

The Anarchist Library (Mirror)

Anti-Copyright



Justice in the Thought of Pierre-Joseph Proudhon

William H Harbold

1969

William H Harbold

Justice in the Thought of Pierre-Joseph Proudhon

1969

Originally published as: Harbold, William H. "Justice in the thought of Pierre-Joseph Proudhon." *Western Political Quarterly*

22, no. 4 (1969): 723–741.

usa.anarchistlibraries.net

Ever since Plato launched political science, justice and authority have been its two leading concepts. In his analysis, as in that of most writers, the problem has been that of just authority, or of an authoritative justice.

A very few writers have separated the two concepts, or subordinated one to the other. Machiavelli, for example, clearly did not have a very significant place for justice in his estimate of the political process. In quite radical contrast, the anarchists of the nineteenth century despised authority but honored justice. They assumed that justice could subsist without authority, indeed, only without authority. Among those who held this position, Pierre-Joseph Proudhon (1809–1865) is undoubtedly preeminent as theoretician, and in a day when authority is more seriously challenged and condemned than ever before his thought deserves consideration.

"Justice is the summary of my discourse," Proudhon declared in 1840,¹ and no phrase could more accurately catch the thrust and intent of all of his works, from the strange, totally secular interpre-

tation of the meaning of the Sabbath in 1839 to the severe but sympathetic evaluation of the political capacity of the working classes in 1864. And although he meant at the time primarily that he was asking for the end of privilege, rather than providing a system of social reform, justice was never to Proudhon merely the abolition of privileges. He had just insisted that his criticism of property as theft could serve as “the preamble to our future constitution,” and a few pages later announced that justice “is the guiding star of societies, the axis on which the political world turns, and the standard of all transactions.”² As his thought developed, he came to see it even as “the fundamental law of the universe.”³ Simultaneously force and idea, principle of all order and measure of all good, justice is at the center of all of Proudhon’s thought – his criticisms of contemporary social life, his theories of knowledge, history, and society, and his proposals for reform.

Proudhon was convinced that mankind had always sought justice, and to some degree known it. “What is Justice if not the sovereign essence that humanity has in all times adored under the name of God,” and that philosophy has sought under diverse names, from the Idea of Plato to the Rights of Man and the Citizen of the Revolution?⁴ Furthermore, as one would expect given Proudhon’s pragmatic and experiential perspective, these products of human reflection are not unrelated to the facts of social life. In his First Memoire, taking note that man is an animal living in society, he asked, “What are the conditions, the laws, of human society? What is right among men, what is justice?” He declared that the answer can be found through observing men in their relationships; we can tell when they form a society and when they do not do so, he insisted, and can discover the law through induction.⁵

This virtual equivalence of justice, the principle, and social life, the phenomenon, is to be found in all his writings. In *On Justice* he stated that “nothing falls under the empire of right except when it enters into the sphere of social transactions,”⁶ and argued that to deny that justice is immanent in humanity is to assert that so-

ciety has no morality, is against nature, and that civilization is a deprivation, which is against all common sense.⁷ His condemnation of eclectic and utilitarian atomism was expressed in a striking way when, in one of his late works, the anarchist proclaimed that “the political society ... is one and indivisible by nature,” and its unity is a moral one as its dissolution would be the result of a moral separation.⁸ It was not a new message, however; this had been his theme for twenty-five years. His condemnation of property, of statism, and of religion, and of attempts to justify them, rests upon his conviction that they no longer serve the moral solidarity of mankind, attainable only through justice, and, indeed, the very expression of justice. To Proudhon, as to those who drafted the Declaration of the Rights of Man and the Citizen, “the ignorance, forgetfulness, or contempt of the rights of man are the only causes of public misfortunes and the corruption of governments.”⁹ To Proudhon, however, those rights are not the abstract rights of hypothetically isolated men, but are rooted in the situations and activities that human characteristics produce in social life.¹⁰

The most significant characteristics of men, in Proudhon’s thought, are that they must work, that they are sociable, and that they are free. The exercise of these characteristics, in one way or another, produces all the activities and situations of human experience. That they are free is, perhaps, the most important characteristic in this context, since otherwise their sociability and their work would have been entirely provided for by instinct, as with bees and ants. We need justice, which is not reducible to an instinct, precisely because we are free and yet must work and live with others. But Proudhon had a horror of abstractions and absolutes, even though he could not avoid using terms that implied them. Abstractly, liberty is an absolute, and cannot be qualified, but in the world of human experience it does not exist abstractly. It exists concretely and is always subject to qualification. He concluded, therefore, that even liberty requires a rule to exist.¹¹ In an early formulation, he included such a rule in a definition of

liberty: “exercise your right so far as it does not injure the right of others,” and insisted that no one is required to be just beyond this maxim.¹²

Although he never substantially departed from this entirely libertarian perspective, the contradictory nature of property right that he soon uncovered demonstrated the inadequacy of the formulation. As he posed the problem of right in 1846: “If work is the source of all wealth, how is it that equality in distribution according to the measure of work is not a law? If, on the other hand, there is wealth that does not come from work, how is the possession of these riches justified as a privilege?”¹³ As his conviction that justice is in conflict with established interests only grew with time, so did his condemnation of utilitarianism. A decade later he wrote that rights and duties are no more the product of interests or utility than they are of hygiene. One reason is that there is as often opposition of interests as solidarity;¹⁴ he consistently denied the doctrine of the natural harmony of interests as well as rejecting the Malthusian solution of the problem of apparent conflict. Primarily, however, he insisted that right and interest are radically distinct, as are marriage and debauchery.¹⁵ To him, utilitarianism was simply non-moral and an inadequate foundation for social order; if justice is the same thing as interest, “the man who prefers, of two interests, that which seems to him the greater, may be mistaken but he is guilty of no wrong.”¹⁶ Clearly, justice must be different from and superior to interest if it is to serve as the principle of order.

Proudhon recognized fully, nevertheless, the importance of interests in dialectical history; their support or opposition is directly responsible for the rise and fall of regimes. He asserted in 1848 that the July Monarchy had been sustained by the antagonism among opinions, collapsing when that antagonism for a moment ceased, and his analysis in 1852 of the regime of Louis Napoleon was largely in terms of the various and conflicting interests he represented.¹⁷ In a similarly realistic appraisal of the

form had in 1848 been severely undermined by dissension among the socialists, and the principal reason for this was the competition among diverse “systems” proposed for organizing the economy, all by some sort of authority. At least, so Proudhon interpreted their proposals.

His objections to their ideas, particularly vigorously expressed because he saw them more powerful contenders for leadership than those of the weakening bourgeoisie, were well expressed in a retrospective analysis a few years later. He wrote that “neither conscience, nor reason, nor liberty, nor work, pure forces, primary and creative faculties, can without destroying them be mechanized, be made integral or constituted parts of any subject or object whatever. They are by nature outside systems. Their reason for existence is within them, and their reason for action is to be found in their works. In this is the human person ...”¹⁰⁷ Justice alone, no system and no machine, but a flexible principle of mutual respect and service, can organize humanity without destroying it.

“It is a fact,” he argued, “that despite the inequities that dishonor it society subsists through Justice, that civilization develops only through its support, and that it is the principle of all the happiness that our species enjoys.”¹⁰⁸ Proudhon would certainly have agreed with Jacques Chabrier’s evaluation, that his doctrine of immanence “restores his dignity to man, and in making that dignity the crux of justice he rejects any further submission of humanity to a transcendent principle or a hierarchy within humanity. In sum, he substitutes a justice made of liberty and equality for one of hierarchy and authority.”¹⁰⁹ It is small wonder, then, that in full awareness of the difficulties of realization he could still sing: “The right, is it not everything to man, and is not justice more in itself than life, love, wealth, and liberty?”¹¹⁰

must be imposed and maintained by authority. He bitterly condemned that “mania of spiritualism and transcendence which, in an otherworldly interest, seems to have taken the responsibility of turning everything in the world upside-down, which has made of work in general a curse and of each skill an incompetence, as it has made property a privilege, alms a virtue, science an exhibition of pride, wealth a temptation, servitude a duty, Justice a fiction, equality a blasphemy, and liberty a rebellion.”¹⁰⁵ Whether or not this is necessarily true of all Christian and other religious thought, it has certainly been true of much of it, and particularly that dominant in early nineteenth-century France, and Proudhon’s bill of particulars is practically a portrait of an unjust and frustrated community.

Liberals of the day would not recognize Proudhon’s indictment, however, convinced as they were that an adequate truth and justice had been largely realized in the new constitutional regimes, except for a few peripheral problems caused by a few agitators like Proudhon, exploiting the vices of the masses. Perhaps with the hope of enlightening them, Proudhon noted that “we pride ourselves for our discoveries, our progress. Certainly we have a right to take pride in them. But it is not less true that concerning the physiology of societies and the movement of States we do not yet know anything. We operate on hypotheses; in the most civilized century ever nations live one with another without security, without principles, without faith, without rights. And because we have no certainty, no faith in anything, it happens that in politics as in business the confidence so sought for since 1848 has become a utopia.”¹⁰⁶ This is the result of eclecticism in philosophy, in which the mind declares its bankruptcy and the conscience, its irrelevance, and the world drifts.

Proudhon was not the only one to condemn eclecticism, however, and to propose social reform. Many of these were socialists, companions of Proudhon in a concern for the condition of the working classes. But, as they quickly found out, he was not their companion when it came to solutions. The cause of social re-

failures of republican government in 1799 and 1851, he claimed as cause that the inferior classes found that they had no positive interest in the new order, the bourgeoisie having forgotten “that mankind is not virtuous very long against its own interest.”¹⁸ Equally clearly, then, if justice must be something different from and superior to interest, it cannot be contradictory to interest if it is to be a practical possibility. Since Proudhon saw history as the continuing realization of a justice that has always, if inchoately, been present, and in his dialectical analysis assumed that progress is made possible even by the antagonisms of interests, he was able to conclude that while contradictions do exist among interests, justice is not incompatible with the existence of interests, or even with oppositions among them. It, in fact, assumes them.

One should not presume, however, that Proudhon accepted the idea that “this is the best of all possible worlds.” He did not, but neither did he propound the thesis, “let justice prevail though the world perish.” The extremes of fatalistic piety, conservative and revolutionary in turn, were foreign to him. The revolutionary critic turned philosopher, influenced by the scientific climate of the age, could not imagine any law that was not implicit in experience, in observable phenomena properly understood. From his earliest writings he discerned the power of interests in human experience, whether concealed behind religious myths and symbols, openly recognized in utilitarian philosophy, or once again concealed in the ideologies and myths of socialist and nationalist utopianism.

Interests, therefore, are the phenomenal reality the social scientist must deal with, and they are the expressions of human liberty that he must respect. Nevertheless, he is not simply to accept them as they come, in all their confusion and antagonisms; he is to find their law, and Proudhon was impressed not only that such a law is possible but even that it is implicit in the revolutionary developments that have shaped those very interests from the collapse of the ancient world two millennia earlier to the French Revolution and the rise of the modern economy. Interests, therefore, are “crude

facts” that, in all their diversity, point to a law that will render them comprehensible, and with our discovery of that law they can be ordered, coordinated, and harmonized, and the human good and liberty they have imperfectly represented can be fully realized.¹⁹

Such, at least, was Proudhon’s faith in history and in science. He could hardly otherwise have written the rather shocking proposition that it has been war, most particularly, that “has demonstrated that justice is positively something other than interest,” in the same volume in which he showed, together with the noble side of war, its roots in indigence and avarice and its product in misery.²⁰ Only a deep appreciation of the continuity of human liberty through diverse manifestations in powers and interests could have permitted him to see in “the barbarian’s definition of justice as the order of the strongest” one legitimate “affirmation of personal prerogative.”²¹ He specifically denied that he took right and force to be the same; “only conscience can recognize right... But force is part of human nature, contributes to its dignity, and therefore has its own right.”²² He concluded that “war will not be ended and justice and liberty established among men except by the recognition and delimiting of the right of force.”²³

From his treatment of force no less than that of interest it becomes clear that Proudhon did not assume justice to be either an a priori idea among men, whether innate or revealed, or a matter of instinctive behavior. Men must learn how to manage their forces, as they must learn how to manage their interests; this is equivalent to saying that they must learn what justice is, and this achievement, as he recognized, occurs only gradually and is “the reward for prolonged work.”²⁴

But if the knowledge of justice and its laws, necessary for the final steps in progress, is only gradually being attained, the “crude facts” that can give rise to that knowledge have always been present. In his discussion of war, Proudhon argued that “man aspires with all the energy of his moral sense to make of his physical superiority a sort of obligation for others; he

were as sensitive as he to the full range of the critical problems inherent in the political, economic, and social developments of the nineteenth century. Those problems surpassed in complexity, if not in profundity, any that western civilization had yet encountered, and Proudhon sought, with an idea of justice that he took to be humanity’s central and persisting element, to untangle the knots that most men simply accepted, fatalistically, and proposed either to live with or to cut. That he undertook this perhaps impossible task is the principal reason that his theory sometimes approaches incomprehensibility in its richness and complexity, and probably also that he has been largely ignored since. According to temperament, it seems easier simply to live with the knots, in pragmatic accommodations of conflicts, as did the conservatives, or to cut them, in an arbitrary choice of institutions and values, as did the radicals.

Proudhon, however, sought a rational and moral solution that would simultaneously preserve and advance the civilization that is our common inheritance, and that he assumed to be humanity’s progressive destiny. The key is his theory of immanent justice, but he always insisted that he did not invent it. He found it implicit in all the scientific work of modern times, whether in analysis of man, society, or nature, and also concealed in the symbols of religious and philosophic thought. His theory of immanent justice is together demonstrated and explained in his theory of society as a collective being, though composed of free individuals; of the economy as a great association of mutuality, in which work can be truly free and productive through reciprocal guarantees; and of the political order as a federal system, in which justice alone is authoritative and voluntary agreements determine all else.

It can be said also, however, that Proudhon was always at his best in criticism. The alternative to his theory of immanent justice, or justice according to the Revolution and science, is justice according to Revelation, justice in the religious perspective, wherein justice and order are not natural to man, are always precarious, and

his efforts to solve, definitely but without arbitrariness, the problem posed by Malthus, Proudhon was led to assert the identity of happiness and virtue, and in *On Justice* he continued this argument. "It is a law of nature," he argued, "that an intelligent and free being creates its own morality, that they associate according to a law of reason and liberty, and that finally, in whatever situation they find themselves, alone or in society, they arrive at happiness by that same morality."¹⁰³

"It is certain," he continued in a study devoted to the "moral sanction," particularly crucial given his immanentism and naturalistic perspective, "that Justice would not be a law for man if, on the one hand, its precepts did not bear some sign that guaranteed their authenticity, and on the other hand, their practice could be regarded as indifferent to happiness or unhappiness in life." But man is both the subject and object of the moral law. Therefore, the "infallible sign" of its authenticity is that "everything in the conscience and thought of man, and in the social order ... is made comprehensible by Justice, while without it everything becomes obscure and unintelligible." The penal sanction attached to the law is simply that "everything rejoices, in man, society, and nature, when Justice is observed, while everything suffers and dies when it is violated." This sanction may also be expressed, Proudhon thought, in the form of dilemmas that confront civilization: certainty or doubt, knowledge or ignorance, liberty or servitude, civilization or barbarism, wealth or indigence, order or anarchy, virtue or crime, progress or decadence, life or death; and the reward or punishment is always equivalent to the product of our actions since it is, in fact, the same thing.¹⁰⁴ We are not judged, rewarded, or punished, by any power or according to any standards external to our own, evolving, historical experience.

Proudhon did not always speak in such general and abstract terms, however, nor was he at his best in such discourse. His writings abound with more particular and concrete arguments and insights that present his view more effectively. Few men of his time

desires that his victory be imposed like a religion, like a duty, corresponding to what he calls his right."²⁵ No less do men attempt to transform other interests into rights; property is one result. Yet it is also a fact, Proudhon thought, that "I have an idea of justice, because there is in me a faculty, instinct, or sentiment of dignity and sociability, the experience of which has given me an idea of justice."²⁶ Thus the world of experience, the product of spontaneous activity, provides at all levels the foundations of justice. The necessity man encounters educates his intelligence and shapes his freedom, as he slowly perfects his understanding of law and rights.²⁷ To Proudhon, the most general statement of law and the basic condition for all rights is justice.

Proudhon only gradually developed his most profound conception of justice, but from the beginning he was convinced that it is eminently rational, not arbitrary in any way, and that it is a matter of equality. In his brief essay on the Sabbath, both of these positions are clearly stated. He argued that justice "can never be dependent upon or the object of an agreement or compact," and observed that Moses would have thought it absurd to put his law to a vote of the people.²⁸ He admitted, however, that "the people assembled are the executive power of justice. An individual may say, this is just, but his conviction binds him alone."²⁹ Finally, as he read the Scriptures, equality of conditions and opportunities was the intent of Moses, and this was the meaning of the term, justice, in Hebrew.³⁰ He concluded that inequality is the law of beasts, not of men, and in words that presage his later theory observed that harmony is equilibrium in diversity.³¹ Not only does this phrase introduce the idea of equilibrium, which is to be a key element in his thought on justice, but the term diversity suggests that liberty, which is to be no less important in his thought than equality, was already present. Neither idea was developed, however.

In the concluding pages of his *First Memoire*, after having criticized all possible justifications of inequality based on property, Proudhon asserted again his identification of justice and equality,

but two somewhat different formulations appear. He claimed that observation of social relationships uncovers three levels of sociability: that of instinct, that of justice, and that of equity- which might better have been termed, benevolence. It is at the level of justice that men are distinguished from gregarious animals; justice is there defined as “recognition in others of a personality equal to one’s own.”³² In the highest level, men strive, through a sense of equity, generosity, and appreciation, to esteem one another and to support the weak and honor the strong. To this, Proudhon added, however, “without destroying their equality”; justice is the condition of “equity,” which supplements but cannot replace it.³³

This rather psychological view of justice is accompanied, however, by one that is sociological and economic in character. “The practice of justice,” he wrote, “is to share equally in the goods produced, subject to the condition of work.”³⁴ A few pages later he asserted that “equality of conditions is the principle of social life, and universal solidarity is its sanction.”³⁵ He argued that failure to respect this principle has been the cause of revolutions, which are primarily “periodic explosions of the proletariat against property,” and that “in demonstrating the principle of equality, I have posed the first stone in the building of society.”³⁶ There is, however, no conflict between these two views; they simply represent in turn the subjective and objective dimensions of the matter, which he took it the task of scientific thought and rational practice to unify.³⁷

The ideas of the First Memoire remain, basically, those of all Proudhon’s later work; the equality of men, subjectively in personality and objectively in political and economic conditions, was always perceived as the law of society, both as it is and as it ought to be. However, the increasing complexity of his economic and political analysis during the following years, and the experience, both hopeful and disappointing, of the Revolution of 1848 and its aftermath, compelled him to develop that idea in much more subtle forms. Although in his First Memoire he condemned communism, communitarian rather than individualistic egalitarianism, arguing

dividual. In contrast, libertarianism, individualistic absolutism, is incompatible with any real communities; and communism and imperialism, religions of the group, “sell short the human person, his liberty and his dignity.”⁹⁶ Proudhon’s recognition of the polarities, even antinomies, in human life, and his identification of equilibrium as the rule of being, led him to sound, according to circumstance, sometimes like a libertarian, sometimes like a collectivist. For example, in the First Memoire he declared that the security of society cannot rightly require the sacrifice of any persons, as in War and Peace he later announced that “all heads are sacred; society exists only for their conservation.”⁹⁷ But he also insisted that men must share with one another even when provisions are short, and that we cannot use our ability to foresee danger to justify disobedience to the law. “It would be strange if our intelligence would be for us, the most social of the animals, a motive for disobeying the law.”⁹⁸

Obviously, there is no easy reconciliation of these two arguments, as there is in fact none of the polarity between self and other, or between subject and object, and Proudhon did not promise any. Only a firm principle, at once intellectual and moral, can unify the contradictions of experience, and he noted, in exasperation, that “France has lost even the notion of morality” in its acceptance of skepticism and eclecticism. The result is that neither the family, nor the society, nor the state, each requiring some sort of faith, is secure.⁹⁹ He protested that “self-realization cannot be a duty,¹⁰⁰ and declared that poverty — in which man obtains by work what he needs for the maintenance of his body and the culture of his soul, neither more or less — is our law. We are called, he wrote, to an ascetic and spiritual life, not a materialist hedonism.¹⁰¹

Yet, “the sacrifice required by Justice is inseparable from happiness; it is happiness itself, not the egoistic happiness that justice requires us to sacrifice, but a superior happiness which flows from the elevation of the subject to social dignity.”¹⁰² As early as 1846, in

his conscience, or in his will, but in the phenomena produced by their interaction, and ideally in their synthesis at that level. These phenomena are all the facts of history, which reflect simultaneously man's free and creative activity and his sense of right and obligation. They all point to, without perfectly realizing, that synthesis of will and conscience, of freedom and law, which is justice.

The organ of justice is, thus, far less the private conscience of individuals than the whole of reality, insofar as it manifests a harmony that does not absorb and destroy the individuals composing it. The most apparent characteristic of justice, Proudhon wrote, "is to express a relationship that is the more rational because it is formed voluntarily and in full awareness of the conditions by two reasonable beings." But it is more than that, both in reality and as an ideal. "It is the point of transition between the sensible and the intelligible, the real and the ideal, the notions of metaphysics and the perceptions of experience ... [and] possesses no less authority in the understanding and the imagination than in the conscience."⁹³ It is manifested particularly in human associations that "have the effect of creating among the participating individuals a common conscience": marriage, the family, the city, humanity.⁹⁴ No less did Proudhon consider that the economy, as it developed its complex structure of institutions, with resulting interdependence, has this effect, despite the antagonisms that persist. He was more impressed by the solidarity among all workers that the modern economy had created than he was by the antagonisms that the counter-revolution, with its anachronistic and absolutistic ways of thinking, continued to foster. That solidarity needed only more effective means of expression than provided by current economic and political conditions or than proposed in either libertarian or collectivist ideologies.

Through justice, Proudhon wrote, man learns to know himself; he becomes aware of the polarity of his being, subject-object, and yet also of his identity.⁹⁵ He is thus able to recognize the reality of the collectivities in his life, but without losing his identity as an in-

that it only replaced individual proprietors with a communal despotism, as much over persons as things,³⁸ he seems at this time to have assumed simply that the abolition of property, and its replacement with "individual possession," would both secure equality and ensure the organization of society and the economy in freedom. It is from this simplistic assumption that he gradually retreated, and after 1851 it disappeared.

The change that was taking place is suggested by a remark in his *System of Economic Contradictions*; continuing to insist that "equality is our rule as well as our ideal," he noted, rather enigmatically, that primitively men are equal, especially in the "undefined power of their faculties."³⁹ This would well support a claim to equal liberty for all, but no other conclusions directly follow from it, and Proudhon used the argument largely to undermine all claims to purely personal privilege. Throughout this work and later he was developing, on the positive side, the maxim of economic justice that "the revenue should be equal to the product," which he thought a categorical and concrete version of the "sublime and sentimental" Golden Rule.⁴⁰ The whole problem has shifted — though this element was not absent in the *First Memoire* — from abstract concern for equality to a far more concrete concern for opportunities to work, produce, and exchange, and for fair remuneration.

It may perhaps be said that the turning point is clearly reached when, in his *General Idea of the Revolution*, in 1851, he suddenly and for the first time took note of the traditional distinction between distributive and commutative justice; argued that justice appears first as distributive — which he interpreted as "a superior granting to inferiors what is due each"; and insisted that the future of humanity is in its replacement by commutative justice, the rule of contracts.⁴¹ Equality, certainly, but only the equality of free and independent persons entering into voluntary relationships with one another. It is probably not unrelated that in another work of the same year he opined that the obligation is the one thing that is absolute in morality, not the form of the precept, much less its

specific content.⁴² By 1851, thus, he had arrived in his political and economic thinking at an extremely libertarian anarchy, and in his ethical thinking at an extremely abstract idea of obligation. The latter, even as “commutative justice,” is hardly enough to discipline the former, to prevent it from being chaos. To this problem the answer is given in *On Justice*.

Proudhon was fully aware that this was the problem; he launched his discussion of justice by observing that communism and libertarianism, the two currently advocated ways of managing the antagonism of interests, were, the former, destructive of personality, and the latter, chimerical in that it assumed an impossible harmony of interests. The only alternative, he insisted, is justice, which he then proceeded to identify.⁴³ The work is also a polemic against religious and metaphysical conceptions of justice, which Proudhon thought at best symbolize but cannot realize it, and eventually deny it. In contrast, justice according to the Revolution, or the scientific view, is the one that can provide the solution to the antagonism of interest, to all practical problems in society as well as theoretical problems in ethics and epistemology. His ambition in these volumes was extraordinary, as is the range of topics considered in the twelve studies.

In developing his conception of justice, Proudhon started with what he assumed to be a fact, human dignity, which he described as a “haughty and absolute quality, impatient of all dependence and law, tending to the domination of others and the absorption of the world.”⁴⁴ This sounds very much like a modern definition of liberty, and he did in fact assert that “the free will is the source of human dignity,” and called justice, “liberty honoring itself from person to person.”⁴⁵ He noted, further, that if there is as often opposition of interests as solidarity, there is always and essentially community of dignity, which is superior to interest.⁴⁶ The link between individual dignity and “community of dignity” is provided by what Proudhon called “the first and most essential, sovereign, of our faculties,” although it is not clear whether this is reason or

uct, as memory and the things remembered,” and he concluded that doubt may be appropriate as to the circumstances, qualities, and conditions of the moral act, but not as to the function itself or its product, Justice. The conscience is “the faculty which enables man to be master of himself.”⁸⁸ In extension of the idea that justice is the content or product of the conscience, he observed that “equality is a need of the conscience, as beauty is a need of the heart and precise reasoning a need of the mind.”⁸⁹ He also insisted that the sanction of justice, no less than justice itself, is immanent in the conscience and is exercised there and nowhere else; it needs no external sanction “whose minister is God, the Church, or Society.”⁹⁰

Proudhon did not place as much dependence upon the individual conscience as these phrases would suggest, however. “I would hardly be able to believe in the reality of a moral law and its obligations,” he wrote, “if that reality did not have another witness [gage] than the vague word conscience.”⁹¹ In his always phenomenological perspective, the demonstration of the existence of conscience, as of every primordial force and absolute, is to be found only in experience, and what we find there are the phenomena resulting from the interactions and conflicts among those forces, never they themselves alone. From this perspective, the manifestations of conscience are many and diverse, both in the individual and in society, but always in history.

In a phrase of the *First Memoire*, Proudhon sounds very much like St. Paul, wrestling with the agony of the two laws within him, when he declared as man’s most fundamental characteristic the perpetual antagonism between will and conscience. He showed his own colors, however, when he equated will and conscience with freedom and law. Furthermore, he shortly stated that human nature is “one, constant, and inalterable. Man follows it by instinct, deviates through reflection, and returns through reason.”⁹² Thus the opposition for Proudhon is quite different from that envisaged by St. Paul in his preoccupation with original sin and salvation through divine grace. Man’s real existence for Proudhon is not in

and intelligent force, who asserts and defends the right as best he understands it, and can learn what the right truly is only through the experience of conflict that inevitably follows. Also inevitably, then, man's power, his right, and his happiness are very closely related, if not identical. Proudhon's idea of virtue was an adaptation of that of classical antiquity, like that of Machiavelli and Hobbes, even if his solution to the resulting social problem was very different from theirs.⁸³

Despite this naturalistic ethic, however, Proudhon attempted carefully to distinguish his position from that seeing right in might, or in anything "natural." Convinced that reason is an essential human faculty, he criticized Michelet for advocating the liberation of humanity through instinct.⁸⁴ As early as 1843 he had argued, against Fourier, that the passions in themselves implied no law capable of disciplining them.⁸⁵ He likewise insisted, fifteen years later, that though the passions are not bad in themselves, since nothing is bad in itself, it does not follow that they should be taken for the foundation and rule of human relations. Almost in the words of John Stuart Mill, but more consistently than Mill, he declared that if the passions "are natural, they are not therefore justified." He continued, "Left to themselves, they tend to take over the whole man. Justice is given to us to re-establish the equilibrium."⁸⁶ What is right, then, is that power that is manifested in the harmony of all human faculties, within each man as among all men. Pleasure and pain, he wrote, "are the consequence of moral integrity or depravity";⁸⁷ which is to say also that both are possible and both, usually, present. The whole argument presupposes freedom, of course.

The monitor of that harmony, and the force that tends to seek and to maintain it, appears to be the conscience. Proudhon demonstrated the reality of the conscience as an active force with a variant of the Cartesian cogito, ergo sum. For any organ, not just the doubting mind, he wrote, it can be said, I function, therefore I am. "Conscience is the faculty for which Justice is the content or prod-

conscience. Nevertheless, "man must be constituted in such a way that regardless of the passions that agitate him and which it is his destiny to master, regardless of motives or sympathy, common interest, love, rivalry, hatred, vengeance even, that he can experience in the presence of another individual, whether he wishes to or not, a certain recognition of his own humanity and consequently a certain respect that even his own pride cannot vanquish."⁴⁷

In a phrase that culminates in his most pointed definition of justice, Proudhon wrote that man, because of his reason, has the capacity to be aware of his dignity in the person of his fellows as well as in his own, and to assert himself simultaneously as an individual and as a species. "Justice is the product of this capacity: it is the respect, spontaneously felt and reciprocally guaranteed, for human dignity, in whatever person and whatever circumstance it may happen to be compromised, and at whatever risk its defense may expose us to."⁴⁸ This respect for human dignity is manifested not only in respect of persons, however, but also of their interests, even their properties, because, in Proudhon's thinking, an inclination to appropriate is inherent in human dignity and freedom. Here, as in the First Memoire, subjective and objective dimensions appear, but now they are very clearly and specifically related. They are interdependent; one can say, on the one hand, that respect for interests flows from respect for persons, but, on the other, persons appear only as they act, asserting interests. In Proudhon's developed thought there is no possibility of the naive distinction between personal and property rights so characteristic of liberal thinking, and avoided in communism only by the abolition of both. His attention, and his moral sense, are focused at another point.

Although the reader's attention is usually attracted in Proudhon's definition of justice to the words "respect" and "human dignity," they are not really the key words. The crucial term in the definition is "reciprocally guaranteed." Justice is, after all, a social virtue; if it has its roots in the individual conscience, that is only because man is a social being, and if reason is able to work out

its laws, it is only because reason is able to discern, following experience, the necessary condition of social life. And, as Proudhon had been working out in economic matters since the outbreak of the February Revolution, if not before, that condition is reciprocity or mutuality. The progress in his thinking after 1848 had been to place that insight of his economic science in its broadest possible context and to work out its most extensive implications. Individual freedom is essential to justice, no less than the sociability which is its other component or aspect. He put it himself rather nicely: "Justice is the synthesis or balance of the laws of egoism and charity."⁴⁹ Lacking an adequate idea and realization of systematic reciprocity, mankind is condemned to fluctuate between egoism and charity; this is Proudhon's interpretation of all past history, which underlies his criticism of Christian social discipline and any sort of paternalistic authority.⁵⁰

Proudhon's conception of justice is totally humanistic; he rejected any transcendental ethic for one purely immanent, though in important respects evolutionary. Justice is in us, he wrote, "like love, like the notions of beauty, utility, truth, like all our powers and faculties. No one dreams of making God responsible for love, ambition, the spirit of speculation or enterprise, but an exception is made for Justice."⁵¹ It is "human, entirely human, nothing but human," he argued, and "the notion of God has no place in our juridical constitutions any more than in treatises of political economy, or of algebra. The theory of Practical Reason subsists by itself."⁵² The theory of immanence he considered as important as his conception of justice itself. Obviously, they both flow from the asserted primacy of human dignity, and are interdependent, but that theory is also essential both to his scientific perspective and to his conviction that justice is not only virtue but happiness, not in another world but in this one.

Proudhon was convinced that this conception of justice would meet all possible needs. It provides an absolute standard: the rule to treat others as ourselves, equally, is invariable, despite chang-

He assumed that both were incompatible with an economic order both viable and just, which could flow only from free individual (and private group) initiative, as liberals claimed, but more positively supported and generally available than they were willing to accept.

Proudhon was convinced of the inseparability of economic and moral science, of effective economic activity and just conduct. "What virtue, what good faith," he wrote, "can persist in a society whose fundamental maxim is that economic science has nothing in common with justice, but is radically independent?"⁷⁹ He assumed that no economy could operate without virtue and good faith, as Kant had assumed that lies would be unprofitable if most people did not tell the truth; and insisted that no progress is possible or has ever occurred in the social economy without a parallel progress in public morality.⁸⁰ Thus, justice provides the basic criterion for economic science, as economic activity provides another realm for the manifestation of justice. When this is finally recognized, Proudhon thought, not only virtue but also the economic order would flourish. In one of his more optimistic, perhaps even utopian moments, he wrote: "In the place of the law that disposes, orders, punishes, repairs, you have the Idea that organizes, the Idea that does not command, but gives life."⁸¹ In justice alone can all the creative powers of mankind be released.

Given this position, it would have been impossible for Proudhon to have argued otherwise than that virtue is its own reward, and vice not so much the cause of misery as misery itself. He objected vigorously to any dualistic view of man, which would make virtue other than, or only in some way a part of, human nature. He condemned Christian theology because it involved necessarily, he thought, a repressive morality and a contemplative and passive pietism, accepting authority as of God. His notorious justification of war is based on his conviction of the essential unity of human nature, that man is not at one time an angel and at another a ferocious beast.⁸² To Proudhon, man is neither, but simply a free, moral,

The inadequacy is not manifested only in the crimes of working-class people. Egoism and avarice, and their consequences, are to be found at all levels of society,⁷² and the *canaille d'en haut* can no more be made just by fiat or appeals to fraternity than that *d'en bas*. Proudhon observed, realistically, that one cannot expect entrepreneurs to be concerned about the well being of their employees except as it affects productivity.⁷³ As against all such behavior, "it is proper for the society to consider in what ways it has itself been at fault regarding the delinquent; the sanction, as well as Justice itself, is not complete unless it is reciprocal."⁷⁴ Pauperism and crime, he was convinced, are primarily the result of violation of economic laws, the disturbance of economic equilibrium; with this uncorrected, all economic development and all laws produce misery.⁷⁵ As he resumed this line of thought in his last book, he found that the old law was generally negative and repressive, but "the new law is essentially positive. Its aim is to procure, certainly and extensively, all that the old law simply permitted to be done, expecting it to flow from liberty, but without providing either means or security, or even expressing approval or disapproval."⁷⁶

Justice will be most effectively promoted then, in Proudhon's opinion, by a positive social policy. The foundation of this policy is the science of economics, or political economy; in 1843 Proudhon declared the science of law, of the distribution of the instruments of work and the products, to be "the third division of political economy."⁷⁷ A few years later he wrote that justice is, in its purely objective relationships, expressed in value, and value is realized work. Justice is thus, objectively, a matter of proportionality among products.⁷⁸ This approach necessarily puts exchange at the center of attention, as did classical political economy, but it also seeks a rule for fair and honest transactions. The indifference of communists to such an economic science in their devotion to fraternity and other collectivist ideals irritated Proudhon no less than did the liberal acceptance of the "routines of property" and the irresponsible speculation and chicanery in commerce that resulted.

ing circumstances.⁵³ Yet, because it is reciprocal respect, objectively expressed in the phenomenon of equilibrium among forces and interests, it is compatible with progress, since it implies a "continuing amendment of legislation according to experience,"⁵⁴ and provides a standard, scientific in character, by which all legislation, and all social relationships in fact, can be evaluated. It alone can organize society, since it identifies man and humanity, and renders all conditions equivalent and *solidaires*.⁵⁵ Furthermore, it is fundamentally identical with the perspective, equilibrium analysis, which has been so powerful in the natural sciences, and which Proudhon now claimed was but an application of the idea of justice. Exuberantly, he declared that "Justice is for a rational being, simultaneously, principle and form of thought, guarantee of judgment, rule of conduct, goal of knowledge, and end of existence... The realization of Justice is the great task of mankind, the highest science, the work of the collective spontaneity more than of the art of legislators, which will never be concluded."⁵⁶

Proudhon claimed that the French Revolution represented the affirmation, though not the entire realization, of justice as he had come to understand it. The Revolution denied, he wrote, all seigniorial rights and other special privileges, and "In the place of that systematic inequality, created by pride and force and consecrated by all priesthoods, the Revolution affirmed as identical propositions: (1) the equality of persons; (2) civil and political equality; (3) the equality of functions, the equivalence of services and products, the identity of value, the balance of power, the unity of the law, the community of jurisdiction; from which results, except as individual faculties exercised in all liberty lead to modifications, (4) equality of conditions and opportunities."⁵⁷ Despite the language, Proudhon was well aware that few men of 1789 or later had in fact affirmed all these propositions, but he was convinced that they were all, the economic as well as the political conclusions, implicit in those that were affirmed and generally accepted. Why then, as his critical

writings over many years had made clear, was not justice more fully realized?

He had touched on the answer in his first published work, when he wrote that because man is a composite being — animal, plus intelligence and conscience, which often conflict, as he put it then — his will is subject to deviation from his duty and harmony.⁵⁸ From this he then concluded that social science could resolve these conflicts, uniting intelligence and conscience. He had, of course, begun a theory of liberty here, and he resumed and developed it two decades later, in *On Justice*. Nor did he ever entirely abandon the idea that social science, with justice as its standard, could resolve conflicts. In his mature writings, however, there is a new note, flowing from all his intervening work as well as practical experience. He now remarked that “it is a very delicate undertaking to balance the respect due persons with the organic necessities of production, to maintain equality without attacking liberty.”⁵⁹

It is liberty that is the problem. Without liberty, there can be no justice; justice is “the pact that liberty makes with itself for the conquest of the world and the subordination of nature.”⁶⁰ He argued that history shows the progress of justice to be proportionate to that of liberty, and contrary to that of communism, of religion, or any other formula tending to absorb the personality in society or the state.⁶¹ And yet, or perhaps because of this, liberty is “the only force capable of checking justice.” It is our freedom that enables us to create ideals for ourselves, and we live by those ideals. Justice itself is for us “limping and false” if we do not make an ideal of it. But when our knowledge of justice does not develop as fast as our imagination requires, degenerate ideals dominate us.⁶² The result is that conventional truths and probabilistic judgments are taken for absolutes, and — most particularly relevant — “the consideration given a man, or the respect for the absolute in the person of our fellows, is proportionate to his capacities, his reputation, his wealth, his power. We are so made that we suppose the absolute is of the same order and character as phenomena.”⁶³

It oversimplifies matters, however, to say that only degenerate ideals or errors of judgment lead to injustice. The problem is more profound, and intractable, and it is illustrated in Proudhon’s continuing polemic against charity and fraternity as principles of social organization.⁶⁴ He constantly insisted that the family is an essential human institution, necessary for the development and preservation of the sentiment of our value and dignity, and thus of justice, and that any acceptable proposal for social reform had to strengthen, not destroy it. He was also a man of strong friendships, and he did not depreciate this human relationship. Nevertheless, he noted as early as his *First Memoire* that the conflict between justice and preference for family and friends is the cause of all the problems of social duty, and underlies the ancient tragedies.⁶⁵ Thus, the sentiment of our own value and dignity, the foundation of justice, is also a source of the denial of the moral, economic, and political solidarity of all men, which is injustice. The specific cause is “an exaggerated opinion of ourselves and the abuse of personal preference.”⁶⁶ Sentiments and ideas, limited if not corrupt, in this way conspire to establish inequality in our lives and thinking as if it were a law of nature, rather than an accident of circumstance that we perpetuate.⁶⁷

Attempts to deal with these causes of inequality have always been ineffective because they have not been positive steps in the realization of justice. Privilege, abolished by law, returns because of the absence of equilibrium in society, and made worse by adding to the natural inequalities of faculties, or “caprices of nature,” the accidents and injustices of society.⁶⁸ Meanwhile, as he saw it, the proprietary system is maintained only at the cost of a constantly increasing crime rate and desperate efforts to prevent and repress crimes.⁶⁹ The effect of preventive and repressive laws, reacting to abuses and trying to prevent men from harming one another, he noted rather nicely, is at best “like trying to put a muzzle on a lion.”⁷⁰ “It is not in giving evil for evil,” he wrote, “that one is reconciled with an enemy or brings a rascal back to virtue.”⁷¹