

# The Law

by Frederic Bastiat

*Week 5 reading for discussion begins here*

## The Choice Before Us

This question of legal plunder must be settled once and for all, and there are only three ways to settle it:

1. **The few plunder the many.**
2. **Everybody plunders everybody.**
3. **Nobody plunders anybody.**

We must make our choice among limited plunder, universal plunder, and no plunder. The law can follow only one of these three.

*Limited legal plunder:* This system prevailed when the right to vote was restricted. One would turn back to this system to prevent the invasion of socialism.

*Universal legal plunder:* We have been threatened with this system since the franchise was made universal. The newly enfranchised majority has decided to formulate law on the same principle of legal plunder that was used by their predecessors when the vote was limited.

*No legal plunder:* This is the principle of justice, peace, order, stability, harmony, and logic. Until the day of my death, I shall proclaim this principle with all the force of my lungs (which alas! is all too inadequate).\*

*\*Translator's note: At the time this was written, Mr. Bastiat knew that he was dying of tuberculosis. Within a year, he was dead.*

## The Proper Function of the Law

And, in all sincerity, *can anything more than the absence of plunder be required of the law? Can the law -- which necessarily requires the use of force -- rationally be used for anything except protecting the rights of everyone? I defy anyone to extend it beyond this purpose without perverting it and, consequently, turning might against right.* This is the most fatal and most illogical social perversion that can possibly be imagined. It must be admitted that the true solution -- so long searched for in the area of social relationships -- is contained in these simple words: **Law is organized justice.**

Now this must be said: When justice is organized by law -- that is, by force -- this excludes the idea of using law (force) to organize any human activity whatever, whether it be labor, charity, agriculture, commerce, industry, education, art, or religion. The

organizing by law of any one of these would inevitably destroy the essential organization -- justice. *For truly, how can we imagine force being used against the liberty of citizens without it also being used against justice, and thus acting against its proper purpose?*

## The Seductive Lure of Socialism

**Here I encounter the most popular fallacy of our times. It is not considered sufficient that the law should be just; it must be philanthropic. Nor is it sufficient that the law should guarantee to every citizen the free and inoffensive use of his faculties for physical, intellectual, and moral self-improvement. Instead, it is demanded that the law should directly extend welfare, education, and morality throughout the nation.**

**This is the seductive lure of socialism. And I repeat again: These two uses of the law are in direct contradiction to each other. We must choose between them. A citizen cannot at the same time be free and not free.**

## Enforced Fraternity Destroys Liberty

Mr. de Lamartine once wrote to me thusly: "Your doctrine is only the half of my program. You have stopped at liberty; I go on to fraternity." I answered him: "The second half of your program will destroy the first."

**In fact, it is impossible for me to separate the word fraternity from the word voluntary. I cannot possibly understand how fraternity can be legally enforced without liberty being legally destroyed, and thus justice being legally trampled underfoot.**

**Legal plunder has two roots: One of them, as I have said before, is in human greed; the other is in false philanthropy.**

At this point, I think that I should explain exactly what I mean by the word plunder.\*

*\*Translator's note: The French word used by Mr. Bastiat is spoliation.*

## Plunder Violates Ownership

I do not, as is often done, use the word in any vague, uncertain, approximate, or metaphorical sense. I use it in its scientific acceptance -- as expressing the idea opposite to that of property [wages, land, money, or whatever].

## DEFINITION OF PLUNDER!

**When a portion of wealth is transferred from the person who owns it -- without his consent and without compensation, and whether by force or by fraud -- to anyone who does not own it, then I say that property is violated; that an act of plunder is committed.**

**I say that this act is exactly what the law is supposed to suppress, always and everywhere.**

When the law itself commits this act that it is supposed to suppress, I say that plunder is still committed, and I add that from the point of view of society and welfare, this aggression against rights is even worse. In this case of legal plunder, however, the person who receives the benefits is not responsible for the act of plundering. The responsibility for this legal plunder rests with the law, the legislator, and society itself. Therein lies the political danger.

It is to be regretted that the word plunder is offensive. I have tried in vain to find an inoffensive word, for I would not at any time -- especially now -- wish to add an irritating word to our dissensions. *Thus, whether I am believed or not, I declare that I do not mean to attack the intentions or the morality of anyone. Rather, I am attacking an idea which I believe to be false; a system which appears to me to be unjust; an injustice so independent of personal intentions that each of us profits from it without wishing to do so, and suffers from it without knowing the cause of the suffering.*

## Three Systems of Plunder

**The sincerity of those who advocate protectionism, socialism, and communism is not here questioned.**

Any writer who would do that must be influenced by a political spirit or a political fear. It is to be pointed out, however, that protectionism, socialism, and communism are basically the same plant in three different stages of its growth. All that can be said is that legal plunder is more visible in communism because it is complete plunder; and in protectionism because the plunder is limited to specific groups and industries.\* **Thus it follows that, of the three systems, socialism is the vaguest, the most indecisive, and, consequently, the most sincere stage of development.**

*\*If the special privilege of government protection against competition -- a monopoly -- were granted*

*only to one group in France, the iron workers, for instance, this act would so obviously be legal plunder that it could not last for long. It is for this reason that we see all the protected trades combined into a common cause. They even organize themselves in such a manner as to appear to represent all persons who labor. Instinctively, they feel that legal plunder is concealed by generalizing it.*

But sincere or insincere, the intentions of persons are not here under question. In fact, I have already said that legal plunder is based partially on philanthropy, even though it is a false philanthropy.

**With this explanation, let us examine the value -- the origin and the tendency -- of this popular aspiration which claims to accomplish the general welfare by general plunder.**

## Law Is Force

Since the law organizes justice, the socialists ask why the law should not also organize labor, education, and religion.

Why should not law be used for these purposes?

**Because it could not organize labor, education, and religion without destroying justice. We must remember that law is force, and that, consequently, the proper functions of the law cannot lawfully extend beyond the proper functions of force.**

**When law and force keep a person within the bounds of justice, they impose nothing but a mere negation. They oblige him only to abstain from harming others. They violate neither his personality, his liberty, nor his property. They safeguard all of these. They are defensive; they defend equally the rights of all.**