

the Albigensians. In the middle ages, as Ferrari notes, how often Ghibellines became Guelfs, and Guelfs became Ghibellines! In 1813, France fought on the side of despotism, the allies for liberty, the precise opposite of what had happened in 1792. Today the Legitimists and the clerical interests support federation; the democrats believe in unity. Such examples cannot be conclusive; but the fact remains that ideas, men, and things cannot always be placed in terms of their natural tendencies and their origins, that the blues will not always be blues, nor the whites always whites.

Because of their inferiority and their distress, the people will always form the army of liberty and progress. Work is republican by nature; to deny this involves contradiction. But because of their ignorance, the crudeness of their instincts, the violence of their needs, and the impatience of their desires, the people favour forms of summary authority. What they seek is not at all legal guarantees, of which they have no idea, nor understand the power; it is not at all a mechanical contrivance or a balance of forces, which they see as of little account: it is a leader whose word they can trust, whose intentions are known, and who is devoted to their own interests. This leader will enjoy unlimited authority and irresistible power. By their nature the people accept as just everything they deem to be useful, laugh at formalities, and impose no conditions on those who hold power. Quick to suspect and to slander, but incapable of methodical discussion, they believe fundamentally in nothing but human will; they pin their hopes to man, they trust only in their own creatures, 'in princes, in the sons of men.' They expect nothing from principles, which alone can save them; they do not worship ideas.

Thus the people of Rome, after seven centuries of a progressively liberal regime and a series of victories over the patricians, thought they could solve all their problems by abolishing the party of authority and, enlarging the tribune's function, they made Caesar permanent dictator, silenced the senate, closed down the *comitia*, and for a bushel of corn, *annona*, founded imperial autocracy.

The Principle of Federation

and the Need to Reconstitute the Party of Revolution

Pierre-Joseph Proudhon

1863

bourgeoisie, fearing despotism as much as it does anarchy, prefers to consolidate its position by establishing a constitutional monarchy. At the end of the day, indeed, it is the party with the strongest need for liberty and legality that creates absolutism, and the party of privilege which institutes liberal government, which it preserves by restricting political rights.

It is clear from this that if one abstracts away the economic considerations which bear upon the matter, there is no difference between bourgeoisie and democracy, imperialism and constitutionalism, or however these opposing governments may be styled; and that questions such as whether the regime of 1814 was better than the regime of 1804; whether the nation would do well to abandon the 1852 constitution for that of 1830; whether the republican party will merge with the Orleanists or ally itself with the empire – all such questions, I say, from the point of view of law and principle, are puerile. A government, from the perspective given here, is to be measured by the considerations which sway it and the men who represent it, and all theoretical disputes on this topic are futile and can lead only to absurdity.

The contradictions of politics, the changes of front by the parties, the perpetual inversion of positions, are so frequent in history and play so large a part in human affairs that I cannot resist labouring the point. The dualism of authority and liberty supplies the key to all enigmas; without the aid of this primordial explanation, the history of states would be the despair of the mind and the scandal of philosophy.

The aristocracy of England produced Magna Carta; the Puritans produced Cromwell. In France, it is the bourgeoisie which forms the permanent base for all our liberal constitutions. In Rome, the patriarchate organized the republic; the plebs gave birth to the caesars and the praetorians. In the sixteenth century the Reformation was at first aristocratic; the people remained Catholic or adopted masses in the style of John of Leyden: it was the opposite of what had happened four hundred years before, when the nobles burned

erally be more liberal than one founded by the masses under the leadership of a dictator or a tribune. The phenomenon may indeed seem all the more surprising in that the people are at bottom more interested in and more genuinely attached to liberty than the bourgeoisie. But this paradox, the great stumbling-block of politics, is explained by the situation of the parties: in the case of a popular victory, the people must think and act autocratically, but when the bourgeois enjoy supremacy they think and act as republicans. Let us return to the fundamental dualism of authority and liberty, and we shall understand the matter.

From the divergence of these two principles, and under the influence of contrary passions and interests, two opposite tendencies, two currents of opinion, emerge. The partisans of authority tend to reduce the scope of liberty – individual, corporative, or local – as much as possible, and by this means to exploit to their own profit and at the expense of the mass the power with which they ally themselves. The partisans of the liberal regime, on the other hand, tend to restrain authority and to conquer the aristocracy by relentlessly limiting public functions and the acts and forms of power. Because of their position, because of the modesty of their wealth, the people seek equality and liberty from governments; for the opposite reason, the land-owning, financial, and industrial patricians favour a monarchy which will protect the great interests and secure order for their own profit, and as a result stress authority at the expense of liberty.

Thus all existing governments, whatever their motives and however circumspect they may be, fall under one or other of these two headings: the *subordination of authority to liberty*, or the *subordination of liberty to authority*.

But the same cause which sets the bourgeoisie and the people against each other soon leads both of them full circle. In order to ensure victory, democracy, since it is ignorant of the requirements of power and incapable of exercising it, equips itself with an absolute leader, before whom all privileges of caste disappear; the

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I shall call, using their current names, *empire* and *constitutional monarchy*. This calls for an explanation.

Since men have lived from the very beginning with war and inequality of wealth, society divides naturally into a certain number of classes: warriors or nobles, priests, landlords, merchants, mariners, industrialists, peasants. Where royalty exists, it forms a class of its own, the highest of all – a dynasty.

The struggle of classes among one another, the opposition of their interests, the manner in which these interests coalesce, determine the political regime, and consequently the choice of government in its numerous varieties and yet more numerous variations. Step by step all these classes are resolved into two: an upper class, aristocracy, bourgeoisie, or patrician class; and a lower, plebs or proletariat, between which is suspended royalty, the organ of power, the expression of authority. If the aristocracy unites with royalty, the resulting government will be a moderated monarchy, currently called constitutional; if it is the people who unite with authority, the government will be an empire or autocratic democracy. Medieval theocracy was a pact between the priesthood and the emperor; the Caliphate, a religious and military monarchy. In Tyre, Sidon, Carthage, royalty allied itself with the merchant caste when this rose to power. It seems that in Rome royalty at first respected patricians and plebeians alike; then, when the two classes united against the crown, royalty was abolished, and the state took the name of a republic. The patrician class retained its dominance; but this aristocratic constitution was as nebulous as that of Athenian democracy. Government rested upon expediency, and, while the Athenian democracy collapsed under the impact of the Peloponnesian war, world conquest was the outcome of the senate's need to keep the people occupied. When the world had been pacified, civil war raged bitterly; to end it the plebs gave itself a leader, destroyed the patricians and the republic, and created the empire.

Surprise is occasioned by the fact that a government founded by bourgeois or patricians in alliance with a dynasty should gen-

Chapter V. DE FACTO GOVERNMENTS: SOCIAL DISSOLUTION

Since monarchy and democracy, to confine myself henceforth to these two alone, are ideals deriving from theory, unrealizable in accordance with their strict definitions, we are obliged to come to terms, as I have explained, with practical compromises of various kinds. From these enforced compromises arise all existing governments. Such governments, the work of empiricism, infinitely variable, are therefore essentially and without exception composite or mixed.

I may point out here that writers have mistakenly introduced a political assumption as false as it is dangerous, in failing to distinguish practice from theory, the real from the ideal; they have put on one plane pure concepts of government that are unrealistically simple, such as monarchy and democracy, and *de facto* or mixed governments. The truth, to repeat, is that governments of the first type do not and cannot exist except in theory; every real government is necessarily mixed, whether it is called a monarchy or a democracy. This is an important consideration; it alone permits us to trace the countless frauds, corruptions, and revolutions of politics to a logical error.

All varieties of existing government, in other words, all the political compromises attempted or proposed from the most ancient times to our own day, may be reduced to two principal types, which

Introduction

Richard Vernon

P.-J. Proudhon's *Du Principe federatif* is surely the nearest thing to a manifesto that the federalist tradition has to its name. Unlike *The Federalist* itself – to which it is much inferior as a work of political science – Proudhon's book has everything needed for the role: it is truculent, overstated, and avowedly schematic, for a scheme, Proudhon says in his first chapter, is what is needed by a book if it is to appeal, to persuade, and to be remembered. In its day *Du Principe federatif* was indeed a success, its first printing selling out within weeks of its publication in February 1863. Its subsequent influence, too, has been important, among such diverse groups as the Paris communards, the right-wing Regionalist thinkers of Third Republic France, and the English theorists of political pluralism, among whom Harold Laski, notably, regarded *Du Principe federatif* as one of the great books of the nineteenth century.¹ Today, however, it is largely forgotten, except among certain French *européens*, for whom it is a key text for the idea of international confederation. But in English-language scholarship it attracts very little interest: textbooks on federalism pass over it in silence – while regretting that there is so little theoretical writing on the subject – and the best recent critical study of Proudhon's thought deals with it very briefly.²

¹ For Laski's view of Proudhon see the *Holmes-Laski Letters* ed. Mark DeWolfe Howe (Cambridge, Mass. 1953) vol. 1; Laski's introduction to Leon Duguit *Law in the Modern State* (Eng. trans. New York 1919) xiii-xiv; *Authority in the Modern State* (New Haven 1919) 114.

² Alan Ritter *The Political Thought of Pierre-Joseph Proudhon* (Princeton 1969)

The contemporary neglect of *Du Principe federatif* may be explained in part by its unsatisfactory character as a book. It is, as Proudhon's biographer has written, 'an awkward compromise between a constructive political treatise and a collection of topical wrangles. Its form is diffuse, and of the three parts into which it was divided only the first is permanently important.'³ The remaining two parts consist of an account of the then current Italian situation – already discussed at some length in Proudhon's *La Federation et l'Unite en Italie* (1862) – and of a detailed response to critics of his earlier work. With the exception of one chapter, these two latter parts, which are of very limited general interest, are omitted from this translation. The first part of the book, Proudhon's 'constructive political treatise,' stands on its own: and even though it consists in part of a recapitulation of themes and arguments already developed by Proudhon in the previous twenty years, it stands as a uniquely condensed expression of his political thinking, and as one of the rather few writings on the topic of federalism which – whether good or bad – can claim to be works of political theory in the traditional sense.

'The theory of the federal system,' Proudhon claims at the beginning of his book, 'is quite new; I think I may even say that no one has ever presented it before.' As Proudhon was perfectly well aware, federation is an ancient practical expediency, but all the same his claim to be the first to theorize about it, though vain, is not wholly untenable. In both the ancient and the modern phases of federalism, there has been a 'failure of theory to keep pace with practice,' as Sheldon Wolin remarks.⁴ Some might think that the converse applies to Proudhon's book – that here theory wholly outstrips practice: 'Proudhon has swept us out into a sea of doc-

155-60; this discussion, though brief, is excellent.

³ George Woodcock *Pierre-Joseph Proudhon: his Life and Work* (New York 1972) 249

⁴ Sheldon Wolin, preface to William H. Riker *Federalism: Origins, Operation, Significance* (Boston 1964) vii

landlords? Garibaldi honoured Victor Emmanuel as Lafayette had Louis-Phillipe. Later, indeed, Lafayette and Garibaldi seemed to regret this; but their first views are to be remembered, especially as any retraction would be deceptive. No democrat can claim to be innocent of all monarchism; no partisan of monarchy can pride himself on his freedom from all republicanism. It is the case that since democracy has not been able to reject the dynastic position, any more than the unitary idea, the partisans of the two systems have no right to excommunicate one another, and tolerance is appropriate to them both.

What, then, is politics, if it is impossible for a society to found itself exclusively upon the principle which it favours; if, whatever the legislator may do, any government, whether it is called monarchical or democratic, must always covertly be a mixed form, in which contrary elements mingle in arbitrary proportions according to caprice and interest; in which the most precise definitions lead inescapably to confusion and laxness; in which, as a result, all changes of heart and all defections are permissible, and versatility figures as honourable? The way is open for charlatanism, intrigue, treachery! What state can survive in the midst of such corrosion? No sooner is the state born than its internal contradictions condemn it to mortality. A strange creation, in which logic remains powerless, while inconsistency alone seems practical and rational!²

² There is an interesting book yet to be written on political contradictions, as a sequel to *Economic Contradictions*. I have thought more than once of writing it; but, discouraged by the critics' hostility and distracted by other work, I abandoned the idea. The reviewers' insolence would once again have been provoked by notions of *antinomy*, *thesis*, and *antithesis*. The French mind, sometimes so penetrating and exact, would show itself, through the medium of its journalists, to be utterly vain, ridiculous, foolish, and stupid. Idle ignorance would have enjoyed another triumph, and that would have been that. I will have spared my compatriots from such mystification by proceeding directly to the solution which I owe them, having set out all the difficulties for them to see.

who attempt strenuously to put an end to all governmental institutions and to rest society upon the foundations of property and free labour alone.

I shall not multiply examples any further. What I have just said is enough to prove the truth of my proposition: that monarchy and democracy, communism and anarchy, all of them unable to realize themselves in the purity of their concepts, are obliged to complement one another by mutual borrowings.

There is surely something here to dampen the intolerance of fanatics who cannot listen to a contrary opinion to their own without exasperation. They should learn, then, poor wretches, that they are themselves necessarily disloyal to their principles, that their political creeds are tissues of inconsistencies; and may those in power, for their part, learn not to see seditious sentiments in the discussion of alternative modes of government! In grasping once and for all that terms such as *monarchy*, *democracy*, and so on express merely theoretical conceptions, the royalist will remain calm when faced with words such as *social contract*, *popular sovereignty*, *universal suffrage*, and so on; the democrat, in hearing of dynasties, absolute power, divine right, will smilingly preserve his *sang-froid*. There is no true monarchy; there is no true democracy. Monarchy is the primitive, physiological, and so to speak patronymic form of the state; it lives in the people's hearts, and attests visibly and forcibly to the general tendency to unity. Democracy in turn is in ferment all around us; it entrances generous souls, and everywhere seizes hold of the elite of society. But the dignity of our time requires us to break once and for all with these illusions, which all too often degenerate into lies. Contradiction lies at the root of all programs. The tribunes of the people swear unwittingly by monarchy; the kings, by democracy and anarchy. After the coronation of Napoleon I, the words *French Republic* were long to be seen on one face of our coins, while the other bore, with Napoleon's picture, the title *Emperor of the French*. In 1830 Lafayette termed Louis-Phillippe's reign the *best of republics*; was he not also termed *the king of the*

trine,' complains one recent critic, 'He is discussing federalism, not federation. And he promotes it as Plato promotes "forms" or More "utopia" or Moore "the good."' ⁵ There is some truth in this; as I have already said, Proudhon overstates the case, and in his account of the logic of political development 'federalism' does indeed assume the status of an 'ism,' a panacea, fully comparable to 'liberalism' or 'socialism,' a doctrine rather than an expedient. This, indeed, is the principal interest of his argument. He regards federalism not as a set of institutional arrangements but as a philosophy of political life, connecting it, in fact, with nothing less than a philosophy of history. But this consideration should not be allowed to blunt the force of another important point. The reference to More is unfortunate, for Proudhon's argument is expressly anti-utopian; the reference to Plato is misleading, for Proudhon's central inspiration here is so clearly Aristotelian. Federalism, he says, springs from a transaction (and some recent scholars echo him in calling it a 'compromise' or 'bargain'); it arises, in Proudhon's argument, from the practical tensions and inconsistencies essential to politics, and not from a vision of unique and self-sufficient good; and although his stance in *Du Principe federatif* is indeed theoretical, his is a theory which takes as its point of departure a practical contradiction.

All polities, Proudhon contends, are subject to the conflicting requirements of authority and liberty. There is no such thing as an authoritarian regime, except as an ideal type, for authorities are obliged to leave some liberty to their subjects, especially as the scope of their jurisdiction extends. There is no such thing as a libertarian regime, in the real world, for all government involves authority. Nor can any theory reconcile authority and liberty and explain satisfactorily how it is that we can be both free and unfree at once. But as human history unfolds, Proudhon believes, the realm of liberty expands inexorably, while that of authority contracts, without

⁵ Preston King 'Against Federalism' in Robert Benewick, R.N. Berki, and Bhiku Parekh (eds.) *Knowledge and Belief in Politics* (London 1973) 152

however vanishing; and political history, in broad outline, is the history of repeated practical efforts by men to restrain and control their authorities. It is this that leads Proudhon to the large claims that he makes for the federal principle. Among the various devices or models which history offers, federalism alone extends liberty to its practical limit and confines authority to its practical minimum; in federalism alone an expanded liberty and a compressed authority reach final equilibrium. Federalism, in short, is the only political form adequate to human progress: 'The twentieth century will open the age of federations, or else humanity will undergo another purgatory of a thousand years.'⁶

Whether this is in fact the age of federations (a view which some would accept),⁷ or, alternatively, an age of purgatory (a view of one's present which always finds favour with some), or whether Proudhon's prediction is simply wide of the mark, are of course eminently debatable questions. But what we may say of Proudhon's book is that more than any other it invites us to take federalism seriously, not as an expedient or an adjunct, but for itself. To this we may add that it connects the argument for federalism with a ferocious onslaught upon bureaucracy, with an ambitious theory of modern political development, and with one of the earliest critiques of mass democracy, which compares favourably in passion if not in depth with his contemporary Tocqueville's. On any of these grounds alone it would merit attention.

I

A second reason for the contemporary neglect of Proudhon's book, one may suspect, is that we have him firmly pigeon-holed as an anarchist rather than a federalist; what support his book lends to federalism, then, comes from a surprising and perhaps not en-

⁶ See below, 68-9.

⁷ Riker *Federalism* 1

years have provided striking examples, in Piedmont, Austria, and Russia. In the dreadful condition in which Tsar Nicholas left his empire, the introduction of the division of powers in government was among the major reforms introduced by his son, Alexander.¹

Parallel but inverse phenomena may be seen in democratic governments.

It is no easy task to settle with due wisdom and precision the rights and duties of citizens and the tasks of officials, to foresee circumstances, exceptions, and anomalies. The unforeseeable far surpasses in its richness the prudence of the statesman, and the more one legislates the more litigation one provokes. All this requires that office-holders must have initiative and discretion, which, in order to be effective, must be authoritatively sanctioned. Take away from the democratic principle and from liberty the supreme sanction of authority, and the state will be ruined on the spot. It is clear, moreover, that we are no longer in the domain of free contract, unless we assume that the citizens specifically consent, in matters of litigation, to submit to the decision of one man, a magistrate designated in advance – which is precisely to renounce the principle of democracy for that of monarchy.

Let a democracy multiply indefinitely its legal guarantees and means of controlling its civil servants, let it surround its agents with formalities and call its citizens incessantly to elections, debates, and votes: willy-nilly its officials are men of authority, expressly so; and if among its personnel one or several have general responsibility for affairs, this head of government, individual or collective, is what Rousseau himself called a prince; he is but a hair's-breadth away from a king.

Similar considerations apply to communism and anarchy. There has never been an example of perfect communism; and it is scarcely likely, however far the human race may progress in civilization, morality, and wisdom, that all traces of government and authority will vanish. And yet, while communism remains the dream of the majority of socialists, anarchy is the ideal of the economists,

oppressive, disliked by its subjects and consequently unstable, the larger the state becomes. History informs us, and modern times furnish examples, of such dreadful monarchies, shapeless monsters, true political mastodons, which civilization must gradually render extinct. In all such states, absolutism is a direct function of scale; it persists through its own prestige. In a small state, on the contrary, tyranny may survive for a while only through the use of mercenary troops; seen close up, it vanishes.

To compensate for this inherent vice, monarchical governments have been led in varying degrees to make use of the forms of liberty, notably the separation of powers or the division of sovereignty.

The reason for this reform is easy to see. If one man can scarcely manage an estate of a few hundred acres, or an industry employing a few hundred workers, or administer a town with five or six thousand inhabitants, how can he shoulder the burden of an empire of forty million men? Here, therefore, monarchy has been obliged to adapt itself to two principles, borrowed from political economy: 1. that the greatest volume of work is done and the greatest value produced where the worker is free and works on his own account as businessman or farmer; 2. that the quality of products or services is improved where the producer knows his work and devotes himself to it exclusively. There is yet another reason for these borrowings by monarchies from democracy, namely, that the wealth of society increases proportionately with the division and interdependence of industries; which means, in a political context, that government will be better and involve less danger to the prince where functions are better divided and balanced – something which is impossible in an absolutist regime. That is how princes have been led to republicanism themselves, so to speak, in order to avoid certain ruin: recent

¹ In part it was the need to separate powers and divide authority that gave birth to feudalism after Charlemagne's time. It was this too that gave the system its false appearance of federalism, to the distress of the nations and of the empire. Germany preserves its absurd constitution, and still suffers its long torments. The empire has collapsed, while nationality has been compromised.

tirely welcome quarter, and it would be as well to begin by considering briefly its relation to Proudhon's rather better-known writings. The immediate circumstances which prompted *Du Principe federatif* contain an element of the bizarre.⁸ In 1858 Proudhon had fled to Belgium, after his great work *De la Justice* had earned him a prison sentence and a fine from a French court. During his years of exile his attention turned increasingly to international affairs – it was in 1861 that *La Guerre et la Paix* was published – and to the European situation generally. The emergence of nationalist movements, even of the democratic nationalism of the Italians, disturbed him greatly, and in 1862 he published two articles sharply critical of Mazzini and Garibaldi, focusing upon the centralized nation-state which Proudhon feared would be the outcome of the Italian nationalist movements. Italy, he objected, was a diverse nation, with strong local traditions of politics and culture; to unite its cities and provinces under a single sovereign would be – he remarked in passing – to license the annexation of the Low Countries by the French emperor. This remark, taken quite out of context and read as a plea for annexation, led to considerable excitement – provoked, Proudhon suspected, by the Belgian police – and he left hurriedly for Paris, taking advantage of a pardon granted by Louis Napoleon a few years before. *La Federation et l'Unite en Italie* and then *Du Principe federatif* itself represent Proudhon's attempt to explain his federalist alternative to nationalism in more depth, to a public who, he feared, had been thoroughly confused by the perverse criticism which it had received.

Proudhon's dislike of the nation-state, then, provides the most obvious bridge between his earlier anarchist or mutualist views and the federalism which he espouses in his last few major political writings. But obviously it cannot take us all the way, if 'anarchism' and 'federalism' are to retain anything like their accepted meanings, for anarchism involves the abolition of government, while

⁸ Here I follow Woodcock *Proudhon* 219-50.

federalism, though often characterized by a suspicion of governments and a desire to restrain them, is a theory of government all the same. In trying to come to terms with this transition, we step straight into the middle of some contested ground, for the two full-length French-language treatments of Proudhon's federalism take opposed views on the matter. The older book, by Nicolas Bourgeois, published in 1927, makes something of a contrast between the younger anarchist Proudhon and the older federalist Proudhon, and attempts to resolve the inconsistency by means of a distinction between his ultimate and proximate ideals; *anarchie*, Bourgeois contends, remained Proudhon's ultimate ideal throughout, though in his later years he came to accept the federal organization of states as a practicable alternative to their abolition.⁹ But the more recent book by Bernard Voyenne (1973), written from an avowedly federalist perspective, sharply rejects the view that federalism is no more than Proudhon's second-best option, and insists that works such as *Du Principe federatif* spring directly from the ideas of justice and order which Proudhon had elaborated from the very start.¹⁰

Thus there is in Proudhon something rather parallel to the notorious question of the 'young' and 'old' Marx; and the contested character of that debate should warn us that matters such as this are not merely textual but conceptual, and that we can scarcely hope to settle them by marshalling quotations from an author's work. On the one hand, there clearly is a discernible shift in works such as *De la Justice*, *Du Principe federatif*, and *De la Capacite politique des classes ouvrieres*; Proudhon comes to conceive of the good society no longer as a grouping of economic associations whose relations are unmediated by government, but as a grouping of governed territories; and since Proudhon remarks, in *Du Principe fed-*

⁹ Nicolas Bourgeois *Theories du droit international chez Proudhon* (Paris 1927): see especially 65-6.

¹⁰ Bernard Voyenne *Le Federalisme de P.-J. Proudhon* (Paris 1973): see especially 15-16.

Chapter IV. COMPROMISE BETWEEN THE PRINCIPLES: ORIGINS OF POLITICAL CONTRADICTIONS

Since the two principles which form the basis of all social order, authority and liberty, on the one hand are contradictory and always at odds and on the other can neither exclude one another nor find a resolution, a compromise between them is unavoidable. Whatever system one prefers, monarchical or democratic, communist or anarchic, it cannot last for long unless it is able to make use, in varying degrees, of the premises of its contrary.

For example, it would be wide of the mark to suppose that the authoritarian regime, with its paternalist character, its familial ties, and its absolutism, could satisfy its own needs unaided. Let the state expand but slightly, and its revered paternalism soon declines into impotence, confusion, folly, and tyranny. The prince cannot attend to everything; he must rely upon servants who deceive him, steal from him, discredit him, dishonour him, supplant him, and finally dethrone him. The disorder inherent in absolute power, the demoralization which it causes, the disasters which threaten it perpetually, are the bane of society and state. So one may take it as axiomatic that monarchy is more kindly, moral, just, tolerable, and stable – setting aside for the moment the question of external affairs – the more modest its dimensions are and the closer it is to a family; and, vice versa, that this government is more inadequate,

quently, it is less popular. Almost always the masses have regarded forms of free government as aristocratic, and they have preferred absolute monarchy. Hence that vicious circle in which progressives are trapped, and which will trap them still for many years to come. Naturally, it is in order to improve the lot of the masses that republicans demand liberties and securities; it is, therefore, upon the people that they must rely. But it is always the people who, through their distrust of or indifference to democratic forms, stand in the way of liberty.³

The forms of anarchy depend upon the will of each individual, within the limits of his rights, and are indifferently monarchical or democratic.

Such are, in principle and form, the four fundamental governments, supplied a priori by the human understanding as a basis for all the political establishments of the future. But, to repeat, these four types, though suggested by the nature of things as well as by the sense of liberty and justice, are not in themselves, strictly conceived, ever to be realized. They are ideal conceptions, abstract formulas, in the light of which real governments will emerge empirically and by intuition, but they themselves can never become real. Reality is inherently complex; the simple never leaves the realm of the ideal, never arrives at the concrete. In these antithetic formulas we have the foundation for a correct constitution, the future constitution of man; but centuries must have passed, a series of revolutions must have unfolded, before the definitive formula can spring from the mind which must conceive it, the mind of humanity.

eratif itself, that anarchie is 'scarcely likely' ever to be realized, then the interpretation suggested by Bourgeois is obviously tenable. On the other hand, although Proudhon moves the focus of his argument from autonomous enterprises to governed territories, apparently (in part, at least) on the grounds that to do so is more realistic, it is not the case that there is any accompanying shift in values or any visible diminution of Proudhon's idealism: for Proudhon brings exactly the same models, images, and arguments to bear upon the territories of a federation as upon the enterprises of anarchie. To that extent Vuyenne is right. But whether the continuities outweigh the discontinuities, or vice versa, is a question which involves us in the critical task of assessing not only what Proudhon's views were, but also how adequate they are.

Proudhon's writings, like so many others of his century, may be read in the light of a preoccupation with the process and meaning of secularization;¹¹ and his political doctrines spring very largely from a specific understanding of what is meant by the emergence of a secular political consciousness. Rather in the manner of the Young Hegelian school – of whose writings, however, Proudhon had only the sketchiest knowledge¹² – he imagined this process as one of demystification. History was characterized, he repeatedly claimed – his *Système des contradictions économiques* gives this theme its fullest treatment – by a progress from mystery to reason. As human knowledge extends, what was once mysterious becomes comprehensible. In particular, the process of historical change, once perceived in terms of the workings of an inscrutable providence, comes to be seen as the work of man; and when this is grasped, the power once attributed to an omnipotent god is now assigned to humanity itself. Secularization is not, therefore, merely

¹¹ For some remarks on this theme see Richard Vernon 'The Secular Political Culture: Three Views' *Review of Politics* (1975) 490-512, and 'Auguste Comte and "Development": A Note' *History and Theory* (1978) 323-6.

¹² S.-R. Taillandier 'L'atheisme allemand et le socialisme francais' *Revue des Deux Mondes* (1848) 280-322

a process by which secular organization extricates itself from religious institutions and religious doctrine: it is a process which involves the overturning of religion and the elimination of the basic modes and presuppositions of religious thought itself: 'The first duty of the intelligent and free man is to chase the idea of god out of his mind and consciousness.'¹³

Now the theme of religious alienation which Proudhon pursues along these lines is both paralleled with and connected to a critique of political alienation. The parallel is to be found in that 'alienation' of rights to which Rousseau and other theorists of social contract had traced the origins of political society. Just as in a religious context man alienates or makes over his own powers to a god whom he imagines, so in a political context he makes over his own powers of independent action to the state which he obeys. As for the effective connection between these two phenomena, it is quite simply that the acceptance of political authority is (Proudhon thinks) reinforced or actually produced by the directly religious aura with which states have invested themselves: 'Government is by divine right or it is nothing.'¹⁴

Authority of all kinds, then, rests upon a mystique; if its intellectual elaboration is in religion, its psychological roots lie, Proudhon contends, in the child's adoration of his father. The state is the family writ large: Proudhon's anarchism is simply patriarchalism in a critical mood. But here there is a lacuna in Proudhon's argument which helps to explain much of the subsequent development of his thinking. He has left no place for the non-patriarchal state; and this is a serious omission, for the state which confronts the anarchist, an essentially modern figure, is one that has long since severed itself from what are alleged to be its patriarchal roots. Among the contractual theorists, Rousseau, whom Proudhon regards as the theorist *par excellence* of the modern state, and still more clearly John

¹³ *Système des contradictions économiques* (new edition, Paris 1923) vol. 1, 382

¹⁴ *Idee generate de la revolution au XIXe siecle* (Paris 1868) 142

or master. The Athenians were in the habit of appointing ten or twelve generals in wartime, each of whom in turn commanded for a day – a practice which now seems distinctly odd, but the Athenian democracy would stand for nothing more. If the function is not divisible, it is left intact. Several officials may be appointed to deal with it (despite Homer's precept that more than one commander is a bad thing) – thus, where we send but one ambassador, the ancients sent a whole company of them; or else one may assign each function to a single official who makes it his profession, his skill – which tends to introduce into the body politic a special class of citizens, public functionaries. From that moment, democracy is in danger: the state separates itself from the nation; its personnel almost become what they were under the monarchy, more loyal to the prince than to nation or state. In reaction, a great idea is born, one of the greatest ideas of science: that of the *division* or *separation of powers*. Thanks to this idea, society takes a strongly organic form; revolutions may come and go like the seasons, but there is something which will never perish, this fine organization of the public power by categories: justice, administration, war, finance, religion, education, commerce, etc.

The organization of liberal or democratic government is more complicated and more sophisticated, its practice more laborious and less dramatic than that of monarchical government; conse-

³ What should be firmly grasped is that governments are distinguished by their *essence*, and not by the names given to their officers. Thus the essence of monarchy is in the unity of government and administration, the *absolutism* of the prince, or of the ruling body, and its *irresponsibility*. *The essence of democracy, on the other hand, is in the separation of powers, the division of tasks, control and responsibility*. The crown and even the hereditary principle are merely symbolic accessories. It is indeed through the father-king, heredity and sacredness, that monarchy makes itself visible: hence the vulgar belief that if the symbol is absent, the thing no longer exists. In 1793 the founders of democracy thought they had performed a miracle in cutting off the king's head, while pursuing a centralizing policy – an illusion which should no longer deceive anyone. The Council of Ten at Venice was a true tyrant, and the republic a dreadful despotism.[66]

only security is the interest of the sovereign, who, however, knows no law but his own good pleasure.

In the communist regime, the forms of government are the same, that is, power is exercised in an undivided fashion by the collectivity just as it was before by the king alone. Thus it was that among the Germans, in May, the whole people, without distinction of age and sex, deliberated and judged; thus the Cimbri and Teutons, accompanied by their women, fought against Marius.²

Knowing nothing about strategy or tactics, what need had they of generals? There was a vestige of this communism in Athens, where criminal judgments were rendered by the whole mass of citizens; and it was through an inspiration of the same kind that in 1848 the Republic gave itself nine hundred legislators, regretting that it could not bring together into one assembly the ten million electors, who had to content themselves with casting votes. Projects today for *direct legislation*, by *yes* and *no*, spring from the same source.

The forms of the liberal or democratic state likewise correspond to the generative principle and developmental law of this system; as a result, they differ radically from that of monarchy. They consist in the fact that power, instead of being collectively and indivisibly exercised as in the primitive community, is dispersed among the citizens, in one of two ways. In the case of a task which is physically divisible, such as the construction of a road, the commanding of a fleet, the policing of a town, or the education of the young, one divides the work into segments, the fleet into squadrons or even single ships, the town into districts, the teaching into classes, to each of which one assigns a contractor, manager, admiral, captain,

² The Cimbri and Teutons were two Germanic tribes who invaded Italy towards the end of the second century B.C. and were defeated by a Roman army under Marius. Proudhon's view of the Germanic peoples appears to be based largely upon Tacitus: see especially the *Germania*, sections 7,8, and 11, where Tacitus describes the practice of having women accompany the warriors in battle and the institution of popular assemblies.

Locke and Thomas Paine, separate political from familial authority; indeed, one may say that the distinctively modern view of the state emerges only with the rejection of the patriarchal model.¹⁵ But Proudhon, by virtue of his notion of the essential character of authority, is led either to deny outright or to blur the difference between a pre-modern state founded upon the personal dominium of a king and a modern state founded upon formal norms of legality.

Closing off by definition the idea of a secular state, or of a state freed from its divine mystique, Proudhon sought the model of human liberation in the non-political relations of civil society – specifically, those of economic exchange. *Anarchie* or 'mutualism,' as he still defines it in *Du Principe federatif* itself, is essentially a system in which horizontal relations of exchange wholly exclude the vertical dimension of governmental control, in which matters currently managed by direction from above are placed in the hands of autonomous agents who manage them by mutual agreement. Proudhon imagined this process not quite as a market, as this is understood in economic theory, but as one which nevertheless has decidedly market-like features. It is not a market, because it is regulated by a principle of fairness, by virtue of which goods and services are to be exchanged on the basis of the average labour-time required for their production or performance; but it is like a market in that it excludes any central unified control of distribution, the enterprises remaining strictly autonomous (within the boundaries of the principle of fairness), and in that it contains a significantly competitive element, for the criterion of average labour-time obviously penalizes the less productive enterprise.¹⁶ This conception, worked out in detail in several of Proudhon's books, survives intact in *Du Principe federatif* under the title, now, of 'agro-industrial federation,' something which, Proudhon insists (in chapter 11), must

¹⁵ See Gordon J. Schochet *Patriarchalism in Political Thought* (Oxford 1975).

¹⁶ See Ritter *Political Thought of Proudhon* 126-42 for an account and a critique of Proudhon's 'mutualism.'

accompany political federation if the latter form is to be workable and stable.¹⁷

But it is of course the scheme of political federation that principally concerns us here; and its place in Proudhon's thinking is not entirely clear. What is involved is still a fundamentally economic paradigm of order, which is imagined as something resulting from multiple contracts of mutual advantage; but the contracting parties are now the inhabitants of a territory and the governments which are held to represent them, rather than (or anyway in addition to) associations of producers. And the question to which we are led is this: is Proudhon offering a distinctive view of government, as he claims, or is he simply arriving, by a long and devious route, at the secular or demystified state which the earlier development of his argument had ruled out? Is his theory *toute nouvelle* or, rather, a late flowering of the contractualist tradition?

This difficulty is evident in the text itself. The reader who follows the dialectic interplay which Proudhon traces between authority and liberty may well doubt that the authority which he finally reconciles with liberty is the same thing as the authority which he initially counterposes to it. In the federation as Proudhon describes it in chapters 7 to 11, liberty finally achieves an 'equilibrium' with authority, albeit a shrunken authority, for the individual is to be ruled by successive tiers of government which are restrained by contractual obligations. Those who rule towns, cantons, provinces, states, federations – the number of levels, and the names assigned to them, vary as the argument develops – are confined to the pursuit of limited and defined tasks, and, moreover, are held strictly accountable to lower levels of government or directly to the citizens themselves. This, surely, is no longer the divine, mystical, paternal authority against which liberty, according to Proudhon, had

¹⁷ For a recent statement of the view that 'political and economic devolution must go hand in hand' see *The Failure of the State* ed. James Cornford (London 1975) 12.

What is called the *form* of government is the manner in which power is distributed and exercised. By nature and logic these forms are related to the principle, origin, and law of each regime.

Just as the father of the primitive family and the patriarch of the tribe are at once master of the household, of the chariot, or the tent, *herus, dominus*, owner of the land, and beasts, and the crops, farmer, craftsman, manager, trader, performer of sacrifices, warrior; so too, in a monarchy, the prince is at once legislator, administrator, judge, general, high priest. He has the eminent domain in land and rent; he rules over the arts and professions, commerce, agriculture, navigation, public education, and is invested with every right and all authority. In short, the king is representative of the society, its incarnation; he is the state. The *union* or *non-division* of powers is characteristic of royalty. To the principle of authority which distinguishes the father and the king, there is added as corollary the principle of unlimited attribution. A military chieftain, like Joshua; a judge, like Samuel; a priest, like Aaron; a king, like David; a legislator, like Moses, Solon, Lycurgus, Numa – all these titles are united in the same bearer. That is the spirit of monarchy, those are its forms.

Soon, due to the growth of the state, the exercise of authority surpasses the capacity of one man. The prince thus equips himself with the aid of counsellors, officers, or ministers, chosen by him, who act in his place as his delegates, or attorneys, in relation to the people. As much as the prince whom they represent, these envoys, satraps, proconsuls, or prefects acquire through their mandate all the attributes of authority. But it is understood that they must give account of their conduct to the king their master, in whose interest and name they govern, who directs them, and who makes them watch over one another in such a way as to ensure that he retains the highest authority, the honour of commanding, and the profits of the state, and that he is secure from any usurpation or sedition. As for the nation, it has no right to demand an account, nor do the agents of the prince have to give it one. In this system, the subjects'

c) From these two ideas society receives two different regimes which we have called the *regime of authority* and the *regime of liberty*; each of these may then adopt two different forms, no more, no less. Authority appears in all its splendour only in the collectivity; hence it cannot express itself or act except in the collectivity itself or through an agent which personifies it; likewise, liberty is perfect only when it is guaranteed to all, either by all men taking part in government, or else by their delegating the trust to no one. It is impossible to escape these alternatives: *government of all by all or government of all by one*, in the case of the regime of authority; *participation of each in the government of all or government of each by himself*, in the case of the regime of liberty. All this is as necessary as unity and plurality, heat and cold, light and shadow.

But, I will be asked, have we never seen government become the property of some part, large or small, of the nation, the rest being excluded: *aristocracy*, government by the upper classes, *ochlocracy*, government by the poor, *oligarchy*, government by a faction? A fair objection, granted. But such governments are *de facto*, the work of usurpation, violence, reaction, transition, empiricism, in which all the principles are simultaneously adopted, and then all violated, misunderstood, confused; and we are dealing here with a priori governments, conceived according to logic, and upon a single principle.

There is nothing arbitrary, to repeat, in the politics of reason, which sooner or later must cease to separate itself from practical politics. The arbitrary belongs neither to nature nor to the mind; it is generated neither by the necessity of things nor by the infallible logic of concepts. The arbitrary is the child – of what? Its name will tell you: of free will, of liberty. How fine! The only enemy liberty has to fear is not, at bottom, authority, which all men adore as though it were justice; it is liberty itself, the liberty of the prince, of the great, of the mass, disguised under the mask of authority.

From the a priori definition of the various types of government, let us now turn to their *forms*.

long struggled. As contractual obligations, the functions of rulers would seem to fall rather into the realm of liberty itself, for the contract is in Proudhon's view the essential and 'solemn' expression of liberty.¹⁸ What we are left with, it is tempting to say, is simply a version of the contractualist state, one in which the conditions of legitimacy are unusually stringent; even their stringency is exaggerated by the fact that Proudhon persistently misreads other contractual theorists, especially Rousseau, in a manner which quite underrates their own efforts to restrain and control political power.¹⁹ To some extent this reading is borne out by the manner in which Proudhon develops his case: though critical indeed of those of his contemporaries who call themselves liberals, Proudhon does not at all reject the liberal tradition in political thinking, often presenting federalism, on the contrary, as an institutional arrangement capable of giving reality and force to liberal aspirations.

What makes this reading (perhaps any one reading) problematic is a difficulty which is posed by the most fundamental assumptions of his argument. Economic exchange is a voluntary act; government on the other hand, is compulsory. What happens to its compulsory or coercive character when government is modelled upon an economic process?²⁰ On this crucial point Proudhon is elusive, and any firm judgment of the relation of his federalism to his anarchism is rendered conjectural. Are the constituent units of a federation to be immune from coercion by the federal government? Proudhon often says that they are to be 'sovereign,' but he some-

¹⁸ Preston King also makes this point in *Fear of Power: An Analysis of Antistatistism in Three French Writers* (London 1967) 64-5. It is hard, though, to accept King's inference that because federalism escapes the dichotomy of liberty and authority it therefore belongs in the realm of the merely ideal, for Proudhon insists throughout on the realistic character of his federalism. Surely a simpler explanation is that Proudhon is inconsistent in his use of the term 'authority' – a not unusual inconsistency.

¹⁹ Proudhon's view of Rousseau is discussed by Aaron Noland 'Proudhon and Rousseau' *Journal of the History of Ideas* (1967) 33-54.

²⁰ See especially Proudhon's *Idee generate de la revolution* 4th study.

times seems to be content with much less – ‘at least’, he says, they should ‘administer themselves.’²¹ They are to be sovereign only within their defined spheres of competence; although they have the inalienable right to secede from federation, as Proudhon explains in a rather anxious footnote, they have this right only when their spheres of jurisdiction have been invaded – and by implication, their alienation of some jurisdictional powers to the federation is permanent.²² Moreover, in the case of the Swiss confederation which Proudhon often takes as a model, the secessionist cantons (*Sonderbund*) were compelled in 1848 to accept a new constitution favoured by a majority of cantons: Proudhon lamely justifies this not by a constitutional right but by ‘the right of war,’ thus silently accepting (here, at any rate)²³ that after 1848 the unity of the Swiss confederation rested not at all on contract but on conquest.

By what decision-rule are the internal affairs of provinces and inter-provincial disputes to be settled? The majority principle, we might be inclined to say, would bring something much like a state into being, whereas the requirement of unanimity would render the association purely voluntary. But Proudhon does not tell us which is to apply. His defence of the right of secession – which he upheld even in the case of the American Civil War – would seem to point to a majority principle, for if unanimity were required a province would have a right of veto and would never need to secede. His critique of the democratic state is directed against the mass character of its democracy, and not against the principle of majority decision; he calls eloquently for the acceptance of di-

²¹ See below, 65.

²² See below, 42n.

²³ However, in his posthumously published *De la Capacité politique des classes ouvrières* (1865) Proudhon argues that the introduction of the ‘right of war’ expresses the subversion of federalism by the unitary principle, and contends quite explicitly that there must be a right of secession in any federal arrangement; see the new edition (Paris 1924) 207-8.

Chapter III. FORMS OF GOVERNMENT

Nevertheless, it is with the help of these metaphysical toys that governments have been established since the beginning of the world, and it is with their help that we shall come to resolve the enigma of politics, if we are willing to make the slightest effort to do so. I hope I will be forgiven, then, for labouring this point, as one does in teaching the rudiments of grammar to children.

In the above discussion, there is not a word that does not have perfect precision. One reasons no differently in pure mathematics. It is not in the use which we make of ideas that the source of our errors lies; it is in the omissions which we permit ourselves, under the pretext of being logical, in applying them.

a) *Authority and liberty*: here indeed are the two poles of politics. Their opposition – antithetical, diametrical, contradictory – is our certain guarantee that a third term is impossible, that it does not exist. Between yes and no, between being and non-being, logic permits nothing.¹

b) The interconnection of these two ideas, their irreducibility, their life, have also been displayed. One does not come without the other; one cannot suppress one or the other, or resolve the two into a single expression. As to their life, one has only to confront them together, and, tending to absorb one another, to develop at one another’s expense, they at once spring into action.

¹ *Becoming* is not a middle term between being and non-being, whatever may have been said by certain philosophers who are mystical rather than profound; *becoming* is the movement of being; it is being as it lives and displays itself.

tice, pursuing an ideal in accordance with their principle, have their legitimacy and morality. But we shall see that in their case too, despite their rational and juridical origin, they cannot remain strictly congruent with their pure concepts as their population and territory develop and grow, and that they are fated to remain perpetual *desiderata*. Despite the powerful appeal of liberty, neither democracy nor anarchy has arisen anywhere, in a complete and uncompromised form.

versity and division, and the rejection of notions of unitary will; but within these diverse associations which he recommends, he appears to assume a unity of will and purpose and to leave the question of rules of decision quite open.

All we may say, then, is that there are clear hints of, but no explicit defence of or open commitment to, the acceptability of coercion: if authority is to lose its mystique in federation, it is nevertheless to retain legitimate coercive power, apparently, and we cannot say that the notion of the state, abstractly conceived, has been entirely abandoned. But rather than regretting Proudhon's unclarity here, we might do better to change the question. There is no very clear philosophical concept of the state in *Du Principe federatif*. Although he introduces at length the notions of authority and liberty, he conceives of these less as philosophical principles than as habits of mind or styles of interaction, and the model of federalism which he presents is cast, rather, at the level of its political culture. What his federal scheme is to preserve, above all, is the sense of locality, respect for autonomies, and the spirit of self-government (he uses the English phrase) – things virtually extinguished, he complains, by successive phases of the French political tradition. The philosophical and legal notions which he introduces, with a certain amount of flourishing, are ultimately shells for this more profoundly felt vision, which provides the most substantial link with his earlier anarchist views.

II

Today, readers of Proudhon's book may well be disturbed by the undifferentiated character of its 'federalism,' which is presented

²⁴ Louis Le Fur *Etat federal et confederation des etats* (Paris 1896). Proudhon at one point (see below, 42n) distinguishes in passing between *les confederes* of the American South and *les federaux* of the North; I have translated *les federaux* as 'the Unionists.'

without the benefit of the various distinctions and qualifications which recent political science would insist upon. Most strikingly of all, of course, no express distinction is made between federalism and confederation – a distinction probably not made systematically before Le Fur's book in 1896,²⁴ although the differences involved had been evident more than a century before in the American constitutional debates. But this is only the beginning. Federalism, as recent discussions of its 'infinite variety' have shown, may take 'classical' or 'cooperative,' 'centralized' or 'peripheralized,' 'horizontal' or 'vertical,' 'social' or 'governmental,' 'symmetrical' or 'asymmetrical,' 'interstate' or 'intrastate' forms, to mention but a handful of current discriminations; and political scientists today would probably take the view that calling for 'federalism' *tout court* is about as helpful as calling for happiness without further explanation. We should, therefore, try to explain the character of Proudhon's federalism with more precision, though to make his views run the gamut of all these distinctions would be mechanical rather than helpful.

Both of the full-length discussions of Proudhon's thinking take the view that what he had in mind was, in later terms, a confederation rather than a federal state.²⁵ But this judgment is questionable, even though the high degree of autonomy that Proudhon assigns to the constituent units of federation may seem broadly to confirm it. What distinguishes a federal state ('classically' defined) is that each citizen is subject to a dual jurisdiction – of 'Centre' and of 'Province' – whereas the central organs of a confederal arrangement do not have direct jurisdiction over the citizens of constituent states.²⁶ Now despite the fact that he sometimes calls the constituent units 'states,' which indeed invites us to think in terms of confederation, what Proudhon has in mind is surely closer to some model of dual jurisdiction, if it is closer to either model; for

²⁵ Bourgeois *Theories du droit international* 46 and (more guardedly) *Voyenne Federalisme de Proudhon* 176. See also Franz Neumann *The Democratic and the Authoritarian State* (Glencoe 1957) 218.

²⁶ K.C. Wheare *Federal Government* (London 1946)

To be a member of a democracy, one must, by right, quite apart from the qualification of birth, have chosen the liberal system.

The same goes for the accession of a family, a city, or a province; it is always liberty which constitutes its principles and supplies its motives.

Thus the development of the authoritarian state, patriarchal, monarchical, or communist, confronts the development of the liberal, contractual, democratic state. Just as there is no natural limit to the scale of a monarchy, so that throughout time and among all peoples the idea of a universal or messianic monarchy has arisen, so there is no natural limit to the scale of the democratic state, which has prompted the idea of a universal democracy or republic.

As a variety of the liberal regime I have mentioned *anarchy* – the government of each by himself, *self-government*. Since the phrase anarchic government involves a kind of contradiction, the thing seems impossible and the idea absurd. However, there is nothing to find fault with here but language; politically, the idea of *anarchy* is quite as rational and concrete as any other. What it means is that political functions have been reduced to industrial functions, and that social order arises from nothing but transactions and exchanges. Each may then say that he is the absolute ruler of himself, the polar opposite of monarchical absolutism.

Just as monarchy and communism, founded in nature and reason, have their legitimacy and morality, though they can never be realized as absolutely pure types, so too democracy and anarchy, founded in liberty and jus-

regime, despite their concrete basis and logical derivation, cannot maintain themselves in the full rigour of their principles and their essential purity, that they are condemned as a result to a hypothetical status. In truth, despite their patriarchal origin, their complacent mood, their pretences to absolutism and divine right, monarchy and communism, as developed expressions of a type, exist nowhere.

II. How, in turn, does democratic government arise, that spontaneous expression of the principle of liberty? Jean-Jacques Rousseau and the Revolution have taught us: by agreement. Here physiology counts for nothing; the state figures as the product, not of organic nature, of the flesh, but of intelligible nature, that is, the mind.

Under this regime, the state develops by free accession or adhesion. Just as all the citizens are held to have signed a contract, so the foreigner who joins the city is held to agree to it in his turn; it is on this condition that he acquires his rights and privileges as citizen. If the state goes to war and is victorious, its principle leads it to accord to the conquered peoples the same rights as its own nationals enjoy; this is called isonomy. Such, among the Romans, was the granting of civic right. Even children are held to have sworn to the pact on coming of age; it is not because they are sons of citizens that they become citizens in turn, as in monarchies a subject's children are subjects by birth, or, as in Lycurgus' or Plato's cities, because they belong to the state.²

² Lycurgus' city was Sparta, which, together with the ideal city described in Plato's *Republic*, is employed here as a paradigm of 'communitistic' solidarity.

the 'states' in question are units which have been radically transformed in character and no longer exclude the direct jurisdiction of more comprehensive governments over their own members. And here, in fact, we may have a partial explanation (or excuse) for the uncertainty in the treatment of sovereignty, mentioned above. The question cuts both ways. With respect to the decentralization and federalization of existing states, Proudhon wishes to insist on the sovereign character of their components: these are no longer to be departments or prefectures, but political societies in their own right, and 'states' in that sense. But with respect to these 'states,' the new units created from the mammoth centralized states of the present, Proudhon wishes to insist upon their openness to larger contexts of concerns. They are not to be, as were the sovereign states of the pre-federal age, insulated and self-sufficient entities, for if they were there would be little or no net gain in freedom for their citizens; Proudhon does not naively suppose that a reduction of scale is inherently a guarantee of freedom, but believes that local no less than central governments are in need of restraint. What this points to inescapably is a dispersion of jurisdictions among levels, with more comprehensive levels of governments assuming the responsibilities appropriate to them, and hence a system not wholly incomparable to a 'federal state' defined following K.C. Wheare. As for Proudhon's own terminology, if he sometimes calls the constituent units themselves 'states,' he also describes the federation or confederation as a 'state,' one 'constituted by a plenitude of autonomies.'²⁷

What may still provoke some misunderstanding here is that the powers assumed by more comprehensive levels of government – more general in their range, more restricted in their functional scope – are seen by Proudhon as being delegated upwards by the constituent units, and on terms which he says are freely revocable and amendable. In this respect we may be tempted to see these

²⁷ See below, 40.

units as member-states of a confederal association. But quite apart from the fact that Proudhon, as we have seen, is far from definite on this point – the Swiss example, in particular, muddying the waters terribly – another consideration tells against this reading. To the extent that Proudhon does believe in the revocability of delegated powers, he effectively applies the same argument to local units within the constituent units of federation themselves. The contractual principle is not confined to relations between province and centre, in Wheare's terms, or between states and federation, as Proudhon sometimes puts it; it is present no less forcibly and significantly in the relations between all levels of association. Above the autonomous enterprises and towns, as Voyné himself says, there is a 'pyramid of free associations' culminating in the federal authority;²⁸ and if any meaning can be given to the term free associations, it is that states thus composed are no more 'sovereign' over their own members than the federation is over the states themselves.

In short, it does not really matter whether the word *state* is used of the federated units or of the federation as a whole (though it is indeed unhelpful of Proudhon to apply it to both, at various points, without explanation). The idea of the state as an insulated and self-sufficient order is to vanish, and no level of organization, it would appear, is to be distinguished qualitatively from any other. What does matter is that the spirit of commanding and of conquering must give way to a spirit of arranging or bargaining, that at each of the successive levels of organization the consent of lower levels must be won. Such a process – as critics of the claims of federalism have often pointed out²⁹ – is compatible with various legal forms, and so the un-clarity of Proudhon's legal framework is perhaps not a crucial failing.

²⁸ Voyné *Federalisme de Proudhon* 185

²⁹ For two critiques of the view that federalism secures government by consent more effectively than other systems, see King 'Against Federalism' and William H. Riker 'Six Books in Search of a Subject: or Does Federalism Exist and Does it Matter?' *Comparative Politics* (1969) 135-46.

The family is the embryo of monarchy. The first states were generally families or tribes governed by their natural leader – husband, father, patriarch, finally a king.

Under this regime, the state develops in two ways: 1. by generation, or the natural increase of the family, 2. by adoption, that is, the voluntary or forced incorporation of neighbouring families and tribes, but in such a way that the united tribes, together with the mother tribe, form but one family, a single domesticity. The monarchical state may develop thus to an enormous size, reaching a population of hundreds of millions, spread over hundreds of square leagues.

Panarchy, pantocracy, or communism, arises naturally through the death of the monarch or family head, and by the declared intention of the subjects, brothers, children, or members to remain together, without choosing a new leader. This political form is rare – if indeed there are any examples of it at all – authority here being more oppressive and individuality more crushed than in any other form. It has scarcely ever been adopted except by religious associations, which, of whatever country and whatever faith, have tended to extinguish liberty. But all the same the idea is given a priori, like the idea of monarchy; it will find its application in existing governments, and we must mention it if only for the record.

Thus monarchy, founded upon nature, justified, therefore, on its own terms, has its own legitimacy and morality; and the same goes for communism. But we shall soon see that these two varieties of the one

of Proudhon's relation to Bonald, see Alan Ritter 'Proudhon and the Problem of Community' *Review of Politics* (1967) 457-77.

The essential feature of this regime, in both its varieties, is the non-division of power.

Regime of liberty

B) Government of all by each – democracy;

b) Government of each by each – an-archy or self-government.

The essential feature of this regime, in both its varieties, is the *division* of power.

Nothing more, nothing less. This classification, which derives a priori by deduction from the nature of things, is mathematical. In so far as politics is thought to rest upon a logical construct, as all the ancient legislators naturally assumed, it cannot stop short of this or go beyond it. Its simplistic character is striking; it shows us that from the very beginning, in each regime, the head of state strives to derive the constitution from a single premise. Logic and ingenuousness are primordial in politics: and that is exactly where the trap lies.

Remarks

I. We know how monarchical government, the original expression of the principle of authority, arises. De Bonald has told us: by paternal authority.¹

¹ Louis de Bonald (1754-1840) was one of the leading theorists of 'counter-revolution' in France; his principal work was *Theorie du pouvoir politique et religieux* (1796). Drawing upon an image of the medieval polity, he held that a social order properly consisted of a hierarchy of authorities, all of which were fundamentally modelled upon the family. Bonald's picture of a nested series of associations doubtless contributed something to Proudhon's federalism; but although Proudhon retained a strongly traditional view of the family, he denied that it supplied an appropriate model for other groups. For a most interesting account

To the extent that Proudhon does want the new units of association to have a state-like character, it is in connection with the political rather than the legal features of the state. What he retains from the idea of the state is its character as a focus for political life or a vehicle for public sentiment. *Du Principe federatif* stands squarely in the tradition of 'civic humanism' which modern scholarship has shown to be so vital a feature of Western thought: the tradition springing from Aristotle, Machiavelli, and Montesquieu, which values above all the independence of citizens and their active, responsible participation in the management of their common affairs.³⁰ What Proudhon regrets in the modern state is its reduction of the individual to a passive and dependent thing, condemning him to 'perform his little task in his little corner, drawing his little salary, raising his little family, and depending for the rest on the providence of government.'³¹ The moment that bureaucracy appears, Proudhon says, liberty is imperilled; and the 'liberty' that he has in mind here is above all the civic liberty of the engaged citizen, which the centralized absorption of power erodes. What he hopes is that the new 'states' of the federalized order will serve as bearers of this revived civic ideal, drawing upon the active participation of their members instead of reducing them to clients of Parisian bureaucracy. That federalism guarantees or even enhances freedom is a view much criticized by modern political scientists, notably William Riker;³² but this notion of freedom is one that entirely escapes his critique, and it is not obviously fallacious to expect it to be enhanced, at least, by a political order which sharply reduces the scope of central management.

Among the various definitions which currently rival K.C. Wheare's is Riker's own, which he describes as political rather than legal, and which in that respect perhaps forms a better parallel to

³⁰ See especially J.G.A. Pocock *The Machiavellian Moment* (Princeton 1975).

³¹ See below, 60.

³² Riker *Federalism* 139-45

Proudhon's. 'A constitution is federal' according to Riker, 'if (1) two levels of government rule the same land and people, (2) each level has at least one area of action in which it is autonomous, and (3) there is some guarantee (even though merely a statement in the constitution) of the autonomy of each government in its own sphere.'³³ Such a constitution arises, Riker finds, as a result of a political 'bargain' by which distinct territories accept some degree of central control while retaining some degree of autonomy. Stressing compromise or balance Riker's view sits quite well with the parallel line of argument by Proudhon, who likewise sees federalism as a balancing of (central) authority and (local) liberty. It must be pointed out at once, however, that Riker's view of the conditions under which such a bargain is uniquely struck entirely rules out Proudhon's view of federalism's future: for Riker will admit only that federal systems are formed by the (partial) fusion of separate regimes, in the face of a military or diplomatic threat, and not that they can be formed by the (partial) disintegration of existing states for ideological reasons.

This disagreement in turn reflects a more fundamental difference – that Proudhon's definition of federalism is at once less formal and more stringent than Riker's, and, related as it is to a set of specific political values, is imagined as the product of a movement rather than of elite calculation. Much of what Riker calls federalism would be excluded by Proudhon's definition, for Proudhon insists that more than some matters must fall under the jurisdiction of constituent units, that most of them must; what is definitive is not a formal characteristic common to various institutional arrangements, but a vision of freedom which is held to be realizable by means of a massive decentralization of political life. The 'federal' character of an order is thus to be measured not in terms of a simple division between levels but in terms of the jurisdictional preponderance of the units over the federation; a system in which the centre is prepon-

³³ Ibid. 1

Chapter II. A PRIORI CONCEPTIONS OF POLITICAL ORDER: REGIME OF AUTHORITY, REGIME OF LIBERTY

We know the two fundamental and antithetical principles of all governments: authority and liberty.

Because of the tendency of the human mind to bring all its ideas under a single principle, proceeding to eliminate those which seem to be incompatible with it, two different regimes are derived, a priori, from these two primordial ideas, according to the preference or partiality accorded one or the other: the *regime of authority* and the *regime of liberty*.

Moreover, since society is composed of individuals, and the relation of the individual to the group may be conceived, from a political standpoint, in four different ways, four forms of government result, two for each regime:

Regime of authority

- A) Government of all by one – monarchy or patriarchy;
- a) Government of all by all – panarchy or communism.

which there appears to be no remedy, will instantly find a definitive solution in the theory of federal government.

Is there so much, you will ask, in a semantic opposition, authority-liberty? Indeed, yes! I have observed that the ordinary mind, even the child, can better grasp the truth cast in an abstract formula than when it is inflated with a mass of explanations and facts. I wished both to condense this study for those who cannot read books, and to make it more compelling by appealing to simple ideas. *Authority* and *liberty*: two concepts opposed to another, destined to live in struggle or to perish together; here, indeed, is something not very hard to grasp. Have the patience to continue, dear reader, and if you have understood this first and very short chapter, you will tell me your opinion afterwards.

derant is not federal. We may extract from Proudhon's argument a principle that there is some threshold of distribution beyond which powers accumulate at the centre to such an extent that the 'federal' character of the whole is lost, and any formal criterion becomes trivial to the point of meaninglessness. And here Proudhon's approach may find some degree of support in the view that criteria of obvious similarity are indispensable for classing federal systems together, and that the existence of divided power does not usefully correlate systems as federal.³⁴

Now while Proudhon approaches federalism in the light of disaggregation rather than aggregation, of dissolving large units rather than uniting small ones, he introduces a notion which tends to weaken this contrast, a notion of return. In a chapter which contrasts 'federal Gaul' and 'monarchical France,' he detects in the hard-pressed provincial life of France a residue of ancient 'nations' or Gallic tribes;³⁵ and whether such an antiquarian view is essential to his argument or not, he often wrote as though the local or regional communities which were to constitute federations were in some sense primordial or natural, pre-political entities whose distinct characters required political defence and political expression. In the light of this we have a further substantive criterion for federalism, the political representation of cultural difference, and a further necessary condition for federalism's emergence: the existence of diversity. It was this trend of thinking, it may be noted, that appeared in Proudhon's earlier essays on federation, in which the diversity of local cultures and traditions in Italy was advanced as a principal argument against that country's unification.

To this we may add that Proudhon's economic argument tends broadly to complement this diversitarian theme. Proudhon's images here are often strongly organic in character, pointing towards

³⁴ See, for example, A.H. Birch 'Approaches to the Study of Federalism' *Political Studies* (1966) 15-33.

³⁵ See below, 77-8.

the differentiation of parts as the prime reason for the unity of the whole, along lines which anticipate Durkheim's construct of 'organic solidarity.' It is the division of labour and the asymmetry of human needs that make possible acts of economic exchange and institutions such as credit and insurance; if individuals led precisely parallel and synchronized lives such things would be impossible, and it is only from social diversity that the co-operative power of the economy arises. This economic organism is treated by Proudhon as both a model for and a necessary adjunct to political federalism: indeed, one interpreter goes so far as to regard Proudhon's political structures as no more than 'shells' for what is essentially a kind of economic federalism, a set of contractual relations among and between enterprises and consumers.³⁶

In the light of all this we may feel driven to conclude that it is neither the legal nor the political levels with which Proudhon's argument engages, but that what he has in mind would be more properly described in terms of the 'social federalism' that has also been advanced as an alternative to Wheare's 'classical' model.³⁷ In such a view, political decentralization is regarded as simply a reflection of social or economic differentiation; every society, it is held, contains such differentiation, and a federal society is one in which these diversities happen to be territorially grouped. It may not be quite clear whether the view is advanced as a definition or as a causal hypothesis – that is, whether we are to think of a society's 'federal' nature as consisting in or arising from the territorial grouping of its diversities; but on either reading, it is evidently the socio-economic level that is held to be decisive.

The proposed redefinition of federalism has been much criticized on the grounds that it is historically inaccurate and methodologi-

³⁶ Stanley Hoffman 'The Areal Division of Power in the Writings of French Political Thinkers' in A. Maass (ed.) *Area and Power* (Glencoe 1959)133

³⁷ See especially W.S. Livingston 'A Note on the Nature of Federalism' *Political Science Quarterly* (1952) 81-95.

aspirations are unbounded; it is, like its contrary, subject to extension or restriction, but it likewise cannot be exhausted as it grows, nor can it be nullified by constraint.

It follows that in every society, even the most authoritarian, liberty necessarily plays some part; likewise in every society, even the most liberal, some portion is reserved for authority. This requirement is absolute; no political arrangement is exempt. Despite the efforts of the understanding to resolve diversity into unity, the two principles persist, always in opposition to each other. Political development arises from their inescapable logic and their mutual interaction.

All this, I confess, may contain little that is really new, and some readers will ask me if that is all I have to offer them. No one denies nature or mind, whatever the obscurity that may surround them; not one writer rejects either authority or liberty, even though their reconciliation, separation, or elimination seem equally impossible. What, then, is my purpose in reciting this commonplace?

What I have to say is this: that all political constitutions, all systems of government, including federations, fall within the scope of one formula, *the balancing of authority by liberty*, and vice versa; that in consequence the categories adopted by the great majority of writers, since Aristotle's time, in order to classify governments, differentiate states, and distinguish among the nations, *monarchy, aristocracy, democracy*, etc. – the federation excepted here – are reduced to hypothetical, empirical constructs, in which reason and justice find only imperfect satisfaction; that all established orders, founded upon these incomplete ideas, differ only from the standpoint of interest, prejudice, and habit, and are at bottom similar and equivalent; that were it not for the harm done by these false systems, in which ruffled passions, affronted interests, and vain self-deceptions are at odds with one another, we would be very close to agreement on fundamentals; that, finally, all those partisan divisions which we imagine to be so profound, all those conflicts of opinion which seem insoluble to us, all those random hostilities for

be considered an empirical creation, a preliminary sketch, more or less useful, under which society finds shelter for a moment, and which, like the Arab's tent, is folded up the morning after it has been erected. Rigorous analysis is therefore essential here, and the first truth which this account should impress upon the reader is that politics, though infinitely flexible as an applied art, is an exact science in its regulative principles, no more or less so than geometry or algebra.

Political order rests fundamentally on two contrary principles: *authority* and *liberty*. The one initiates, the other concludes; the one goes hand-in-hand with obedient faith, the other with free reason.

I doubt that a single voice will be raised against this first proposition. Authority and liberty are as old as the human race; they are born with us, and live on in each of us. Let us note but one thing, which few readers would notice otherwise: these two principles form a couple, so to speak, whose two terms, though indissolubly linked together, are nevertheless irreducible one to the other, and remain, despite all our efforts, perpetually at odds. Authority necessarily presupposes a liberty which recognizes or denies it; in turn liberty, in its political sense, likewise presupposes an authority which confronts it, repressing or tolerating it. Suppress one of the two, and the other has no sense: authority, without a Liberty to examine it, to resist or submit to it, is an empty word; liberty, without an authority as counterweight, is meaningless.

The principle of authority, familial, patriarchal, magisterial, monarchical, theocratic, tending to hierarchy, centralization, absorption, is given by nature, and is thus essentially predestined, divine, as you will. Its scope, resisted and impeded by the opposing principle, may expand or contract indefinitely, but can never be extinguished.

The principle of liberty, personal, individualist, critical, the instrument of dividing, choosing, arranging, is supplied by the mind. Essentially a principle of judgment, then, it is superior to the nature which it makes use of, and to the necessity which it masters. Its

cally unhelpful;³⁸ and in very recent years attention has shifted, in the Canadian context at least, to the contrary proposition that socio-economic diversity may be seen as the product rather than the cause of political structure.³⁹ But it is not in fact at all clear that Proudhon's forays in the direction of 'social federalism' expose his own case to these serious and well-reasoned objections. In the first place, the use of economic process as a model for political process, whatever problems it may involve, does not imply a reductionist conception of politics in the relevant sense, that is, a view in which economic variables are held to determine political ones. In the second place, to the extent that Proudhon's case rests (as I have mentioned above) upon the cultivation of specifically political and civic variables, it is not correct to regard his view of the political as nothing but a container for an economic program. In the third place, and most significantly, *Du Principe fédératif* contains a largely inexplicit but nevertheless forceful recognition of the determining power of political variables. The reader may well be struck by the remarkable contrast between Proudhon's strongly positive view of the citizens of the federal state and his outraged contempt for the citizens of a mass democracy. The former are to be responsible and creative men whose political virtues are perhaps unprecedented, while the latter are the victims of systematic self-deception, riven by paradoxes and contradictions, easy prey to pleasing but vacuous demagogues. And if this contrast is a bit disturbing in its starkness, it is clear all the same that the difference is to be accounted for, in Proudhon's eyes, by a changed political context. Solicit men's views in the mass, and they will return stupid, fickle, and violent answers; solicit their views as members of definite groups with real solidarity and a distinctive character, and their answers will be responsible and wise. Expose them to the

³⁸ Birch 'Approaches to the Study of Federalism'

³⁹ See Alan C. Cairns 'The Governments and Societies of Canadian Federalism' *Canadian Journal of Political Science* (1977) 692-725.

political 'language' of mass democracy, which represents 'the people' as unitary and undivided and minorities as traitors, and they will give birth to tyranny; expose them to the political language of federalism, in which the people figures as a diversified aggregate of real associations, and they will resist tyranny to the end. We do not have to accept this view to see that it is one in which politics enjoys clear primacy. At the social level, there are tendencies towards both diversity and unity, conflicting pulls of locality and mass, and it is the political order which determines which of these appeals predominates. To be sure, Proudhon writes in *Du Principe federatif* of the futility of merely political change, tracing the failure of the revolutionary movement in 1848 to its neglect of social and economic reform; but clearly he is concerned here with social and economic change brought about by political means, and not with some allegedly independent socioeconomic variables. In one remarkable sentence, he shows that he was well aware that the decentralized order which he favoured might require to be achieved through the leverage of central power.⁴⁰

III

Proudhon is not, then, a social or economic determinist; but he does indeed connect federalism with social and economic diversity, which figures very significantly in his picture of the age of federations. This leads us to a further general set of questions, concerning what may be called the federal process, or the manner in which units are linked together and with the federation itself in their political action. For a high degree of social and economic diversity – the differences coinciding with territorial boundaries – will tend to produce a federalism in which issues of a general scope are unlikely to emerge. The society will therefore tend to be managed by

⁴⁰ See below, 69: 'Though centralization would have had to be broken at a later point, it would at that time have provided a powerful lever.'

Chapter I. POLITICAL DUALISM -AUTHORITY AND LIBERTY: OPPOSITION AND INTERCONNECTION OF THE TWO IDEAS

Before saying what is meant by *federation*, it is as well to devote a few pages to the origin and context of the idea. The theory of the federal system is quite new; I think I may even say that no one has ever presented it before. But it is intimately bound up with the theory of government in general – to speak more precisely, it is its necessary conclusion.

Among the many constitutions proposed by philosophy and put to the test by history, one alone reconciles the demands of justice, order, liberty, and stability, without which neither society nor the individual can live. Truth, like nature, is one. It would be strange if it were otherwise for the mind and for its grandest work, society. All writers have recognized the unity of human legislation; and, without denying the diversity in application dictated by time and place and the special character of each nation, or neglecting the scope of discretion in every political system, all have been obliged to accommodate their doctrines to it. I shall undertake to show that this one constitution, which it will be the greatest triumph of human reason to have grasped, is nothing other than the federal system. Every form of government which departs from it must

Part One

multiple decentralized (provincial) processes, and will approximate what has been termed inter-state federalism.⁴¹ This is contrasted with 'intra-state federalism,' a model of political process in which particular regional interests are articulated at the centre, forming the building-blocks out of which general policies are formed – a process which, incidentally, is indistinguishable from what is commonly called pluralism, except that the groups concerned happen to be territories. Federalism may be conceived of, in other words, in terms of tendencies towards the insulation of the constituent units or tendencies towards the central aggregation of their needs, and the former model would seem especially applicable to a system characterized by a degree of regional diversity sufficient to make central aggregation of demands difficult or impossible.

The 'inter-state' model and the associated notion of insulation do appear prominently in Proudhon's discussion. The rule of distribution that he follows – the larger the territorial range of responsibility, the smaller and more specific the functional scope of a government's powers – scarcely points towards any notion that the federal centre is to serve as a system-wide focus for the generation and pursuit of broad common ends. More specifically, the same conclusion is suggested by Proudhon's remarks in chapter 10 – so strongly reminiscent of Tocqueville's *Ancien Regime* – on the instability of centralized systems. In monarchical, imperial, and republican France, political disturbances in Paris reverberate throughout the whole system, and every riot is potentially a revolution, not only because all the powers of government are concentrated at a single vulnerable point, but also because in consequence the provinces take their mood and style and thinking from the capital. But in federal France, in which the provinces would have recovered their governmental independence and their distinctive char-

⁴¹ The distinction is suggested by Karl Loewenstein *Political Power and the Governmental Process* (Chicago 1965) cited in Smiley 'Territorialism and Canadian Political Institutions' *Canadian Public Policy* (1977) 451.

acter, change must be brought about at multiple distinct sites, and stability will therefore be enhanced. The whole thrust of this line of argument is towards provincial insulation, and the merit of federalism, it is held, is precisely that it erects obstacles in the path of system-wide change by dispensing with any preponderant central locus of power and influence.⁴²

Now this dualism of inter-state and intra-state forms, insulating and aggregating processes, is of much importance to Canadian federalism at the time of writing, for these two models appear to represent two options between which the Canadian federal polity is currently poised. On the one hand, there are demands for a higher degree of provincial insulation from those who see this option as the only alternative to the dissolution of federation. Often this view is connected with a further demand that the cultural asymmetries of Canadian society should be given political expression through the granting of special status to the province of Quebec – or, indeed, to everyone, a view which recalls Proudhon's somewhat in its strongly contractual character.⁴³ On the other hand, there are those who regret that the 'provincialism' or 'regionalism' of the Canadian polity is already so well-marked, and who call for institutional measures designed to enhance the federal centre as a site for political debate.⁴⁴ Typically, this demand fosters schemes intended not to safeguard but to overcome provincial insulation, by transmitting particularistic demands more effectively into a central arena, in order to permit their aggregation within policies of a general character and scope.

These two sets of demands are in obvious tension with one another. Proudhon's conception would seem, at first glance at least,

⁴² Curiously, P.E. Trudeau, drawing upon the Maoist model of 'base areas,' argues the precisely opposite case in his 1961 paper 'The Practice and Theory of Federalism' *Federalism and the French Canadians* (Toronto 1968) 126.

⁴³ Edwin R. Black *Divided Loyalties: Canadian Concepts of Federalism* (Montreal 1975) especially 232-4

⁴⁴ See Smiley 'Territorialism.'

Preface

Richard Vernon

This edition of *Du Principe federatif et de la necessite de reconstituer le parti de la revolution* springs from a long-standing interest in the political and social thought of Proudhon and a novice interest in federalism. In the latter regard, especially, I have relied extensively upon the generous help of many colleagues, among whom M.W. Westmacott provided invaluable bibliographical advice, and S.J.R. Noel and L.J. Sharpe offered some stimulating and far-reaching comments on a draft of my introduction, presented as a paper in a departmental seminar. In a department as congenial and expert as my own, an author has only himself to blame for the deficiencies of his work.

As far as the translation itself is concerned, I have tried to follow Proudhon's literal sense closely enough that for all but the most specialized purposes the translation may serve as a substitute for the French original, but where literalness would be distracting I have not hesitated to adopt an English idiom. The edition used is the first, Paris: E. Dentu 1863. I have translated here only the first part and the first chapter of the second part, these being the theoretical core of the work. This work has been published with the assistance of grants from the Social Science Federation of Canada, using funds provided by the Social Sciences and Humanities Research Council of Canada, and from the Publications Fund of the University of Toronto Press.

ited guidance here, and what is called for is a full-scale exploration of Proudhon's work. But all the same, in verging upon these ultimate questions, we may be helped towards a sceptical though perhaps not unconstructive conclusion. Proudhon sweeps us not only into a sea of doctrine, but into a sea of problems. He does so by building into the doctrine of federalism a set of ideals which are separately conceivable but jointly incapable of full realization, or so experience seems to suggest; it is this that lends him the air of a Utopian despite the language of insistent realism that he adopts. But one may ask whether the difficulties spring from his utopianism or rather from his federal principle itself; for one may doubt whether any of the federalisms intertwined in his account would be valuable or even tolerable as political forms, if not complemented and necessarily compromised by others. A federalism of cultural autonomy in which material interests and the values of citizenship had been sacrificed to the maintenance of historic distinctiveness would be too *folklorique* to be true; a bargaining society, *un federalisme rentable* in which nothing cannot be traded, is a fantasy of the professional politician and the academic political scientist; as for the participatory model, which anyway figures only marginally in current views of federalism, it is surely something that requires a cultural or material content even to operate, and what it is like will depend wholly upon the content inserted into it. We may want to insist, then, that the themes which Proudhon introduces are (at the very least) more separable than he will apparently allow; but at the same time we may be driven to recognize that the tensions so evident in his doctrine are tensions which any federal system will display. And here, in drawing attention to the mixed and compromising nature of real politics, we would be following the spirit, though not the letter, of Proudhon's own argument.

to reinforce the former option – if not, indeed, to reinforce the demand of the *Parti Quebecois* for 'sovereignty-association,' to which, one might feel, his federal model bears a strong resemblance. On this reading, Proudhon's relevance to the current Canadian debate would lie in a suggestion that the 'federalist' label has been utterly misapplied, and that it is the separatists, not the proponents of unity, who more clearly merit this description. This would be a provocative and tempting reading; but the position is not quite as clear-cut as that. Proudhon is indeed a 'provincialist,' but he is not only a provincialist; and while it would be altogether too much to claim that he offers to resolve these difficulties, his position does point to certain respects in which the options now regarded as exclusive contain some overlapping features.

In the first place, although Proudhon favours what he calls the 'sovereignty' of provinces, we have already noted the ambiguity of his thinking here; and it would be jumping to conclusions to regard him as a *Pequiste* out of his time. A province claiming such comprehensive internal jurisdiction as the present Quebec government envisages has no place in Proudhon's scheme; for the 'federal principle,' as we have seen, is to apply to intra-provincial no less than extra-provincial relations. Local and professional associations are not creatures of the province any more than the province is of the federation; and even more relevantly, supra-provincial authority is regarded by Proudhon as a guarantee of individual, professional, and local liberties within a province. In this respect, therefore, the Proudhonian mantle may be claimed by Ottawa no less than by Quebec City, for the overriding of minority claims is not something to be permitted either governmental level, or, more precisely – for Proudhon's thinking is far from settled here – not a right assigned to any level in preference to any other. And if Proudhon fails to tell us what to do when provincial (or 'national') and individual (or minority) rights conflict, he does not fall into the trap of supposing that some mystical value justifies the suppression of either,

or that the arguments for either unity or liberty can be asserted at one level and arbitrarily denied at another.

Secondly, today's reader of *Du Principe federatif* will not fail to be struck by a peculiarity in Proudhon's proposed governmental arrangements. Federalism, on the North American model, is characterized by duality of constituency as much as by duality of jurisdiction: that is, the two levels of government not only enjoy distinct jurisdictions but are controlled by distinct and separate popular elections.⁴⁵ Proudhon, however, seems to favour a governmental pyramid composed of dependent tiers, each level being responsible to the lower level of government rather than to popular control through separate elections. This proposal belongs less to the modern federalist tradition than to the pacifist tradition of Cruce and Saint-Pierre, in which permanent councils of delegates from national governments are proposed as a means of ensuring international harmony. Proudhon evidently would not insist upon such an arrangement, for it is not a feature of the Swiss constitution that he so admires; but what can be said is that he favours some mode of organization by which sub-national claims and interests are brought to bear directly in the formulation of policy at the national level. The political meaning of such proposals is very hard to assess. Many political scientists today would take the view that

⁴⁵ If co-ordinate jurisdiction by two independent levels of government is taken to be a defining feature of federalism, then Proudhon's scheme would not be a federalist one. But Ivo D. Duchacek takes the reasonable view that what is required is that 'the exercise of the central authority as it reaches all citizens [must be] independent of the individual approval and resources of the component units' (*Comparative Federalism: The Territorial Dimension of Politics* [New York 1970] 207, emphasis added). This formulation would admit Proudhon's scheme. However, in one passage (see below, 49) Proudhon appears to make the exercise of central authority dependent upon provincial approval. This would seem unnecessary, given that the formation of central policy is already so highly constrained, in his model, by provincial surveillance. Perhaps Proudhon regarded these two approaches as alternatives, or perhaps he was simply inattentive to the difference between participating in the formation of policy and participating in the execution of it.

ner which reflects no general purpose.⁵⁸ In the other, however, society as a whole is imagined as a single actor, as a 'giant,' engaged in the pursuit of ends which impose compelling obligations upon individuals and groups.⁵⁹ Sometimes, in short, the general figures as an accumulation of particulars, while sometimes particulars figure as phases or local manifestations of the general; consequently, it becomes hard indeed to understand whether Proudhon's demystification of the state involves breaking decisively with any such Rousseauan notion as a 'general will,' or whether, on the contrary, what is intended is a society in which the pursuit of general objects becomes the typical motive of all modes and levels of behaviour. Either of these views, it is evident, could justify the conclusion that government is to be abolished or else rigorously constrained; but though they may converge in their outcomes, they are quite different in the pictures of social relations and political psychology which they contain.

To raise these issues is to pose the question of the very meaning of that demystification or secularization of life which Proudhon and his century demanded: is the politics of post-theistic man to be 'pragmatic,' instrumental, particularistic, 'pluralistic' in the current sense, or is it, on the contrary, to offer a new and secular redemption which infuses particularity with ends of a general character? It is to pose the closely related question of the relation between civil society and state, and hence, by extension, that of the generic meaning of the political. At that point we have clearly gone beyond what an introductory essay of this kind can reasonably attempt, especially as the text in question provides only lim-

⁵⁸ See, for example, Proudhon's *Carnets*, vol. 3 (Paris 1968) 139. It is worth noting here that in *Du Principe federatif* itself Proudhon stresses (in chapter 9) that federalization can occur only within already constituted political societies; and one could well infer from what he says here that sovereignty can be divided only among groups which have come to share a strong sense of a common good, by virtue of their long experience of political unity.

⁵⁹ *Capacite politique* 148

segments, the notion of a general identification may be diminished almost to the vanishing-point, and the 'nation' – assuming that this term is not pre-empted by the segments themselves – becomes merely a collective noun descriptive of a grouping of territories in minimal union. In either of the other models, particular identifications are linked systematically with general ones, though in quite different manners. In the participatory version, as Woodcock among many others develops it, smaller constituencies figure as schools in which one is led to engagement in larger contexts of action: 'Once people begin to take any interest at all in political or social affairs, their horizons soon open beyond their narrow personal interests.'⁵⁷ In the version of conflict pluralism, on the other hand, local and partial attachments are indeed still to be connected with broader contexts of action, but not by virtue of any supposed transcendence of selfishness; on the contrary, they are to be transmitted to larger constituencies in the form of special claims upon general resources, and to take their chances within some centrally determined schedule of priorities.

Proudhon does not tell us which of these readings of the matter is to apply to *Du Principe federatif*; a case could be made out for any or all of them. And here, I think, we touch on one of the deepest uncertainties in Proudhon's thinking, not only in his federalist phase but in the earlier phases of his thinking too. His ultimate end, as we have noted already, was to absorb the functions of the state into civil society – either by dispensing with governmental institutions, or else, later, by means of a mode of government adapted to the contours of social process. But two images of 'society' recur persistently. In one, society as a whole is a second-order thing, a resultant, the indirect outcome of multiple individual and group decisions; it has no identity but its history, a process of change in which the most varied undertakings collide and coalesce, in a man-

⁵⁷ Woodcock 'Political Horizons' 18

its tendency would be to reinforce particularism and to hamper the emergence of a general or 'intra-state' constituency, as the experience of parallel arrangements with metropolitan or regional government may seem to suggest. But was this Proudhon's intention? Perhaps it was, but as we have seen, it is hard to determine which, if any, of the various nested constituencies that contain the individual are to enjoy primacy; the individual, it appears, is to have multiple identifications of equal weight. Moreover, the representational device that Proudhon recommends could presumably bring about either of two different outcomes: the representation of provincial governments at the centre could function as a restraining or insulating device in ensuring that provincial interests were not overridden by central government, or it could function instead as a transmitting device which projects provincial differences and interests into a central arena. Seen in this light it would bear comparison with other devices currently promoted with a view to overcoming the separation of provincial and federal constituencies and connecting the former more effectively with general policy-formation; none of which, incidentally, seem any more immune than Proudhon's own from the risk of producing the opposite outcome, immobilisme, instead, for what actually happens when interests are 'aggregated' at the centre is anyone's guess.

These and related problems, Proudhon's book may serve to remind us, are not the result of national peculiarities, nor of federalism's having gone wrong or having been betrayed or misunderstood; they are inherent in federalism itself, for federalism sets itself the enormously difficult task of inserting one political society within another, in such a way that both retain their political character. There are strong tendencies for the province to become a prefecture, or for the centre to become an arena for blank confrontations, and the problems are compounded by the fact that both these trends, apparently, can be simultaneously perceived and feared by political actors within a federation. It cannot be said, unfortunately, that Proudhon helps us much with this difficulty, for the problem

involved here is very closely related to a fundamental ambivalence in Proudhon's thinking, as *Du Principe fédératif* displays only too well; and it is this that I now wish to explore at a little more length, by way of a recent application of Proudhon's thinking.

IV

In the Canadian context, Proudhon's federalist scheme has been emphatically revived by his biographer, George Woodcock, as a proposal for far-reaching structural reform. Woodcock's views, together with a varied selection of critical responses, are put forward in a remarkably interesting issue of *Canadian Forum*, which comprises the most extended available treatment of a Proudhonian position in recent North American writing.⁴⁶ Some of Woodcock's interlocutors read him in the light of the much less relevant examples of Rousseau or Fourier, both of whom Woodcock also mentions; but it is perfectly clear that of these French writers it is Proudhon, and specifically the federalist Proudhon, who is echoed most directly in Woodcock's remarks – these departing, precisely as Proudhon's did, from a critique of the nationalism of the Left, which neither Proudhon nor Woodcock finds any less objectionable than the nationalism of the Right: 'It is one of the paradoxes of the revolutionary tradition that in preaching the universality of man it has encouraged nationalism, and in preaching international liberation it has promoted imperialism.'⁴⁷ Woodcock draws upon Proudhon's federalism as a means of making good the promises of democratic revolution and deflecting the centralist trends with which, he complains, it has become entangled.

Like Proudhon, Woodcock rejects the vertical spirit of command and obedience for the spirit of horizontal co-operation and consensus. Like Proudhon, he connects (or even identifies) the federal

⁴⁶ 'Political Horizons' *Canadian Forum* (April 1972) 15-47

⁴⁷ Ibid. 16

land.⁵⁵ Moreover, the conflict model may also require a degree of hierarchy, in that provincial elites are called upon to defend provincial interests vigorously in the federal arena, and it may therefore offend the requirements of the participatory model even more directly. The primacy of cultural autonomy as a value is very likely indeed to require entrenched guarantees which national majorities and their governments cannot dispense with, whereas the participatory model, with its stress upon the sovereignty of popular will, is not one in which such guarantees have a very secure place. Pluralistic conflict requires a political culture which favours hard-headed bargaining and considerable flexibility; this jars somewhat with the segmental picture of distinct cultures, invested with the sacredness of inherited identity (as theorists of political development have argued).⁵⁶

The list of difficulties could be extended indefinitely; but they are familiar enough to students of federalism that detail is scarcely necessary. What may be worth mentioning is another problem of a rather broader kind that underpins these difficulties: that of the relation between particular and general identifications in a federal polity. It is of course a commonplace that particular and general identifications may clash in any conceivable political order: one is not only a citizen but also a bourgeois, a trade-unionist, a Southerner, a Catholic, and the demands made upon one as citizen collide with the interests or obligations one may have under some other status. But a federal polity formally inserts a second, particularistic citizenship between the individual and the general constituency of the federation itself; and the varieties of federalism spring from diverging assessments of the relation between these two identifications, for each of these conceptions of federalism presents this relation in a significantly different way. In the model of cultural

⁵⁵ Woodcock ('Political Horizons' 18) takes Prince Edward Island to be about the right size: cf. George Rawlyk *ibid.* 27

⁵⁶ See, for example, Gabriel Almond 'Comparative Political Systems' *Journal of Politics* (1956) 391-409.

imagined as multiple symmetrical replicas of a single type (views evidently typified by the participatory model sketched above).⁵²

A third conception involves a model of what may be called conflict pluralism. Here the units are not (or not primarily) expressions of cultural distinctness, nor are the sites of participation imagined as a series of linked tiers of ascending generality. The units are held to be actors in a continuous political struggle, serving as counterweights to one another and to central power. Territorial division, thus understood, is simply an extension of the constitutionalist 'division of powers' thesis, as, indeed, Proudhon's own argument makes quite explicit: 'At first,' he writes, 'the demand for a constitution is heard from all sides; later the demand will be for decentralization.'⁵³ A further extension of this argument adds another dimension to it: mutual competition among units may serve not only a restraining function but also an aggregating one, the clash of provincial rivalries contributing to the formation of general policies.⁵⁴ But in either version, this picture of federalism is focused upon the existence of separate yet interdependent political interests, territorially grouped. That provinces may possibly also function as media for the enhancement of participation or as vehicles for regional cultures is an incidental side-effect.

All of these themes of participation, diversity, and conflict are present, as we have seen, though in varying proportions, in *Du Principe federatif*; and even this rapid survey of their main features is enough to show that the chances of collision between them are very high indeed. The conflict model requires effective concentrations of power at the provincial level, and thus may well dictate much larger provincial units than would satisfy the participatory model – Ontario would suit the case better than Prince Edward Is-

⁵² Charles D. Tarlton 'Symmetry and Asymmetry as Elements of Federalism: A Theoretical Speculation' *Journal of Politics* (1965) 861-74

⁵³ See below, 34.

⁵⁴ See, for example, Smiley 'Territorialism' 452.

principle with more extensive participation, and insists that such participation must be extended to 'the most basic levels' of Canadian society; like Proudhon, therefore, he finds the existing scale of political organization unmanageably large and calls for a multiplication of smaller units. And like Proudhon, too, he takes the view that since federalism – uniquely among political systems – is based upon 'voluntary' commitment, its constitutional arrangements must be 'liable to perpetual revision.' The vision, then, is that of a 'mosaic' of autonomous political constituencies with an intensely democratic ethos, united by ties of a basically contractual or negotiated kind; and just as Proudhon insists that political orders thus constituted will lose the belligerent and exclusive character of existing nation-states, forming components of a global 'confederation of confederations,' so Woodcock maintains that a Canada thus restructured would become an 'anti-nation,' 'as open towards the world' as to its own constituent associations.

Some of Woodcock's commentators read him sympathetically, but none agree with him whole-heartedly, and most offer very sharp critiques of what they regard as an outright failure of political realism; and it is ironical indeed that the Proudhonian vision, which is presented in so anti-utopian a mood, should end up as what is so insistently perceived as a Utopia. The lack of realism which Woodcock's critics detect lies not only in the problem of political realization (which is severe enough), but also, they allege, in his linking together of several distinct ends which would in the realm of actuality be mutually exclusive. A radically decentralized society, it is objected, would be rendered incapable of dealing with precisely those forces of economic concentration that Woodcock dislikes ('How can Sudbury take on Inco?'). A higher degree of local autonomy is at least as likely to foster conservatism as it is to enhance the values which Woodcock favours. An order in which conflict is frowned upon is unlikely to be a progressive one. A freer society will only be a more participatory one on the dubious assumption that increased participation is not only good but a per-

ceived and valued good. A society whose powers at the national level are diminished is more likely, in a world of nation-states, to be enslaved than liberated. Finally, as Donald Smiley points out, a polity in which participation is intense is not likely to be one in which institutions retain much force as mediations of popular will; and, as Smiley also points out, a federal polity in which large sub-units (provinces) have been split up or shrunken will be a polity in which central authority faces no strong countervailing power.

Valid or not, such lines of criticism apply not only to Woodcock's specific proposals but to the Proudhonian vision that underpins them; ready to hand in these comments on Woodcock's paper we have a very condensed and useful compendium of the difficulties posed by Proudhon's 'federalism.' Moreover, by pointing to some contradictions within it, and by contrasting it with other conceptions of the federal polity, these commentaries – especially Smiley's brief but valuable essay – point towards a range of divergent values within federalist thinking and help us to assess the significance of Proudhon's text. I should like to conclude this essay by sketching three such values and the pictures of federalism connected with them, and by briefly considering the relations between these values in Proudhon's own account.⁴⁸

When Woodcock describes the federal principle as a participatory principle he is probably departing somewhat from current assumptions about federalism's meaning, but it is certainly true that a federal arrangement may be and has been considered as a case of the well-known thesis concerning participation and scale. The nation-state, it is argued, is too vast and remote a thing to encourage the engagement of the citizen, which is realizable only within the narrower and more familiar horizons of a relatively small territory or group; here, it is held, the level of information is higher, the sense of efficacy stronger, the possibilities of control

⁴⁸ These three versions of federalism share much with the models of pluralism distinguished by David Nicholls *Three Varieties of Pluralism* (London 1974).

much greater, and hierarchical distance less extreme. So conceived, Proudhon's federalism lies behind the revolutionary experiment of the Paris Commune of 1870 and the various schemes derived from that by Marx, by Lenin (in *State and Revolution*),⁴⁹ and by Hannah Arendt,⁵⁰ among many others; it also lies behind much of the thinking of the English school of political pluralism, who reverted from territorial to functional units of the kind which the earlier Proudhon had favoured, and through the English pluralists it has therefore contributed to modern theories of group participation.⁵¹ A 'federal' polity, on this conception of things, is one composed of a tiered or layered or nested series of constituencies, each of which is to act as the most effective possible vehicle of its constituents' will and as an instrument for transmitting this will to more comprehensive levels of decision-making.

Secondly, a federal order may be imagined not as a medium for the expression of political will but as the political order required by cultural diversity, its units not (or not primarily) participatory devices but rather distinct segments of a heterogeneous society. It is not the requirements of sheer scale that are to determine the boundaries of units, but the historical lines of demarcation among cultural, ethnic, or linguistic groups, peoples or nations or provinces with distinct traditions; and these boundaries are to serve primarily as obstructions to flows of control or influence. Charles Tarlton has aptly called such a model of federalism 'asymmetrical,' in contradistinction to views of federalism in which the constituent units are

⁴⁹ Lenin, however, combined an admiration for the Commune as a revolutionary model with a fierce rejection of Proudhon's 'federalism'; the correct line, Lenin maintains, is to reject 'centralism from above,' not centralism as such. See *State and Revolution* (Eng. trans. Peking 1965) 60-4.

⁵⁰ See Hannah Arendt *On Revolution* (New York 1965) 234-85.

⁵¹ For a discussion of 'pluralism' and 'participationism,' see F.M. Barnard and R.A. Vernon 'Pluralism, Participation and Politics: Reflections on the Intermediate Group' *Political Theory* (1975) 180-97.

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Pierre-Joseph Proudhon
The Principle of Federation
and the Need to Reconstitute the Party of Revolution
1863

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What is remarkable is that this popular movement was genuinely convinced of its own liberalism, supposing that it represented the cause of justice, equality, and progress. Caesar's soldiers, worshipping their emperor, were full of hate and mistrust of kings; if those who murdered the tyrant were not slaughtered on the spot, it was only because the night before Caesar had been seen setting a royal wreath upon his bald brow. Thus Napoleon's entourage, sometime Jacobins, enemies of the nobles, priests, and kings, calmly took the title of baron or duke or prince and played courtier to the emperor, but they could not forgive him for marrying a Habsburg princess.

Left to themselves or led by their tribunes, the masses will never create anything. They set their face towards the past; no tradition forms among them, there is no sense of continuity, no idea which acquires the force of law. They understand nothing of politics but intrigue, nothing of government but waste and force, nothing of justice but revenge, nothing of liberty but the ability to set up idols whom they destroy the next day. The advent of democracy would begin an era of decadence which would lead nation and state to their graves, if they did not resist the fate which threatens them by means of a contrary revolution, a topic to which we shall turn.

Just as the people, living from day to day, without property, business, or public employment, have nothing to lose under tyranny and scarcely worry about the prospect, so the bourgeoisie, owning property, trading and manufacturing, hungry for land and patronage, has an interest in forestalling disasters and keeping power under its own control. Its need for order leads it to liberal ideas; hence the constitutions which it imposes upon its kings. While surrounding its preferred government with legal restraints and subjecting it to parliamentary control, it confines political rights to property-owners and abolishes universal suffrage; but it keeps its hands off centralized administration, the bastion of industrial order. If the separation of powers is useful to it in balancing the power of the crown and restraining the personal will of the prince, and if a restricted electorate is a useful defence against popular aspi-

rations, centralization is no less precious – firstly, for the employment which it provides, giving the bourgeoisie its share of power and tax revenues, secondly, for making possible the peaceful exploitation of the masses. Under a system of centralized administration and restricted suffrage, as long as the bourgeoisie retains control of government through its votes, the life of the locality is suppressed and any agitation easily contained; under such a system, the working class, penned up in its factories, is inevitably condemned to wage-slavery. Liberty exists, but only within the realm of bourgeois society, cosmopolitan like its capital cities; as for the masses, they are resigned to their fate, not only politically, but economically too.

Need I add that the suppression or maintenance of a dynasty does not change the system at all? A unitary republic and a constitutional monarchy are one and the same thing; a mere change of name, and one official more or less, distinguish the two.

But if democratic absolutism is unstable, bourgeois constitutionalism is no less so. The former is retrogressive, without restraint, without principles, contemptuous of law, hostile to liberty, destructive of all security and trust. The constitutional system, with its legal forms, its juridical spirit, its moderate temperament, its parliamentary rituals, is in the last analysis nothing but a vast system of exploitation and intrigue, in which politics is at the service of speculation, tax revenues nothing but the civil list of a caste, and monopolistic power the servant of monopoly. The people have a dim sense of this immense plunder; constitutional guarantees mean little to them, and we have seen, especially in 1815, that they prefer their emperor, despite his bad faith, to their legitimate kings, despite their liberalism.

¹ The oddly-named 'Doctrinaires' were a group of moderates in France who, drawing principally upon the English model of government, favoured constitutionalism while resisting democracy. Proudhon's remarks apply most obviously to Francois Guizot, premier during the 1840s.

difficult to construct and dangerous to conserve; it is always easy, useful and legal to return to freedom.

The French nation is perfectly ready for this reform. Long-accustomed to hindrances of all kinds and heavy burdens, it is not very demanding. It will wait 10 years for the completion of the building as long as one floor is erected each year. Tradition is not opposed to it: strip the former monarchy of its caste distinctions and feudal rights and France, with its provincial states, customary laws and bourgeoisie, is no more than a vast confederation with the king of France as its federal president. The revolutionary struggle gave us centralisation. Under that regime, equality was sustained, at least in mores, but freedom was gradually eroded. From the geographic point of view, the country is just as well-suited: its overall territory is perfectly assembled and demarcated, with a marvellous fitness for unity, as we have seen all too well, and it is also very suitable for federation due to its drainage basins, which empty into three seas. It is up to the provinces to be the first to make their voices heard. Paris, a capital that would become a federal city, would have nothing to lose in the transformation. On the contrary, it would discover a new and better existence. The force of absorption it exerts on the provinces impedes it, if I dare say so: less burdened, less apoplectic, Paris would be freer and would earn and produce more. The provinces' wealth and activity would ensure a market for its products superior to any in the Americas, and it would recover in real business all that it would lose to decreased parasitism. The fortune of its inhabitants and their security would no longer be intermittent.

Whatever power is responsible for France's destiny, I dare say that there is no longer any other policy for it to follow, no other salvation or idea. Therefore, it should give the signal to the European federations that it is going to adopt federalism's example and model. Its glory will be so great that it will crown all glories.

ingly approximate levels of wealth, equality; France returned to its genius and morals, constituted as a union of mutually-guaranteed sovereignties, would have nothing to fear from the communist flood or monarchic invasions. The multitude, powerless from now on to crush civil liberties with its mass, would also be powerless to seize or confiscate property. Even better, it would become the strongest barrier to the feudalism of land and capital toward which unitary power inevitably tends. While city-dwellers only value property for the income it provides them, the peasants who cultivate it value it above all for itself: that is why property will never find a more complete and better guarantee than when, through continuous and well-arranged division, it approaches equality, federation. No more bourgeoisie and no more democracy but only citizens, as we demanded in 1848: is this not final word of the revolution? Where else can we find the realisation of that ideal if not in federalism? Certainly, and regardless what was said in 1793, nothing is less aristocratic and less *ancien régime* than Federation, but it must be admitted that nothing could be less vulgar.

Under a federal authority, the politics of a great people would be as simple as its destiny: domestically, to make room for freedom, to provide work and well-being to all, to cultivate intelligence and strengthen conscience; internationally, to set an example. A federated people would be a people organised for peace; what would they do with armies? All military service would be reduced to police service, civil service and guards for the armouries and forts. There would be no need for alliances or trade agreements: common law would suffice amongst free nations. In business, there would be freedom of exchange except with regard to the withholding of taxes and income tax in some cases debated in the federal council. For individuals, while waiting for the country's entry [into the Federation], there would be freedom of movement and residence except with due respect for each country's laws.

This is the federalist idea and its consequences. Furthermore, the transition can be as painless as one could want. Despotism is dif-

The repeated failures of democratic empire and bourgeois constitutionalism in turn have led to the creation of a third party, which, mustering under the flag of scepticism, holding no principle sacred, fundamentally and systematically immoral, tends to rule (as has been said) like a see-saw, by ruining all authority and all liberty, in a word by corruption. This is what is called the *doctrinaire* system.¹

Brought into being by hate and contempt for the old parties, this system gained considerable momentum, sustained by growing disappointment, and justified after a fashion by the spectacle of universal contradictions. It soon became the secret faith of power, restrained by modesty and decorum from professing scepticism publicly; but it is the avowed faith of the bourgeoisie and of people who are no longer inhibited from displaying their indifference and who are proud of it. Authority and liberty having been lost to view, justice and reason being taken for empty words, society is dissolved, the nation collapses. All that remains is matter and brute force; on pain of moral death, revolution becomes imminent. What will it lead to? History tells us the answer; examples may be counted by the thousand. The doomed system will give way, thanks to the succession of forgetful but endlessly renewed generations, to a new compromise, which will follow the same course, and, exhausted in turn and discredited by its own contradictions, will come to the same end. And this will continue until reason has found the means of harmonizing the two principles and of bringing society into equilibrium by coming to terms with the antagonism between them.

Chapter VI: THE POLITICAL PROBLEM POSED: THE PRINCIPLE OF A SOLUTION

If the reader has followed the above account with some care, human society should appear to him as a fantastic creation, full of surprises and mysteries. Let us briefly recall the steps of the argument.

a) Political order rests upon two complementary, opposed, and irreducible principles: authority and liberty.

b) From these two principles are derived two correspondingly opposed regimes: the absolutist or authoritarian regime, and the liberal regime.

c) The forms of these two regimes are no less different, incompatible, and irreconcilable than their principles; we have defined them in terms of two words, indivisibility and separation.

d) Now, reason tells us that every theory must unfold in accordance with its principle, that everything that exists must correspond with its law. Logic is a necessity of life as it is of thought. But precisely the contrary occurs in politics: neither authority nor liberty can be realized alone or give rise to a system founded exclusively upon itself; indeed, the two are condemned, in their respective institutions, to make endless mutual borrowings.

e) The result is that in politics fidelity to principle belongs to the realm of the ideal; that since practice must accept compromises of every kind, government is reduced in the last resort, with all the good will and virtue imaginable, to a hybrid, equivocal thing,

by the restriction of the internal market caused by the enormity of taxes;³ thus, values, prices, and wages will never be regularised in an antagonistic environment in which speculation, commerce and trade, the bank and usury increasingly override labour. Finally, workers' association will remain a utopia as long as government does not understand that it must not perform public services itself or convert them into corporations but entrust them by term lease at a fixed rate to companies of united and responsible workers. No more power interfering in labour and business, no more incentives to commerce and industry, no more charters, concessions, lending or borrowing, commissions, industrial or dividend shares, no more speculation: from what system could you expect such reforms if not the federalist system?

Federalism would fully satisfy the bourgeoisie's democratic aspirations and conservative sentiments, two elements that have been irreconcilable everywhere until now: and how is this true? Precisely through this political-economic guaranteeism, the highest expression of federalism. France, returned to its law, which is based on property of medium size, which is honest mediocrity, increas-

³ In an average year, France produces 30 to 35 hectolitres of wine. That quantity, along with cider and beer, would not much surpass the consumption of the country's 38 million residents if everyone could go to Corinth [a reference to Horace's famous dictum: *non licet omnibus adire Corinthum*, "Not everyone can go to Corinth," i.e., not everyone can live a life of ease], that is, if everyone could drink their share of wine, beer or cider. Therefore, what good is it to look for a market outside the country when we already have one here? But worse, when the domestic market is closed in some way by state taxes, transportation costs, tolls, etc., then it has been believed that another market should be obtained abroad, but the foreign market only buys expensive wines, not ordinary ones, which it is not much interested in or which it finds too expensive: therefore, producers still have their merchandise but no domestic or foreign buyers. The department of Gironde had counted on the trade treaty with England to sell its wines; large quantities were shipped to London, but remained unsold on the docks. If you look, you will see that this defect, once indicated, is in keeping with a series of causes that all stem from one cause: the unitary system (see my *Théorie de l'Impôt*, volume 1, 1861).

There would be nothing to fear from religious propaganda, clerical agitation, mysticism or sectarianism. Churches would be free in their opinions and faith: the pact would guarantee them freedom, having nothing to dread from their achieving it. The Confederation would surround them, and freedom would balance them: [even] if all the citizens were united in the same faith, burning with the same zeal, their faith could not be turned against their rights nor [could] their fervour prevail over their freedom. If France were federalised, all the Catholic resurgence we see would instantly fall away. Furthermore, the revolutionary spirit would invade the church, which would be happy to have its freedom and would confess that it has nothing better to offer the people.

With the Federation, you could provide higher education to all the people and be free from the ignorance of the masses, an impossible or even contradictory thing in the unitary system.

The Federation alone could satisfy the needs and rights of the working classes, resolve the problem of the agreement between labour and capital, association, taxes, credit, property, wages, etc. Experience has demonstrated that the law of charity, the precept of benevolence and all the philanthropic institutions are dramatically powerless here. Therefore, the recourse to justice remains, which is sovereign in both political economy and government; the synallagmatic and commutative contract remains. However, what does justice tell us, command us, as expressed by the contract? Replacing the principle of monopoly with the principle of mutualism in all cases in which it is a matter of industrial guarantee, credit, insurance and public service: an easy thing under a federalist regime but repugnant to unitary governments. Thus, a reduction and balancing of taxes cannot be obtained from a power with a heavy tax burden because, in order to reduce and equalise them, it would be necessary to start by decentralising them. Public debt will never be liquidated and will always increase rapidly under both a unitary republic and a bourgeois monarchy; thus, the external market, which should bring the nation increased wealth, is cancelled out

a promiscuity of rule which strict logic condemns and innocence shrinks from. No government escapes this contradiction.

f) Conclusion: since arbitrariness enters necessarily into politics, corruption soon becomes the soul of power, and society is led without rest or reprieve along the path of incessant revolution.

Everything is there. It is not the result of an evil will, or of some weakness of our nature, or of a providential curse, or of a whim of fortune or a decree of fate. Things are thus, that is all. It is up to us to make the best of this strange situation.

Let us bear in mind that for eight thousand years – historical records reach back no further – all the varieties of government, all social and political arrangements, have been successively tried, abandoned, taken up again, modified, travestied, exhausted, and that failure has rewarded the zeal of reformers and disappointed the hopes of nations. Always the flag of liberty has served to disguise despotism; always the privileged classes have surrounded themselves with liberal and egalitarian institutions in order to protect their privileges; always parties have been unfaithful to their programs, and always faith has given way to indifference and civic spirit to corruption, and states have been ruined by the logic of the ideas upon which they have been founded. The most vigorous and intelligent peoples have been exhausted in this work; history amply records their struggles. Now and then a run of successes has lent states the illusion of strength, and men have seen in them constitutional excellence and political wisdom which was not really theirs. But when peace returned, the vices of their systems emerged for all to see, and their subjects took rest from the fatigue of foreign war in civil war. Humanity has thus gone from revolution to revolution: even the most notable and long-lived nations have maintained themselves in this way. Among all the governments ever known and tried, there is not one that would live out the span of man's life if it relied upon its own resources. What is odd is that heads of state and their ministers, of all people, are least convinced of the stability of the system which they stand for; un-

til science takes over, it is the faith of the masses that government rests upon. The Greeks and Romans, who left us their institutions and their example, relapsed into despair when the most interesting point of their development arrived; and modern society seems to have arrived in turn at its hour of anguish. Do not heed the agitators who call for *liberty, equality, nationality*. They know nothing; they are dead men who claim the power to make the dead live. The people listen to them for a while, as they do to clowns and quacks; then they pass on, with empty minds and despairing spirits.

A sure sign that collapse is near and that a new era is soon to dawn is that the confusion of language and thought has reached such a point that anyone may describe himself at will as a republican, monarchist, democrat, bourgeois, conservative, distributivist, liberal – and as all these at once, without fear of being accused of deception or error. The princes and barons of the First Empire had revolutionary credentials. The bourgeoisie of 1814, bloated with the nation's wealth – the one thing they had really understood in 1789 – was liberal, even revolutionary; 1830 made them conservative again; 1848 made them reactionary, Catholic, and above all monarchist. Currently they are republicans of February who support the royal cause of Victor Emmanuel, while the socialists of June are adherents of unity.¹

Some of Ledru-Rollin's old comrades rallied to the empire as the true vehicle of revolution and the most paternal form of government; others, it is true, regard them as traitors, but furiously attack federalism.²

¹ 'February' (1848), the month in which the 1848 revolution broke out in France, stands here for the republican and liberal trends in contemporary French political thought, while 'June' (1848), a month of left-wing insurrection against the revolution's republican leadership, is a symbol for militant socialism. Support for Victor Emmanuel's campaign to liberate and unify Italy is employed here by Proudhon simply as a touchstone of liberal opinion.

² Ledru-Rollin, a left-wing republican leader during 1848 and the Second Republic, remained an intransigent opponent of Napoleon III, but other republican

groups provided *a priori* by nature, the average size of which does not exceed that of a population of a territory of a few hundred square leagues. These groups are small states themselves, democratically organised under federal protection, and their units are the heads of families or citizens.

Thus constituted, the Federation alone would resolve, in theory and practice, the problem of the agreement between Freedom and Authority and give each its fair measure, true jurisdiction and all its initiative. Therefore, it alone would guarantee order, justice, stability and peace, with inviolable respect for the citizen and the state.

First of all, the federal Power, which is the central power here, the organ of the greater collectivity, could no longer absorb the individual, corporate and local liberties that came before it because they brought the federation into being, and they alone support it; furthermore, due to the manner in which they constituted it and by virtue of it, those liberties would remain superior to it.² Therefore, no more risk of upheaval: political unrest could only result in a change of personnel, not a change of system. You could make the press, podium, association and assembly free and eliminate all political police: the state would have no reason to mistrust the citizens, and neither would the citizens have any reason to mistrust the state. Usurpation by the state would be impossible: insurrection by the citizens would be powerless and purposeless. Right would be the linchpin of all interests and become the *raison d'État*; truth would be the essence of the press and the daily bread of opinion.

² The central or federal power's relationship with the local or federated powers is expressed by the distribution of the budget. In Switzerland, the federal budget is barely one-third of the total contributions the Swiss dedicate to their political life; the other two-thirds remain in the hands of local authorities. In France, on the contrary, the central power possesses nearly all of the country's resources; it governs receipts and expenditures; also, it is responsible for administering, by committee, the large cities, such as Paris, the municipalities thereby becoming purely nominal; central power is also the depository of commune funds, and it oversees employment.

stitutions and societies toward unknown goals far beyond the predictions of human beings? The empire, insofar as it acts according to its own nature, tends toward contractual forms. Napoléon I, returned from Elba, was forced to swear by the principles of 1789 and modify the imperial system in the parliamentary sense; Napoléon III already modified the 1852 Constitution more than once in the same way. While containing the press, he allowed it more latitude than his imperial predecessor had; while moderating the podium, because there were not enough harangues from the legislative body, he invited the Senate to speak. What do these concessions mean except that an essential idea in the country soars above monarchic and Napoléonic ideas, the idea of a free pact, imagined and granted by what, oh princes? By FREEDOM... In the long sequence of history, all states appear before us like more or less brilliant transitions: the empire is also a transition. I can say it without offending: the empire of the Napoléons is in total metamorphosis.

We have another unexplored idea suddenly affirmed by Napoléon III as the high priest of Jerusalem affirmed the mystery of redemption at the end of Tiberius' reign: FEDERATION.

Up until now, Federalism has only evoked ideas of decay in people's minds: it was reserved for our time to think of it as a political system.

a. The groups that comprise the confederation, which we name "the state," would be states themselves, self-governing, self-judging and self-administering in complete sovereignty according to their own laws;

b. The confederation's purpose would be to rally those groups to a pact of mutual guarantee;

c. In each of the federated states, the government would be organized according to the principle of the separation of powers: equality before the law and universal suffrage form its basis:

That is the whole system. In the Confederation, the units that form the political body are not individuals, citizens or subjects but

It is systematic muddle, organized confusion, permanent apostasy, universal treachery.

What we need to know is whether society can arrive at some settled, equitable, and stable state of things, acceptable to our reason and our conscience, or whether we are condemned for all eternity to this Ixion's wheel. Is the problem insoluble? A little more patience, dear reader; and if I cannot soon rescue you from this imbroglio, then you have the right to say that logic is false, progress an illusion, liberty a Utopia. Consent to follow my argument for a few minutes more, even though to think about such a thing is to risk deceiving oneself and wasting one's time as well as one's reason.

1. You will notice first of all that these two principles, authority and liberty, which are at the root of all the trouble, appear in history in logical and temporal sequence. Authority, like the family, the father, genitor, appears first; it has the initiative, it is affirmation. Liberty is reflective and comes later: it criticizes, protests, concludes. This sequence arises from the definition of terms and from the nature of things, and all history bears witness to it. It cannot be inverted, there is nothing arbitrary about it.

2. No less worthy of note is that the authoritarian, paternal, monarchic regime is more distant from its ideal to the extent that the family, tribe, or city expands in population and territory: the more extensive authority is, the more intolerable it becomes. Hence the concessions which it is obliged to make to liberty. Conversely, the libertarian system approaches its ideal more closely and has a greater chance of success to the extent that the state expands in population and scale, to the extent that relations among men multiply and the realm of science develops. At first the demand for a constitution is heard from all sides; later the demand will be for decentralization. Follow this a little further, and you will see the idea

leaders accommodated themselves to the Second Empire, seeing it as a vehicle of moderate social reform.

of federation emerge; one may say of liberty and authority what John the Baptist said of himself and Jesus: 'Illam oportet crescere, hanc autem minui.'

This double movement, of regress on the one hand and progress on the other, both converging upon a single outcome, results likewise from the definition of principles, from their relative position and their roles. Here again there is no uncertainty, not the least room for arbitrariness. The fact is empirically proved and of mathematical certainty; it is what we shall call a law.

3. The result of this law, which may be called a necessary one, is that the principle of authority, which appears first and serves as material to be worked upon by liberty, reason, and law, gives way step by step to the juridical, rationalist, and liberal principle. The head of state, at first inviolable, irresponsible and absolute like the head of a family, becomes responsible to reason, the first subject of law, and eventually a mere agent, instrument, or servant of liberty itself.

This third proposition is as certain as the first two, beyond all doubt or denial, and fully demonstrated by history. In the eternal struggle between these two principles the French Revolution, like the Reformation, is a turning point. It marks the point in political development where liberty took precedence over authority, just as in religious development the Reformation marks the point where freedom took precedence over faith. Since Luther's time belief has everywhere become reflective; orthodoxy no less than heresy claims to justify faith by reason; Saint Paul's maxim, 'rationabile sit obsequium vestrum' (Let your obedience be reasoned), has been interpreted broadly and put into practice; Rome enters into debate with Geneva; religion tends to turn itself into a science; submission to the church becomes subject to so many conditions and reservations that only the acceptance of articles of faith marks off the Christian from the atheist. They are not of the same opinion, that is all; as for the rest, they rely equally upon thought, reason, and conscience. Likewise, respect for authority has become weaker since

like its predecessors, was stuck a blow in 1789; the establishment of the constitutional monarchy was the instrument of their mutual transformation. In the place of this bourgeois parliamentary and censitary monarchy,¹ which absorbed the two superior orders and shone for a moment on their ruins, we have democratic equality and its legitimate manifestation, universal suffrage. Try to remake the bourgeoisie with that!

Let us add that, if the constitutional monarchy returned to the world, it would succumb under the weight of the task. Would it reimburse the debt? With what? Would it reduce taxes? But increasing taxes is in keeping with the very essence of unitary government, and we would also have the costs of reinstalling the system as an extraordinary expenditure. Would it decrease the [size of the] army? Then what force would it use as a counterweight to democracy? Would it attempt a liquidation? But it would only impede liquidation. Would it produce freedom of the press, association and assembly? No, no, no! The way in which the bourgeois press has exercised the privilege of publication the empire retained for it for the past 10 years also proves that it does not love truth and freedom and that the repressive regime organised in 1835 against social democracy and developed in 1848 and 1852 would inevitably oppose it with violence. Would the restored constitutional monarchy try, as it did in 1849, to limit the right to vote? If so, it would be a declaration of war against the working classes and therefore the prelude to a revolution. If not, February 1848 foretells its fate. Once again, sooner or later, it will die of a revolution. Reflect for five minutes, and you will remain convinced that the constitutional monarchy, placed between two revolutionary destinies, belongs in the history books and that its restoration in France would be an anomaly.

The empire exists, asserting itself with the authority of possession and the masses. But who does not see that the empire, achieving its third manifestation in 1852, is worked upon in turn by the unknown force that incessantly modifies all things and pushes in-

Conclusion

THE FRENCH PEOPLE are demoralised because they need an idea. They lack understanding of the time and situation and only retain pride in an initiative, the principle and goal of which have escaped them. None of the political systems they have tried have completely met their expectations, and they cannot imagine any others.

Legitimism barely arouses a feeling of pity in the masses or one of regret for the July Monarchy. What does it matter whether the two monarchies, finally reconciled, merge or not? They still have and can only have one meaning for the country: constitutional monarchy. However, we know this constitutional monarchy. We have seen it at work and can render our verdict on it: a transitional edifice that managed to last a century, from which better things could have been expected, but that destroyed itself by its own construction. The constitutional monarchy is finished: the proof is that today we no longer have what would be needed to re-establish it and, if by some impossibility we managed to rebuild it, it would only fall again due to its own powerlessness.

In fact, the constitutional monarchy is the reign of the bourgeoisie, government by the Third Estate. However, there no longer is a bourgeoisie; there is not even anyone to form one. The bourgeoisie was essentially a feudal creation just as the clergy and nobility, the first two orders, were. It had no meaning and could only find one through the presence of the first two. The bourgeoisie,

¹ Censitary [*censitaire*] refers to voting based on census and in which only those whose taxation exceeds a certain threshold can vote. That is, suffrage is limited to the propertied classes. (Editor)

the French Revolution; deference to the prince's orders has become conditional; the sovereign has been required to make agreements, to give guarantees; the political mood has changed; the most fervent royalists have demanded charters like John Lackland's barons, and Messrs Berryer, de Falloux, de Montalembert, and so on can claim to be as liberal as the democrats.³ Chateaubriand, the bard of the Restoration, regards himself as a philosopher and a republican; it was by an act of his own free will that he chose to defend altar and throne.⁴ We know what became of the militant Catholicism of Lamennais.⁵

While authority crumbles and becomes more precarious day by day, law becomes more determinate, and liberty, though still suspect, gains in reality and power. Absolutism struggles as best it can but is on its way out; it seems that the republic, always resisted, slandered, betrayed, proscribed, comes closer with each day. What conclusions are we to draw from this fact which is so crucial for political constitutions?

³ Berryer, de Falloux, and de Montalembert were three distinguished Catholic political leaders, prominent in the opposition to Napoleon III.

⁴ Here Proudhon appears to be commenting upon Chateaubriand's much-quoted remark 'Je suis bourbonnien par honneur, monarchiste par raison, republicain par gout et par caractere.' [I am a Bourbon by honor, a monarchist by reason, a republican by taste and character.]

⁵ Felicite de Lamennais (1782-1854), initially an extreme theocrat, then the most eminent exponent of liberal Catholicism, was excommunicated in 1834 and subsequently travelled to the far left of the political spectrum, to radical democracy and communism. His extraordinary career indeed provides the best possible example of Proudhon's thesis that there is no stable middle ground between theocracy and revolution. Harold Laski devoted a long chapter to Lamennais in *Authority in the Modern State* (New Haven 1919).

Chapter VII. ISOLATION OF THE IDEA OF FEDERATION

Since in theory and in history authority and liberty succeed one another in a polar movement; since the former declines imperceptibly and withdraws, while the latter expands and becomes prominent; since this dual movement leads to a subordination such that authority becomes progressively the instrument of liberty; since, in other words, the liberal or contractual system gains the upper hand day by day over the authoritarian system, it is the idea of contract that we must take to be the principal idea in politics.

What is meant, first of all, by *contract*?

A contract [Civil Code, article 1101] is an agreement by which one or more persons oblige themselves to one or more others to perform or to refrain from some action.

Article 1102: It is *synallagmatic* or *bilateral* when the contracting parties undertake reciprocal obligations.

Article 1103: It is *unilateral*, when one or more persons have an obligation to one or more others, without the latter having any obligation.

Article 1104: It is *commutative* when each of the parties undertakes to give something which is regarded as equal in value to what the other party gives or does in return. When the benefits consist in an opportunity for each party to gain, or to lose, the outcome being uncertain, the contract is *aleatory*.

the consecration of all the excesses of power and the destruction of national sovereignty, was nothing less than a crime. The Jacobins' single and indivisible republic did more than ruin the ancient federalism of the provinces: it made liberty impossible in France, and made revolution illusory. In 1830 one might still have reserved judgment about the fatal consequences of the Jacobins' triumph: today, doubt is no longer possible.

The debate between federalism and unity has recently re-emerged in the Italian context, under circumstances not wholly unlike those of 1793. In 1793 the idea of federalism, confused by some with democracy, condemned by others for its royalism, ran up against the wretchedness of the times, partisan fury, and the forgetfulness and weakness of the nation. In 1859, its enemies were ministerial intrigue, sectarian fantasy, and the mistrust which is easily aroused among peoples.⁷

We must discover whether the prejudice which since 1789 has consistently led us from revolutionary to absolutist paths is still to survive in the face of the truth, which has at last emerged, and of the facts.

In the first part of this work I tried to establish the philosophical and historical foundations of the principle of federation, and to show the superiority of this conception, which we may say is that of our century, over all those which have preceded it. I have just described the sequence of events and the conjunction of circumstances through which the opposite theory has come to dominate our minds. I will now show how the democrats have conducted themselves in recent years under this dreadful influence. In reducing itself to absurdity, the policy of unity confesses its own demise and cedes its place to federation.

⁷ In 1859 the idea of an Italian confederation had been briefly mooted, but it was rapidly overshadowed by the ideal of national unity pursued by Cavour, prime minister of Piedmont, and Mazzini, nationalist theoretician and leader – who are, presumably, the minister and the sectarian alluded to here.

provocation, and of great imprudence? On the other hand, if the Jacobins, who retained exclusive power, could with some justification take credit for saving the Revolution and defeating the allies at Fleurus, could one not quite as justly reproach them, up to a point, for having themselves created the danger which they later averted;⁶ and, through their fanaticism, through their terror of fourteen months and the reaction which it provoked, did they not exhaust the nation, crush public spirit, and trample upon liberty?

History will impartially judge this case, in the light of more fully understood principles, of contemporary records, and of the facts.

As for me, if I may offer a personal opinion while awaiting this definitive judgment – and how are historical judgments arrived at, if not by summing up opinions? – I will say that the French nation, constituted for fourteen centuries as a monarchy by divine right, could not have transformed itself overnight into a republic of any kind; that the Gironde, reproached for its federalism, represented the thought of the revolution better than the Jacobins did, but was foolish if it believed in the possibility of an immediate transformation; that prudence, or the law of progress, as we would say today, dictated compromise, and that the misfortune of the Girondins was to have damaged their principles by opposing at once the monarchy of Sieyès and Mirabeau and the democracy of the sans-culottes, their temporary alliance. As for the Jacobins, I will say with equal frankness that in seizing power and using it with all its monarchical potential, they displayed more shrewdness, under the circumstances, than the statesmen of the Gironde; but that in re-establishing the monarchical system, with its absolutism intensified, under the name of 'the single and indivisible republic,' they sacrificed the very principle of revolution and displayed a Machiavellianism of sinister portent. A temporary dictatorship could have been justifiable; but a dogma, which inevitably led to

⁶ The battle of Fleurus (26 June 1794) was a striking victory of the French revolutionary army over an invading force under the Austrian general Coburg.

Article 1105: A contract of *goodwill* is that in which one of the parties provides the other with a purely gratuitous benefit.

Article 1106: An *onerous* contract is one which obliges both parties to give or to do something.

Article 1371: *Quasi-contracts* are those voluntary acts of men which give rise to an obligation to a third party, and sometimes to reciprocal obligations between two parties.

To these distinctions and definitions in the Code, which bear upon the forms and conditions of contracts, I shall add a further distinction regarding their objects: according to the nature of the things which are bargained for or to the object which one has in view, contracts are *domestic, civil, commercial, or political*. It is with the last of these, political contracts, that we shall be concerned.

The idea of contract is not entirely unknown in monarchies, or in families. But in terms of what we have said about the principles of authority and liberty and their role in the formation of governments, it will be clear that these principles relate in different ways to the political contract; the obligation uniting the monarch to his subjects, which is spontaneous and unwritten, arising from family feeling and personal qualities, is a unilateral obligation, for by virtue of the principle of obedience the subject is obliged to do more for his prince than the prince for him. The theory of divine right states expressly that the monarch is responsible only to God. It may even happen that the prince's contract with the subject degenerates into a contract of pure good will, when his subjects' incapacity or their idolatry leads the prince to treat his people, unable to govern or to defend themselves, as a shepherd treats his sheep. It is even worse when the hereditary principle is adopted. A conspirator like the Duke of Orleans, later Louis XII, a parricide like Louis XI, and an adulteress like Mary Stuart maintain their right

to the throne despite their crimes. Birth renders them inviolable, and one may say that a quasi-contract exists between them and the loyal subjects of the prince whom they succeed. In a word, simply because authority is preponderant in the monarchical system, the contract is not equal.

The political contract does not attain its full dignity and morality except where (1) it is *synallagmatic* and *commutative*, (2) it is confined, in its object, within definite limits – two conditions which are held to exist in the democratic system, but which, even there, are generally only a fiction. Can one say that in a representative and centralized democracy, or in a constitutional monarchy with restricted franchise, or even more in a communist republic such as Plato's the political contract binding the citizen to the state can be equal and reciprocal? Can one say that these contracts, which remove from the citizens a half or two-thirds of their sovereignty and a quarter of their product, are confined within just limits? It would be closer to the truth to say that, as experience shows only too often, contracts in such systems are excessive, *onerous*, for they provide no compensation for a good many of those who are parties to them; and aleatory, for the promised advantage, inadequate as it is, is not even guaranteed.

In order for the political contract to become synallagmatic and commutative as the idea of democracy requires, in order for it to remain within reasonable limits and to become profitable and convenient for all, the citizen who enters the association must (1) have as much to gain from the state as he sacrifices to it, (2) retain all his liberty, sovereignty, and initiative, except that which he must abandon in order to attain that special object for which the contract is made, and which the state must guarantee. So confined and understood, the political contract is what I shall call a *federation*.

Federation, from the Latin *foedus*, genitive *foederis*, which means pact, contract, treaty, agreement, alliance, and so on, is an agreement by which one or more heads of family, one or more towns, one or more groups of towns or states, assume reciprocal and equal

last assemblies, and about the absorption of departmental power by the capital. A new assembly of representatives of the nation was convened: it bore the significant title of *Convention*. This marked the formal repudiation of the unitary ideas of Sieyès; but it was to undergo fearful divisions and to bring about bloody proscriptions. As at Versailles after the opening of the States-General, federalism was to be vanquished once more, during the events of 31 May 1793 in Paris.⁴ From that day of ill omen every vestige of federalism has vanished from the public law of the French; the very idea has become suspect, a synonym for counter-revolution, one might almost say for treason. The idea has been erased from our minds; no one in France knows any longer what is meant by the word federation, which might as well be a word borrowed from the Sanskrit.

Were the Girondins wrong in trying to appeal – on the strength of the Convention's mandate – to the Departments of the single and indivisible republic of the Jacobins?⁵

Admitting that they were right in principle, was their policy opportune? The omnipotence of the new assembly, elected in a fundamentally anti-unitary mood, the dictatorship of the committee of public safety, the triumvirate of Robespierre, Saint-Just, and Couthon, the tribunicial power of Marat and Hebert, the judicial power of the revolutionary tribunal – no doubt all this was scarcely tolerable, and, moreover, justified the revolt of the seventy-two Departments against Paris. But the Girondins could not define their own thoughts or formulate an alternative system, they carried insufficient political weight and could not tackle the national danger that they had denounced so well; were they not guilty of a clumsy

⁴ 31 May (1793): the date of a rising in Paris which led to the complete supremacy of the Jacobin faction under Robespierre.

⁵ During the early 1790s the representatives from the Gironde served as the nucleus for the moderate opposition to the Jacobins. It is doubtful that any of the 'Girondins' were in any real sense federalists, but their constituency was provincial rather than Parisian. The provincial revolts which they fomented against the Jacobins in May and June 1793 were termed insurrections federalistes.

The National Assembly, arrogating all powers to itself and calling itself Constituent, signalled the anti-federalist reaction. After the oath of the *Jeu de paume*, the assembly was no longer one of quasi-federal deputies making contracts in the name of their respective estates;² its members were representatives of an undivided collectivity, who set about reforming the society of France from top to bottom, condescending, as its leaders, to grant it a charter. To make the transition irreversible, the provinces were carved up and made unrecognizable, and every trace of provincial independence extinguished by the new territorial division into Departments. It was Sieyès who made this proposal, which later was to serve as the model for all those consistently unitary constitutions by which this country has been governed; Sieyès, imbued with the spirit of Church and Empire, was the true author of our present unity; it was he who stifled at birth national confederation, which is ready to be reborn if but one man is able to define it. The needs of the moment, the safety of the revolution, were Sieyès' excuse. Mirabeau, who aided him in all his projects for the creation of departments, embraced Sieyès' idea with such enthusiasm that he feared provincial liberties would give birth to a counter-revolution; and just as he approved of territorial division by Department as the basis for the new monarchy, so too he saw it as an excellent tactical device against the old regime.

After the disaster of 10 August, the abolition of the monarchy led once more to a revival of federalist ideas.³ There was some dissatisfaction with the constitution of 1791, which had become unworkable. There were complaints about the dictatorship of the two

² The oath of the *Jeu de paume* – usually referred to in English as the 'tennis-court oath' – was a resolution adopted by the representatives of the third estate (commoners) on 20 June 1789, declaring that they constituted an assembly of the nation with a mandate for constitutional reform.

³ 10 August (1792): the date of a battle at the Tuileries place between the royal household troops and revolutionary columns, which marked the effective end of the attempt at constitutional monarchy embodied in the 1791 constitution.

commitments to perform one or more specific tasks, the responsibility for which rests exclusively with the officers of the federation.¹

Let us consider this definition more closely. What is essential to and characteristic of the federal contract, and what I most wish the reader to notice, is that in this system the contracting parties, whether heads of family, towns, cantons, provinces, or states, not only undertake bilateral and commutative obligations, but in making the pact reserve for themselves more rights, more liberty, more authority, more property than they abandon.

It is not so, for example, in the society of common property, or communism, authorized under the Civil Code, the replica in miniature of all absolute states. He who enters into such an association, especially if it is a permanent one, is loaded with chains and subjected to burdens which quite overwhelm his personal freedom. It is this that makes such contracts so rare, and monastic life always so intolerable. Any obligation, even a bilateral and commutative one, which requires those whom it binds to contribute all their efforts, to give up their independence, and to devote themselves totally to an association is an excessive obligation unworthy of man or citizen.

According to these principles the contract of federation has the purpose, in general terms, of guaranteeing to the federated states their sovereignty, their territory, the liberty of their subjects; of set-

¹ In J.-J. Rousseau's theory, which was also that of Robespierre and the Jacobins, the social contract is a legal *fiction*, imagined as an alternative to divine right, paternal authority, or social necessity, in explaining the origins of the state and the relations between government and individual. This theory, borrowed from the Calvinists, represented a step forward in 1764, for its purpose was to explain by a law of reason what had formerly been seen as belonging to the law of nature and to religion. In the federal system, the social contract is more than a fiction; it is a positive and effective compact, which has actually been proposed, discussed, voted upon, and adopted, and which can properly be amended at the contracting parties' will. Between the federal contract and that of Rousseau and 1793 there is all the difference between a reality and a hypothesis.

tling their disputes; of providing by common means for all matters of security and mutual prosperity; thus, despite the scale of the interests involved, it is essentially limited. The authority responsible for its execution can never overwhelm the constituent members; that is, the federal powers can never exceed in number and significance those of local or provincial authorities, just as the latter can

² The Helvetian Confederation consists of twenty-five sovereign states (nineteen cantons and six half-cantons), containing a population of two million, four hundred thousand inhabitants. It is therefore governed by twenty-five constitutions, comparable to our charters or constitutions of 1791, 1793, 1795, 1799, 1814, 1830, 1848, 1852, together with a federal constitution to which of course there is no parallel in France. The spirit of this constitution, which conforms to the principles outlined above, is contained in the following articles:

'Article 2. The purpose of confederation is to secure the independence of the nation against foreign powers, to maintain internal peace and order, to protect the rights and liberties of its members, and to increase their common prosperity.

'Article 3. The cantons are sovereign within the limits of federal sovereignty, and as such they exercise all rights which have not been delegated to the federal power.

'Article 5. The confederation guarantees to the cantons their territory, their sovereignty within the limits established by Article 3, their constitutions, the liberty and rights of their inhabitants, the constitutional rights of their citizens, as well as the rights and powers which the people have conferred upon the authorities.'

Thus a confederation is not exactly a state; it is a group of sovereign and independent states, associated by a pact of mutual guarantees. Nor is a federal constitution the same as what is understood in France by a charter or constitution, an abridged statement of public law; the pact contains the conditions of association, that is, the rights and reciprocal obligations of the states. What is called federal authority, finally, is no longer a government; it is an agency created by the states for the joint execution of certain functions which the states abandon, and which thus become federal powers.

In Switzerland the federal authority resides in a deliberative assembly elected by the citizens of the twenty-five cantons, and an executive council composed of seven members appointed by the assembly. The members of the assembly and the federal council are elected for three-year terms; since the federal constitution can be revised at any time, the powers of office, no less than its occupants, may be altered. Thus the federal power is in the full sense of the word an agent, under the strict control of his principals, whose power varies at their pleasure.

wards conversion to Christianity, lost its language, its religion, its liberty, and its character for ever.

After the fall of the Western Empire, Gaul, conquered by the Franks, recovered under Germanic influence something like a federal form which, being rapidly corrupted, became the feudal system. The growth of towns could have revived the federal spirit, especially if they had drawn their inspiration from the Flemish commune rather than the Roman municipality: but they were absorbed by the monarchy.

But the idea of federation, native to ancient Gaul, still lived as a memory in the hearts of the provinces, when the revolution broke out. One may say that federation was the first thought in 1789. With absolute monarchy and feudal rights abolished, and provincial boundaries recognized, everyone felt that France would return to confederation, presided over by a hereditary king. The battalions sent to Paris from all the provinces of the realm were called *federal* troops. The grievances submitted by the Estates who hastened to reclaim their sovereignty contained the basis for a new social pact.¹ But sadly, in 1789, despite our revolutionary frenzy, we were as always more ready to imitate than to initiate. There was no example of federation of any note available to us. Neither the German confederation, based upon the Holy Apostolic Empire, nor the Swiss confederation, so imbued with aristocracy, offered suitable models. The American confederation had just come into being on 3 March 1789, the eve of the meeting of the States-General – and we have seen, in part 1, how defective an effort this was. Since we had renounced a return to our own ancient principles, it was not unreasonable to expect more liberty, and above all more order, from a constitutional monarchy based on the Declaration of Rights than from the constitution of the United States.

¹ A reference to the cahiers, summaries of grievances submitted by local communities at the time of the summoning of the States-General shortly before the Revolution.

Chapter I. THE JACOBIN TRADITION: FEDERALIST GAUL, MONARCHICAL FRANCE

Gaul, inhabited by four different races – Gauls, Cimbri, Gascons, Ligurians – and further divided into more than forty peoples, formed a confederation like its neighbour Germany. Nature had given it its first constitution, a constitution for free peoples; unity was the result of conquest, the work of the Caesars.

The boundaries of Gaul are generally taken to be the North Sea and Channel in the north, the Atlantic Ocean in the west, the Pyrenees and Mediterranean in the south, the Alps and Jura in the east, the Rhine in the north-east. Here I do not wish to question these so-called natural frontiers at all, even though the basins of the Rhine, Moselle, Meuse, and Scheldt lie in Germany rather than in Gaul. All I wish to point out is that the territory contained in this huge pentagon, though easily unified, as Romans and Franks demonstrated in turn, is no less happily suited to confederation. One might compare it to a truncated pyramid, whose sides, joined at their edges and pouring their waters into different seas, provide for the independence of the peoples who live upon them. Roman policy, which had already done violence to nature in unifying and centralizing Italy, did the same to Gaul, so that our wretched country, suffering in succession Roman conquest, imperial unity, and shortly after-

never outweigh the rights and prerogatives of man and citizen. If it were otherwise, the community would become communistic; the federation would revert to centralized monarchy; the federal authority, instead of being a mere delegate and subordinate function as it should be, will be seen as dominant; instead of being confined to a specific task, it will tend to absorb all activity and all initiative; the confederated states will be reduced to administrative districts, branches, or local offices. Thus transformed, the body politic may be termed republican, democratic, or what you will; it will no longer be a state constituted by a plenitude of autonomies, it will no longer be a confederation. The same will hold, with even greater force, if for reasons of false economy, as a result of deference, or for any other reason the federated towns, cantons or states charge one among their number with the administration and government of the rest. The republic will become unitary, not federal, and will be on the road to despotism.²

In summary, the federal system is the contrary of hierarchy or administrative and governmental centralization which characterizes, to an equal extent, democratic empires, constitutional monarchies, and unitary republics. Its basic and essential law is this: in a federation, the powers of central authority are specialized and limited and diminish in number, in directness, and in what I may call intensity as the confederation grows by the adhesion of new states. In centralized governments, on the contrary, the powers of the supreme authority multiply, extend, and become more direct, bringing the business of provinces, towns, corporations, and individuals under the jurisdiction of the prince, as a direct function of territorial scale and the size of the population. Hence arises that suppression of all liberties, communal and provincial, and even individual and national.

One result of this, to conclude this chapter, is that since the unitary system is the contrary of the federal system, a confederation of great monarchies, or even more of democratic empires, is impossible. States such as France, Austria, England, Russia, or Prussia may

make treaties of alliance or trade among themselves; but they resist federalization because their principles are contrary to it and will set them against any federal compact, and because they would have to abandon some part of their sovereignty and recognize an arbiter set above them, at least for certain matters. Their nature is

³ 'Coalition': the term applied to successive military alliances formed against France by Russia, Austria, Great Britain, and other powers in the course of the revolutionary and Napoleonic wars.

⁴ The public law of federation raises several difficult questions. For example, can a state containing slaves join a confederation? It seems that it cannot, any more than an absolute state can; the enslavement of part of a nation denies the federal principle itself. In this respect, the Southern states of the United States have an even better right to demand secession in that they do not follow the Northerners in proposing to extend political rights to freed slaves, at present at least. But Washington, Madison, and the other founders of the Union did not take this view; they admitted slave-owning states to the federal pact. This unnatural pact, moreover, is now crumbling before our eyes, as the Southern states, to preserve their economy, lean towards a unitary constitution, while those of the North, in order to maintain the Union, decree the deportation of slaves.

The Swiss federal constitution, as reformed in 1848, comes down on the side of equality; according to Article 4, 'All Swiss are equal before the law. In Switzerland there are neither subjects nor privileges of place, birth, person, or family.' The adoption of this article, which purges Switzerland of any trace of aristocracy, inaugurates a truly federal constitution.

If a conflict of interests arises, can a federal majority faced by a separatist minority claim that the pact is irrevocable? In 1846 the *Sonderbund*, opposed by a majority of cantons, claimed that it could not; the same is maintained by the Confederacy of the American South in opposition to the Northern Unionists. As for me, I believe that separation is fully legitimate, on a matter of cantonal sovereignty not embraced by the federal pact. Thus it is not clear to me that the Swiss majority derived its right against the *Sonderbund* from the pact; the proof is that in 1848 the federal constitution was amended precisely in order to settle the problem that had led to the formation of the *Sonderbund*. But it may happen that, in terms of utility, minority claims conflict with majority needs, that divisiveness imperils the liberty of the states. In such a case the question is resolved by the right of war, which means that the larger party, whose ruin would involve the greater loss, must triumph over the weaker. This is what took place in Switzerland and could also occur in the United States, if what was in question was simply a matter of the interpretation or better application of the principles of the pact, such as improving the lot of the blacks to the level enjoyed by the whites. Unfortunately,

Part Two

I will go further, and challenge any friend of liberty and justice to reject it.

to command, not to compromise or to obey. The princes who in 1813, supported by mass uprisings, fought for the freedom of Europe against Napoleon and later formed the Holy Alliance did not form a federation; their absolutism prevented them from accepting such a title. They formed, as in 1792, a coalition; history gives them no other name.³

It is otherwise with the German confederation, currently on the road to reform, and whose characteristics of freedom and nationality promise eventually to destroy the dynasties who impede it.⁴

Mr Lincoln's message leaves no room for doubt: the North does not have in mind true emancipation any more than the South, which makes the problem insoluble even by means of war, and threatens to dissolve confederation.

In a monarchy all justice is the king's; in a confederation it arises in each state exclusively from its own citizens. Establishing a supreme federal court would in principle be a violation of the compact. The same goes for a court of appeal, for, each state being sovereign and legislating for itself, laws will not be uniform. However, as there are federal interests and federal business, and as offences and crimes may be committed against the federation, there are federal courts and federal justice bearing upon such specific cases.

Chapter VIII. A PROGRESSIVE CONSTITUTION

History and analysis, theory and observation have led us through the struggles of liberty and power to the idea of a political contract.

In at once applying this idea and trying to come to terms with it we have seen that the social contract *par excellence* is a federal contract, which we define as follows: *a bilateral and commutative contract concerning one or more specific objects, having as its necessary condition that the contracting parties retain more sovereignty and a greater scope of action than they give up.*

This is just the opposite of what takes place in the old monarchical, democratic, or constitutional systems, where, thanks to the logic of situation and principle, individuals and groups are held to have given up all their sovereignty to an imposed or elected authority, the rights which they gain and the security and independence which they retain being outweighed by their new burdens and duties.

This definition of the contract of federation is an immense step forward and will give us the solution which we have sought for so long.

As we said in chapter 1, the political problem, reduced to its simplest expression, is that of finding an equilibrium between two contrary elements, authority and liberty. Any error in balancing the two leads at once to the disorder and ruin of the state and the oppression and distress of the people. In other words the anomalies and disturbances of society arise from contradictions between its

growth of federation; the latter, its successive tiers subordinated to one another, exists whole only in the family, where it is tempered by both conjugal and paternal love.

No doubt knowledge of these great laws can be gained only by long and painful experience; perhaps, too, our species must pass through the trials of slavery before achieving liberty. Each age has its idea, each epoch its institutions.

Now the time has come. The whole of Europe clamours for peace and disarmament. As though the glory of so great a contribution had been reserved to us, all hopes are pinned on France, and it is to our nation that men look to inaugurate universal happiness.

Princes and kings, in the strict sense, are of the past: already we have *constitutionalized* them; the day is coming when they will be no more than presidents of federations. The same fate awaits aristocracies, democracies, and all the *-cracies*, the gangrene of the nations, the bugbears of liberty. Is it only democracy – which thinks itself liberal and hurls curses at federalism and socialism, as its ancestors did in 1793 – that grasps the idea of liberty? We cannot wait for an answer indefinitely. Already we are beginning to turn our attention to the federal contract. We do not rely too much upon the stupidity of the present generation, surely, in expecting the return of justice from the cataclysm which will sweep it away.

As for me, whose views certain journalists have tried to suppress, either by calculated silence or else by travesty or slander, I throw down this challenge to my enemies.

All my economic ideas, developed over the last twenty-five years, can be defined in three words: *agro-industrial federation*; all my political views may be reduced to a parallel formula: *political federation* or *decentralization*; and since I do not make my ideas the instruments of a party or of personal ambition, all my hopes for the present and future are contained in a third term, a corollary of the first two: *progressive federation*.

I challenge anyone to make a clearer profession of faith, or one of such great significance and of such moderation at the same time.

fused together, but in order to guarantee mutually the conditions of common prosperity, upon which no one has an exclusive claim. Making such an agreement will not detract from their liberty; it will simply give their liberty more security and force. Here, as in the case of the powers of the state or the organs of an animal, it is precisely separation which produces power and harmony.

Thus there is an admirable coincidence between zoology, political economy, and politics. The first tells us that the most perfect animal, best served by its organs, and consequently the most active and intelligent and best fitted for domination, is that whose faculties and members are highly specialized, harmonized, co-ordinated. The second tells us that the most productive and wealthy society, the best able to avoid poverty and excess, is that in which labour is divided, competition more complete, trade more honest, currency more orderly, wages more just, property-owning more equal, all industries guaranteeing one another mutually. The third, finally, tells us that the freest and most moral government is that in which powers are best divided, administrative functions best separated, the independence of groups most respected, provincial, cantonal, and municipal authorities best served by the central authority – in a word, federal government.

Thus the principle of monarchy or authority has as its first corollary the assimilation or absorption of groups, or administrative centralization; it is what one may call the regime of the political household; its second corollary is undivided power, otherwise called absolutism; its third, feudalism in landowning and industry. Inversely, the federal principle, liberal *par excellence*, has as its first corollary the administrative independence of the localities composing the federation; as its second, the separation of powers within each of the sovereign states; as its third, the agro-industrial federation.

In a republic constructed on these foundations, one may say that liberty is raised to its third power, authority reduced to its cube root. The former actually extends as the state does, multiplies with the

principles and will vanish when its principles are harmonized in such a manner that they can damage one another no longer.

To balance two forces is to submit them to a law which, obliging each to respect the other brings them into agreement. What will supply us with this new element, superior to both authority and liberty, and acquiring pre-eminence with the consent of both? – the contract, whose terms establish right, and bear equally upon two contending forces.¹

But in a concrete and living reality such as society, right cannot be only an abstract notion, a nebulous aspiration, something which would plunge us into fiction and myth. To found a society requires not merely an idea but a juridical act, the making of a real contract. The men of 1789 grasped this, in undertaking to give France a constitution, and all the regimes which have succeeded them have taken the same view. Unfortunately, though the intention was good, their understanding was inadequate; until now, there has been no notary to witness the contract. We know what the spirit of the contract must be; let us now examine the letter of it in detail.

¹ There are three ways of conceiving of law, depending upon the point of view adopted by a moral being and the capacity which he assumes: *believer*, *philosopher*, or *citizen*.

Law is a *command* transmitted to man in God's name by a competent authority: this is the definition of theology and divine right.

Law is an *expression of the relations* of things: this is the philosopher's definition, supplied by Montesquieu.

Law is a *statute of arbitration* willed by man (see *De la Justice dans la Revolution et dans l'Eglise*, 8th study): this is the theory of contract and of federation.

Since truth is one, though its aspect varies, these three definitions converge with one-another and must be regarded as at bottom identical. But the social orders which they generate are not the same; in the first, man declares himself the subject of the law and of its author or representative; in the second he regards himself as an integral part of a great organism; in the third, he makes law his own and frees himself from all authority, from fate and domination. The first is that of the religious man, the second that of the pantheist, the third that of the republican. The last of these alone is compatible with liberty.

All the articles of a contract may be reduced to one, that which concerns the role and jurisdiction of that great functionary called the state. Our national assemblies have vied with one another in distinguishing and separating powers or the state's faculties of action; as for the jurisdiction of the state as such, its scope, its object, no one seems to have worried much about the matter. Men have dreamed of sharing, as a minister naively said in 1848; as for the thing to be shared, the bigger, it seems, the better. And yet the limitation of the role of the state is a question of life and death for liberty, whether collective or individual.

The contract of federation, whose essence is always to reserve more powers for the citizen than for the state, and for municipal and provincial authorities than for the central power, is the only thing that can set us on the right path.

In a free society, the role of the state or government is essentially that of legislating, instituting, creating, beginning, establishing; as little as possible should it be executive. In this respect, the term *executive power*, which is used to designate one of the aspects of sovereignty, has made a notable contribution to error. The state is not an entrepreneur in the public sector, to be confused with the contractors who perform public works. Whether it commands, acts, or supervises, the state is the initiator and ultimate director of change; if from time to time it involves itself in tasks directly, it does so by way of demonstration, to make a start and to set an example. Once a beginning has been made, the machinery established, the state withdraws, leaving the execution of the new task to local authorities and citizens.

The state establishes weights and measures, prescribes the units, value, and divisions of currency. Once the model has been provided, the first issue completed, the manufacture of gold and silver and copper coins ceases to be a public function, a task of the state, a ministerial power; it is an industry left to the towns, and there is nothing that requires it to be any less free than the manufacture of scales, weighing-machines, barrels, or bottles. That it should be

exploitation, both within them and from the outside; in their aggregate they form, as opposed to the financial feudalism in the ascendant today, what I will call an *agro-industrial federation*.

I shall not go into this topic in any depth. Those of my readers who have followed my work to any extent for the last fifteen years will understand well enough what I mean. The purpose of industrial and financial feudalism is to confirm, by means of the monopoly of public services, educational privilege, the division of labour, interest on capital, inequitable taxation, and so on, the political neutralization of the masses, wage-labour or economic servitude, in short inequality of condition and wealth. The agro-industrial federation, on the other hand, will tend to foster increasing equality, by organizing all public services in an economical fashion and in hands other than the state's, through mutualism in credit and insurance, the equalization of the tax burden, guaranteeing the right to work and to education, and an organization of work which allows each labourer to become a skilled worker and an artist, each wage-earner to become his own master.

Such a revolution, it is clear, cannot be the work of a bourgeois monarchy or a unitary democracy; it will be accomplished by federation. It does not spring from the *unilateral* contract or the contract of *goodwill*, nor from the institutions of *charity*, but from bilateral and commutative contract.³

Considered in itself, the idea of an industrial federation which serves to complement and support political federation is most strikingly justified by the principles of economics. It is the application on the largest possible scale of the principles of mutualism, division of labour, and economic solidarity, principles which the will of the people will have transformed into positive laws.

That work should remain free, that power – more fatal to work than communism itself – should refrain from interfering with it, all well and good. But industries are sisters; they are parts of the same body; one cannot suffer without the others sharing in its suffering. They should therefore federate, not in order to be absorbed and con-

forming the political order the federal government must necessarily proceed to a series of reforms in the economic realm. Here, in a few words, is what these reforms must be.

Just as, in a political context, two or more independent states may federate in order to guarantee mutually their territorial integrity or to protect their liberty, so too, in an economic context, confederation may be intended to provide reciprocal security in commerce and industry, or a *customs union*; or the object may be to construct and maintain means of transportation, such as roads, canals, and railways, or to organize credit, insurance, and so on. The purpose of such specific federal arrangements is to protect the citizens of the federated states from capitalist and financial ex-

the social and federal age, whose profound and popular idea will triumph over the bourgeois and *moderate* ideas of 1814.

³ A simple calculation makes this clear. The average period of schooling for both sexes, in a free society, cannot be less than ten or twelve years; hence almost one fifth of the population will be of school age – in France, seven and a half million individuals, boys and girls, out of a total population of thirty-eight million. In countries such as America, where families are larger, the proportion would be even higher. There are then seven and a half million individuals of both sexes who must be given a fair measure, certainly with nothing aristocratic about it, of literary, scientific, moral, and vocational education. How many people attend secondary and higher schools in France? One hundred and twenty-seven thousand, four hundred and seventy-four, according to M. Guillard's figures. The rest, seven million, three hundred and seventy thousand, five hundred and twenty-five of them, are condemned never to go beyond primary school. But they must all be educated: every year admissions committees report an increasing number of illiterates. What would our government do, I wonder, if they were obliged to resolve the problem of giving a modest education to seven million, three hundred and seventy thousand, five hundred and twenty five individuals, on top of the one hundred and twenty-seven thousand, four hundred and seventy-four currently enrolled in the schools? Of what use here are the unilateral contract of bourgeois monarchy, the contract of goodwill of the paternalist empire, the charitable foundations of the church, Malthusian policies, and the promises of free trade? Even Committees of Public Safety, for all their revolutionary energy, would fail in the task. Such a goal can be achieved only by a combination of apprenticeship and schooling which will make each pupil into a worker – which presupposes a universal federation. I know of no consideration more devastating to the old policies than that.

done cheaply is all that matters. What is required, in France, for gold and silver currency to maintain its standing? Simply that coins should contain no more than one-tenth alloy. That there should be an inspector to supervise its manufacture, I admit; but the role of the state extends no further than that.

What I have said of currency I would repeat of a whole host of services which have quite wrongly been placed in the hands of government: roads, canals, tobacco licensing, the postal service, telegraphs, railways, and so on. I understand, I admit, I insist that the state must intervene in all such major public utilities; but I cannot see any need to leave them in the hands of the state once they have been initiated. Such a concentration, as far as I can see, amounts to truly excessive power. In 1848 I called for the state to intervene in establishing national banks, credit, savings, and insurance institutions, as it had done in the case of railways. It never entered my head that once the state had completed its task of creation it would stay in the banking, insurance, and transportation business. True, the organization of public education calls for a major effort by central authority, but nevertheless I believe in the cause of freedom in education, as of all freedoms.²

I wish the school to be no less strictly separated from the state than the church. That there should be an accounting office, even a bureau of statistics, to assemble, check, and classify the financial data of the whole republic, all well and good. But why should all expenses and revenues pass through the hands of a treasurer, a single collector and paymaster, a minister of the state, when by the nature of its function the state should have little or no service to perform, therefore little or no expense?³

² According to the Swiss federal constitution of 1848, *the Confederation has the right to found a University of Switzerland*. This idea was vigorously opposed as an affront to the sovereignty of cantons, which seems to me to have been a good policy. I do not know what finally became of the project.

³ In Switzerland there is a federal budget, administered by the federal council; but it provides only for the expenses of the Confederation and is quite sepa-

Is it really necessary, furthermore, that the courts should be subordinate to central authority? Administering justice has been since the beginning of time the highest power of the prince, indeed; but this power is a vestige of divine right and cannot be claimed by a constitutional monarch, still less by an emperor elected by universal suffrage. Thus from the moment that the idea of right becomes human once more and acquires pre-eminence in the political order, the independence of the judiciary will necessarily be implied. Justice will no longer be seen as a power of central or federal authority; it can be no more than a delegation by the citizens to municipal authority, or provincial at most. Justice is a human power which no reason of state can cancel. Nor do I except even military service from this argument; militias, armouries, and forts pass into the hands of federal authorities only in time of war, and only for the purposes of war; otherwise, soldiers and arms remain under the control of local authorities.⁴

In a properly organized society, everything must be in continuous growth – science, industry, work, wealth, public health; liberty and morality must follow the same path. Their movement, their life, does not cease for a moment. As the principal organ of this movement, the state is always active; for new needs to be satisfied, new problems to solve, never cease to emerge. If its function as prime mover and general director is continuous, its work, however, is not repetitive. It is the highest expression of progress. What happens if, as is almost everywhere the case, the state continues to provide the services it has created and succumbs to the temptations of monopoly? It exchanges the founder's role for that of a mechanic; it is no longer the spirit of the community, giving it life, directing and enriching it, without impeding it; it becomes a vast limited company, with six hundred thousand employees and six hundred

rate from the budgets of cantons and towns.

⁴ Article 13 of the federal constitution of Switzerland: 'The Confederation does not have the right to maintain a standing army.' Our unitary republicans might reflect upon this article.

else humanity will undergo another purgatory of a thousand years. The real problem to be resolved is not political but economic. It was the latter approach by which my friends and I undertook, in 1848, to develop further the revolutionary work of February. Democracy was in power; the provisional government had only to act in order to succeed; if the revolution had been made in the realm of work and wealth, it would have been no trouble to bring about a subsequent revolution in government. Though centralization would have had to be broken at a later point, it would at that time have provided a powerful lever. In that period no one, with the possible exception of the present writer, who had since 1840 declared himself an anarchist, dreamed of attacking unity and calling for a federation.

Democratic prejudices decided differently. Politicians of the old school maintained and still maintain today that the correct path to follow, in matters of social revolution, is to begin with government and only later to attend at one's leisure to the realm of work and property. When democracy abdicated after defeating the bourgeoisie and expelling the prince, the inevitable occurred. The empire came to silence all those men who talked without knowing what to do; the economic revolution which took place was the opposite of that which had been wished for in 1848, and liberty was endangered.

The reader may expect me to present a scheme of economic science as applied to federations, and to show in detail all that has to be done from this perspective. I shall simply say that after re-

Actian age announced by Augustus after his victory over Antony at Actium, in the year 30 B.C. These two eras, the Actian age and the age of constitutions, both inaugurate a general renaissance in politics, political economy, public law, freedom and society generally. Both inaugurate a period of peace, both bear witness to a contemporary sense of general revolution and to the willingness of heads of states to aid in this process. However, the Actian age, discredited by the imperial orgies, has been forgotten; it was totally effaced by the Christian age, which continued the process of renewal in a grander, more moral, and more popular fashion. It will be the same with the constitutional age; it in turn will be displaced by

For, to repeat the point lest it be overlooked, all power is established, every fortress built, every army organized, against internal at least as much as against external threats. If the mission of the state is to make itself absolute master of the people, and the destiny of the people to serve as instruments of its policy, then it must indeed be confessed that the federal system is incomparably inferior to the unitary system. Thanks to the dependent position of central power and the division of the masses, neither one nor the other can damage public liberty. After their victories over Charles the Bold, the Swiss were for a long time the leading military power in Europe;¹ but since they formed a confederation, capable, as they had shown, of defending themselves but unfit for conquest or for conducting *coups d'état*, they remained a peaceful republic, the most inoffensive and least adventurous of states. The German confederation, under the title of empire, also had its days of glory; but because the imperial power lacked both stability and a central base, the confederation was cut to pieces and dislocated, and nationality was compromised. The confederation of the Low Countries in turn vanished when confronted by centralized powers; there is no need to mention the Italian confederation. Yes indeed, if the civilization and economy of societies requires the preservation of the *status quo*, imperial unity is of more value to the people than federation.

But everything tells us that things have changed, and that the revolution of ideas has as its due consequence a revolution of interests. The twentieth century will open the age of federations,² or

¹ Charles the Bold was Duke of Burgundy in the fifteenth century; his invasion of Switzerland met with three major defeats, culminating in the battle of Nancy in 1477.

² As I have written elsewhere (*De la Justice dans la Revolution et dans l'Eglise*, 4th study, Belgian edition, note), 1814 inaugurated the era of constitutions in Europe. A spirit of perversity has led some people to heap scorn upon this proposition: failing to separate matters of substance from mere intrigue in their daily ramblings upon historical and political subjects, they are ignorant of the chronology of their own century. But it is not that which interests me at the moment. The age of constitutions, which is very real and accurately named, has a parallel in the

thousand soldiers, ready for every task, and instead of coming to the nation's aid, instead of serving its citizens and communities, it expropriates and crushes them. Soon corruption, embezzlement, and laxness enter into the system; absorbed in maintaining itself, extending its prerogatives, multiplying its tasks, and swelling its budget, power loses sight of its true role and collapses into autocracy and immobility; society is the victim, and the nation, contrary to its historic law, begins to decline.

Have we not seen, in Chapter VI, that authority and liberty follow in logical and temporal succession in the evolution of states; that, moreover, the first is in continuous decline, the second in the ascendant; that government, the organ of authority, is imperceptibly subordinated to the representatives or organs of liberty – that is, the central power to the representatives of departments or provinces, provincial authority to the delegates of townships, and municipal authority to its inhabitants; that liberty thus aspires to make itself paramount, authority to make itself the servant of liberty, and that the contractual principle tends to substitute itself everywhere for the authoritarian principle in public affairs?

If this is true, the consequence cannot be in doubt. Since, according to the nature of things and the play of principles, authority retreats and liberty advances, in such a way that conflict between them is avoided, society's constitution is essentially progressive, or increasingly liberal, and its goal cannot be realized except in a society whose governing hierarchy is no longer imposed from the top down but rests securely on its base – that is, a federal system.

The whole science of constitutions is here. I shall summarize it in three propositions.

1. Form groups of a modest size, individually sovereign, and unite them by a federal pact.

2. Within each federated state organize government on the principle of organic separation; that is, separate all powers that can be separated, define everything that can be defined, distribute what has been separated and defined among distinct organs and func-

tionaries; leave nothing undivided; subject public administration to all the constraints of publicity and control.

3. Instead of absorbing the federated states and provincial and municipal authorities within a central authority, reduce the role of the centre to that of general initiation, of providing guarantees and supervising, and make the execution of its orders subject to the approval of the federated governments and their responsible agents – just as, in a constitutional monarchy, every order by the king must be countersigned by a minister in order to become effective.

Certainly, the separation of powers as practised under the 1830 Charter was a fine and very significant institution, but it is childish to confine the principle to the members of a cabinet. The government of a nation is not to be shared among seven or eight elected officials drawn from a parliamentary majority and criticized by the opposition, but among the provinces and townships; otherwise political life abandons the periphery for the centre, and collapse overcomes a hydrocephalous nation.

The federal system is applicable to all nations and all ages, for humanity is progressive in each of its generations and peoples; the policy of federation, essentially the policy of progress, consists in ruling every people, at any given moment, by decreasing the sway of authority and central power to the point permitted by the level of consciousness and morality.

Chapter XI. ECONOMIC SANCTIONS: THE AGRO-INDUSTRIAL FEDERATION

But there is more to be said. However impeccable in its logic the federal constitution may be, and whatever practical guarantees it may supply, it will not survive if economic factors tend persistently to dissolve it. In other words, political right requires to be buttressed by economic right. If the production and distribution of wealth are given over to chance; if the federal order serves merely to preserve the anarchy of capital and commerce; if, as a result of this misguided anarchy, society comes to be divided into two classes – one of landlords, capitalists, and entrepreneurs, the other of wage-earning proletarians, one rich, the other poor – then the political order will still be unstable. The working class, the most numerous and poorest of the classes, will eventually regard it as nothing but a trick; the workers will unite against the bourgeois, who in turn will unite against the workers; and federation will degenerate into unitary democracy, if the people are stronger, or, if the bourgeoisie is victorious, into a constitutional monarchy.

The anticipation of such a social war had led, as we saw in the chapter above, to the establishment of strong governments, so admired by theorists, who have seen confederations as frail things incapable of defending power from mass aggression, that is, of preserving government policy in defiance of the rights of the nation.

The idea of federation is beyond doubt the highest to which in our time political genius has attained. It far surpasses the various constitutions promulgated in France over the last seventy years in the face of revolution, whose short duration reflects so poorly upon our country. It resolves all the problems posed by the need to reconcile liberty and authority. Thanks to this idea we need no longer fear being overwhelmed by the antinomies of rule; that the people will *emancipate* themselves by proclaiming a perpetual dictatorship, that the bourgeoisie will display its *liberalism* by pushing centralization to the limit, that public spirit will be corrupted by the obscene liaison of licence and despotism, that power will return endlessly to the *intriguers*, as Robespierre called them, or that the Revolution will – in Danton’s words – ‘remain in the hands of the most villainous.’ Eternal reason is justified at last, and scepticism vanquished. One will no longer trace human misfortune to fallen Nature, the irony of Providence, or the contradictions of Spirit; the opposition of principles will be seen at last as the condition for universal equilibrium.

Chapter IX. WHAT HAS DELAYED FEDERATION; FACTORS HINDERING THE IDEA

The idea of federation appears to be as ancient as the ideas of monarchy and democracy, as old as authority and liberty themselves. How could it be otherwise? Everything produced in society over time by the law of progress has its roots in nature itself. Civilization advances enveloped by its principles, its ideas in procession before and after, and encircling it ceaselessly. Founded upon contract, the solemn expression of liberty, federation could never fail to appeal to man. More than twelve centuries before Christ, it appeared among the Hebrew tribes, separate from one another in their own valleys, but, like the tribes of Ishmael, united by a sort of contract of kinship. Only a little later it emerged in the Amphictyonic league,¹ which, it is true, was powerless to suppress internal discord or to stave off conquest, or, eventually, imperial absorption but was all the same vivid testimony to the future right of men and to universal liberty. We remember still the great leagues of the Slav

¹ ‘Amphictyonies’ were leagues formed among the city-states of ancient Greece; initially religious in character, they also tended to acquire a political and military role. Here Proudhon evidently refers to the league centred on the city of Delphi, which from the seventh century B.C. on played an important though often destructive part in the inter-state politics of Greece. For a brief account of the failure of ‘federalist’ experiments in Greece, see Sheldon Wolin *Politics and Vision* (Boston 1960) 73-6.

and German peoples, continued in modern times by the federal constitutions of Switzerland and Germany, and even by the Austrian Empire, formed of nations which are so heterogeneous and yet, despite all efforts, inseparable. It is the federal contract which will become step by step the basis of true government, will everywhere put an end to the contradictions of empiricism, eliminate arbitrariness, and establish justice and peace upon an unshakeable equilibrium.

For centuries, the idea of federation seems to have been hidden and held in reserve; the reason for this eclipse is to be found in the initial incapacity of nations and the need to form them by means of stern discipline. Such is the role which seems to have been assigned, by a sort of sovereign design, to the unitary system.

It was necessary to tame and settle the fickle, rough, undisciplined multitude; to form isolated and hostile cities into groups; to found by authority, step by step, a common law, and to promulgate the general laws of humanity in the form of imperial decrees. This alone must have been the significance of those vast political structures of antiquity, succeeded, in this role, by the Greek, Roman, and Frankish empires, the Christian church, Luther's rebellion, and finally the French Revolution.

Federation cannot fulfil this initial educational mission because it is liberty; because it excludes the idea of constraint, resting upon the notion of bilateral, commutative, and limited contracts; and because its object is to guarantee the sovereignty and autonomy of the peoples whom it unites, peoples who must suffer domination until they become capable of governing themselves by reason. Since civilization is, in a word, progressive, it would be contradictory to suppose that a federal government could have arisen at the beginning.

Another reason for the temporary eclipse of the federal principle is supplied by the weak expansive tendency of states gathered under federal constitutions.

nothing; not that I would want to complain about that. What security could be provided, in the absence of a federal contract? The whole secret is to divide the nation into independent provinces which are sovereign, or which at least administer themselves, enjoy sufficient force, independence, and influence, and provide one another with mutual guarantees.⁴

An excellent application of these principles is provided by the provisions for the Swiss army:

Increased protection is found everywhere [says M. Chaudey] and the danger of oppression nowhere. In passing under national control, the cantons' contingents do not forget their native soil: far from it, it is because their canton commands them to serve the confederation that they obey it. How could the cantons fear that their soldiers may become weapons of a conspiracy of the centre? It is otherwise in the other European states, where the soldier is separated from the people on entering the service, and becomes body and soul a government official.⁵

The same applies to the American constitution, which may be criticized, moreover, for having multiplied the powers of federal authority beyond their proper bounds. The powers in the hands of the American president are almost as extensive as those of Louis-Napoleon in the constitution of 1848: these excessive powers have been favoured by the spirit of unitary absorption, evident first in the Southern states and now in those of the North.

⁴ Article 6 of the federal constitution of Switzerland: "The confederation guarantees the cantonal constitutions, provided that: a/ these constitutions contain nothing contrary to the provisions of the federal constitution; b/ they secure the exercise of political rights according to republican, representative, or democratic forms; c/ they have been accepted by the people and can be amended when an absolute majority of the citizens so demands.

⁵ *Le Republicain Neuchatelois* 19 and 31 August and 1 September 1852

that of twenty-eight others; does this not amply justify their abandoning the right of revolution in the new 1848 constitution?

This author recognizes no less fully the necessity of progress which is so essential to federal constitutions and impossible to achieve in unitary systems:

The 1848 federal constitution recognizes the cantons' right to revise and amend their own constitutions, but imposes two conditions: that changes be made in accordance with rules set out by the cantons' constitutions, and that in addition changes must be progressive, not regressive. It provides that a people may change its constitution in order to advance, but not in order to retreat ... It says to the Swiss peoples: if it is not with the purpose of increasing your liberties that you desire to make changes, that is because you are unworthy of the liberty which you have already: hold fast to what you have. But if it is for the sake of extending your liberty, then you are worthy to go forward": advance, under the protection of the whole of Switzerland.

The idea of guaranteeing and assuring a political constitution, in much the same way as one insures a house against fire or a field against hailstorms, is in fact the central and certainly the most original idea of this system. Our own legislators of 1791, 1793, 1795', 1799, 1814, 1830, and 1848 invoked nothing in support of their constitutions but the patriotism of their citizens and the loyalty of the national guard; the 1793 constitution even sanctioned the resort to armed force and the right of insurrection. Experience has shown how illusory such guarantees are. The 1852 constitution, almost like those of the Consulate and the First Empire, is guaranteed by

The natural limits of federal states. – We have seen in Chapter II that monarchy, by its own nature and that of its principle, knows no limits to its own expansion, and that the same goes for democracy. This expansive power has been transmitted from the simple a priori governments to the mixed or *de facto* types, such as democracies and aristocracies, democratic empires and constitutional monarchies, which have all remained faithful in this respect to their ideal. From this arise messianic visions and many attempts to form universal monarchies or republics.

In these systems there is no end to the process of assimilation; one may say that here the idea of a *natural frontier* is a fiction, or, better, a political fraud; rivers, mountains, and seas are no longer considered as territorial limits but as obstacles which the liberty of king and nation must overcome. The logic of their principles, moreover, requires this; the power to possess, accumulate, command, and exploit is indefinite, it knows no bounds but the universe. The most noted example of the assimilation of regions and peoples, despite the mountains, rivers, forests, seas, and deserts, is that of the Roman Empire, with its centre and capital in a peninsula surrounded by a large sea, and its provinces as far-flung as its armies and tax-collectors could reach.

Every state is annexationist by nature. Nothing stops its aggressive march, unless it confronts another state, likewise an aggressor and capable of defending itself. The most ardent apostles of nationality fall into contradictions when the interest or, even more, the security of their country so dictates: who, among the French democrats, would have dared denounce the union of Savoy and Nice?² It is not even unknown that annexations should be favoured by those who are annexed, who barter away their independence and autonomy.

It is otherwise in the federal system. Though capable indeed of defending themselves when attacked, the Swiss have shown sev-

² Savoy and Nice were annexed to France as Napoleon III's price for sup-

eral times that a confederation is incapable of conquest. Apart from the very rare case of a neighbouring state requesting admission to the pact, one may say that the very existence of federations forbids all expansion. By virtue of the principle which limits the federal pact to the provision of mutual defence and certain purposes of common benefit, *guarantees* to each state its territory, its sovereignty, its constitution, and the liberty of its citizens, and reserves to each party more authority, independence, and power than it abandons, the confederation restrains its own growth all the more surely to the extent that the regions which form it are distant from one another; and thus one soon arrives at a point at which the pact loses its purpose. Let us suppose that one among the confederated states proposes a certain conquest, the annexation of a neighbouring town or nearby province, or that it wishes to meddle in the affairs of another state. Not only will it not be able to count upon the support of the confederation, which will object that the pact was formed exclusively for the defence of the whole, not the aggrandizement of one part; it would find itself actually constrained by the solidarity of the others, who would not wish that all should go to war for the advantage of one. In this way the confederation provides a guarantee to its neighbours as well as to its own members.

Contrary to what takes place in other systems, then, the idea of a universal confederation is contradictory. Here once more we see the moral superiority of the federal over the unitary system, which is subject to all the shortcomings and vices of the undefined, the unlimited, the absolute, the ideal. Even Europe would be too large to form a single confederation; it could form only a confederation of confederations. That is why, in my last book, I laid down as the first step towards the reform of public law in Europe the restora-

porting Victor Emmanuel against Austria in 1859.

³ The book referred to here is *La Federation et l'unité en Italie* (Paris 1862), in which the Italian nationalist movements were sharply attacked for their centralist tendencies.

ernment, or a government representing but a single sovereignty.

M. Chaudey's definition is perfectly precise; and what he calls the *ideal* is simply the formula supplied by the most strict theory. In a federation, centralization is limited to certain specific objects which have been detached from the jurisdiction of the cantons but are still regarded as theirs; it is partial. In unitary government, on the other hand, centralization embraces everything and never relents; it is universal. The consequence is easy to foresee:

In unitary governments [M. Chaudey continues] centralization is an immense force at the disposal of power, and the various uses to which it is put depend exclusively upon the personal will of all those who hold power. Change the situation of power, and you will change the nature of centralization too. Liberal in the hands of a liberal government today, overnight it can become a powerful weapon in the hands of a usurper, and, after his usurpation, a powerful weapon of despotism. Besides, for that reason it is a standing temptation for those who hold power, and a standing menace to the liberty of the citizen. Confronted with such a force, there is not one individual or collective right whose future can be counted on. In such conditions, centralization may be called the disarming of the nation to the advantage of its government, and liberty is doomed to struggle ceaselessly against force.

The case of federal centralization is precisely opposite. Instead of arming power with the force of the *whole* at the expense of the *parts*, it arms the *part* with the force of the *whole* so that it may withstand the abuse of power. A Swiss canton whose liberties are threatened may rely not merely upon its own force but upon

at best have swept away the Paris garrison and the ministerial personnel.³

For this reason the democrats who voted against the conservatives have been loudly denounced. But in accordance with the law of political contradictions (see chapters 6 and 7 above) and with the facts of the matter, it is clear that if the presidency had been beaten the bourgeois system would have triumphed, as long as the people did not intervene, and the unitary republic would have been transformed with no difficulty into a constitutional monarchy; the country would not have returned to the status quo of 1848, but to a regime perhaps even more oppressive than that of 2 December; for to equal or greater governmental powers there would have been added the decisive preponderance of the middle classes and a further restriction of the franchise, and hence the well-merited disgrace of the people.

I must not conclude this chapter without quoting the words of a writer whose moderation and penetration may be known to readers of the *Courrier du Dimanche*: M. Gustave Chaudey, a lawyer of the Paris bar. They will help to show that what is at issue here is no empty Utopia, but a system currently practised, the idea of which lives and grows from day to day:

An ideal confederation would be a pact of alliance which may be said to impose upon the individual sovereignties of the federated states only such restrictions as become, in the hands of the federal authority, extended guarantees for the citizens' liberty, the better to protect their individual or collective action.

This is sufficient to show the enormous difference that there is between a federal authority and a unitary gov-

³ There are some who believe that without the vote of 24 November 1851, which decided in favour of the presidency, against the conservatives, and ensured that the coup d'état would be successful, the republic would have been saved.[92]

tion of the confederations of Italy, Greece, the Netherlands, Scandinavia, and the Danube, as a prelude to the decentralization of the large states and hence to general disarmament.³ Thus each nationality would recover its liberty, and a European balance of power would be achieved – an idea foreseen by all the political theorists and statesmen, but impossible to realize among great powers with unitary constitutions.⁴

Condemned in this way to a peaceful and modest existence, playing a self-effacing role upon the political stage, federation has naturally been overshadowed, until our own time, by the magnificence of the great states. Until our own time, too, federations, no less than feudal or unitary monarchies, have seethed with prejudices and abuses of every kind, aristocratic prejudices, bourgeois privilege, ecclesiastical authority, and the people have been oppressed, the mind enslaved; liberty thus remained in a strait-jacket, and civilization stagnated hopelessly. The federalist idea survived, invisible, incomprehensible, impenetrable, sometimes through the force of ritual, as in Germany, where the confederation – a synonym for Empire – was a coalition of absolute princes, some secular, some ecclesiastical, under the aegis of the Roman Church; sometimes through the force of circumstances, as in Switzerland, where confederation was secured by the valleys which divide the country and the mountain chains which protect it from invasion, the conquest of which would not repay renewing Hannibal's enterprise. Politi-

⁴ Among French democrats there has been much talk of a European confederation, or a *United States of Europe*. By this they seem to understand nothing but an alliance of all the states which presently exist in Europe, great and small, presided over by a permanent congress. It is taken for granted that each state will retain the form of government that suits it best. Now since each state will have votes in the congress in proportion to its population and territory, the small states in the this so-called confederation will soon be incorporated into the large ones; moreover, if this new Holy Alliance could have such a thing as a collective development, one would soon see it collapse, after internal strife, into a single power or great European monarchy. Such a federation would thus be a trap or else devoid of meaning.

⁵ 'The principles of the American constitution, according to far-sighted observers, contained the seeds of premature collapse. Turgot, a zealous ally of the American cause, objected as follows:

1. – That English practices were imitated uselessly;
2. – That the clergy, excluded from the right to office, had become a foreign body within the state, even though the anomaly was not in this case dangerous;
3. – That Pennsylvania required a religious oath of members of the legislature.
4. – That New Jersey required a belief in the divinity of Jesus Christ.
5. – That the Puritans of New England were intolerant, and that the Quakers of Pennsylvania considered military service illegal.
6. – That in the Southern colonies there was great inequality of wealth, and that the blacks, even when freed, formed a distinct body from the whites within the same state.
7. – That the social condition in Connecticut was half way between the primitive and civilized states, and that in Massachusetts and New Jersey a small faction could exclude candidates from elective office.
8. – That many difficulties resulted from the emancipation of the negroes.
9. – That no title of nobility should be conferred.
10. – That the right of primogeniture should be abolished, and freedom of trade established.
11. – That the scope of a jurisdiction should be based upon distance from place of residence.
12. – That no adequate distinction was made between land and other forms of property.
13. – That the right to regulate and even forbid commerce was implied in all the state constitutions.
14. – That there was no agreed principle of taxation, and that as a result each state had the right to invent taxes at will.
15. – That America might dispense with any European alliance, and that a wise people should never let the means of its defence out of its own hands."

"The famous Mirabeau detected in the Society of Cincinnatus, made up of officers of the revolutionary army, the basis for hereditary distinction. Other objections were made by Price, Mably, and other foreign writers. The American legislators have been able to profit from them, by modifying *certain details*, but preserving the structure of the republican edifice which, *instead of declining as had been predicted, has improved with the passage of time and promises to be long-lived.*" (*Description des Etats-Unis [A statistical, political, and historical account of the United States of North America: from the period of their first colonization to the present day (1819)]* by [David Bailie] Warden, translated from the English [Paris 1820] vol. 5, 255).

The following passage by the same writer is no less revealing: "Jefferson and those who acted together with him believed that efforts made to increase human happiness, without regard to existing opinions and prejudices, were rarely effective, and that the most concrete improvements could never be introduced into society by force. Therefore they never proposed any new measure until opinion was ready to appreciate it."

This policy of Jefferson and his friends is certainly worthy of admiration. It is the glory of man and citizen that he should make truth and justice his own before submitting to their laws. 'We are all kings,' as the citizen of Athens said. And does

thus the salvation of the people, for by dividing them it saves them at once from the tyranny of their leaders and from their own folly.

The 1848 constitution, by taking away military power from the president of the Republic and by declaring itself to be progressive and open to reform, attempted to spirit away the twin dangers of usurpation by the central power and insurrection by the people. But the 1848 constitution did not define the meaning of progress or the conditions under which it could take place. Class division between the bourgeoisie and the people still remained in the system which it founded; it was apparent when the right to work and the law of 31 May restricting the franchise were discussed.¹ The unitary prejudice was stronger than ever; Paris supplied the Departments with their mood, their ideas, their will, and it was easy to see that if conflict emerged between the president and the assembly the people would sooner follow their elected leader than their representatives. The outcome made this clear. December 2 showed how little purely legal guarantees are worth against a power which unites popular support with administrative control and which also has its rights.²

But if the republican constitution of 1848, for example, had been accompanied by a strengthening of municipal and Departmental organization; if the provinces had learned to live their own lives once more; if they had enjoyed a large share in executive power, and if the inert masses of 2 December had been something more than mere voters, then the *coup d'etat* could certainly not have taken place. The struggle would have been confined to the Elysee and the Palais-Bourbon, and the troops of executive power would

¹ 31 May (1850): the date of a law passed by the conservative majority of the French National Assembly sharply curtailing the electoral franchise.

² 2 December (1851): the date on which Louis Napoleon, then president of the Second Republic, brought off a coup d'etat and inaugurated the Second Empire.

an especially sharp and jealous eye upon the acts of the federal assembly.

The problem of restraining the masses has also embarrassed the theorists; the means employed here are no less illusory, and the outcome no less unfortunate.

The people, too, form one of the powers of the state, one whose eruptions are the most terrifying. This power needs a counterweight; even democracy is obliged to recognize this, for in the absence of a counterweight the people are prone to dangerous enthusiasms, which expose the state to fearful insurrections and have twice destroyed the republic in France.

A counterweight to the masses has been sought in two institutions, one very onerous to the country and fraught with dangers, the other no less dangerous, and, above all, offensive to public spirit: 1/ a permanent army, 2/ restriction of the franchise. Since 1848 universal suffrage has become the law of the land; but since the dangers of democratic agitation have increased accordingly, it has been necessary also to enlarge the army and intensify military force. Thus in taking precautions against popular risings one is obliged, in the system founded in 1789, to augment the strength of government at the same time as one is trying to limit it for other reasons. The moment that the people and government join hands, the whole structure collapses. What an odd system, in which the people cannot exercise their sovereignty without risking the destruction of government and the government cannot exercise its power without becoming despotic!

The federal system puts a stop to mass agitation, to the ambitions and tumults of the demagogues; it is the end of rule by the public square, of the triumphs of tribunes, and of domination by the capital city. Let Paris make revolution within its own walls. What is the use, if Lyon, Marseilles, Toulouse, Bordeaux, Nantes, Rouen, Lille, Strasbourg, Dijon, and so on, if the Departments, masters of themselves, do not follow? Paris will have wasted its time. Federation is

cal vegetation arrested in its growth, offering nothing of value to philosophic thought, no principles to the statesman, no hopes to the masses – far from promoting the Revolution in the slightest, it required to be given movement and life itself.

What is of permanent historical significance is that the French Revolution exercised its impact upon all the existing federal constitutions, reforming them, infusing them with its spirit, supplying them with their best qualities, and, in brief, permitting them to evolve, without as yet receiving anything from them.

The Americans had been defeated in twenty battles, and their cause seemed lost, until the French intervention changed the course of things and obliged the English general Cornwallis to surrender on 19 October 1781. It was as a result of this blow that the English agreed to recognize the independence of the colonies, which were then able to provide themselves with a constitution. And what were the Americans' political ideas? What were the principles of their government? Truly a jumble of principles, a monument to intolerance, to exclusiveness and arbitrariness, in which there shone like a star of ill omen the spirit of aristocracy, regulation, sect, and caste; it provoked the rebukes of French political writers and won for the American cause some humiliating reproaches. The little true liberalism which penetrated into America at this time was, one may say, the work of the French Revolution, which seemed on that distant shore a prelude to the renewal of the old world. Liberty in America has been until now an effect of Anglo-Saxon individualism, projected into an immense territory, rather than of its own

displayed the latent centralism behind the facade of federalism in the United States. Proudhon's view is put forward succinctly in *De la Capacité politique des classes ouvrières* (208-9): 'Either the term "confederation" has some meaning, by virtue of which the founders of the Union sought to distinguish it strictly from all other political systems – in which case, leaving aside the question of slavery, the North's war against the South is unjust; or else, under the guise of confederation, the secret intention has been to found a great empire when the time was ripe – in which case, the Americans should remove from their platforms all reference to political liberty, the republic, democracy, confederation, even Union.'

institutions and customs; the present war demonstrates this only too well.⁵⁶

It was the Revolution, too, which wrested Switzerland away from its old aristocratic and bourgeois prejudices and founded its confederation anew. In 1801, the constitution of the Helvetic Republic was revised for the first time; in the following year the intervention of the First Consul put an end to the agitation. It would have put an end to Swiss nationhood, too, if Napoleon had had any thought of adding Switzerland to his empire. But no: 'I do not want you,' he told them. From 1814 to 1848 the Swiss were plagued by reaction, so deeply was the idea of federation confused with aristocracy and privilege. It was not until 1848, in the Constitution of 12 September, that the true principles of the federal system were at last set out. Yet these principles were so dimly understood that a unitary trend appeared as well, with its representatives even in the federal assembly.

As for the German Confederation, everyone knows that the old structure was destroyed thanks to the same emperor, who was not so successful, however, in his plans for reconstruction. Now the federal system in Germany is once more in the mind of its peoples. May Germany emerge from these troubles, free and strong, as from a salutary crisis.

In 1789 the test of federalism had not been made. The idea was not understood at all; the revolutionary legislators could draw nothing from it. It was necessary that the confederations, such as they were, clinging on to life in scattered portions of the old and new worlds, should be animated by a new spirit, should learn to move and to define themselves, that their newly fertile principle should grow and bring to light the value of their institutions; it was necessary too that a final experiment should be made with the unitary system under the new regime of equality. Only under these conditions could philosophy make its case, could the Revolution reach fruition, and, with the diffusion of the idea, could the uni-

by ministerial categories; then one distributes legislative authority between the king and the chambers, a majority of which is also to determine the king's choice of ministers. Finally taxes must be voted once a year by the chambers, which take the opportunity to examine the government's performance.

But while one sets parliamentary power against the ministers, balancing the royal prerogative by the independence of representatives, the authority of the crown by the sovereignty of the nation; while one sets word against word, fiction against fiction, at the same time one assigns to government, unconditionally, with no control but an empty right of criticism, the prerogative of an immense administration; one places in its hands all the strength of the country; one suppresses local liberties in order to confirm its power; one zealously abolishes parochial spirit; finally, one creates an immense and overwhelming power, against which one may then launch a war of words, as though its reality could be changed by personal will. And so what happens? The opposition comes to control the personnel of government; ministries fall one after another; one dynasty, and then another, is expelled; republic is replaced by empire; and still the centralized and anonymous despotism grows, while liberty shrinks. This has been our history since the Jacobins defeated the Gironde. It is the inevitable result of an artificial system that sets metaphysical sovereignty and the right of criticism on one side and the reality of the nation-state, the active powers of a great people, on the other.

In the federal system there is no such cause for concern. Central authority, which initiates things rather than executing them, controls only a modest share of public administration, that of federal services; it is subordinate to the states, which are absolute masters of themselves, enjoying complete authority – legislative, executive, judicial – in their own concerns. The central power is subordinated still more effectively if it is entrusted to an assembly of delegates from the states, delegates who are themselves often members of their respective governments, and who therefore keep

ism; it is thus that in the social contract as imagined by Rousseau and the Jacobins the citizen divests himself of sovereignty, and the town and the Department and province above it, absorbed by central authority, are no longer anything but agencies under direct ministerial control.

The consequences soon make themselves felt: the citizen and the town are deprived of all dignity, the state's depredations multiply, and the burden on the taxpayer increases in proportion. It is no longer the government that is made for the people; it is the people who are made for the government. Power invades everything, dominates everything, absorbs everything, for ever, for always, without end: war and shipping, administration, justice, police, education, public works and repairs; banks, stock-exchanges, credit, insurance, relief, savings, charity; forests, canals, rivers; religion, finance, customs, commerce, agriculture, industry, transportation. On top of this, huge taxes, which take away from the nation a quarter of its gross product. The citizen has nothing to do but perform his little task in his little corner, drawing his little salary, raising his little family, and relying for the rest on the providence of government.

In the face of such a frame of mind, and surrounded by counter-revolutionary forces, what conclusion must the founders of 1789 have reached, loving liberty as sincerely as they did? Not daring to dissolve the unity of the state, they were obliged above all to undertake two things: 1/ to contain power, always ready to overstep its bounds; 2/ to contain the people, always prone to be carried away by their tribunes and to replace the practices of law with those of omnipotent power.

Until today the authors of constitutions – Sieyes, Mirabeau, the 1814 Senate, the 1830 Chamber, the 1848 Assembly - have all believed, not without reason, that the essential task of a political system is to restrain the central power, while leaving it as much freedom of action and force as may be possible. What is done in order to achieve this end? First of all one divides power, as the phrase is,

versal republic leave the realm of mysticism and take the concrete form of a federation of federations.

Today conditions themselves seem to give wings to thought; and we may, it seems, without presumption or pride, rescue the masses from their fateful symbols and at the same time display to political leaders the source of their mistakes.

Chapter X. POLITICAL IDEALISM: EFFICACY OF FEDERAL GUARANTEES

In the moral and political sciences generally, we may observe, problems arise above all from the figurative manner in which the mind originally presents their elements. In the popular imagination politics, no less than morality, is a mythology. Everything becomes a fiction, a symbol, a mystery, an idol. And it is this idealism which philosophers confidently take to express reality, and which later causes them all sorts of problems.

The people imagine themselves, in their obscure manner, as a huge and mysterious entity, and their language serves to reinforce this notion of indivisible unity. They call themselves the People, the Nation, the Multitude, the Mass; they are the true Sovereign, the Legislator, the Power, the Ruler, the Country, the State; they have their Assemblies, their Votes, their Assizes, their Demonstrations, their Edicts, their Plebiscites, their Direct Legislation, sometimes their Judgments and Executions, their Oracles, their Voice, like thunder or the voice of God. The more they imagine themselves to be infinite, irresistible, immense, the more horrified they are by divisions, splits, minorities. Their ideal, their fondest dream, is of unity, identity, uniformity, concentration; they condemn, as affronts to their own majesty, everything that may divide their will, break up their mass, create diversity, plurality, divergence within themselves.

Every mythology requires idols, and the people never lack them. Like Israel in the desert, they improvise gods when no one has taken the trouble to provide them; they have their incarnations, their Messiahs, their divine emissaries. It may be the military leader in triumph, the glorious king, all-conquering and magnificent like the sun, or there again it may be a revolutionary tribune: Clovis, Charlemagne, Louis XIV, Lafayette, Mirabeau, Danton, Marat, Robespierre, Napoleon, Victor Emmanuel, Garibaldi. How many are there who would be swept into power by the slightest shift of opinion, a trick of fortune! These idols, without ideas for the most part, as devoid of conscience as those who admire them, inspire the zeal and jealousy of the people, who will not permit them to be analysed or contradicted and who above all will give them power unstintingly. Do not touch their anointed, or they will treat you as sacrilegious.

Full of these myths, and imagining themselves as an essentially undivided mass, how can the people grasp all at once the relation of citizen to society? How, inspired by them, can the statesman who represents them supply the formula for true government? Where universal suffrage reigns in all its naivety, we may predict that everything will tend towards unity. Since the people embody all authority and all right, universal suffrage, in order to express their will truly, must also be as undivided as possible, which means that in elections one must vote from a single list (in 1848 there were even champions of unity who called for one list alone for all eighty-six Departments). This undivided vote thus gives rise to an undivided assembly, deliberating and legislating as a single individual. In the case of a division, the majority is held to be fully representative of national identity. From this majority in turn arises an undivided government which, bearing the powers of an undivided nation, is called upon to govern and administer collectively and indivisibly, free from local sentiment and parochial interest. In this way the system of centralization, imperialism, communism, absolutism – all these are synonymous – springs from popular ideal-