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**UTILITY AND JUSTICE:
FRENCH LIBERAL ECONOMISTS IN THE 19TH CENTURY**

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I – INTRODUCTION

As for the field of economics, nineteenth-century liberal¹ French economists had the same primary preoccupation as their British counterparts: the defense of political economy against accusations of materialism, impassivity and indifference to the plight of the masses (see De Marchi, 1974: 123-35)². Many of these economists were worried about what Cairnes qualified as the “repugnance and even violent opposition” of the working class towards the ideas of political economy (White, 1996: 115). This preoccupation was even stronger in France where socialist movements were large and quite active. The desire to defend their ideas was manifest in their search for a philosophy that would underpin the economic sciences, specifically one that would demonstrate that political economy was not only concerned with utility, but also with justice, and that utility “is, in the end, always in harmony with that which is just” (Molinari, 1863: 31). To do so, the vast majority of French liberals, starting with Blanqui, rejected the “British School” of political economy in order to develop a “French School”, which they felt was more “humanitarian” because it was more concerned with the question of distribution of wealth. Thus, at the core of most 19th century French liberal works can be found the traditional distinction that Halévy (1901-04: 6) made between “a legal and spiritual philosophy of human rights” in France and “a utilitarian philosophy of personal interest” in England. Indeed, French liberals refused the utilitarianism that they felt characterized the British school because they judged utilitarianism incapable of providing a proper conception of justice. For this reason, they looked to natural law as the foundation of their economic theory, which they considered to be a branch of moral philosophy.

The objective of this article is to examine the manner in which 19th century liberal economists in France created and wove the threads between political economy and moral philosophy in order to show how doing so influenced their economic analysis—and not just their ideological positions—on the issue of the coordination of interests. Though focused on the analysis of liberal 19th century French economists, this article excludes Jean-Baptiste Say, instead considering only the period after his death, which marked the beginning of what Le Van Lesmelle (2004: 79 and f.) has qualified as the “liberal lobby”. This lobby dominated the French scene³, at least during the last two thirds of the century, with

authors defending remarkably motionless ideas: as noted by Breton (1985:251), “deprived of the analytical spirit and theories put forward by others with genius, the economists produced pure propaganda and true popularization; they oriented French political economy towards too institutional paths. In these economists [...] any scientific effort had disappeared. With them, political economy had come to a standstill.” Ignoring the so-called marginalist revolution (Breton, 1998), they went on battling with the Classical school, in spite of its decline⁴: their positions were most of all determined by the fear of socialism. This fear, but also the opposition to “conservative” parties asking for government intervention in favour of “those who find themselves affluent” (Clément, 1853: xii), led these economists to unite their efforts to spread “economic truths” (*ibid.*: xvi), considering that “the more light is spread, the more people will judge that the most powerful auxiliary of the *morale* is political economy” (Droz, 1846: 3). These are the stakes behind the founding of the Guillaumin publishing house in 1835, the creation of the *Journal des économistes* in 1841, and the appearance of *Dictionnaire d'économie politique* in 1852. The principal contributors to these various publications, and to the publications of the Guillaumin publishing house in general, are at the center of this study. However, these liberal authors did not form a homogenous group with well-defined boundaries, and thus the ideas that they defended varied from one author to the next, even varying within the writings of a single author. Nonetheless, as Breton and Lutfalla (1991: 590-1) have shown, these 19th century authors agreed on a certain number of common positions, in particular on “the necessity of a good institutional environment” and the rejection of “abstract reasoning”⁵. As will be shown in this article, these two common positions are fundamental to understanding their stance on justice and utility, and contributed to their perspective on utilitarianism. In spite of their differences (not always easy to ascertain), French liberal economists united around two issues. At one level, they stressed the human character of their discipline: political economy could not be separated from the *morale*. British economists were then blamed for reducing economic activity to material relations between commodities, and their conclusions were rejected as false because they overemphasized self-interest and neglect individual responsibility (II). At another level, French liberal economists were obsessed by the legitimization of property, which, according to them, should not be rooted in positive laws, always exposed to the arbitrariness of the State, but in unquestionable natural rights. Here, they mostly

rejected socialist doctrines, where the alleged search for the fulfillment of collective interest was the disguise for arbitrariness and tyranny (III).

The first level suggests the possibility of finding in these authors a genuine positive conception of the economy, based on a distinct method of analysis and rooted in moral philosophy. But the second level raises the suspicion that this approach only reflected French liberal's political fear of social disorder. Their arguments bear witness to their fear of a challenge to the social order, and colored their perceptions on the rise of socialism: the absence of any consideration of what would come to be called "social issues" in the British School of political economy was assumed by some to have encouraged the rise of socialism⁶, but for others, notably the authors who defended the idea of property rights based on natural law, it was the rejection of any reference to "natural law" that led to the rise of this movement.

II – WHEN STRESSING SELF-INTEREST LEADS TO ERROR

Although the distinction between the two schools of political economy described above seems to appear for the first time in the writings of Sismondi (see Arena, 2001), its spread among French liberals followed the 1837 publication of Adolphe Blanqui's *Histoire de l'économie politique en Europe depuis les anciens jusqu'à nos jours*. Actually, Blanqui, who was the first author to write a « book in history of economic thought worthy of name » (Arena, 1991b : 176) holds a specific place among French liberals, who increasingly sought to distance themselves from his positions that they felt too close to the socialists' (*ibid.*: 183), but his distinction between the two schools remained a recurring theme in most economic works of the time⁷, and in 1854 was the subject of a debate at the *Société d'Economie Politique*⁸. Two other themes were hidden behind this distinction: one concerning the relationship between the economy and moral philosophy, which the British school was accused of neglecting (§.1), and the other concerning individual responsibility (§.2).

§.1) There was great consensus among 19th century French liberals that economic science was a "moral science", to the point where a discussion of this subject appears to have been a compulsory passage in all of their work. This subject was debated several times at the *Société d'Economie*

Politique and appeared in diverse articles published in the *Journal des Economistes*. In addition, a competition at the Academy of Moral and Political Sciences in 1858 awarded honors to works by Baudrillart, Rondelet and Dameth. This relationship between the economy and the *morale* (i.e., the science of duty that determines justice) is seen by 19th century French liberals from a triple perspective⁹.

First of all, these liberals did not agree that seeking wealth resulted in a reduction in the morality of the agents. On the contrary, they thought that amassing more wealth could only be accomplished if the agents cultivated behavior that conformed to the rules of moral conduct. Thus, according to Clavet (1868: 239), “wealth is far from being a cause of de-moralization [i.e., corruption], because it can only be acquired at the price of continual sacrifice of our vices and our passions”. In fact, for Passy (1845a: 50), “the populations' insufficiency of intellectual and moral force” constituted the principal cause of their suffering. Hence, during a discussion of Ireland at the *Société d’Economie Politique*, the participants considered almost unanimously that “the principal causes of the misfortunes of Ireland [...] lie in the character of the Irish people who, in general, are not industrious, and worse, are lazy and improvident” (Garnier, in *Société d’Economie Politique*, 1866a: 130). More generally, since the economic development of a country implied exchanges between individuals, trust between individuals was a necessity. For Chevalier (1868: 13), “the acts though which society and individuals gain wealth suppose, in order to perpetuate and develop in a country, a satisfactory moral situation in itself; [...] cutting off society from good faith and honor in business would, in and of itself, burden the transactions with difficulties, making them impossible, and thus drying up production, the primary source of wealth”.

This pacification of social relations was not only perceptible at the national level, but also at the international level. For liberals, political economic theory was proof of “the solidarity that unites the interests of diverse parts of humanity [...] by highlighting the absurdity of hatred and national rivalries” (Clément, 1853: xxiii), and the economic sciences were revealed to be “the best auxiliary of the *morale*” (Baudrillart, 1857a: 23; see also Droz, 1846: 3; Garnier, 1878: 273) “by furnishing a solid basis for the appreciation of a great number of sentiments, actions, and customs that the prejudiced had classified incorrectly” (Clément, 1853: xxiii). Thus, economic theory was considered to provide the

“means [...] for correctly appreciating the relative merit of the different uses that can be made of wealth” (*ibid.*). For example, 19th century liberal economists, acting on their conception of the economy, rejected sumptuous expenditures, by showing that such expenditures only constituted a waste of resources, an unproductive expense that impoverished the society¹⁰. They criticized “legal charity”, which aping the English poor laws, “encourage laziness and carelessness and [...] demoralize the poor” (Garnier, 1846: 311); they also defended inheritance rights, which extend “ideas of precaution and the sentiments of affection and devotion” (Courcelle-Seneuil, 1842: 778; see also Baudrillart, 1857b: 10-11)¹¹.

The French economists then tried to show that wealth, in turn, permitted virtuous behaviors to be developed, which could improve a person's well-being: “By understanding that the improvement in their life is a result of their personal action, individuals, to whom a legitimate remuneration has come, acquire more value and a clearer sense of their force.” (Renouard, 1862: 330). As a result, they became “naturally more humane” (Dunoyer, 1843: 249), developing a “love of the sciences and of poetry”, a taste for altruism and more generally for “a higher order of pleasures” (*ibid.*: 247). But such a result could not be attained under “corrupting systems of protection and undue monopoly” (*ibid.*):

“we consider that these vices [“greed, ostentation, personality”] are particularly incited by certain regimes, born of their influence, and in which everything seems primed to excite and satisfy them. It is, for example, quite natural that zeal for profits is extreme there where certain classes have been given the monopoly for excessively lucrative work or services, where unfair favors allow enormous profits to be earned in little time; and it is easy to understand that these immoderate profits of a few enflame the cupidity of all; that soon no one is content to simply make a profit; that everyone aspires to rapid riches; that little by little all the means to fortune end up appearing to slow. It is also natural that there where profits are immoderate, expenses become exorbitant [...] Finally, again, a very natural occurrence is [...] that there where the zeal for profit closes the heart to justice, people are not very open to benevolent sentiments” (Dunoyer, 1843: 245-46).

Finally, the French affirmation of the moral character of political economy was based on its objective: by taking “the study of human faculties” (Clavet, 1868: 247) as the starting point, economic science adopted human liberty as a “fundamental principle [...] since if Man isn't free, he cannot be

responsible for his acts"*** (Clavet, 1868: 228; see also Chevalier, 1850b: 213; Dameth, 1859: 167). Thus, for French liberals, economic science had the same foundation as the *morale* (defined as the “science of duty”) since, without liberty, it would be impossible for humanity to recognize its duty. Many 19th century French liberal economists thus considered that recent progress in economic theory had led to re-establishing “Man in his true place, in his appropriate place” (Baudrillart, 1864: 32): “Man [...] is simultaneously the author and the ends [of material wealth]; it is he that creates it, employs it, and consumes it” (Passy, 1863: viii; see also Wolowski, 1866: 283). Still, as Coquelin (1852: 660) indicated, “there is always a certain morality in human action”. If Block (1890: 82) can be believed, all the French economists were aware of this fact since they all refused to put “wealth over Man”; like Bastiat, Courcelle-Seneuil and even Joseph Garnier, all took human needs as the starting point in their research.

On the other hand, the English economists were accused of considering political economy as the “science of wealth”, or, in other words, a “material science rather than a moral one” (Coquelin, 1852: 659), and consequently of “forget[ing] Man and only tak[ing] products into account” (Villeneuve-Bargemont, 1834, vol. I: 274; Droz, 1846: 59; see also Baudrillart, 1860: 2). Thus Droz (1846: 59) affirmed that Ricardo “establishes that, in a country where 10 million inhabitants can be found, if the work of 5 million of them suffices to nourish and clothe them, this country takes no advantage from having 12 million inhabitants if the work of 7 million becomes necessary to obtain the same result. [Ricardo] is thus indifferent to the existence or non-existence of 2 million inhabitants, if the product is the same”. This criticism echoes one developed by Blanqui, who accused the English economists of considering “the workers as simple instruments of production” (1837: 227) and of forgetting “the suffering that all too often accompanies production” (1837: 311). Thus, like Blanqui, numerous French economists opposed the English development model, founded on large estates, to the French development model, which corresponded better to issues of justice since it allowed a large number of small estate owners¹². This was the case for Droz, who underlined that, though large agricultural estates certainly increased “public prosperity” (1846: 72), “moral considerations” could lead to a preference for “small estates”: “I admit that if twenty of these [small] estates are gathered to create a single one, there will be more net product [...]. But, let us not create wealth for the sake of

wealth, and let us think about happiness. The twenty small estate owners who were working for themselves and who henceforth will work for others, will they be happy?" (*ibid.*: 76; see also Passy (1845b: 82), Reybaud, 1859: iv¹³ and Legoyt, 1864: 456 and f.).

The French school can be contrasted with the “industrious” British school: not only were their starting points different, but even their objectives diverged. While the development of wealth was supposed to be the goal of all English economists after Smith¹⁴, in France, the goal was the well-being of the person. Blanqui's attempt to re-define the concept of wealth to include social preoccupations was indicative of this divergence: “It is no longer exclusively a question of accelerating production, as in the epoch of Smith. Now, it is necessary to control and contain [production] within reasonable limits. It is no longer a question of absolute wealth, but of relative wealth; humanity dictates that we cease to sacrifice to the advancement of public opulence the masses of men who will rarely profit from this progress” (1837: 351). In fact, the French liberals insisted on distinguishing the notion of wealth from the notion of well-being: thus, as Rapet affirmed (1850: 324), “well-being did not exist before progress in the Arts and in Industry gave birth to it. Before [...], there was wealth, luxury, but there was no well-being.” Nonetheless, these French liberals did not try to define the notion of well-being precisely. It seems that their definition resembled what Villeneuve-Bargemont (1834: 83) described as “moral riches”: for certain authors, virtue; for others, Christian values (Villeneuve-Bargemont, 1834: 83); in general, well-being was considered to consist of “the habits of order, assiduity [and] economy” (Baudrillart, 1869: 42).

Because well-being was their objective, the French liberals had to go beyond the simple reference to personal interest. Even though it is impossible to deny the importance of the “doctrine of interest” that seems to “correspond the best to the nature of [economists'] research”, this doctrine cannot, as Baudrillart (1860: 54) observed, form the “moral foundation” of political economy: according to Reybaud (1849: 178), this “modern morality that is founded on calculation” is in fact “somewhat sad in that it [...] confirms [...] both the decadence of the public mores and the lowering of the principles that govern human generations”. This observation would seem to indicate that political economists “could not content themselves with [a] system” that Baudrillart qualified as Benthamism (Baudrillart, 1860: 54), but must also take into account the sentiments and passions that

were just as determinant in human behavior: “Man is pushed to produce by self-interest. Member of a family, he is also roused by sympathy and by the duty to work and save” (Baudrillart, 1862: 48). Of course, 19th century French economists refer quite frequently to personal self-interest, but their conception of this self-interest is quite broad, going beyond “selfish interests” or “pecuniary interest” (Leroy-Beaulieu, 1890: 35 and f.). Fontenay thus affirmed that “personal self-interest is raised and moralized by enlightening. It is interested in order, [...] passionate about great general results, [...] accustomed to seeing humanity as its family. It ends up targeting the well-being of all through spontaneous impulse, without waiting for external pressure to be brought.” On the contrary, utilitarianism is generally associated with selfishness: thus, in his chapter about J. Bentham, Reybaud (1849: 244) affirms that utility is “forgetting others and focusing on self, [...] the worship of self and personal interests, in other words, egoism”¹⁵.

This conception of the economy had repercussions on the method that French economists thought should be adopted by economists. For the large majority of French liberals, the consequence of this conception was the rejection of the mathematical method¹⁶, which they again assimilated with the British school. In their opinion, the mathematical method reduced the motivations of the individual to a simple search for personal self-interest: they felt that the method based on such an abstraction ignored “language, custom, prejudice, [and] distance” and created an “imaginary world” in which humanity lost its “moral” aspect and was reduced to its “economic” aspect (Baudrillart, 1866: 14-15). Thus, they felt the sphere of political economy was limited by this method, since the consequences of economic activity on well-being were excluded: “In all that, where is the consideration of the well-being of the producers? [...] The workers [have been reduced to] machines with a productive capacity that is relatively inferior compared to real machines” (*Ibid.*: 15). But the most important likely consequence of abusing this abstraction is underlined by Gouraud (1852: 275), who sees in socialism “the natural fruit of the speculative spirit that, for nearly thirty years, has unfortunately dominated economic studies”¹⁷:

“It is not a question of observing the facts in political economy, says the first chimerical spirit to arrive. It is rather a question of reasoning, and reasoning in the hypothesis of the greatest possible happiness for individuals and peoples, excluding the obstacles that the physical or moral laws,

eternal or established, put in the path of the most rapid attainment and the most absolute possession of this happiness. [...] Under the pretext of the ideal, the most inept utopias, the most deceitful projects, the most nonsensical ideas are produced. Then one unhappy day—encouraged by a political uproar that, in and of itself, is nothing—a terrible social explosion took place, and the entire territory of Europe trembled” (Gouraud, 1852: 275-276).

§. 2) The second theme of the French economists' criticisms of the British school of economic thought is also linked to the question of well-being, since this theme concerns the individual behavior of economic agents, specifically with regard to individual responsibility. In particular, this theme of criticism clarifies exactly why these economists were so strongly opposed to what they called “Ricardo's Law” (i.e., Ricardo's rent theory¹⁸), even if their position was much more nuanced on Malthus's law of population growth, the other law that they felt characterized the British school.

If Batbie (1861: 250) can be believed, the “ingenious” Ricardian rent theory “was accepted without dispute until the somber light of socialism revealed its perils”. As Leroy-Beaulieu (1881: vi) noted, “Ricardo's famous law about land rents has no application in the present time, and the corollary that Proudhon extracted from this law—'Property is theft'— collapses with it”¹⁹. Thus, it appears that this theory's consequences, which were thought to be “quite inauspicious for humanity” (Leroy-Beaulieu, 1896, I: 731-32), provoked its almost unanimous rejection by the French liberals; by linking the existence of rent to differences in land fertility, and by declaring that the price of a good depended on the production costs that it generated, the rent theory led to two conclusions that liberals could not accept. The first was related to the notion of rent itself and its relationship to property. In *Société d'Economie Politique* (1852: 107), Fontenay asked “how can property be legitimized from the point of view of justice, if it is acceptable that the Rent comes from an advantage of fertility or of situation to which Man, the owner, doesn't contribute?”²⁰. The second was related to the fact that the Ricardian theory resulted in a “progressive and continuous rise in the price of food substances, [and a] progressive and continuous rise in land revenues, to the detriment of other productive agents” (Molinari, 1863: 384). In other words, the rent theory accepted that landowner interests were opposed to societal interests, since “the richer the landowner becomes, the more difficult life becomes for the

rest of the population” (Batbie, 1861: 251; see also Beauregard, 1888: xxii). On the contrary, the French economists all agreed that this “fatalist”²¹ theory should be countered because “what would be the use of developing commerce and industry, of simplifying work with machines and of multiplying this work by accumulating capital, if the men, [caught] in the middle of all this movement, become each day poorer and more unhappy?” (Faucher, 1852: 572). This denunciation of the dangerous, pessimistic and fatalist character of “Ricardo's law” is based on two arguments.

The first is based on observation, which demonstrated the lack of justification for Ricardo’s law. Leroy-Beaulieu²² (1896, I: 744) observed that “every increase in the power of Man over Nature is an obstacle to Ricardo's law”. Faithful to his method of analysis, Leroy-Beaulieu then tried to highlight the forces that hindered the tendencies to rent increases, concluding that this law is possible “only for limited applications” (1896, I: 739). One of the details most frequently mentioned in criticisms of the rent theory is based on the observed improvement of the population's well-being in France. In fact, if Fontenay can be believed, worker salaries had tripled over the last century (cited by Molinari, 1863: 382 n. 1), while Beauregard (1888: xxiii) estimated that, for France, this rise was “at least 40 or 50%, even after deducting the increase in the price of subsistence” (see also Fix, 1844: 12; Faucher, 1848: 9; Dameth, 1859: 400)²³.

The second argument is related to how the variables of distribution are determined. In general, for 19th century French liberal economists, it was a question of demonstrating that society's development allowed each class to improve its position. For this reason, it was necessary to establish the rents as the compensation for improved land quality, which helped to increase land productivity. According to Faucher (1852: 572), “with scientific and industrial progress, more can be produced today through the same amount of work. This increase in production, which determines the low price of products, benefits mostly the workforce.” In fact, the concept of rent had to be redefined so that it no longer appeared to be the result of a gift of Nature “for which the owner assigns the profits to himself” (Molinari, 1863: 346 n1)²⁴. Furthermore, Block (1890: 148) insisted that the idea that “Nature works for free” was “false”: “We must grab hold of Nature and force it to work like a slave, directing its forces, supervising it closely, and generally putting our nose to the grindstone”. However, there was no consensus on this redefinition. For some, rent was the “just remuneration for dangerous difficult

work with random results”, which meant that “land appropriation doesn't harm non-landowners and doesn't deprive anyone of his legitimate rights” (Le Hardy de Beaulieu, 1861: 347; see also Passy, in *Société d'Economie Politique*, 1866b: 453), while others considered that rent was a revenue from capital (Fonteyraud, 1847: liv; see also Dameth, 1859: 391)²⁵. However, in both of these cases, it was assumed that rent constituted a payment for a service, and consequently, excluded the possibility of no remuneration for appropriated land, leading du Puynode (1866: 20) to write, “I cannot believe, despite Ricardo or Andersen, that landowners, ever so slightly privileged as may be, would consent to cultivate their property [*héritages*] or to let it be cultivated without drawing some net revenue.” But, redefining rent was not enough to call into question the idea of a conflict between the interests of estate owners and those of the employees; for that, it was also necessary to show that the salary level depended, not on the price of subsistence goods, but on the supply and demand of labor (see Droz, 1846: 242; Dameth, 1859: 309; Fonteyraud, 1853: 205; Leroy-Beaulieu, 1900: 779). According to Garnier (1846: 43), this new conception had another advantage: a reduction in salary was thus “independent of the will of the masters of enterprise”, from which Garnier deduced that “the *hostility* and the *antipathy* between these two elements of production costs, salaries and profits, doesn't exist”.

The second theory under discussion among French liberals was the one called “Malthus's Law”, which Passy (in *Société d'économie politique*, 1863: 333) summarized quite simply as the idea that “the population tends to grow more rapidly than subsistence [goods]”. But while the Ricardian rent theory was almost unanimously condemned by French economists, Malthus's law generated many more divergent positions. Certainly, numerous economists drew attention to the pessimistic conclusions to which this law naturally led (Droz, 1846: 282-83; Passy, 1857: 224 n. 1). But, all insisted that these conclusions could be avoided by individual action: “thanks to the argument concerning the biological responsibility of individuals, the Malthusian heritage thus allowed socialist utopias to be refuted” (Charbit, 1981: 288; see also Spengler, 1936: 585²⁶). In fact, this is a dominant theme in French liberal thought. While the Ricardian rent theory is called “fatalist”, presenting a reduction of the wage rate as an inevitable consequence of the scarcity of the land, about which Man can have no say²⁷, Malthus “indicated that the remedy depends on our free will, *voluntary self-restraint*” (Batbie, 1862: 108). Wolowski (1848: 3) wrote that Malthus had “awaken[ed] this concern

for tomorrow [...] that Man alone possesses, [and] which [is] the most noble attribute of his intelligence". Thus, according to Molinari (1884a: 9), "perhaps [the] principle merit" of Malthus's work was that it contained "an energetic and solidly-composed plea for individual responsibility". Malthus showed that the causes of poverty must not be sought in the social and institutional conditions, in the "vices of society" (Dupuit, 1863: 115), but in the improvidence of the working class, which was the "primary cause of their moral suffering as well as their physical suffering" (Levasseur, 1867: 226)²⁸.

However, if during the first half of the 19th century, "Malthusianism was exceptionally popular in France" (Breton and Klotz, 2006: 339), the debates at the *Société d'Economie Politique* in 1862-63 saw an "upsurge of anti-Malthusianism" (*Ibid.*: 347). In 1863, Fontenay estimated that nearly three-quarters, and maybe as many as nine-tenths, of the *Société d'Economie Politique* members were convinced that Malthus's theory was wrong. This opposition can be explained primarily by elements that have little relationship with the state of political economy. In fact, the opposition was mostly due to the results of the 1861 French population census, published in 1862, which highlighted the low growth rate of the French population, but also the deterioration of the social climate and the evolution of the international situation (Charbit, 1981). Still, to justify his rejection of Malthus's Law, Fontenay underlined that which, in his opinion, constituted "one of the most profoundly repugnant aspects of the Malthusian doctrine": the idea that "vice was the supreme utility", since "if the race has not bred prolifically beyond all measure and all possibility of progress, it's because its multiplicative force was stopped by war, tyranny, infanticide, slavery, polygamy [and] prostitution" (Fontenay, 1863: 452-453). Ultimately, since it attributed positive consequences to immoral behaviors, it would seem fortunate that the law of population growth could be declared "wrong".

Even in this extreme form, the evaluation by French liberals of British economic theories appears as a consequence of their general conception of political economy: by discarding an exclusive focus on material determinants and self-interest (such as they attributed to Ricardo) and grounding economic activity in a *morale* of individual responsibility, these authors felt authorized to reject analytical conclusions which, according to them, only resulted from a lack of consideration for the productive powers of morally inspired individuals.

There was another reason for French liberals' rejection of British economic theories, and it had nothing to do with their method of analysis: their most-pressing fear of a challenge to the social order. By stripping economic relations from any moral implication, and by exacerbating the search for self-interest, the theories developed by the members of the British school, raised social unrest and facilitated the development of socialist thought; hence the necessity of refusing the laws, principles and methods advocated by these theories. For French liberals, it was necessary to demonstrate that political economy could not be satisfied with utility alone, but also needed to be concerned with justice. Because the French school was aware of this fact, it considered itself superior to the British school, as witnessed by Blanqui's observation: "Fortunately, France has claimed its customary privilege of defending the rights of humanity, and while Great Britain has progressed by giant steps in industry, our writers have reminded Great Britain of the sacred principles of equitable distribution of the profits of labor" (1837: 227-28). This dual theme of utility and justice is also at the heart of the second question examined in this article.

III – THE DANGERS OF QUESTIONING NATURAL RIGHTS

The period that followed the Revolution of 1848 saw the development of a huge debate in France about property rights. Contested by the socialists, particularly by Proudhon who assimilated property with theft, it was also the subject of discussion in 1858 during the Brussels Congress devoted to intellectual property. Consequently, the liberal economists tried to provide a justification of the basis of property rights, as well as the methods of appropriation, according to the type of property considered. Their goal was to legitimize property: they considered that it was their "duty" to convince the workers that the right to property could not be questioned since it was a natural right. In doing so, the majority of them opposed a legalistic conception of property rights, which was the heritage of "Pascal, Montesquieu, Bentham, Mirabeau, Toullier and the old-time jurists in general" (Dupuit, 1861a: 322), and whose dangerous character was once again underlined. These liberals assimilated this legalistic conception with socialism since socialism, according to Bastiat (1848b: 310), for example, "accepts [...] that the entire social order is [set forth] in the law. [...] Starting with the idea that the society is the *work of Man*, the work of law, the socialists must infer that nothing exists in society that

was not ordered and arranged by the legislator”. However, the liberals felt that once the legislators had given themselves the right “to arrange, combine and manipulate people and property at will” (Bastiat, 1848a: 182), the result would be the birth of socialist utopias, social unrest and “irrational and tyrannical [government] intervention” (Garnier, 1873: 113). The debate about the basis of property rights was only one aspect of a more general discussion about the existence of natural laws in economy. According to Molinari (1884b: 371), “economists” could be characterized by their belief in the existence of natural law, while “socialists of all schools [...] deny the existence of natural laws and attribute to the State the mission of compensating [for this lack by creating] artificial laws which they are responsible for dictating to the State”

For French liberals, accepting the criterion of general utility as the unique goal of society would ultimately lead to sacrificing the individual, his liberty and his property to society (see, for example, Say, 1886: 144). Thus, Baudrillart (1864: 33) asked, “Are you astonished, for example, that these confusions—which totally eliminate the free and predominant action of Man, [who is], in the final analysis, the unique author of this grand transformation of the world that is called industry—have first produced a narrow; inaccurate and fortuitous idea of property, [...] conceived far from any idea of liberty [and] personality [and which is] only legitimized later by general interest [...]?”. French liberals could hardly agree to such a criterion and remain coherent with the primacy they accorded to the study of the individual and his needs in economic theory, which led Clavet (1868: 247), in his study of moralists and utilitarians, to consider that utilitarians “considering society to be a specific entity, having its proper existence, seek the interest of this moral and abstract being, without worrying about the elements that compose it”. Furthermore, the hypothesis of an innate sense of justice led French liberals to emphasize the superiority of this reference to natural law, since “the light of justice” is “more accessible to all regards” (Passy, in *Société d’économie politique*, 1862: 152), while the idea “of general interest divides even the men the most capable of discerning it” (Clavet, 1868: 235). As Passy (in *Société d’économie politique*, 1862: 152) commented: “Tell the poor that the *common interest* requires that wealth be left in the hands of the rich, and that estate and inheritance [*hérédité*] are necessary because they are useful, and he will ask you what should be his concern with a common interest that harms his individual interest”. Thus, most French liberal economists felt that if no

consensus could be had on what exactly constitutes the notion of social utility, legitimizing institutions solely on the basis of this notion opened the way to social unrest.

However, all the liberal economists of the 19th century didn't necessarily share the belief in the existence of natural law, and this was especially true of Courcelle-Seneuil and Dupuit. Both of these economists attempted to show that social utility was the only rational basis for property rights that would be capable of explaining the differences in legislation over time and space, and that this opinion (i.e., opposition to natural law) didn't risk society "falling into chaos" (Courcelle-Seneuil, 1866: 169)²⁹. Dupuit's position, without doubt more straightforward than Courcelle-Seneuil's, was received with criticism by his contemporaries. Of course, it was not the first time that Dupuit's positions were at variance with the liberal economists' ones. But this time, the issue was so sensitive that Dupuit's stance provoked a strong protest: in a rare occurrence, the January 1861 publication of the first of his two articles about property was preceded by an "editorial note" declaring "that by including this piece by one of its savant collaborators, the *Journal des Economistes*, as a collective instrument of science, leaves the responsibility [for the article] to its author [Dupuit], who considers himself the defender of an opinion that has the majority of [the authors in] this collection against it.". Clearly, these debates (§.1) provided evidence of the common desire of the participants to defend property against the attacks that threatened it. Affirming the natural character of property rights seemed, to most of them, to be an effective guarantee against the random intervention of public authorities in the economy, especially when the question of redistribution or inheritance is considered (§.2).

§.1) If the goal of liberal French economists was to avoid all contestation of property rights, they first had to show that these rights were just. But where does the idea of justice come from? For most of these economists, justice was in no way linked to positive law. They felt that Nature creates justice, since the individual has a conscience that, before any law, indicates what is just or unjust. Thus, Clavet (1868: 233) wrote, "We all have in us an idea of Good and Evil, if not completely developed, at least emerging". The idea of justice was thus, for them, innate. As Baudrillart (1869: 87) observed, "killing, beating, stealing, not delivering through fraud that which we have promised to return, are unjust actions." He continued, "Does your conscience not cry out, even if there are no

written laws?" Consequently, they thought that "the idea of justice imposes itself on [even] the least developed intelligences" (Clavet, 1868: 235). This anteriority of justice with respect to positive law was also demonstrated by history, since, as Clavet noted, "there have been [...] unjust laws" (*ibid.*), suggesting justice cannot come from civil legislation. Thus, though the law reflects that which is useful at one moment or period in time, "the idea of justice has primacy and will always have primacy over the idea of utility" (Fontenay, in *Société d'économie politique*, 1855: 152).

In order to establish that property rights were just, it was thus necessary to show that they were natural, or in other words, that they existed before society. In fact, though French liberals agreed that property is based on labor, they also felt that man only labors if he had previously established his rights to the product of his activity. Thus, for Bastiat (1848a: 178), "Man *is born a property owner*"; he only works if he is "SURE to be able to apply the fruit of his labor to meet his needs" (*ibid.*). In other words, the idea of property "came full blown from [Man] and [...] is, to a certain extent, simply an emanation of his being" (Wolowski and Levasseur, 1884: 711), "an extension of his person in space" (*ibid.*: 716). Once again, liberals used history to prove the anteriority of property rights: "*property* [...] is recognized even among savages, who have no laws, or at least, no written laws." (*ibid.*).

Clearly, if the notion of property stems from natural law, it is immutable, since all natural laws are by definition "universal and permanent, true in time and in space, like all scientific laws" (Liesse, 1892: 131). Herein lies the primary stakes in the opposition between the naturalist conception and the positivist conception of property rights. For French liberals, the second conception would clearly lead to basing property rights on a foundation that was "quite mutable" (Baudrillart, 1869: 88), that carried in it the seeds of despotism. By leaving to the State the right to decide to change the distribution of property at will, this second conception would become just or unjust "depending on the ideas passing through the head of the legislator" (Baudrillart, 1869: 88). It followed logically that this would lead to great uncertainty, which would be harmful for economic development. As Bastiat (1848a: 287) commented: "capital [...] will hide, will desert, will vanish. And what will become of the workers? [...] And taxes, from where will you obtain them? And finances, how will they be restored? How will you pay the army?" (see also du Puynode, 1853: 89).

This fear of the arbitrary was one of the recurring themes of liberals who were opposed to a positivist conception of property rights (see for example Faucher, 1852: 463; Molinari, 1889: 336). On the other hand, those who defended this positivist conception continued their efforts to show that this fear was unjustified. Thus, according to Courcelle-Seneuil (1866: 177), “if [the notion of property] is based on the principle of utility, it has a foundation that nothing can shake, and all the diverse conventions that govern property have an explanation that is as clear as it is conclusive”. In the positivists' opinion, it was in the reference to natural law that the arbitrariness so feared could be found: given the differences in the legislations of the various countries, basing the notion of property on natural law is tantamount to invoking “a sterile principle, stifled by never-ending exceptions and inevitable customary practices” (*Ibid.*: 177; see also Dupuit, in *Société d'économie politique*, 1855: 146). More generally, for these positivists, only by referring to public utility could property rights be supported if, for example, it was proved that replacing personal appropriation by common property “would be to reduce by half or three-quarters the production and consequently, condemn half or three-quarters of the current population to death, and the rest to misery and barbarism” (Dupuit, 1861a: 346-47)³⁰.

Basing property rights on social utility also removed any legitimacy that might be accorded to social demands. For this reason, though Dupuit was well aware of the stakes of the debate, since he considered that a defense of property based on natural law was the consequence of an “ill-considered fear of communism” (1861b: 52), he nonetheless disputed the danger of a positivist conception of property rights. In his opinion, the law was designed to maximize the well-being of society's members; thus, according to the principle of social utility, the individual had no right to demand modifications in the division of wealth since the method of distribution adopted was the one that permitted the maximal enrichment of society as a whole: “[the individual] cannot require that the society impoverish itself to enrich [the individual]” (1861b: 53).

§. II) Once property rights had been recognized as natural, the consequences of these rights could not be disputed. Three of these consequences are important and thus should be highlighted.

The first consequence is the inequality of condition that these rights engendered. According to Faucher (1856: 466), this inequality was “itself only the reflection of the differences that Nature has established between men” (see also Dameth, 1859: 384). Thus, these inequalities were also considered natural: property only “makes them durable and gives them body” (Faucher, 1856: 421). Dunoyer (1845: 457) mobilized arguments about individual responsibility to affirm that inequality was an “element of social progress”. He was convinced that, to use Garnier's terms (Garnier, 1850: 19), “in the greatest number of cases, each person possesses according to his labor”, adding that “it is good that there are in society inferior places where the families that behave badly are supposed to fall, from whence they cannot rise without behaving well. Misery is [a] frightening hell.” Even better, for Dameth (1872: 79), inequality benefited the most underprivileged: it “tends to increase the solidarity and mutual aid between men because it makes the weak benefit from the superiority of the strong.”

The second consequence is related to the right to transmit property. As Faucher (1852: 466) wrote, “property implies inheritance”, which in turn “is necessary for property, just as property itself is necessary for social order” (*ibid.*: 467; see also Fonteyraud, 1853: 201). Thus, Baudrillart (1872: 55) considered an inheritance in the same light as a gift: “[a person] who could not give the thing he possesses would not really be its owner”. Like property rights, inheritance rights have an absolute character for French liberals: “the property owner has the right to dispose of [his] goods in favor of who it pleases him in the present, and by the same reasoning, to dispose of them after his death” (Comte, 1852: 859). Still, many French liberals were opposed to unlimited freedom to bequeath, and from this perspective, they defended “a right of regulation”, which was nonetheless considered to be a potential “source of tyranny” (Baudrillart, 1857b: 16): for example, Passy (1866: 453-54) justified the laws of the Napoleonic Code by evoking the responsibility of a father to his children; the father has

“contracted toward them obligations that he cannot be exempted from fulfilling. He is expected to raise them, to nourish them, to preserve them from suffering that can be avoided, and these obligations, the law itself mentions and imposes. Now, how [can we] accept that that which the law expects of a father when he is alive, it exempts him from, when, dying, he leaves the means to continue the work that he was accomplishing?”

The reconciliation of the property owner's liberty and his heirs' protection thus constituted “a difficult problem” that the legislator had to resolve (Esquirou de Parieu, 1852: 670): as Dupuit (1865: 196) suggested when highlighting the limits of a naturalist conception of property rights, the “natural rights of children” are opposed to the “natural rights or [...] duties of fathers”.

On the other hand, if property is based on law, “the right to bequeath will only be a simple tolerance, a purely legal right, conferred by the society for its own advantage. The society can without injustice strip me of a right that I have wholly made my own.” (Baudrillart, 1860: 115; see also Chevalier, 1862: 367-68). According to Baudrillart, the proof of this consequence could be found in the writings of Bentham, who pronounced himself in favor of limiting the right to bequeath in *Supply without Burthen*. Baudrillart (1857b: 20) also thought that the position of John Stuart Mill (p. 456) in favor of limiting the amount that each person could acquire through inheritance “reveal[ed] a socialist idea of leveling”, which, according to Say (1886: 161), was the direct consequence of Mill's conception of the right to inherit as an “invention of law”.

Finally, the third consequence is related to taxes. With arguments that differ only slightly, many liberals concluded that taxes must be proportional—and non-progressive. In fact, they felt that taxes must not serve to modify the distribution of wealth in society (Esquirou de Parieu, 1857: 322; Royer, 1862a: 268; Dameth, 1872: 180) since this distribution was the result of natural differences between individuals. Thus, Royer (1862a: 268) indicated that, over a long period, a progressive tax structure “would rapidly become detrimental because it would tend to destroy in society the inequalities that are fortunate when they are natural, or in other words, as long as the inequalities of economic faculties remains exactly proportional to the inequalities of intellectual and moral faculties”³¹. A debate organized by Léon Say at the *Société d'Economie Politique* in 1884 reflected this conception: the question asked—“Is the objective of financial science the modification of the natural distribution of wealth through taxation?”—made it clear that, for Say, taxes should be considered as a simple fiscal instrument, and should not be used as a means of redistribution (see also *Société d'Economie Politique*, 1891)³². If the opposite were true, “civil equality” would no longer preside: such a system would be organized “from the perspective of these schools of leveling, which employ taxes as an artificial instrument for equalizing conditions” (Baudrillart, 1866: 339). However,

some liberals defended the principle of tax exemption for low revenues³³, as a “means of re-establishing the proportionality of the tax system” (Delatour, 1894: 366). They noted that, in fact, indirect taxes hit those who earned these low revenues harder³⁴ (Passy, 1852: 273; Dameth, 1859: 427; Le Hardy de Beaulieu, 1861: 318; Leroy-Beaulieu, 1879: 163; Stourm, 1893: 236). But they took care to underline that such a measure could not be assimilated with progressivity³⁵, and that it only tended to correct an “inevitable inequality” (Leroy-Beaulieu, 1879: 163; see also Chailley-Bert, 1884: 420).

This tax neutrality was based on a conception of taxes that held that taxes were either a payment for a service performed, or the equivalent of an insurance premium, or even “a contribution [...] that the public authorities require from citizens to support government expenses” (Leroy-Beaulieu, 1879: 105). Some considered that taxes had to be analyzed from an insurance perspective: taxes “[are] and must only be an insurance premium paid by all members of a society, called a Nation, with the effect of insuring the full satisfaction of their rights, the efficient protection of their interests and the free exercise of their faculties” (Girardin, 1852: 229). Consequently, those who defended this insurance perspective thought that taxes must be paid like an insurance premium, or in other words, proportionally to the goods that the person wanted to insure³⁶. In this regard, du Puynode (1853: 91) asked, “Does 200 francs of revenue require a stronger guarantee, a more difficult guard when only one receives them than when they are given to 2 and to 2 rather than 3?”. Others insisted that taxes represented a payment for the service of protection provided to individuals by the State. Thus, again according to du Puynode, taxes were “the fraction that each person pays into the common till to insure the peaceful enjoyment of his goods and the respect of his person” (see also Rondelet, 1860: 306; Le Hardy de Beaulieu, 1861: 307; Baudrillart, 1866: 133; Chailley-Bert, 1884: 408n1; Delatour, 1894: 366).

From this perspective, a progressive tax system would be like “making people pay differently for the same things” (Thiers, 1848: 312); on the contrary, “proportionality is a principle [...]. [If] the costs of social protection represent a tenth of the total revenue, well then a tenth for everyone.” (Thiers, 1848: 319). Finally, Leroy-Beaulieu's conception of taxes simply took into account, in addition to the services performed by the State, the existence of the public debt that also had to be financed through taxes (Leroy-Beaulieu, 1879: 138). Under these conditions, his position is hardly

different from the one held by economists who considered taxes as a payment for services provided: it was, in fact, a question “of recovering for each [individual] the just price for the services provided and the just fraction of the interest and the amortization of the nation debt” (1879: 139). However, Leroy-Beaulieu observed that a progressive tax would suppose that “the advantages that the State provides to large estates or to large estate owners are proportionally greater than the advantages it provides to medium or small estates and to medium or small estate owners”. Such a hypothesis was, in his opinion, totally false. In fact, he declared that “the opposite is true” (*ibid.*).

However they defined the tax system, the liberals tried to include the principle of justice in their argumentation: thus, in general, they saw proportionality as corresponding to principles of justice or equity (Passy, 1852: 258 and 260; Le Hardy de Beaulieu, 1861: 308; Baudrillart, 1864: 48). Once again, this was demonstrated by their rejection of the arbitrary, which they assimilated with a progressive tax system (Say, 1886: 168-70). On the one hand, they felt that the progressivity rule was a political choice, one made by the legislator, and thus depended on the circumstances. Du Puynode (1853: 89) wondered, “How should the progression be determined[.] That which some would find just [would be], in any case, only arbitrary, and the system [thus] that has been taken for truth lacks in any [real] basis”. Continuing his analysis, he underlined the negative effects of a progressive tax, not only on labor—since “[a progressive tax], increasing as wealth accumulates, punishes success [and] seems to offer a bonus for laziness and dissipation”—but especially on the morality of society, since it incites “jealousies” and “envy” (*ibid.*) and encourages fraud (Passy, 1848: 307; Leroy-Beaulieu, 1879: 149). On the other hand, the principle of progressivity was also justified by the idea of an equal sacrifice (Chailley-Bert, 1884: 408). However, this argument assumes that it is possible to evaluate what is necessary and what is superfluous (Baudrillart, 1857b: 469; Royer, 1862a: 265), despite the fact that such a distinction “is highly dependent on the character, passions, and habits of individuals” (Royer, 1862a: 266), but also on his/her state of health and his/her dependants (Bonnet, 1877: 441; Passy, 1895: 53). In other words, “if [...] the ideal to be attained is equality of sacrifice, [the ideal] will be lost in the arbitrariness of individual cases” (Baudrillart, 1866: 323).

On the contrary, a positivist conception of property was considered to lead to making the tax itself the object of a convention, with the fiscal principles obeying the utility imperative: “it is believed

useful at a certain moment in time to create, for some, unjust privileges [...] or indefinitely progressive taxes.” (*ibid.*: 352). Again, it was in the writings of Bentham that Baudrillart (1860: 133) found his proof for such an application: in fact, it was “in the name of the idea that makes him attribute to the State the task of equalizing conditions [that] Bentham decides in favor on a *progressive tax*”³⁷.

However, a discussion of the tobacco tax at the *Société d'économie politique* provided evidence of the difficulty that French liberals had in defending the notion of justice with regard to taxes: while Dupuit (in *Société d'économie politique*, 1859b: 470) considered that greatly taxing tobacco, rather than sugar, coffee or wine, was justified for reasons of public utility since a reduction in its consumption would also be obtained, which “is more favorable than harmful for the health of the population”³⁸, those who defended a naturalist conception of property were reduced to affirming that such a tax was just because it was voluntary³⁹. They had therefore to introduce an additional criterion of justice, since the reference to natural law could not justify a higher taxation of tobacco. However, the argument of the voluntary character of paying the tax may only be accepted if an implicit assumption is made: that tobacco is a superfluous expense, which can be dispensed with. Only in that case those who choose to consume tobacco also choose to pay the tax, as distinct from the case of a necessary consumption, such as, say, sugar. But this implicit assumption then raises the issue of the arbitrary character of the distinction between superfluity and necessity.

However, though 19th century French liberals considered that justice existed prior to utility, this doesn't mean that they opposed the two. In the case of property, and for the modern period, these liberal economists thought that the rights that were associated to property are not only just but also useful from a social perspective, leading Faucher (1852: 465) to comment that “the more property increases, strengthens, is respected, the more societies prosper”. But it was also important for them to show that utility was not an adequate basis for property rights. In their opinion, positive law, founded on the idea of utility, only intervened to guarantee natural property rights: “an exact analysis provides proof that law doesn't create any rights. Law recognizes rights, defines them, and sanctions them; it finetunes them and especially, it regulates their application and their relationships with other rights” (Leroy-Beaulieu, 1890: 109).

IV – CONCLUSION

The rejection of utilitarianism by liberal economists as the founding principle of the political economy confirms their dual interpretation of this philosophy. On the one hand, as a motive for human actions, utility is connected to a materialist political economy, which justifies “this immoderate thirst for profit that torments the present generations” (Reybaud, 1849: 247); consequently, this philosophy can only elicit criticism and has helped to develop socialist schools of thought. But utilitarianism is also associated with public morality, in which utility refers to the collective interest. Understood in this way, utilitarianism could not be accepted by French liberals, who considered this reference to collective interest to be arbitrary, capable of justifying any system of distribution, including a socialist one.

To sum up, two English authors crystallized their rejection of utilitarianism: Ricardo for his neglect of any human motive but self-interest, and Bentham for his apology of State intervention motivated by collective interest.

Further research would be necessary to determine whether their critique of the treatment of interest at one level or the other lead to distinct currents among French liberal economists, and how it clarifies their relations with other economists of their time, in France or abroad: in this paper, I just tried to give a kind of impressionist picture of the French liberal economists’ position regarding utilitarianism. From this, one can already stress that the opposition to utilitarianism, whatever the interpretation given by its opponents, had important consequences. It determined the position of French liberals on the income tax, the distribution of wealth and property rights. But above all it led them to a caricature of that philosophy which would mark French thought for long. Their will to defend social order and their fear of socialism would much contribute to their incapacity to understand Bentham’s philosophy⁴⁰, leading to its disappearance from the French scene. So doing also disappeared any possibility for French liberals to follow the path of newly-born English welfare economics which was precisely rooted in a utilitarian conception of collective utility.

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¹ The term “liberal” is used here as it is used in France, to refer to those economists that refuse State intervention in the economy because they believe that the results of such intervention would be less effective than those produced by free market conditions.

² As for France, see for instance Cherbuliez (1852: 166); Leroy-Beaulieu (1881: 4-5); Foville (1890 : 222).

³ According to Breton (1998: 410), from 1881 on, “the old liberal school [...] was increasingly contested. Its French opponents in fact castigated the ‘bad, mean, and low procedures, which it used against all those who didn’t bow before it’ (Walras [Letter to Gide , April 25, 1886]), as well as its desire for complete hegemony among French economists through the institutions it controlled”

⁴ Still more, their positions were influenced by the Physiocrats, whom they mentioned regularly and favourably: for Baudrillart (1888: iv), for example, the “economic system” of the Physiocrats “was summed up in the following ideas: *property* and *liberty*, as foundation of social order and expression of *individual rights*”. Their admiration for Smith’s theory followed, since, according to them, Smith was in the continuity of the Physiocrats: in particular, he admitted the existence of natural laws, while at the same time he corrected some of their errors, such as the belief in land being the sole cause of wealth (*Ibid.*: vi)

⁵ This rejection was not shared by all the French liberals: may-be the case of Dupuit constitutes the most famous counter-example; Breton and Lutfalla (1991: 592) also point out the specific positions of Rossi and Coquelin on this issue.

⁶ See Blanqui (1837: 227), who thought that the English economists had “close[d] their ears to suffering [letting] themselves be blinded by the prestige of civilization, without asking themselves if this brilliant edifice [was] not held together by weeping and tears, and if the base of it [was] so solid that no tremor need be feared”.

⁷ This distinction is not unique to liberal economists. In fact, it can be found, for example, in the writings of the historian Buchez (1842) for whom the spirit of the British School is “personal and mercantile”. On the other hand, although he himself was a liberal economist, Garnier (1873: 663) refused this distinction: “The writers who call themselves the French School have the pretension of being closer to the working classes; of introducing spirituality into political economy, in order to better highlight the morality of economic truths, the harmony of interests and the solidarity between the diverse classes and the various countries. To that must be said that political economy is fortunately outside of the unintelligible discussions of spirituality and materialism; and that, from its beginning and in all countries, the aspirations of economists, and of economic science in general, have been guided by the desire to see the conditions of the poorest and most numerous classes improve by means of general prosperity, resulting from instruction and the good moral habits of all.” Arena (1991a: 116-117) explains that refusal by Garnier’s fear that such a conception could “lead to include in political economy the attempts at ‘finding the systems of social organization’ which were new [...], i.e. socialist utopias.”

⁸ The *Société d’Economie Politique*, created in 1842 by E. Daire, U. Guillaumin, J. Garnier, A. Blaise and P. Hos, met once a month. The objectives of the society were defined when the members wrote the society’s by-laws in 1886: “to contribute to the vulgarization and the advancement of political economy” (*Société d’Economie Politique*, 1886: 21), which, in fact, meant the defense of free trade.

⁹ I’m not referring here to the nature of the relationship between the *morale* and political economy. Clearly, for some of these economists, the economy was subordinated to the *morale* (e.g., Baudrillart), while for others, the economy had no hierarchical relationship whatsoever with the *morale* (e.g., Fontenay).

¹⁰ Luxury was the subject of many debates among the French economists because they had difficulty distinguishing between expenditures that were luxuries and those that were simply part of the lifestyle of the wealthier classes. Droz's proposal (1846: 312) to call luxury expenditures "immoral expenditures" reflects this difficulty: "If a worker, happy in his work, allows himself in the bosom of his family a small country party, I would approve of it, but if he drinks his money in a cabaret, he is making a luxury expenditure. That a rich man gives his wife a shawl costing 3000 francs, this expense, proportional to his fortune, is not unreasonable; if he buys this shawl for his mistress, it is a luxury expense." A session of *Société d'économie politique* was devoted to this subject in 1859. Reports of this session show that the economists present were in agreement that expenses that exceeded revenue (Garnier, in *Société d'économie politique*, 1859a: 302; see also Baudrillart, 1880-1881, I: 82-83), that were harmful to health (Garnier, in *Société d'économie politique*, 1859a: 302), that "attacked the dignity and morality of others" (Lavergne, in *ibid.*) and that were contrary to "religious and [...] customary moral conduct" (Dunoyer, in *ibid.*), all constituted "immoral consumption". They all agreed that the question "cannot be resolved independently of the relative circumstances of the situation" (Baudrillart, in *ibid.*: 303 and 1880-1881, IV: 3-4).

¹¹ The position of French economists with respect to the consequences of inheritance on the moral sentiments of individuals is developed by Steiner (2008: 90-91).

** Translators note: The language of the 19th century is certainly sexist, with its use of "Man" and "he" to refer to all of humanity. I have chosen to use the words of the writers as they wrote them.

Sometimes, this will mean using sexist language in the text itself, in order to smooth the transition from citation to text. My apologies for any affront to reader sensibilities.

¹² Based on MacCulloch's work, Equirou de Parieu (1852: 674) indicated that in France land parcels measured an average of 13 hectares, compared to 75 hectares in England. See also Legoyt (1864: 434), who estimated that in 1851, in France land parcels measured an average of 11 hectares 7 ares.

¹³ Reybaud's analysis concerns industry and not agriculture. This question of property parceling was the subject of numerous discussions among liberal economists, who questioned the existence of this phenomenon (parceling was often analyzed as a consequence of the Civil Code that imposed equal

shares for each child— see Fonteyraud, 1853: 202; Esquirou de Parieu, 1852), but who also questioned the economic and moral consequences of the practice. Thus, while Fix (1864: 313) underlined the negative effects of “land parceling” in terms of credit access, Baudrillart (1883: 103) considered that a small estate “is very productive in terms of the work dynamic that it develops” (see also Passy, 1846: 16 and f.).

¹⁴ Generally, French liberals identified themselves with Smith, while criticizing his successors, particularly Ricardo and MacCulloch. Thus, Paulet (1866: 92) didn't hesitate to affirm that economic science “is the science of the *well-being of nations* [*bien-être des Nations*]”, adding that “it is the title of Adam Smith's famous treatise, who never said the *wealth of nations* [*richesse des nations*]”.

¹⁵ Although it was not shared by all (e.g. for example Benoist: 184), that vision of utilitarianism marked the whole French tradition. It does however conform to the philosophies of neither Bentham nor John Stuart Mill.

¹⁶ Ricardo's method, considered as a prime example of the mathematical method, was first criticized by a number of liberal French economists. But, a change in tone can be perceived with respect to this mathematical method by the end of the 19th century, no doubt due to the rise of German historical thought, which henceforth had to be combated (see for instance Beauregard, 1888 : xxii).

¹⁷ This point is to be linked with one of the reasons generally put forward to explain the rejection of the mathematical method by French liberals: their fear of that method was connected to the fact that it was used by adversaries of free trade (see Breton, 1992: 31).

¹⁸ This rejection of the Ricardian rent theory was widespread in France, with the exception of Rossi (1836-7: 80), for whom it constituted “the glory of modern political economy”.

¹⁹ As for Proudhon, see for instance what he wrote in *Qu'est-ce que la propriété?* (1840: 123): “According to Ricardo, MacCulloch and [James] Mill, farm-rent, properly speaking, is simply *the excess of the produce of the most fertile land over that of inferior land*, so that farm-rent is not demanded for the former until the increase of population makes necessary the cultivation of the latter. It is difficult to see any sense in this. How can different qualities of land result in a right to the land? How can varieties of soil engender a principle of legislation and politics?”

²⁰ This point was disputed by Courcelle-Seneuil (1854: 413) in his review of Fontenay's work, *La rente foncière*. In Courcelle-Seneuil's opinion, it was impossible to consider that the Ricardian rent theory “weaken[ed] property rights” unless these were assumed to be “simply individual rights”. He continued, “Property rights are based on completely different considerations, originating in and sanctioning public and social utility”. See *infra*.

²¹ This fatalistic character was nonetheless discussed and refuted by Courcelle-Seneuil (1854: 416), who with regard to Ricardian rent theory wondered, “Is this the expression of a fatalistic and static theory? Probably not, since it acknowledges the action of those causes that lower the Rent and whose principal is the development the art of agriculture.”

²² Leroy-Beaulieu considered that what he calls “Ricardo's Law” was true in its tendency, but was not applied—an opinion that was scarcely shared by his French contemporaries.

²³ Among the other details evoked to criticize the rent theory was the order in which the land was cultivated. For example, Beauregard (1888: 89), citing Carey (*The past, the Present and the Future*, 1848), contested the fact that the most fertile estates were cultivated first. (see also Fontenay, 1854: 53 and f.; Chevalier, 1850a: 71-72; du Puynode, 1860: 113; Le Hardy de Beaulieu, 1861: 280 ; ~~and~~ Leroy-Beaulieu, 1881: 21, 81; Guyot, 1895: 229). On the opposite, Block (1890: 214) for example criticized the way Carey called in question the ricardian theory of rent.

²⁴ Molinari didn't attribute this conception of rent to Ricardo. On the contrary, he considered that “Ricardo has perfectly refuted [this] quite erroneous and quite dangerous opinion, demonstrating that the collaboration of God or of Nature is present in all productive agents and that [this collaboration] is always free”.

²⁵ This line of defense was criticized by Garnier, who underlined that “the communists do not recognize the legitimacy of the appropriation of the fruits of labor” (in *Société d'économie politique*, 1866b: 449). He upheld a definition of rent as revenue from a “natural monopoly”.

²⁶ “Virtually every French defender of Malthus belonged to the liberal school, in the hands of whose members Malthusianism became an integral part of a broader doctrine of individual responsibility”.

²⁷ For example, Buret (1840: 177) wrote that the reduction of the wage rate “becomes a fact in the necessary material order”.

²⁸ Malthus is nonetheless qualified as a utilitarian by Reybaud (1849: 181-182) who criticizes Malthus for basing all his reasoning “on highly suspicious calculations in eyes other than his own”, for thinking that “it is given to man to compensate entirely for Providence”, and for thinking that “the morality of humanity is nothing more than an ingenious mechanism for which it is possible to determine the formula and regulate the movement”. On the opposite, Monjean (1846: xiii) considers that Malthus refuted “Bentham utilitarian doctrines”.

²⁹ In the entry on property rights that he wrote for the *Nouveau Dictionnaire d'économie politique*, Courcelle-Seneuil (1900: 643) considered that socialism was based not on a legal explanation of property rights, but on the theory “that property originated in war”, leading “popular opinion [to] consider the state of property to be a violent state”.

³⁰ Note that the reference to public utility also allows expropriation for public use to be explained. Otherwise, expropriation for public use must be considered as a “derogation from the principle of the inviolability of property, the foundation of all organized societies.” (Fontaine, 1889-1894: 203)

³¹ Royer’s position must be clarified, since in her *Théorie de l'impôt ou la dime sociale*, she argued that only a progressive tax is fair (1862b: 53). But she considered that such a tax should be only a short-lived measure, “which cannot be in effect over a long period without affecting justice and social prosperity” (*ibid.*: 48; see also p. 63): “When finally all citizens possess [property], as little as it may be, and by this possession [...], they place themselves above the economic fatalities that are inherent to the proletariat, the income tax should once again become rigorously proportional, since all increases would fall, not upon inheritances, but upon capital and thus would discourage saving.” (*ibid.*: 54).

³² Léon Say organized again in 1891 a discussion on this question; the question asked was: “Is the tax a mean to share out the wealth among citizens?”

³³ Reference was made to the “theory of minimum” (Chailley-Bert, 1884: 417) or the “maxim of minimum need or of the minimum for existence” (Leroy-Beaulieu, 1879: 163). As Leroy-Beaulieu

(*ibid.*) pointed out, this exemption nonetheless had an arbitrary component, since it supposed the definition of “minimum need”.

³⁴ This observation was not, however, the subject of consensus among the liberals. For example, Rondelet (1860: 309-310) considered that the rich were “invited” to make a “voluntary increase in [their] contribution [...] by indirect taxes”, and that this was “one of the conditions of [their] luxury and one of the burdens of [their] fortunes”.

³⁵ Although he considered that “exempting low revenues [...] constitutes a mode of progression”, Say (1886: 178) nonetheless justified the exemption for “countries where there is a financial legislation that is unfavorable to low revenues[, for example] when indirect taxes weigh on goods of primary necessity”. See also Passy (1852: 273).

³⁶ The relationship between the insurance perspective of taxes and the proportionality rule was far from obvious. Thus, though sharing this perspective, Garnier (1862) pronounced himself in favor of a “moderate” progressivity rule, which he called a “rational progressive tax” as opposed to the “absurd progressive” tax defended by those who, in his opinion, were opposed to property and wanted a “leveling of conditions” (*ibid.* : 82). He justified his position by the idea of an equivalence between the tax paid by an individual and “the value of the security that is guaranteed him [by the society]” (*Ibid.*: 84). In the same way, Fauveau (1864)—who felt that the risk of damage (i.e., a theft) was higher for a rich person than for a poor person—fought for the progressivity of the tax system. On these questions, see Silvant (2007).

³⁷ Though Bentham's position was used to show how a legalistic conception of property rights led to a principle of tax progressivity, Mill's position was regularly cited by French liberals to defend their position on tax proportionality. (see for example Leroy-Beaulieu, 1879: 136; Stourm, 1893: 233-34).

³⁸ One should notice here that such a conception was shared by Bentham: in his *Manuel d'économie politique*, he justified a fiscal policy aiming at “increasing the price [of liquors and spirits], so that their consumption would be limited by their dearness”.

³⁹ In reality, the debate led the participants to develop arguments that were, in some cases, close to those of Dupuit. Practically only Courtois (in *Société d'économie politique*, 1859b: 472) opposed a heavier tax on tobacco, which he described as a “crying injustice”.

⁴⁰ In the same way, as underlined by Breton (1985: 251) referring to Ricardian theory, “wishing to save the threatened social order, some [liberals] (Dunoyer, Bastiat) wrongly criticized Ricardo’s value and rent theories for the simple reason that these theories questioned their ‘natural harmonies’ and the sanctified private property.”