptness of their remorse itself absolve them. Then, great and small, learned and ignorant, rich and poor, will unite in an ineffable fraternity; and, all together, singing a new hymn, will rebuild your altar, God of liberty and Equality!

NOTES:

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Shawn P. Wilbur
Notes on “What is Property?”
April 20, 2019

Retrieved 6 Jan 2022 from
libertarian-labyrinth.org/proudhon-library/notes-on-what-is-property-2019/
(Wilbur’s note:) These notes are from a group reading of the book on Reddit. While
fragmentary, they do raise a number of questions that I haven’t had a chance to raise elsewhere.
If nothing else, I’m archiving them to use in a future revision of Tucker’s translation.

usa.anarchistlibraries.net